

---

Schedule No. **12**

---

Local Government  
Clerk of  
District Court  
Records Schedule

Local Government Records Committee

Adopted: May 2001

Last Revised: October 2015

## Table of Contents

GUIDELINES ON RECORDS RETENTION SCHEDULE .....	5
RECORDS MANAGEMENT/RECORD RETENTION.....	5
DISASTER PREPAREDNESS.....	7
GENERAL INFORMATION .....	7
Title 2, Chapter 6, Public Records .....	7
Title 3, Chapter 1.....	7
Title 3, Chapter 5.....	7
Title 7, Chapter 4.....	7
Title 7, Chapter 5.....	7
ADMINISTRATIVE RULES OF MONTANA - 2015 .....	8
44.14.201 USE OF ELECTRONIC RECORDS STORAGE SYSTEMS FOR LOCAL GOVERNMENT DOCUMENTS.....	8
44.14.202 STORAGE REQUIREMENTS FOR ELECTRONICALLY STORED DOCUMENTS WITH GREATER THAN TEN YEAR RECORD RETENTION LONG-TERM RECORDS) .....	8
44.14.203 STORAGE REQUIREMENT FOR ELECTRONICALLY STORED DOCUMENTS WITH LESS THAN TEN YEAR RECORD RETENTION SCHEDULE .....	8
1. ADOPTIONS – DA.....	9
Title 42 MCA.....	9
2. BONDS/BOND INDEX.....	9
3. CIVIL – DV .....	10
Title 25, CIVIL PROCEDURE.....	10
4. COURT ORDERS.....	11
5. COURT REPORTER .....	12
Title 3, Chapter 5, part 6 .....	12
6. CRIMINAL AND EXTRADITIONS – DC.....	12
Title 45 Crimes.....	12
Title 46 Criminal Procedures .....	12
7. DEPENDENT AND NEGLECT – DN.....	14
Title 41, Chapter 3.....	14
8. DEVELOPMENTALLY DISABLED – DD.....	15
Title 53, Chapter 20.....	15

#12 Clerk of District Court – MT Local Government

Last Revised: May 2015

See adopted LGRC retention schedules at:

<http://sos.mt.gov/Records/Local/index.asp> - Records Management/ Local Forms & Schedules.

9.	DISCOVERY .....	15
	Title 25, Chapter 10, Rule 4.....	15
	Uniform District Court Rule #4.....	15
10.	DOMESTIC RELATIONS – DR.....	16
	Title 40, Chapter 4.....	16
11.	EXHIBITS .....	17
12.	FISCAL/FINANCIAL RECORDS.....	18
13.	GUARDIANSHIP AND CONSERVATORSHIP DG.....	19
	Title 72, Chapter 5 MCA.....	19
14.	INDEXES/CASE REGISTERS/DOCKET BOOKS.....	20
	3-5-502 - 509 MCA .....	20
15.	INQUESTS/CORONER’S INQUESTS .....	21
	Title 46, Chapter 4, Part 2 .....	21
16.	INVESTIGATIVE SUBPOENAS – IS.....	21
	Title 46, Chapter 4, Part 3 .....	21
17.	IRRIGATION DISTRICT FILES/WATER COURT/WATER RIGHTS/WATER COMMISSIONER REPORTS .....	22
	ALSO See #32 - WATER COURT/WATER RIGHTS FILES/IRRIGATION DISTRICTS.....	22
18.	JUDGMENT BOOKS/DOCKETS/JUDGMENT AND TRANSCRIBED RECORDS OF JUDGMENTS .....	22
	Title 25, Chapter 9, Judgments .....	22
19.	JURY and WITNESSES .....	23
	Title 3, Chapter 15 MCA.....	23
	Also see 3-5-510-512 MCA.....	23
20.	JUVENILE – DJ.....	23
	Title 41, Chapter 5, youth court act .....	23
21.	MARRIAGE LICENSE – ML.....	24
	Title 40, Chapter 1 MCA.....	24
22.	MENTAL HEALTH – DI.....	25
	Title 53, Chapter 21.....	25
23.	MINUTES/COURT MINUTES/MINUTES OF PROCEEDINGS.....	25
	3-5-501(g) MCA.....	25
24.	MISCELLANEOUS AND OBSOLETE RECORDS.....	26
25.	NATURALIZATION RECORDS .....	26
26.	PATERNITY – DF.....	27

Title 40 Part 5 (40-5-236 – 238) .....	27
27.    PROBATE – DP .....	27
Title 72 .....	27
PROBATE - WILLS FOR SAFEKEEPING .....	29
72-2-535 & 536 MCA.....	29
28.    SEARCH WARRANTS – SW .....	30
Title 46, Chapter 5, Part 2 .....	30
29.    SPECIAL BOOK – SB .....	30
30.    STATUTORY LIENS – SL .....	31
31.    UNLOCATABLE MINERAL OWNERS .....	31
Title 82, Chapter 1, Part 3, MCA.....	31
32.    WATER COURT/WATER RIGHTS FILES/IRRIGATION DISTRICTS.....	32
ALSO SEE #17, IRRIGATION DISTRICTS .....	32
ITEMS THAT MAY BE DISPOSED OF WITHOUT APPROVAL FROM LOCAL GOVERNMENT RECORDS COMMITTEE 2-6-1202 (3) MCA .....	33
Revisions to Schedule .....	34
OLD Schedule Revisions .....	34

## GUIDELINES ON RECORDS RETENTION SCHEDULE

Every state or local governmental agency is required by Montana law to manage its public records in an orderly and systematic way. When this is done, records become a tremendous asset, the evidence of past events and the basis for future actions. A document's retention is determined by one of the following criteria: administrative value, legal value, fiscal value or historical value.

Records retention schedules provide instructions for what to do with public records that are no longer needed for current government business, but have official record value for some period into the future. They provide a minimum period of time that a specific type of record must be retained and preserved.

The Secretary of State's web site ([sos.mt.gov](http://sos.mt.gov)) has very useful information in their records and information management section and in their RIM tool kit regarding managing public records and implementing a records management program.

A disposal request must be submitted for the destruction of certain records series to the Local Government Records Committee. See the Secretary of State's website for the schedules and forms.

7-5-2132 MCA also states the board of county commissioners must issue an order for the destruction of records that have met the retention period.

The **Montana Historical Society** encourages all Courts to notify and offer any case files or documents the records manager feels may have historical importance prior to submitting a disposal request for those records. For guidance, contact the State Archivist at the **Montana Historical Society**, 406-444-7482

There are two related but separate aspects to record management. One is record management and retention and the other is disaster preparedness. Record management makes disaster preparedness easier.

## RECORDS MANAGEMENT/RECORD RETENTION

Records management procedures have evolved through the years but the basics remain the same, which are:

1. Some records are permanent and some records may be disposed of after the proper retention period.
2. Permanent records should have a permanent back-up system
3. Some non-permanent records do not need to be backed up but should be included in a disaster preparedness plan.

