

Updated Disposition Report instructions and address 11/2022
No changes were made to records retention

Schedule 80

JUVENILE COURT

September 27, 2010

Nebraska Records Management Division
3242 Salt Creek Circle
Lincoln, NE 68504
(402) 471-2559

**REQUEST FOR APPROVAL
OF RECORDS RETENTION
AND DISPOSITION SCHEDULE**

SCHEDULE

80

AGENCY, BOARD OR COMMISSION

SUPREME COURT

DIVISION, BUREAU OR OTHER UNIT

JUVENILE COURTS

**TO: STATE RECORDS ADMINISTRATOR
STATE OF NEBRASKA**

Supersedes Schedule 80, Edition of April 14, 2008

PART I – AGENCY STATEMENT:

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE

Judy Beutler

TITLE

Deputy Court Admin.

DATE

9-21-10

PART II – APPROVAL OF STATE ARCHIVES:

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE

Gayle Koontz

DATE

9-23-2010

PART III – APPROVAL OF AUDITOR OF PUBLIC ACCOUNTS:

The attached schedule has been reviewed, all audit material has been properly identified, and this schedule is approved as submitted.

SIGNATURE

Deann Harp

DATE

9-24-10

PART IV – APPROVAL OF STATE RECORDS ADMINISTRATOR:

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE

John Gale

DATE

9/27/10

RMA 01005D

INSTRUCTIONS FOR USING THIS SCHEDULE

Records retention and disposition schedules are designed to serve as your records management guideline for storing and disposing of agency records, **regardless of the media on which they reside**, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the Local Agencies General Records Schedule #24 contains those records common to most local government agencies. This retention schedule, which is approved by the State Records Administrator, provides your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying this schedule.

DISPOSING OF RECORDS

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over General Records Schedule #24 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods. Unless there is pending or on going, legal action, records request, or audit.
3. For records requiring a review of, or transfer to the **NE State Historical Society (State Archives)**, your agency is required to contact the State Archives to negotiate the transfer. Additionally, **once the records are accessioned into their collection, they become the property of the State Archives**. The State Archives may remove selected records in accordance with standard archival practices to ensure efficient access, organization and enduring historical value (Nebr. Rev. Stat. §82-107). Please contact their office by calling (402) 471-4783.
4. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is located on the Secretary of State Records Management website. https://appengine.egov.com/apps/ne/sos_records_disposition_report. This report establishes that the destruction was performed in your normal course of business.

NON-SCHEDULED RECORDS

Contact a Records Management Specialist in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

SCHEDULE UPDATE

It is the responsibility of each agency to periodically update their schedule. A Records Management Specialist in Records Management can assist you with the schedule update, which may involve adding new records series and making revisions to existing items. Keeping your schedule current will ensure you have the ongoing authority to discard records when their useful life has ended.

QUESTIONS

If you have any questions about these procedures, please contact your agency Records Officer or the Records Management Specialist in Records Management. They will help you with any questions the schedule may present, including: transferring records to the State Records Center or microfilming records, scanning records, etc.

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SCHEDULE 80 – JUVENILE COURTS

80-1 GENERAL COURT RECORDS

80-1-1 EXCEPTIONS, BILLS OF

A transcript of testimony which contains an index showing each witness in the order called, witnesses direct, cross or further examinations. Also contains DEPOSITIONS and EXHIBITS, and page where identified, offered, ruled and found; stipulation, motions to dismiss or to instruct a verdict, together with rulings thereon, and page where found; and Certificate of Court Reporter.

Dispose of one year after the date the records of the court show no unfinished matter pending in the action, or one year after the juvenile has been discharged or released from commitment, placement, custody, supervision or parole, whichever is later.

80-1-2 EXHIBITS

Exhibits offered or received in evidence in the trial of any action, or materials which have been substituted for such exhibits pursuant to the rules of the Nebraska Supreme Court, and which remain in the custody of the court after the trial of such action. Any release or substitution of exhibits shall be pursuant to the rules of the Nebraska Supreme Court, and the below disposition shall apply only to those materials which have not been released and to those materials which have been placed with the court as substitutes for original exhibits, and which have therefore remained in the custody of the court.

