

**Report to Subcommittee on TRCPs 1-14c**  
**Disposing of Exhibits and Depositions after Notice by Publication**  
**December 14, 2004**

The full Supreme Court Advisory Committee has referred to this subcommittee a proposal from Charles Bacarisse, Harris County District Clerk, that would allow his office to dispose of exhibits and depositions in a civil case upon notice by publication in the Texas Bar Journal, rather than individual notice. *See* Appendix A, Letter from Charles Bacarisse to Thomas R. Phillips, January 22, 2003; Appendix B, Letter from Lisa Hobbs to Chip Babcock, August 11, 2004, attached.

The larger Texas counties have long struggled with the lack of storage space for their records. Texas Rules of Civil Procedure 14b and 191.4(e) (formerly 209) allow a clerk to dispose of exhibits and depositions “as directed by the supreme court.” The Court has issued two identical orders related to retention of these court documents. Appendix C. These orders permit clerks to destroy exhibits and deposition transcripts in a case one year after final judgment (two years if service was by publication) upon individual notice to the attorneys of record. *Id.*

District court clerks have complained about these procedures for some time. Their concerns are primarily with the notice provision and are essentially two-fold: (1) compliance is expensive, especially in larger counties; and (2) compliance, especially in long disposed cases, is very difficult because attorneys have often either passed away or moved. On several occasions, the Court has granted temporary relief to the restrictions of its order on exhibit and deposition destruction.

Fortunately, altering the current regulations of the disposition of exhibits in civil cases requires only Supreme Court action. The Government Code grants the Texas State Library and Archives Commission authority to issue records retention schedules for local governments and state agencies. TEX. GOV'T CODE §§ 441.158, 441.185. These schedules consist of the Commission's prescribed retention periods as well as retention periods prescribed by other law. *See id.* (requiring the Commission to state in its schedules the retention periods prescribed by federal or state law, rule of court, or regulation for any record and to prescribe retention periods for all other records). The Commission has approved a schedule for district courts; the schedule references the supreme court's orders on Texas Rules of Civil Procedure 14b and 191.4(e) (formerly 209). *See* Appendix D, Local Schedule DC (2<sup>nd</sup> Edition), eff. October 20, 1997, Retention Note (h), at pp. 6-7; *see also* Local Schedule CC (2<sup>nd</sup> Edition), eff. October 20, 1997, Retention Note (e), at pp. 48-49.

The Government Code expressly provides that, after the adoption of a records retention schedule, a retention period for a record prescribed in a new or amended rule of court that differs from that in a records retention schedule prevails over that in the schedule. TEX. GOV'T CODE § 441.158. And the Commission has confirmed that they will modify their schedules to accommodate the Court's decision on the Harris County request.

The proposed order that Mr. Bacarisse submitted to the Court tracks past orders from the Court granting Harris County similar, but temporary, relief. *See* Appendix E, 55 Tex. B. J. 111, 500

(reprinting orders in Misc. Docket Nos. 92-0024, 92-0060). However, if the subcommittee decides that notice by publication is a sound approach to storage problems that local clerks face, we might consider modifying the standing order on Rule 14b and 191.4(e) (formerly 209) to allow all counties to publish publically, rather than having a special order for Harris County.

Here is the current language of the Rule 14(b), supreme court order:

*In compliance with the provisions of Rule 14b, the Supreme Court hereby directs that exhibits offered or admitted into evidence shall be retained and disposed of by the clerk of the court in which the exhibits are filed upon the following basis.*

*The order shall apply only to: (1) those cases in which judgment has been rendered on service of process by publication and in which no motion for new trial was filed within two years after judgment was signed; and (2) all other cases in which judgment has been signed for one year and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by a final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.*

*After first giving all attorneys of record thirty days written notice that they have an opportunity to claim and withdraw the trial exhibits, the clerk, unless otherwise directed by the court, may dispose of the exhibits. If any such exhibits is desired by more than one attorney, the clerk shall make the necessary copies and prorate the cost among all the attorneys desiring the exhibit.*

*If the exhibit is not a document or otherwise capable of reproduction, the party who offered the exhibit shall be entitled to claim same; provided, however, that the party claiming the exhibit shall provide a photograph of said exhibit to any other party upon request and payment of the reasonable cost thereof by the other party.*

(As stated above, the language in the Rule 209 order is substantially similar.)

**Texas Federal Court Rules  
relating to  
Exhibit Disposition**

**I. Northern District of Texas**

**LR79.2 Disposition of Exhibits**

***Release While Case Pending.*** Without an order from the presiding judge, no exhibit in the custody of the court may be removed from the clerk's office while the case is pending.