The first method used to back up the essential and permanent records was to write or type copies of the document in the big red books or another type of permanent book. Examples are: Inventory and Appraisal, Probate Orders and Decrees, Minutes of Proceedings, Judgment Book, Information, Criminal Convictions, Marriage License Books and Index, etc.

Case registers and the indexes in the big books are also permanent records. The books are available to find what cases were filed and what documents were filed in a case, but only the permanent documents actually need to be permanently retained in the case file. Non-essential documents are purged according to the retention schedule and do not need to be saved in any form.

The next method for backing-up records was microform, which is either microfilm or microfiche. Microform began in many courts in the early 1970's. This method of duplicating the permanent court records required less storage space than the big red books. This was the standard back-up system in accordance with the Administrative Rules of Montana for many years.

The big books were normally used for indexes and case registers until the computer case management came into use in the mid 1990's. Some counties also have or had a card index.

The current method used to backup records is scanning documents into the case management system. Scanning became utilized in the early to mid - 2000's. Scanned documents are also the back up for a disaster preparedness plan.

Scanning documents has shifted records back-up and storage from the big books or microform (microfilm or microfiche) to the computer case management system. Now you are able to look for the back-up of documents in the individual's case file rather than in your big books or microform records.

The paper document is the original record and the scanned document is the backup record, so now the entire permanent document backup in a case is contained in the case management program. The case-contained scanned back up case file must include the permanent records and includes all the minute entries. We are also still required to keep a separate minute book. 3-5-501(g) MCA

An example of the changes through the years would be: in 1950, if the clerk wanted to find the back up for an Inventory and Appraisal, they would go to the Inventory and Appraisal book and find the typewritten duplicate of the Inventory and Appraisal. If the clerk wanted the back up for the Inventory and Appraisal in 1980, they would probably go to their microform (microfilm or microfiche). When the clerk wants the back-up record from the computer case management system in 2010, the back-up would be the scanned Inventory and Appraisal document.

Electronic filing is the next big step in case filing and record management. Records managers cannot ignore record management when records are kept on the computer. It is every bit as important, and possibly more important to manage the electronic records according to the schedule. The unnecessary documents can hinder the processes of search, storage, back-ups and migration. The records manager needs to eliminate redundant, obsolete and transitory records. The unnecessary records require storage space and costly maintenance and the backup and restore features can become unworkable due to the volume of records. Large data storage can result in longer search and retrieval times, which reduces the efficiency of court operations. The recommendation is to delete the scanned computer image for non-permanent documents that can be disposed of according to this schedule.

The Administrative Rules of Montana (ARM) 44.14.202 standard of requiring that a permanent record document be in either paper or microform changed in 2015, also see 3-5-501 (2); 3-1-114 and 3-1-115 MCA. Now, permanent record documents can be in paper form and/or electronic formatted documents.

One of the "tests" for determining the length of time to keep a record is: Does the document contribute to the merits of the case? Documents that are non-essential do not address the direct outcome of the case; e.g. documents such as substitution of counsel and other documents on the 10-year purge lists. After files are purged, many of the non-essential documents can be identified by the case register index, which is permanent. We all know that a case register with descriptive entries is very informative. For example, rather than enter "Order", it is more descriptive if the entry is "Order Continuing Hearing –to (date) or "Order to Appoint State Public Defender" or "Order Granting Motion for Summary Judgment", and instead of "Notice" you might write "Notice – of appearance of attorney John Doe for defendant". Although this is certainly not necessary for the long term record on the merits of the case, it is convenient for anyone looking at the case register to gather information on the case. The case register indexes are all permanent records.

A very general concept of records management for District Courts is that documents that deal with life events, property, people or water rights are the most important records to keep permanently.

In this schedule, there are documents listed that need to be kept permanently and documents listed to be purged. Permanent documents should also have a permanent back up and purged documents can be totally destroyed with no back up of documents. Not every piece of paper generated in the course of doing government business is a public record that must be preserved. Telephone messages, routing slips and preliminary drafts are examples of documents that do not need to be retained. See the [General Records Retention Schedule 1](#) which provides a detailed list of documents that are not considered public records and may be purged.

## DISASTER PREPAREDNESS

The easiest explanation of Disaster Preparedness is: plan and prepare for a disaster.

Your office needs to formulate a plan to deal with the very worst situation you could ever imagine. How would you get your office up and running if your courthouse was destroyed or if you are not able to enter the courthouse for a day, a week, a month? Where would you set up your office? What equipment and supplies would you need? What records would you need to access first?

Many Counties have been working on plans for COOP/COG (Continuity of Operations/Continuation of Government). This is the overall disaster preparedness plan for the entire county government and for each individual office.

The way that records management relates to disaster preparedness is: if you have managed your records and kept up on the disposal of non-essential records, you have fewer records to re-create or deal with if there is a major disaster. An example is old cases – if you have kept up on your records management program and you have disposed of the exhibits and the non-essential documents in a case, there are fewer records to deal with if you have to re-create your office after a disaster.

## GENERAL INFORMATION

### **Title 2, Chapter 6, Public Records**

Part 10, General Provisions

2-6-1002 - Definitions

2-6-1003 – Access to Public Information

### **Title 3, Chapter 1**

Part 1, Courts- Definitions and General Powers

3-1-114- Definitions of “Document”, “Electronic Filing” and “Electronic storage of documents.

3-1-115- Electronic filing and storage of documents – rules

### **Title 3, Chapter 5**

Part 5, Clerk of the District Court

3-5-501 – General Duties – electronic filing and storage of court records

### **Title 7, Chapter 4**

Part 2, County Officers in General

7-4-2221 – Manner of keeping records and storing documents

7-4-2222 – Substitution of reproduction for original document

7-4-2223 – Duplicate records – safe storage of one copy

### **Title 7, Chapter 5**

Part 21, Conduct of County Government

7-5-2132 – Destruction of County Records

## ADMINISTRATIVE RULES OF MONTANA - 2015

The ARM can be accessed on the internet at MT.gov “Government”

Record Management Bureau – Sub-Chapter 1  
Local Government Records Retention

### **44.14.201 USE OF ELECTRONIC RECORDS STORAGE SYSTEMS FOR LOCAL GOVERNMENT DOCUMENTS**

(1) Electronic records storage systems may be used for the daily management, storage and retrieval of documents with a retention schedule of 10 years or more (long-term documents) or records with a retention schedule of less than 10 years (short- or medium-term documents) .

### **44.14.202 STORAGE REQUIREMENTS FOR ELECTRONICALLY STORED DOCUMENTS WITH GREATER THAN TEN YEAR RECORD RETENTION LONG-TERM RECORDS) (1)**

The Local Government Records Committee adopts by reference the Association of Records Managers & Administrators (ARMA) International's Generally Accepted Recordkeeping Principles® for local governments using electronic systems to store long-term records. Local governments should use them as the framework to design, implement, operate, and decommission the systems and to manage the records and data within the systems.

(2) ARMA's Generally Accepted Recordkeeping Principles® can be accessed on the ARMA web site.

