

RULE 26.05. Municipal and County Courts—Records Retention Schedule.

(A) **Definition of docket.** As used in this rule, "docket" means the record where the clerk of the municipal or county court enters all of the information historically included in the appearance docket, the trial docket, the journal, and the execution docket.

(B) **Required records.** (1) Municipal and county courts shall maintain an index, docket, journal, and case files in accordance with Sup. R. 26(B) and divisions (A) and (C) of this rule.

(2) Upon the filing of any paper or electronic entry permitted by the municipal or county court, a stamp or entry shall be placed on the paper or electronic entry to indicate the day, month, and year of filing.

(C) **Content of docket.** (1) The docket shall be programmed to allow retrieval of orders or judgments of the municipal or county court in a chronological as well as a case specific manner. Entries in the docket shall be made as events occur, shall index directly and in reverse the names of all parties to cases in the municipal or county court and shall include all of the following:

- (a) Names and addresses of all parties in full;
 - (b) Names, addresses, and Supreme Court attorney registration numbers of all counsel;
 - (c) The issuance of documents for service upon a party and the return of service or lack of return;
 - (d) A brief description of all records and orders filed in the proceeding, the date filed, and a cross reference to other records as appropriate;
 - (e) A schedule of court proceedings for the municipal or county court and its officers to use for case management;
 - (f) All actions taken by the municipal or county court to enforce orders or judgments.
- (2) "Financial record" means a record that is related to the imposition of fines, costs, and other fees in cases and controversies heard in the municipal and county courts.

(D) Retention schedule for financial records.

(1) **Auditor reports.** Auditor of State reports shall be retained permanently.

(2) **Monetary records.** Monetary records shall be retained for three years after the issuance of an audit report by the Auditor of State.

(3) **Rental escrow account records.** Rental escrow account records shall be retained for five years after the last date of deposit with the municipal or county court.

(4) **Yearly reports.** Yearly reports shall be retained permanently.

(E) **Retention schedule for the index, docket, and journal.** The index, docket, and journal shall be retained for twenty-five years.

(F) **Judge, magistrate, and clerk notes, drafts, and research.** Judge, magistrate, and clerk notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum may be kept separate from the case file, retained in the case file, or destroyed at the discretion of the preparer.

(G) **Retention schedule for case files.**

(1) **Civil case files.** Civil case files shall be retained for two years after the issuance of an audit report by the Auditor of State.

(2) **DUI case files.** Driving under the influence of alcohol or drug ("DUI") case files shall be retained for fifty years after the date of the final order of the municipal or county court.

(3) **First through fourth degree misdemeanor traffic and criminal case files.** Except for DUI case files, first through fourth degree misdemeanor traffic files shall be retained for twenty-five years and criminal case files shall be retained for fifty years after the date of the final order of the municipal or county court or one year after the issuance of an audit report by the Auditor of State, whichever is later.

(4) **Minor misdemeanor traffic and minor misdemeanor criminal case files.** Minor misdemeanor traffic and minor misdemeanor criminal case files shall be retained for five years after the final order of the municipal or county court or one year after the issuance of an audit report by the Auditor of State, whichever is later.

(5) **Parking ticket records.** Parking ticket records shall be retained until the ticket is paid and the Auditor of State issues an audit report.

(6) **Real estate.** Case files of matters that resulted in a final judgment determining title or interest in real estate shall be retained permanently.

(7) **Search warrant records.** Search warrant records shall be indexed and the warrants and returns retained in their original form for five years after the date of service or last service attempt.