***Removal or Destruction After Final Disposition of Case.*** All exhibits in the custody of the court must be removed from the clerk's office within 60 days after final disposition of a case. The attorney who introduced the exhibits shall be responsible for their removal. Any exhibit not removed within the 60-day period may be destroyed or otherwise disposed of by the clerk.

**LCrR 55.2 Disposition of Exhibits**

***Release While Case Pending.*** Without an order from the presiding judge, no exhibit in the custody of the court may be removed from the clerk's office while the case is pending.

***Removal or Destruction After Final Disposition of Case.*** All exhibits in the custody of the court must be removed from the clerk's office within 60 days after final disposition of a case. The attorney who introduced the exhibits shall be responsible for their removal. Any exhibit not removed within the 60-day period may be destroyed or otherwise disposed of by the clerk.

**II. Southern District of Texas**

**LR79. BOOKS AND RECORDS KEPT BY THE CLERK**

**LR79.1 *Withdrawal of Instruments.*** No filed instrument shall be removed from the clerk's custody without an order.

**LR79.2 *Disposition of Exhibits.***

- A. Exhibits that are not easily stored in a file folder (like posters, parts, or models) must be withdrawn within two business days after the completion of the trial and reduced reproductions or photographs substituted.
- B. If there is no appeal, exhibits will be removed by the offering party within thirty days after disposition of the case. When there is an appeal, exhibits returned by the court of appeals will be removed by the offering party within ten days after written notice from the clerk. Exhibits not removed will be disposed of by the clerk, and the expenses incurred will be taxed against the offering party.

## CrLR55. FILING OF PAPERS

**CrLR55.1. *Withdrawal of Instruments.*** No filed instrument shall be removed from the clerk's custody without an order.

### **CrLR55.2. *Exhibits at Criminal Trials.***

- A. ***Authentication of Exhibits.*** A party requiring authentication of an exhibit must notify the offering party in writing within five days after the exhibit is listed and made available. Failure to object in advance of the trial in writing concedes authenticity.
- B. ***Objections to Exhibits.*** Objections to admissibility of exhibits must be made at least three business days before trial by notifying the Court in writing of the disputes, with copies of the disputed exhibit and authority.
- C. ***Disposition of Exhibits.*** Exhibits that are not easily stored in a file folder (like posters, parts, or models) must be withdrawn within two business days after the completion of the trial and reduced reproductions or photographs substituted.

If there is no appeal, exhibits will be removed by the offering party within thirty days after disposition of the case. When there is an appeal, exhibits returned by the court of appeals will be removed by the offering party within ten days after written notice from the clerk. Exhibits not removed will be disposed of by the clerk, and the expenses incurred will be taxed against the offering party.

## III. Eastern District of Texas

### **LOCAL RULE CV-79 Books and Records Kept by the Clerk**

**(a) *Disposition of Exhibits And/or Sealed Documents by the Clerk.*** Thirty days after a civil action has been finally disposed of by the appellate courts or from the date the appeal time lapsed, the clerk is authorized to take the following actions:

- (1) Exhibits. Destroy any sealed or unsealed exhibits filed therein which have not been previously claimed by the attorney of record for the party offering the same in evidence at the trial;
- (2) Sealed documents. Scan the original documents into electronic images that are stored on the court's computer system in lieu of maintaining the original paper copies.

The clerk shall ensure that the database of scanned images is maintained for the foreseeable future, and that no unauthorized access of the stored images occurs. Once a document has been scanned, the paper original will be destroyed.

**(b) *Removal of Papers, Records, etc.*** The clerk shall not allow the original copy of any papers, records, proceedings, or any other paper, writing or memorandum, belonging to or related to and filed in any civil action in this court to be removed from the clerk's office except by an employee of the court.

**(c) *Submission and Disposition of Trial Exhibits.***

- (1) The parties shall not submit exhibits to the clerk's office prior to a hearing/trial without an



order of the court. The clerk shall return to the party any physical exhibits not complying with this rule.

(2) Trial exhibits shall be properly marked, but not placed in binders. Multiple-paged documentary exhibits should be properly fastened. Additional copies of trial exhibits may be submitted in binders for the court's use.

(3) The parties shall provide letter-sized copies of pictures of any physical or oversized exhibit to the court prior to the conclusion of trial. Oversized exhibits will be returned at the conclusion of the trial or hearing. If parties desire the oversized exhibits to be sent to the appellate court, it will be their responsibility to send them.