Note: this ARM was changed in 2015

### **44.14.203 STORAGE REQUIREMENT FOR ELECTRONICALLY STORED DOCUMENTS WITH LESS THAN TEN YEAR RECORD RETENTION SCHEDULE**

(1) Original short- or medium-term documents that are electronically stored may be destroyed or otherwise disposed of without maintaining a copy in another medium.

# 1. ADOPTIONS – DA

## Title 42 MCA

Uniform Caseload Filing Standard (2011) An adoption case will be opened and a case number assigned upon the filing of a petition for adoption. Each prospective adoptee will be assigned a separate case number

This case type includes matters relating to adoption, annulment or revocation of adoption of minor children or adoption of adults. Documents may include: Petition for Adoption, consent of mother and/or father, termination of parental rights, minute entries, reports from adoption agencies, orders and final orders and decrees.

### Retention time:

Permanent Documents:

All documents on file that relate to the petition, consents, reports and orders for adoption  
All Indexes and Case Registers  
All minute entries

Purge Documents:

Documents that do not pertain to the adoption petition and decree, such as motions and orders setting hearings or motions and orders to continue hearings, etc.

Comments:

All adoption records & indexes are confidential  
See 42-6-101 MCA, confidentiality of records

Related statutes:

Title 42, Chapter 6, Part 1 MCA  
Title 50, Chapter 15, Parts 1 & 2

Purged confidential documents do not need approval for destruction by the Local Government Records Committee (LGRC)

# 2. BONDS/BOND INDEX

Bonds may be for any case type, including civil, criminal, probate, cemetery district and water commissioner and irrigation district bonds.

### Retention time:

a. Bonds:

Expired + 9 years

b. Bond Index:

9 years after last entry

Comments:

Also see: (this is not a complete list of bond types)

#12 Clerk of District Court – MT Local Government

Last Revised: May 2015

See adopted LGRC retention schedules at:

<http://sos.mt.gov/Records/Local/index.asp> - Records Management/ Local Forms & Schedules.

3-5-506 MCA  
Title 28, Chapter 11, part 4, Suretyship  
Title 46, Chapter 9 – Bail  
72-3-512-516 MCA (Probates)  
72-3-916 MCA (Trusts)  
72-4-309 MCA (Foreign P.R.)  
72-5-411 & 412 MCA (Conservators)

Documents with less than a 10 year retention time do not need approval for destruction by the Local Government Records Committee (LGRC)

### 3. CIVIL – DV

#### Title 25, CIVIL PROCEDURE

Uniform Caseload Filing Standard (2011) There will be one filing and case number assigned for each initial complaint or petition filed with the court. A case shall be opened upon the filing of an initial complaint, petition or foreign judgment.

#### Retention time:

##### Permanent Documents

1. Complaints, Petitions, Applications, and documents that open a case and Amended Complaints or Petitions, Cross-Complaints, Cross-Petitions, Third Party Complaints, etc.
2. Answers, Amended Answers, etc.
3. Stipulations or Agreed Upon Facts documents regarding the facts of a case
4. Judgments, Findings of Facts, Conclusions of Law
5. Jury Verdicts
6. All Minute Entries
7. Motion or Notice and Order to Dismiss when the Order is the final judgment on the case
8. Writs of Execution and returns when funds are received until a Satisfaction of Judgment or Release of Lien is filed, then the writs and returns can be purged.
9. Satisfaction of Judgment/Release of Lien
10. Indexes and case registers

##### Purge Documents after 10 years

1. Motions to Dismiss, Brief in Support, Reply Briefs
2. Summons and Returns of Service, Praecipes for Default and Entry of Default
3. Affidavits of Publications
4. Motions for Summary Judgment, Responses and Orders, unless the order on the summary judgment motion dismisses the case.
5. Motions for Hearing/Notice of Hearings/Orders for Hearings
6. Motions and Orders for Continuance
7. Motions, Notices and Orders to Vacate Hearings
8. Motions and Order for Extension of Time
9. Praecipes
10. Writs of Execution and returns of service – no funds received and Writs of Execution and returns when funds are received **after** a Satisfaction of Judgment or Release of Lien is filed.

## 11. Debtor's Examinations and related documents

Items that can be purged after 90 days after closure of the case (after appeal time has run)

1. Proposed findings of facts (90 day retention time)
2. Proposed jury instructions (90 day retention time)
3. Jury instructions, Given, Refused or Withdrawn (90 day retention time)

### Comments:

90 day retention time items are for appealable items that could affect the case during an appeal. They do not need to be kept after the time for filing an appeal has run.

The intent is for the purged file to contain the documents of the case that show the essential elements of the case – what each party is alleging, what the legal issues are and what the final outcome of the case is.

The **Montana Historical Society** encourages all Courts to notify and offer any case files or documents the records manager feels may have historical importance prior to submitting a disposal request for those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482

## 4. COURT ORDERS

### Retention time:

#### Permanent Documents

- a. Court orders that are essential to the outcome of the case

#### Purge Documents:

- a. Court orders that affect the case only while it is active are subject to the 10 year rule. Examples are orders setting time and place of hearings, orders for continuance, etc.
- b. Miscellaneous Court Orders: 10-year rule These are general court orders that are not filed in a specific case. The records manager should make a determination of the necessity of the retention time, whether it would be 10 years or a permanent record. Examples of orders that can be disposed of are: orders of appointments to committees, orders appointing jury commissioner, etc. Orders that may be kept permanently may be those orders that the records manager determines to have historical, administrative or legal value.

Comments:

The **Montana Historical Society** encourages all Courts to notify and offer any case files or documents the records manager feels may have historical importance prior to submitting a disposal request for those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482

## 5. COURT REPORTER

### Title 3, Chapter 5, part 6

Includes steno notes, tapes and electronic storage that are on file with the Clerk of District Court

10 years retention time

MCA 3-5-603

Transcripts:

Transcripts filed in the court file  
Retain for 10 years

Arraignment transcripts filed in accordance  
With 46-12-205 MCA – retain for 10 years

Comments:

Many court reporters no longer file their work product with the Clerk

This records series documents do not need approval for destruction by the Local Government Records Committee (LGRC)

## 6. CRIMINAL AND EXTRADITIONS – DC

### Title 45 Crimes

### Title 46 Criminal Procedures

Uniform Caseload Filing Standard (2011) - A criminal case file shall be opened upon the filing of an initial criminal pleading. A separate case file shall be opened and case number assigned for each named defendant, inclusive of all criminal charges relating to the same event or events.

Retention time:

Permanent Documents

Motion/Application/Petition for Leave to File Information  
Information

Plea Agreement/Waiver of Rights

Pre-Sentence Investigations (confidential)

Jury Verdicts

Sentence/Judgment, including amended sentence or amended judgment

Petitions for Revocation

Sentence/Judgment on Revocation

#12 Clerk of District Court – MT Local Government

Last Revised: May 2015

See adopted LGRC retention schedules at:

<http://sos.mt.gov/Records/Local/index.asp> - Records Management/ Local Forms & Schedules.