Dispose of in accordance with the rules of the Nebraska Supreme Court one year after the date when the records of the court show no unfinished matter pending in the action, or, one year after the juvenile has been discharged or released from commitment, placement, custody, supervision or parole, whichever is later.

80-1-3 WIRETAP RECORDS

Applications, Orders, Oaths or Affirmations, Statements of Procedures, Extensions, wire or tape recording, and judges' reports. See Neb. Rev. Stat §86-705 (8), 1943.

Dispose of one year after the date when the records of the court show no unfinished matter pending in the case.

80-2 JUSTICE REPORTS

80-2-14 CASE MANAGEMENT REPORTS

80-2-14-1 AGE OF CASE

Reports dealing with the age and statics of cases. List may include, but not limited to:

Age of Cases Pending Details Report—JUSB0225

Age of Cases Pending Summary Report—JUSB0224

Cases Exceeding Progression Standards Report—JUS3474

PAPER RECORD: Dispose of after 1 year.

ELECTRONIC RECORD: Dispose of after 7 days.²

80-2-14-2 AOC FILED

Reports automatically filed by the 10th of each month with the AOC. List may include, but not limited to:

Cases Filed Report – JUSB0222

Criminal/Traffic – Juvenile Dispositions Report – JUSB3478

PAPER RECORD: Dispose of paper copy after AOC prints annual case load report.

ELECTRONIC RECORD: Dispose of after 7 days.²

80-2-14-3 FOSTER CARE

Reports designed for Foster Care Review Board (FCRB). List may include, but not limited to:

Court Action Report (Foster Care Review Board)—JUSB3636

PAPER RECORD: Send to FCRB every week.

COPY: File in case file and dispose of after jurisdiction of minor is terminated.

ELECTRONIC RECORD: Dispose of after 7 days.²

Juvenile Cases-Future Hearings report—JUSB3860

PAPER RECORD: Send to FCRB.

COPY: Dispose of after all dates listed have passed.

ELECTRONIC RECORD: Dispose of after 7 days.²

80-2-14-4 JUDGES REVIEW

Report for Judges and requiring their review before final disposition. List may include, but is not limited to:

Juvenile Cases – Active Placement – JUSB4640

Juvenile Cases – Active Probation Report – JUSB4641

Juvenile Cases – Summary Courts – JUSB4643

PAPER RECORD: Dispose of after Judge has reviewed.

ELECTRONIC RECORD: Dispose of after 7 days.²

80-2-14-5 CASES/MOTIONS UNDER ADVISEMENT—JUSB4622

List of cases where either CMDECIDE, CADVISE or MADVUSAE appear as future actions.

PAPER RECORD: Dispose of after 6 months.

ELECTRONIC RECORD: Dispose of after 7 days.²

80-2-14-6 CREATE DMV ABSTRACT FOR NETVIEW, DM PICKUP—JUSB3836

Report printed automatically by JUSTICE listing those cases where abstracts have been sent to the Department of Motor Vehicles

PAPER RECORD: Dispose of after 6 months.

ELECTRONIC RECORD: Dispose of after 7 days.²

80-2-14-7 OVERDUE ACTIONS—JUSB0220

List of actions which have reached the date noted and have become overdue.

PAPER RECORD: Dispose of after all actions have been resolved.

ELECTRONIC RECORD: Dispose of after 7 days.²

80-2-15 FINANCIAL REPORTS

80-2-15-1 FINANCIAL

Financial reports generated automatically by JUSTICE or as needed. List may include, but is not limited to:

Bonds Held – JUSB4522
Case Balance – JUSB0218
Check Reconciliation – CKRECON
Claim Reports Given to Treasurer – JUSB3007
Court Wide Receipt/Disbursement History – JUSB0116
Cumulative Account Balance – JUSB4637
Daily Balance – JUSB3455
Daily Deposit – JUSB3808
Daily G/L Account Balances – JUSB0216
Fee Forecast – Summary or Detail – JUSB3416
Forfeited Bonds Over 90 Days – JUSB3520
Holding Account – JUSB4525
Monthly Fees/Fines Receipt Summary – JUSB3482
MTD Case Balance Report – JUSB0219
MTD G/L Account Balance – JUSB0215
Non-Case Receipts Transferred to Cases – JUSB0228
Overdue Case Account – JUSB3470
Overdue Case Account Restitution – JUSB3476
Overdue Case Account Summary – JUSB3472
Overpayment General Ledger Account – JUSB4549
Receipts by Cash Drawer – RCPTBCB
Statement of Cash Position – JUSB4619
Unclaimed Property Worksheet – JUSB3838

PAPER RECORD: Dispose of after 3 years, provided audit has been completed.¹

ELECTRONIC RECORD: Dispose of after 7 days.²

80-2-15-2 BOND ASSIGNEE—JUSB421

A report identifying an assignee to a bond prior to a case being filed.

PAPER RECORD: Dispose of after all actions have been resolved.¹

ELECTRONIC RECORD: Dispose of after 7 days.²

80-4 JUVENILE COURT RECORDS

80-4-1 DEPOSITIONS

A Deposition is the testimony of someone who may know about a case, taken under oath and committed to writing and authenticated by a court reporter. Under new discovery rules, depositions should not be routinely filed with the court.

SEALED DEPOSITIONS (NOT USED IN THE CASE): Dispose of after the case is closed and the time for appeal has expired without an appeal having been filed.

DEPOSITIONS USED IN COURT: Dispose of 10 years after the records of the court show no unfinished matter pending in the action; including discharge or release from commitment, placement, custody, or supervision.

80-4-2 INVESTIGATIONS – CONFIDENTIAL CASE INFORMATION

Confidential reports concerning custody and nature of living conditions of children. See Sections 43-2,108, R.R.S. 84-712--84-712.03 and Section 84-1413, R.R.S. 1943. Other examples are predispositions, medical, psychiatric, psychological or social welfare reports.
Dispose of 10 years AFTER MINOR REACHES AGE OF MAJORITY.

80-4-3 JUVENILE CASE DOCKETS (OBSOLETE 1998)

Records all actions in chronological order, dates of filing of petition and subsequent pleadings, includes fees and names of juvenile, parents and attorneys involved.
Dispose of 10 years after last entry.

80-4-4 JUVENILE CASE FILES

All original papers, documents and court orders filed in a juvenile case, which includes petitions, summons, notice in lieu of summons, orders, motions, journal entries, and commitment orders.

Scan to the JUSTICE Case Management system and dispose of after image quality has been verified OR dispose of 10 years AFTER MINOR REACHES AGE OF MAJORITY.²

80-4-5 JUVENILE COURT DOCKET SHEETS known as JUDGE'S MINUTES

A journal entry and order initiating from the courtroom at hearing time, containing the record of proceedings in Juvenile Court, date occurring, names of parties appearing, allegations alleged with dates, judgments of the court and final disposition of the case.

Scan to the JUSTICE Case Management system and dispose of after image quality has been verified OR file in case file (see JUVENILE CASE FILES, item 80-4-4) and dispose of 10 years AFTER MINOR REACHES AGE OF MAJORITY.²

80-4-6 JUVENILE COURT JOURNAL (OBSOLETE 1998)

Shows names of children and parents, instruments filed, service of process, orders of the court including: probation, commitment and detention homes, discharges from detention homes, orders to training schools, orders of discharge, court entries, and index.

Dispose of 20 years after last entry.

80-4-7 JUVENILE COURT STATISTICAL FORM (OBSOLETE 2005)

Data reporting form submitted to Nebraska Commission on Law Enforcement and Criminal Justice by each county for every juvenile case processed (NCJJ). Form includes juvenile's age, sex, ethnic group, offense type, case disposition and sociological information. Currently, when data is entered within JUSTICE, records are sent to the Crime Commission automatically electronically.