#### **LOCAL RULE CR-55 Records**

**(a) *Removal of Papers, Records, etc.*** The clerk shall not allow original copies of any papers, records, etc. in a criminal case to be removed from the clerk's office except by an employee of the court.

**(b) *Disposition of Exhibits and/or Sealed Documents by Clerk.*** Thirty days after a criminal action has been finally disposed of by the appellate courts or from the date the appeal time lapsed, the clerk is authorized to take the following actions:

(1) Exhibits. Destroy any sealed or unsealed exhibits filed therein which have not been previously claimed by the attorney of record for the party offering the same in evidence at the trial. Sealed exhibits submitted in miscellaneous cases to obtain pen registers, wiretaps, etc. will be maintained in the court's vault for three (3) years. At the end of this time, the sealed exhibits will be destroyed;

(2) Sealed documents. Scan the original documents into electronic images that are stored on the court's computer system in lieu of maintaining the original paper copies. The clerk shall ensure that the database of scanned images is maintained for the foreseeable future, and that no unauthorized access of the stored images occurs. Once a document has been scanned, the paper original will be destroyed.

**(c) *Submission and Disposition of Trial Exhibits.***

(1) The parties shall not submit exhibits to the clerk's office prior to a hearing/trial without an order of the court.

(2) Trial exhibits shall be properly marked, but not placed in binders. Multiple-paged documentary exhibits should be properly fastened. If parties wish, additional copies of trial exhibits may be submitted in binders for the court's use.

(3) The parties shall provide letter-sized copies of pictures of any physical or oversized exhibit to the court prior to the conclusion of trial. Oversized exhibits will be returned at the conclusion of the trial or hearing. If parties desire the oversized exhibits to be sent to the appellate court, it will be their responsibility to send them.

#### **IV. Western District of Texas**

##### **RULE CV-79. BOOKS AND RECORDS KEPT BY THE CLERK AND ENTRIES THEREIN**

No record, paper or deposition in the files of the Court shall be taken from the office or custody of the clerk, except upon written consent of the Court. The party offering any exhibit or deposition shall be responsible for its removal from the clerk's office within sixty days after the final disposition of the case, including appeal thereof. A detailed receipt shall be given by the party to the clerk. Any exhibit or deposition remaining more than sixty (60) days after final disposition of the case, including appeal, may be destroyed or otherwise disposed of by the clerk.

##### **RULE CR-55. REMOVAL OF RECORDS AND EXHIBITS**

###### ***(a) Records.***

- (1) Except upon approval of the court, no record or paper in court files may be removed from the clerk.
- (2) A party removing any record or paper must provide the clerk a receipt signed by the party or the party's attorney reflecting each record or paper removed from the clerk.

###### ***(b) Exhibits.***

- (1) Removal After Final Disposition. Within 60 days after final disposition of the case, including appeal, and denial of, or expiration of the time in which to file, a petition for writ of certiorari in the U.S. Supreme Court, the party who offered an exhibit must remove it from the clerk.
- (2) Failure to Remove. Failure to remove any exhibit within 60 days of final disposition of the case may result in the clerk destroying or otherwise disposing of the exhibit.

##### ***Committee Notes***

1. The language of Rule CR-55 has been amended as part of the general restyling of the local criminal rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only, except as noted below.
2. "Final disposition" has been clarified in subsection (b)(1) to include exhaustion of the pursuit of, or expiration of the time for seeking relief in the Supreme Court. This definition of final disposition is consistent with the interpretation of the one-year limitation applicable to a judgment of conviction becoming final for purposes of seeking post-conviction relief pursuant to 28 U.S.C. § 2255. See *United States v. Gamble*, 208 F.3d 536 (5th Cir. 2000).
3. The requirement that the receipt evidencing return of exhibits be signed by the party or attorney reflects current practice.
4. Former Rule CR-55(b) has been restyled as Rule CR-17.1 to conform more closely to the organizational structure of the Federal Rules of Criminal Procedure.
5. As a matter of practice exhibits often are removed by the parties immediately after trial. The clerk's policy and practice are set out in the Clerk's Guidelines for Handling Exhibits, which may be found at the Western District of Texas website at [www.txwd.uscourts.gov](http://www.txwd.uscourts.gov).<sup>1</sup>

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<sup>1</sup> LH Note: I could not find the guidelines online. I have a call into the clerk.