Notice of Right to Apply for Sentence review (filed by defendant)  
Orders regarding Sentence Review/Sentence Review Board decisions  
Supreme Court Remittitur  
Any subsequent orders regarding the remittitur  
Indexes and Case Registers  
All minute entries

Purge Documents

Order Granting Leave to File Information  
Order Appointing State Public Defender and any supporting financial documents  
Notice of Appointment of Counsel  
Order for Pre-Sentence Investigation  
Arrest Warrants and returns of service  
Bonds/Bail  
Subpoenas and returns of service  
Summons and returns of service  
Omnibus Hearing Forms  
Notice of Persistent Felony Offender (46-13-108 MCA)  
Notice by prosecutor of other crimes, wrongs, or acts, which was  
also called the Just Notice, which was repealed in 2011, 46-13-109 MCA  
Notice of Right to Apply for Sentence Review – service on defendant & attorney

Items that can be purged after 90 days after closure of the case (after appeal time has run)

Proposed findings of facts	(90 day retention time)
Proposed jury instructions	(90 day retention time)
Jury instructions, Given, Refused or Withdrawn	(90 day retention time)

Comments:

Related Statutes:

Title 44, Chapter 5, Criminal Justice Info.  
Title 47, Chapter 1, Public Defender

90 day retention time items are for  
appealable items that could affect the case  
during an appeal. They do not need to be  
kept after the time for filing an  
appeal has run.

Refer to 44.14.203 ARM for the 10 year rule

The intent is for the purged file to contain the documents of  
the case that show the essential elements of the case – what  
the defendant was charged with and what the final outcome  
of the case is and documentation regarding appeals and/or  
revocations.

The **Montana Historical Society** encourages all Courts to  
notify and offer any case files or documents the records

manager feels may have historical importance prior to submitting a disposal request for those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482

## 7. DEPENDENT AND NEGLECT – DN

### Title 41, Chapter 3

This case type was created in 1996 – this case type was previously filed as Juvenile cases

Uniform Caseload Filing Standard (2011) A case is opened upon the filing of a petition or complaint. A separate case file shall be opened and a case number assigned for each child.

#### Retention time:

##### Permanent Documents

The indexes, minute entries and case registers are permanent and confidential.  
DN case files are not a permanent record.

##### Purge Documents

Entire case file may be destroyed with the approval of the Court or County Attorney after the youth or youngest child listed in the case file has turned 28 years of age

#### Comments:

Confidential Records – prior to 1996, these cases were a DJ (Juvenile) filing. Prior to the Uniform Case Standards (2006), some files had multiple children listed in one case

Purged confidential documents do not need approval for destruction by the Local Government Records Committee (LGRC)

## 8. DEVELOPMENTALLY DISABLED – DD

### Title 53, Chapter 20

This case type was created in 1996

Uniform Caseload Filing Standard (2011) - There will be one filing for each protected person with a case file Opened and case number assigned upon the filing of a petition for commitment. On the issuance of an order of commitment, the case shall be closed. A new filing shall reopen the same file number. This file number shall stay with the protected person. It is necessary that the Judge be familiar with the history of the person. Any new petition shall be filed as a consecutively-numbered petition within the original case file and case number. Each new petition shall be considered as a new filing for reporting purposes. If a petition for recommitment is filed in a different county than the original petition for commitment, a case file shall be opened and a new case number assigned in the county of the recommitment

Retention time:

Permanent Documents

The indexes, case registers and minute entries are permanent and confidential. DD cases are not a permanent record case.

Purge Documents

The files may be purged of documents in accordance with the 10 year rule, except for the Petitions and Orders

NOTE: The medical reports are duplicates

The entire file may be destroyed

1. Five (5) years after the death of the protected person AND with the approval of the Court
2. One Hundred (100) years after the final document filing in the case AND with the approval of the Court

Comments

Purged confidential documents do not need approval for destruction by the Local Government Records Committee (LGRC)

## 9. DISCOVERY

### Title 25, Chapter 10, Rule 4 Uniform District Court Rule #4

Depositions upon oral or written examinations, interrogatories and answers thereto, requests for production of documents and responses thereto, and requests for admissions and responses thereto shall not be routinely filed. This statute became effective June 1, 1987. Prior to that date, discovery was routinely filed.

Retention time:

Notify attorney in writing after appeal period has expired without appeal, or after remittitur has been filed, to claim discovery items within 30 days. If items are not timely claimed by the attorney, the clerk may dispose of the discovery without further notice. The Clerk may apply for an order from the District Judge for disposal of discovery if the attorneys are unable to be notified.

Permanent Documents

Discovery is not a permanent document and is not routinely filed

Purge Documents:

All Discovery may be purged in accordance with procedure listed above in the retention time section.

Comments:

Disposal of discovery does not need to be approved by the Local Government Record Committee

The **Montana Historical Society** encourages all Courts to notify and offer any case files or documents the records manager feels may have historical importance prior to submitting a disposal request for those records. For guidance, contact the State Archivist at the Montana Historical Society , 406-444-7482

## 10. DOMESTIC RELATIONS – DR

### Title 40, Chapter 4

Uniform Caseload Filing Standard (2011) A domestic relations filing shall include orders of protection, restraining orders, parenting plans, visitation, child support, dissolutions of marriage, invalidity of marriage and any subsequent modifications to the above. For purposes of clarification, this classification does not include paternity action (DF). The case file shall be opened upon the filing of an application or petition or upon the filing of a foreign judgment. An application or petition brought by a party not named in the original petition shall initiate a new case file and case number.

Retention time:

Permanent Documents

1. Petition for Dissolution/Parenting Plan
2. Sensitive Data Form (confidential 40-4-105 (6) MCA)
3. Answer
4. Findings of Fact, Conclusions of Law and Decree of Dissolution
5. Order for Parenting Plan or Final Parenting Plan
6. Qualified Domestic Relations Order (confidential 40-4-202 (6) MCA )\
7. Permanent Orders of Protection and supporting documents
8. Property Settlement Agreement
9. Indexes and Case Registers

## 10. All minutes of proceedings

### Purge Documents after 10 years

1. Summons and return of service or acknowledgement of service
2. Motions to Dismiss, Briefs in Supports, Reply Briefs, etc.
3. Declarations of Disclosure of Assets, Debts, Income and Expenses (both preliminary and/or final) Check documents in relation to 40-4-105 MCA Privacy protection for financial account information
4. Proposed Parenting Plans
5. Temporary Orders of Protection and supporting documents
6. Requests or Motions for Hearings
7. Order Setting Hearings
8. Child Support Guidelines
9. Consent to Entry of Decree
10. Abstracts of Administrative Orders – for Child Support

### Items that can be purged after 90 days after closure of the case (after appeal time has run)

1. Proposed Parenting Plans (if not approved as a final parenting plan court document)
2. Proposed Findings of Fact, Conclusions of Law and Decree of Dissolution
3. Proposed Findings of Facts
4. Proposed jury instructions
5. Jury instructions, Given, Refused or Withdrawn

### Comments:

Domestic Relations/Dissolutions of Marriage may have been previously filed as a regular civil case.