Immediately transfer obsolete records to JUVENILE CASE FILES, (Schedule 80).

80-4-8 JUVENILE REGISTERS OF ACTION AND INDEX (UPDROA)

Registers of action replace Juvenile Case Dockets, which are to be retained according to this section of the retention schedule. Until about 2000, the activity in the case was summarized on card-sized document. Currently the information is retained electronically in the JUSTICE computer system, or a comparable electronic case management system until such time as that system is converted to JUSTICE. The name of the juvenile, all attorneys, the name of the guardian, the name of parents, the date of offense, a chronological listing of all court actions and a financial accounting all appear on a register of actions.

ORIGINAL RECORD: Dispose of 20 years after date of initial filing of the case.

ELECTRONIC RECORD: Dispose of 20 years after date of initial filing of the case.

80-4-9 MINUTE BOOKS OF JUVENILE COURT (OBSOLETE 1998)

Minutes should contain the following information: record of proceedings in Juvenile Court, date petition is filed; names of petitioner and defendant, offense charged, date of arrest, date of trial, judgment of the court, and final disposition of the case.

ORIGINAL RECORD: Retain permanently; OR, microfilm and destroy originals pursuant to Record Retention Item 8-5.

SECURITY MICROFILM: Transfer to security location.

80-4-10 PARENTAL NOTIFICATION WAIVER CASE FILES

Action received by the court for order to waive the abortion parental notification legal requirement. Includes petition, testimony, evidence presented to the court, and order entered, and all other records of any nature relating to the case.

NOTE: THESE RECORDS ARE REQUIRED TO BE SEALED AND NOT OPEN TO ANY PERSON EXCEPT UPON COURT ORDER.

Dispose of 1 year after final disposition of the case. Under no circumstances are these to be made available to the public or any historical society. These records shall be securely destroyed.

80-4-11 PARENTAL NOTIFICATION WAIVER DOCKET

Separate docket kept only for abortion parental notification waiver cases.

NOTE: THESE RECORDS ARE REQUIRED TO BE SEALED AND NOT OPEN TO ANY PERSON EXCEPT UPON COURT ORDER.

Dispose of 1 year after final disposition of the case. Under no circumstances are these to be made available to the public or any historical society. These records shall be securely destroyed.

80-4-12 TESTIMONY AND PROCEEDINGS RECORDINGS

Recordings of testimony on audio tapes or disks which are maintained in all cases heard before a county court acting as juvenile court. When transcribed and certified according to court rule, these recordings become the bill of exceptions.

Erase or destroy after the juvenile in each case has reached the age of majority or is otherwise no longer subject to juvenile court jurisdiction.

**80-5 AUTHORITY FOR DISPOSAL OF RECORDS AFTER
MICROFILMING**

Unless specifically prohibited under a separate record series listing, all records of the court may be destroyed immediately after microfilming, provided that the following provisions are met before disposal of such records:

1. The micrographics project shall be registered with the State Records Administrator.
2. All micrographics recording shall be done in accordance with State Records Administrator's Rule 430 NAC 7, Micrographics Standards.
3. A sample of the micrographics system shall have been inspected and approved by the State Records Administrator before such document disposal.

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NOTES

1. These records may be disposed of after the required retention period, provided the audit has been completed with the audit report released and all related audit comments resolved. Check with the organization that performed the audit, and, if applicable, the Federal cognizant agency if there is a question whether resolution is complete. For records retention purposes only, the issuance of an audit waiver (or an Unaudited Financial Statement for villages) by the Auditor of Public Accounts shall take the place of an actual audit.

2. Electronic Records: The JUSTICE Case Management system contains the official index and records of the court. Scanned images are stored on the CIO Mid Range Systems and are backed up as part of the OCIO Disaster Recovery item, 124-8. JUSTICE and the CIO Mid Range Systems allow Courts to manually remove records as they meet the end of their lifecycle and each individual Court is responsible for this function. Courts are instructed to perform backup of computer records daily, or monthly depending upon system usage, etc. These backups may be disposed of after a subsequent backup is performed.