The **Montana Historical Society** encourages all Courts to notify and offer any case files or documents the records manager feels may have historical importance prior to submitting a disposal request for those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482

## 11. **EXHIBITS**

Documents or items entered as evidence in a court file. The exhibits may be in any type of case. See Title 25, Chapter 19, Rule 12 MCA - Uniform District Court Rule #12

### Retention time:

Permanent Documents

None, although the records manager may determine some exhibits should be kept, for example, exhibits in water rights cases, irrigation district cases or a historical case.

Purge Documents

Exhibits can be purged in accordance with Uniform District Court Rule #12

Comments:

Disposal of Exhibits does not need to be approved by the Local Government Records Committee

Exhibits dealing with water rights or irrigation districts should be kept as a permanent record

Exhibits that are attached to motions or briefs have the same retention time as the document

The **Montana Historical Society** encourages all Courts to notify and offer any case files or documents the records manager feels may have historical importance prior to submitting a disposal request for those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482

## 12. FISCAL/FINANCIAL RECORDS

### FISCAL RECORDS:

- a. Cash Books
- b. Cash request forms
- c. Civil Receipt books
- d. Claims
- e. Creditor Claim Books
- f. Daily check report
- g. Daily receipt report
- h. Disbursement records
- i. Fee books
- j. Payroll
- k. Receipts – criminal; disbursement, document; monthly
- l. Receipts –Juror-Certificate and Travel; witness; reports
- m. Receipts – probate
- n. Timesheets – jury
- o. Timesheets – employees
- p. Trust Fund – receipts, warrants for child support and criminal payment records
- q. Vouchers –Estate and Guardianship
- r. Warrants
- s. Warrant Registers
- t. Warrant Stubs

### Retention time:

Permanent Documents

Most fiscal documents are not permanent records

Purge Documents

The retention time is Audit + 7 years for all items **except:**

**d:** Claims – 1 year – the original is in the Clerk & Recorder’s office

**f, i and l:** Audit + 1 year. These are copies of reports to the Supreme Court Administrator’s Office. The originals are retained in Helena according to their guidelines

**j:** See General Schedule – the originals are in the Clerk & Recorder or Payroll Department

**p:** Permanent

**s:** Permanent if this is the only copy the county has. If this is a department copy, audit + 7 years

Comments:

In the 1990’s, the counties began using electronic case management system. (JCMS and then Full Court) The use of these systems made the paper copies of many of the above fiscal records obsolete.

Documents do not need approval for destruction by the Local Government Records Committee (LGRC)

## 13. GUARDIANSHIP AND CONSERVATORSHIP DG

Title 72, Chapter 5 MCA

Uniform Caseload Filing Standard (2011) - There will be one filing for each protected person with a case file opened and a case number assigned upon the filing of a petition for appointment of guardian or conservator. There will be one filing and case number assigned for each initial petition filed with the court. A new guardianship or conservatorship (following termination of a prior guardianship or conservatorship) filed involving the same protected person shall be filed and a new case number assigned.

### Retention time:

#### Permanent Documents

1. Petition
2. Letters
3. Orders that affect the merits of the case
4. Inventory and Appraisements
5. Annual reports to the Court
6. All indexes, case registers and minute entries

#### Purge Documents

1. Motions and Orders setting hearings
2. Motions, Orders and other documents that do not affect the merits of the case.

Comments:

This case type was created in 1996. Prior to 1996, these were generally filed as a probate record. A general rule of thumb is that a guardianship is to take care of the person and a conservatorship is to take care of money or property. A petition may be for a guardian, for a conservatorship, or for both.

The **Montana Historical Society** encourages all Courts to notify and offer any case files or documents the records manager feels may have historical importance prior to submitting a disposal request for those records. For guidance, contact the State Archivist at the Montana Historical Society , 406-444-7482

## 14. INDEXES/CASE REGISTERS/DOCKET BOOKS

3-5-502 - 509 MCA

Retention time:

Permanent Documents

All indexes, index cards, case registers and docket books

Purge Documents

None

Comments:

All indexes, index cards, case registers and docket books are permanent records. The concept is that even though the case file or parts of the case file are destroyed, there is always a record that a case was filed and the record of the documents filed.

The **Montana Historical Society** encourages all Courts to notify and offer any case files or documents the records manager feels may have historical importance prior to submitting a disposal request for those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482

## 15. **INQUESTS/CORONER'S INQUESTS**

### **Title 46, Chapter 4, Part 2**

Records documenting circumstances of suspicious deaths, and includes documents, records and indexes.

#### Retention time:

Permanent Documents

All documents are permanent records

Purge Documents

None

#### Comments:

See MCA 46-4-206

The **Montana Historical Society** encourages all Courts to notify and offer any case files or documents the records manager feels may have historical importance prior to submitting a disposal request for those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482

## 16. **INVESTIGATIVE SUBPOENAS – IS**

### **Title 46, Chapter 4, Part 3**

Uniform Caseload Filing Standard (2011) - There will be one file number assigned to each application for issuance of subpoena, regardless of the number of subpoena requests included within the application. A case file shall be opened upon the filing of the application with the court. A case file shall be deemed closed upon the issuance of a subpoena or the denial of the application.

The investigative subpoenas give the authorization to search records to assist in the determination if a criminal case should be filed.

#### Retention time:

Permanent Documents

None

Purge Documents

These may be destroyed after 10 years with the approval of the Court or county attorney

#### Comments:

Confidential 46-4-304(2) MCA  
This case type was created in 1996

Purged documents do not need approval for destruction by the Local Government Records Committee (LGRC)

## 17. **IRRIGATION DISTRICT FILES/WATER COURT/WATER RIGHTS/WATER COMMISSIONER REPORTS**

**ALSO See #32 - WATER COURT/WATER RIGHTS FILES/IRRIGATION DISTRICTS**

These are case files that deal with water and water rights. These may have originated as regular civil cases but can be designated in the case subtype as Water Court/Water Rights files. Some of the cases that create the irrigation districts can be very old, very historical and very important. Any case that deals with water rights, irrigation districts or any other water issue should be given special attention before any documents are purged. Exhibits should not be purged. Old maps and exhibits can be particularly beneficial to research and determination of future issues.

Comments:

The **Montana Historical Society** encourages all Courts to notify and offer any case files or documents the records manager feels may have historical importance prior to submitting a disposal request for those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482

## 18. **JUDGMENT BOOKS/DOCKETS/JUDGMENT AND TRANSCRIBED RECORDS OF JUDGMENTS**

**Title 25, Chapter 9, Judgments**

All Judgment Books/dockets/judgment and transcribed records of judgments are permanent records. Writs of Execution and Returns where funds are received are permanent records until a Satisfaction of Judgment or Release of Lien are filed. The importance of these is to have the record of the Judgment and the record of the payments and a record of the satisfaction.

Retention time:

Permanent Documents

All original Judgments are permanent records

Purge Documents

Writs of Execution and Returns of Service where no funds are received or when Satisfaction of Judgment or Release of Lien is filed may be purged after the 10-year time period.

Comments:

See 3-5-507-509 MCA Judgment book  
Title 25, Chapter 9 Judgments  
Title 25, Chapter 13 Execution of Judgment  
Rules of Civil Procedure #54 – 63, Title VII

The **Montana Historical Society** encourages all Courts to notify and offer any case files or documents the records manager feels may have historical importance prior to submitting a disposal request for those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482

## 19. JURY and WITNESSES

Title 3, Chapter 15 MCA  
Also see 3-5-510-512 MCA

Retention Time:

- |  |                     |
|--|---------------------|
| a. Registered Voter List – Title 3 Chapter 15 Part 4 MCA | a. Until superseded |
| b. Jury year trial lists                                 | b. Until superseded |
| c. Individual trial lists                                | c. 1 year           |
| d. Juror questionnaires                                  | d. Until superseded |
| e. Jury warrant records                                  | e. Audit + 7 years  |
| f. Witness warrant records                               | f. Audit + 7 years  |

Comments:

Purged documents do not need approval for destruction by the Local Government Records Committee (LGRC)

## 20. JUVENILE – DJ

Title 41, Chapter 5, youth court act

Uniform Caseload Filing Standard (2011) - A case is opened upon the filing of an initiating document, a detention hearing order or upon the receipt of a transfer order from a court of limited jurisdiction. A separate case file shall be established and case number assigned to the youth. A revocation of probation shall reopen the same file number.

Retention time:

#12 Clerk of District Court – MT Local Government  
Last Revised: May 2015

See adopted LGRC retention schedules at:

<http://sos.mt.gov/Records/Local/index.asp> - Records Management/ Local Forms & Schedules.

Permanent Documents

All Indexes, case registers and court minutes

Purge Documents

Cases are sealed when the youth turns 18 years of age, or if extended jurisdiction, sealed upon termination of extension 41-5-216 (1) & (7)(a) MCA

Files may be destroyed 10 years after date of sealing with the approval of the Court or county attorney  
41-5-216 (3) MCA

Comments:

These files are not considered a permanent file due to the fact that the court files may be totally destroyed after the proper time has expired and the proper disposal procedure is followed. The indexes, case registers and minute entries are permanent records.

Purged confidential documents do not need approval for destruction by the Local Government Records Committee (LGRC)

## 21. MARRIAGE LICENSE – ML

Title 40, Chapter 1 MCA

Retention Time:

- |  |                                 |
|--|---------------------------------|
| a. Marriage License Applications (confidential)      | 2 years                         |
| b. Blood Tests or Waiver of Blood Tests              | Dispose after license is issued |
| c. Declaration of Marriage                           | Permanent                       |
| d. Indexes   | Permanent                       |
| e. Marriage License/Certificate                      | Permanent                       |
| f. Marriage License/Certificate Order of Correction  | Permanent                       |
| g. Notice of Dissolution (from another jurisdiction) | Permanent                       |

Comments:

Some information is confidential. See MCA 40-1-107; 50-15-101; 50-15-122(5)

Note: section g, Notice of Dissolution (from another jurisdiction), the information is permanent, but not necessarily the written document. The divorce information is recorded on the Marriage License record, or the marriage license in the case management system. The purpose is to have a record of where and when the dissolution of marriage occurred.

Purged confidential documents do not need approval for destruction by the Local Government Records Committee (LGRC)

## 22. **MENTAL HEALTH – DI**

**Title 53, Chapter 21**

Uniform Caseload Filing Standard (2011) - There will be one filing for each protected person with a case number assigned upon the filing of a petition for commitment. On the issuance of an order of commitment, the case shall be closed. A new filing shall reopen the same filing number. This file number shall stay with the protected person. It is necessary for the presiding judge to be familiar with the history of the person. Any new petition shall be filed as a consecutively numbered petition within the original case file and case number. Each new petition shall be considered a new filing for reporting purposes. If a petition for recommitment is filed in a different county than the original petition for commitment, a case file shall be opened and a new case number assigned in the county of the recommitment.

Retention time:

All Court documents:

100 years, or 5 years after notice of death and with the approval of the District Judge

All Indexes are a permanent record

Purge documents:

Entire file may be disposed of after retention time has run

Comments:

Also see:

53-21-103 MCA (court records to be kept separate)

53-21-122 MCA (Petition for commitment –filing)

53-21-132 MCA (costs of exam & commitment)

53-21-166 MCA (records to be confidential)

Purged confidential documents do not need approval for destruction by the Local Government Records Committee (LGRC)

## 23. **MINUTES/COURT MINUTES/MINUTES OF PROCEEDINGS**

**3-5-501(g) MCA**

All Court minutes for all types of cases and hearings are permanent records. It is important to have a permanent record of all official court proceedings that are held by the Court in the courtroom or judge's chambers.

Minutes may also be kept in or called

1. Blotter Books – can be handwritten minute books documenting court proceedings
2. Court Journals – may be a different name for Court Minute Books
3. Docket Books

#12 Clerk of District Court – MT Local Government

Last Revised: May 2015

See adopted LGRC retention schedules at:

<http://sos.mt.gov/Records/Local/index.asp> - Records Management/ Local Forms & Schedules.

4. Minute Books
5. Notes of Rulings

Retention time:

Permanent records

Comments:

The official record for the minutes of the court proceedings is the permanent record. All other copies, including hand written drafts, do not need to be a permanent record.

Notes taken by a judge on any specific case are not a permanent record and are usually not a part of the court file

## 24. MISCELLANEOUS AND OBSOLETE RECORDS

- |   |   |
|---|---|
| 1. Athletic Commission Papers   | Dispose after 10 years  |
| 2. Calendar Books/Court Calendars   | Permanent -only if records and information are not kept in the case files or permanent records of proceedings. This category does not include yearly planning or periodic scheduling calendars, daily court schedules or date books |
| 3. Concealed Weapons Permits <ul style="list-style-type: none"> <li>a. Index</li> <li>b. Permits</li> </ul> | (a.) 2 years after expiration of last entry in book.<br>(b.) Expiration +2 years MCA<br>45-8-321 MCA transferred issuance of concealed weapons permits to the county sheriff's office in 1991<br>Sheriff to keep permits 4 years    |
| 4. Correspondence   | See General Records Schedule  |
| 5. Mother's Pension   | Follow guidelines for case type it is filed as usually a civil case   |
| 6. Oaths of office  | Duplicate record – original in C & R office   |

## 25. NATURALIZATION RECORDS

Counties have some naturalization records until the mid to late 1940's. These are permanent records.

Current naturalization information and records are filed with Naturalization and Immigration Services

## 26. **PATERNITY – DF**

This case type was created in 1996 – these cases were previously in with the DR – domestic relations cases or civil cases.

**Title 40 Part 5 (40-5-236 – 238)**

Uniform Caseload Filing Standard (2011) There will be one file number assigned to each child for the sole purpose of the application or petition for the establishment of paternity. A case shall be reopened upon the filing of the application or petition for establishment of paternity. All related actions, including orders for child support and parenting plans, shall be recorded as separate Domestic Relations matters.

### Retention time:

Permanent Documents

Petitions and Orders that establish paternity or determine the case

Purge Documents

Motions and Orders Setting hearings

### Comments:

These are confidential files, except for the Final Adjudication of Paternity – 40-5-238 MCA

Purged confidential documents do not need approval for destruction by the Local Government Records Committee (LGRC)

## 27. **PROBATE – DP**

**Title 72**

Uniform Caseload Filing Standard (2011) - There shall be one case filing per decedent. The case shall be opened upon the filing of an application or petition to establish probate or a petition for appointment of a special administrator.

### **Retention time:**

Permanent Documents

REGULAR AND ANCILLARY PROBATES

1. Last Will and Testament, Will, Codicils to Will
2. Application for Probate (whether formal or informal)
3. Orders Admitting Probate
4. Orders Appointing Personal Representative
5. Orders Appointing Administrators/Appraisers
6. Orders Confirming Sale of Real Estate
7. Letters
8. Notice to Heirs and Devisees

9. Inventory and Appraisal or statement, notice or acknowledgement regarding distribution of Inventory and Appraisal 72-3-607 (3) MCA
10. Final Accountings or notice or acknowledgement regarding Final Accounting 72-3-1005 MCA
11. Documents that relate to the distribution of the estate such as Instruments of Distribution, Deeds of Distribution, Decree of Settlement, etc.
12. Decree of Distribution/Final Discharge or Decree or Order to Close, or Personal Representative's Sworn Statement to Close Estate
13. Public Administrator Register (not all counties will have this)

**FOREIGN PERSONAL REPRESENTATIVE PROBATE**  
 Title 72, Chapter 4, Part 3 MCA

1. Authenticated or exemplified copies of Last Will and Testament, Will, Codicils to Will
2. Inventory of property
3. Affidavit
4. Certificate
5. Closing documents

Purge Documents 10-year Rule Administrative Rules of Montana 44.14.203

1. Notice to Creditors
2. Affidavits of Publication
3. Bond or Demand for Bond
4. Bill of Exceptions
5. Creditor's Claims and approvals or denials
6. Notice of Hearings
7. Orders for Continuance
8. Orders Granting Extensions of Time
9. Orders Setting Time and Place for Hearings
10. Orders Vacating Hearings
11. Order Appointing Day/Order Fixing Day
12. Order to Show Cause Why Probate Has Not Been Closed (72-3-1015 MCA)
13. Any other documents not pertinent or relevant to the probate and final settlement and distribution of the estate may be purged in accordance with the 10 year rule.

Comments:

Also see: 3-5-513 MCA;  
 Title 72, Chapter 15 MCA Public Administrator Register

NOTE: The probate codes were totally revised effective July 1, 1975. This is important to this schedule, because the probate case documents filed prior to the revised probate code are different than those documents in the probate case filed after July 1, 1975. The most important concept for probate document retention is to preserve the record of the Will and the identification of the heirs and devisees, the inventory and appraisal and the distribution of the property.

The **Montana Historical Society** encourages all Courts to notify and offer any case files or documents the records manager feels may have historical importance prior to submitting a disposal request for those records. For guidance, contact the State Archivist at the Montana Historical Society, 406-444-7482

## **PROBATE - WILLS FOR SAFEKEEPING**

**72-2-535 & 536 MCA**

### Retention Time:

Wills:	Permanent
Receipts for Wills:	Permanent
Purge Documents:	None

### Comments:

These are wills deposited by the testator or the testator's agent with the court for safekeeping. The wills are sealed and confidential and cannot be opened while in the possession of the Clerk without a Court Order. These Wills are not to be opened or scanned. A Special Book record may be opened for the tracking of the testator. The receipt for the Will may be scanned as a document record.

## 28. **SEARCH WARRANTS – SW**

### **Title 46, Chapter 5, Part 2**

Uniform Caseload Filing Standard (2011) - There will be one file number assigned to each application for the issuance of a search warrant. A case file shall be opened upon the filing of the application with the court. A case file shall be deemed closed upon the denial of the application or the return of receipt following the issuance of the search warrant.

#### Retention time:

Permanent Documents

None

Purge Documents

1. Application for Search Warrant
2. Orders Authorizing or Denying Search Warrant
3. Search Warrant
4. Return on Search Warrant

These may be destroyed after 10 years with the written approval of the Court or the County Attorney

#### Comments:

This case type was created in 1996

Purged documents do not need approval for destruction by the Local Government Records Committee (LGRC)

## 29. **SPECIAL BOOK – SB**

The Special Book category encompasses many miscellaneous types of records, filings or documents. There is no way to determine a definite schedule for this case type because each county may file different records in their special book category. The records manager must make an assessment on a case-by-case and document-by-document basis to determine if the records need to be kept permanently, or if it would fall under the 10 year rule under 44.14.203 Administrative Rules of Montana. The content of the document should be reviewed to see if it relates to another case type series, and if it does the longest retention time should be used.

The records manager must determine if the Special Book record affects real property or persons in a manner that would necessitate the records being kept for over 10 years or permanently. If the Special Book record is similar to a specific case type, then the records manager should consider that case type schedule in their decision for record retention. It is always better to err on the side of caution. An example is many courts use the Special Book case type to record “Wills for Safekeeping”. Those records would be a permanent record.

#### Retention time:

Permanent Documents

determined by records manager

Purge Documents

determined by records manager

### 30. **STATUTORY LIENS – SL**

Statutory Liens are Judgments, and are permanent records. All writs of execution and returns of service are permanent records when funds were received and must be kept until there is a Satisfaction of Judgment or Release of Lien filed.

Retention time:

Permanent Documents

Certificates of Liens  
Unemployment Liens  
Warrants for Distrain  
Workers’ Compensation Liens  
Notice of Release of Liens  
Writs of Execution &  
Returns of Service when funds are received until  
Satisfaction of Judgment or Release of Lien is filed

Purge Documents

Writs of Execution and Returns of Service where no funds are received **or** when Satisfaction of Judgment or Release of Lien is filed, all writs of execution and returns of service with funds received may be purged after the 10-year time period.

Comments:

See 3-5-507 MCA    Judgment book  
Title 25, Chapter 9    Judgments  
Title 25, Chapter 13    Execution of Judgment  
Rules of Civil Procedure #54 – 63, Title VII

This case type was created in 1996

### 31. **UNLOCATABLE MINERAL OWNERS**

**Title 82, Chapter 1, Part 3, MCA**

Retention time:

Permanent Documents

1. Documents opening the case, whether it be in a probate or civil case
2. Orders Appointing Trustee for Unlocatable Mineral Owner
3. Approved and signed Oil and Gas leases
4. Record of payments received or payments disbursed when unlocatable mineral owner is found.

Purge Documents

1. Records of production when no payment of funds are received
2. Also see Fiscal records section

Comments:

These cases were created in 1979. Some were originally filed as a probate, but they were later filed as civil cases. The trustee can be the Clerk of the District Court or the Department of Revenue.  
82-1-302(3) & (4) MCA

32. **WATER COURT/WATER RIGHTS FILES/IRRIGATION DISTRICTS**  
**ALSO SEE #17, IRRIGATION DISTRICTS**

These are case files that determine water rights. These may have originated as regular civil cases, but can be designated in the case subtype as Water Court/Water Rights files. They deserve their own section for records management because of the importance of water rights. Some of these cases can be very old and historical. Any case that deals with water rights, irrigation districts, or any other water issue should be given special attention before any documents are purged. Exhibits should not be purged. Old maps and exhibits can be particularly beneficial to research and determination of future issues.

Retention time:

Permanent Documents

1. Complaints, Petitions or Applications that open a case and all Amended Complaints, Petitions, or Applications; Cross-Complaints, Cross-Petitions, etc.
2. Answers, Amended Answers
3. Stipulations regarding the facts of the case.
4. Reports of Water Commissioners
5. Clerk's Affidavit of mailing statement of charges and expenses
6. Orders that deal with the Water Rights
7. Judgments, Findings of Facts, Conclusions of Law
8. All Minute Entries

Purge Documents

1. Summons and returns of service
2. Motions to Dismiss or Demurrers
3. Proof of workers compensation insurance
4. Oaths of Office

Comments:

Water rights cases have important and valuable historical value. The records manager must be very careful in determining the value of the records and may even use different criteria for disposing of records. Discovery, exhibits and depositions that would normally be disposed of in a regular civil case have value and should be kept in a water rights case.

## ITEMS THAT MAY BE DISPOSED OF WITHOUT APPROVAL FROM LOCAL GOVERNMENT RECORDS COMMITTEE 2-6-1202 (3) MCA

Note: items that are approved for disposal from the Local Government Records Committee are put on a list serve and offered in accordance with 2-6-1205 MCA

Adoptions	See District Court Schedule – item #1
Bonds	See District Court Schedule – item #2
Court Reporter Notes/Transcripts	See District Court Schedule – item #5
Dependent and Neglect Cases	See District Court Schedule – item #7 (dispose with approval from District Judge)
Developmentally Disabled cases	See District Court Schedule – item #8 (dispose with approval from District Judge)
Discovery	See District Court Schedule – item #9
Exhibits	See District Court Schedule – item #11
Fiscal/Financial Records	See District Court Schedule – item #12
Investigative Subpoenas	See District Court Schedule – item #16 (dispose with approval from District Judge)
Jury/Juror Records	See District Court Schedule – item #19
Juvenile Cases	See District Court Schedule – item #20 (dispose with approval from District Judge)
Marriage License (a) & (b)	See District Court Schedule – Item #21
Mental Health/Commitment cases	See District Court Schedule – item #22 (dispose with approval from District Judge)
Miscellaneous and Obsolete Records	See District Court Schedule – item #24
Paternity	See District Court Schedule – item #26 (dispose with approval from District Judge)
Search Warrants	See District Court Schedule – item #28 (dispose with approval from District Judge)

### Reasons:

#### Confidential files

- Adoptions
- Dependent and Neglect
- Juvenile cases
- Marriage License (a) & (b) - marriage license applications and blood tests
- Mental Health/Commitment
- Paternity

#### Restricted Access

- Developmentally Disabled
- Investigative Subpoenas
- Search Warrants

#### Disposed of by statute

- Discovery
- Exhibits

#### Records with limited retention and no on-going significance

- Bonds
- Court Reporter Notes
- Fiscal/Financial Records
- Jury /Juror Records

#12 Clerk of District Court – MT Local Government

Last Revised: May 2015

See adopted LGRC retention schedules at:

<http://sos.mt.gov/Records/Local/index.asp> - Records Management/ Local Forms & Schedules.

## Revisions to Schedule

Date	Page(s)	Change
10/2015	ALL	Total revision of schedule

## OLD Schedule Revisions

REVISION 1.2 Date 10-2009

Item 7 CALENDAR BOOKS/COURT CALENDARS- added comments: Permanent-only if records and information are not kept in the case files or permanent records of proceedings. This category does not include yearly planning or periodic scheduling calendars.

Item 15- Deleted Search Warrants-confidential until Sheriff's return it filed. Also see 46-5-310 MCA

Items renumbered starting with item 17- Added the following items:

Item 17: New item DD CASES- DEVELOPMENTALLY DISABLED-These case files petition the Court to have an individual declared developmentally disabled. They are reviewed annually. Purge files after 10 years except for the Petitions and Orders. The entire file may be destroyed after notification of death or with approval of the court. The

medical reports are duplicates

Item 19 New Item - DF CASES- PATERNITY CASES- Cases to determine paternity Permanent. Confidential records

Item 63 New Item SEARCH WARRANTS May be destroyed after 10 years with approval of the court or county attorney.

And  
Deleted the following items:  
Was item 22 deleted - DISBARMENTS & SUSPENSIONS: See Miscellaneous 5 years  
Was Item 48 Deleted- NOTICE TO CREDITORS: In Probate files. May include Order for Proof of publication to public for all claims against deceased estate, and associated documentation Permanent

Revised the following renumbered items:  
Item 20 DEPENDENT/NEGLECT –added to comments: Prior to 1996 these cases were a DJ (Juvenile) filing.  
Item 28 GUARDIAN AND CONSERVATORSHIP RECORDS – added to comments - except items on purge lists- Probate and Civil  
Item 40 MARRIAGE RECORDS changed b. to: Blood test or Waiver of blood test  
Item 60 PURGE LIST FOR CASE FILES: added a. Affidavits of publication  
Added  
Notice of hearings  
Orders for hearings  
Orders for continuance  
Orders granting extension of time  
Orders vacating hearings  
Changed retention times to: 10 years for all except o. and p. see below.  
o. Proposed finding of fact 90 days  
p. Refused or withdrawn jury instructions 90 days  
Added to Comments: o. & p. these items have no use after the appeal time has run. Appeal times are 30-90 days

CHANGED WEB SITES ON PG DCT2:  
FROM:  
The complete schedule may be accessed on the Internet at any of these sites:  
[www.his.state.mt.us/front/html](http://www.his.state.mt.us/front/html) ; [www.state.mt.us/sos/idenx/htm](http://www.state.mt.us/sos/idenx/htm) ; [www.state.mt.us/localgov.htm](http://www.state.mt.us/localgov.htm) OR,  
contact the state archivist at the Montana Historical Society  
TO:  
The complete schedule may be accessed on the Internet at: <http://www.sos.mt.gov/> OR,  
contact the state archivist at the Montana Historical Society

REVISION 1.3 DATE 4-2010  
Added Face Page  
Items renumbered starting with item 16- Added the following items:  
Item 16 New Item: DAILY COURT SCHEDULE  
Item 56 Changed title from ORDER MISCELLANEOUS to ORDERS MISCELLANEOUS; added “not attached to a specific case.” to the description. Changed the retention time from “Permanent” to “10 year rule”