## **Appendix to the Subcommittee Report on Disposing of Exhibits and Depositions after Notice by Publication**

- Appendix A            Letter from Charles Bacarisse to Thomas R. Phillips, January 22, 2003
- Appendix B            Letter from Lisa Hobbs to Chip Babcock, August 11, 2004
- Appendix C            Supreme Court Orders pursuant to Texas Rules of Civil Procedure 14b and  
191.4(e) (formerly 209)
- Appendix D            Local Schedule DC (2<sup>nd</sup> Edition), eff. October 20, 1997; Local Schedule  
CC (2<sup>nd</sup> Edition), eff. October 20, 1997
- Appendix E            55 Tex. B. J. 111, 500 (reprinting orders in Misc. Docket Nos. 92-0024,  
92-0060)

# Appendix A



**CHARLES BACARISSE**  
HARRIS COUNTY DISTRICT CLERK

January 22, 2003

The Honorable Thomas R. Phillips  
Chief Justice  
Supreme Court of Texas  
P. O. Box 12248  
Austin, Texas 78711

Dear Justice Phillips:

The intent of this letter is to seek temporary relief from the restrictions of Rules 14b and 209, Texas Rules of Civil Procedure. The rules state the District Clerk cannot dispose of exhibits and depositions in a civil case unless the attorneys in the case receive individual notice of the intent to destroy these documents from the District Clerk. This process is extraordinarily cumbersome, expensive and ineffective, especially in a county the size of Harris County.

The District Clerk of Harris County maintains the case records for 15 County Criminal Courts at Law, 59 District Courts and 3 Region IV-D Courts. We receive approximately 150,000 new case filings annually. We have an estimated 3.5 million case files, 106,500 civil exhibits and 19,100 civil depositions currently in inventory. The exhibits range from enlarged charts, texts and photographs to 55-gallon drums, automobile parts, torn clothing, etc. Within one year of case disposition, these records become obsolete - not accessed by the public.

In 1991, due to dwindling records storage space, the Harris County District Clerk requested and received signed orders from the Supreme Court of Texas allowing for the destruction of certain exhibits and depositions by posting a notice in the Texas Bar Journal. The records pertaining to those orders were destroyed. In 1997, this office contacted the Supreme Court of Texas regarding a possible rule change to allow for the systematic destruction of these records. We were told a Supreme Court Advisory Committee was formed to address the issue of the retention of court records - including case files, depositions and exhibits. Our expectation at that time was a rule change was to take place rather quickly as this appeared to be a common problem among all the larger Texas counties. Some 5 years later, we still do not have resolution to the on-going problem of storage of depositions and exhibits.

We are struggling with the lack of storage space. Maintaining obsolete records due to cumbersome destruction rules is neither economical nor operationally feasible. We have formulated a plan for consideration by the Supreme Court of Texas regarding the destruction of exhibits and depositions. We believe this plan meets the spirit of 14b and 209 while eliminating the cumbersome, expensive process of notification. If approved this process would remain in effect until official rule changes could be implemented.

The Honorable Thomas R. Phillips

January 9, 2003

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The Harris County District Clerk is requesting the Supreme Court of Texas consider the attached orders to the letter – Relating to the Retention and Disposition of Exhibits By the District Clerk of Harris County (Rule 14b) and Relating to the Retention and Disposition of Depositions By the District Clerk of Harris County. These orders give the Harris County District Clerk permission to dispose of all exhibits and depositions submitted in any case:

- one year after judgment in the case has been rendered, and in which no motion for new trial was filed within two years after judgment was signed or
- in which judgment was signed, and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.

Notification to the attorneys of the intent to destroy the records (exhibits and depositions) would be made through publication in the Texas Bar Journal. The District Clerk of Harris County would dispose of all exhibits and depositions beginning in the third month after the month in which notice of the Clerk's intention to do so is published in the Texas Bar Journal. Attorneys desiring to withdraw exhibits must do so by a published date.

Your timely consideration of this matter would be greatly appreciated.

Sincerely,



CHARLES BACARISSE  
District Clerk

CEB/dkr  
Enclosures

# Appendix B



## The Supreme Court of Texas

Lisa Hobbs, Rules Attorney

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512.463.1312 Facsimile: 512.463.1365

Direct: 512.463.6645

August 11, 2004

Mr. Charles L. Babcock  
Bank of America Plaza  
901 Main Street, Suite 6000  
Dallas, TX 75202

Re: Retention and Disposition of Exhibits and Depositions

Dear Chip,

Justice Hecht requests that the advisory committee study the retention and disposition of exhibits and deposition transcripts. This purpose of this letter is to provide some context and background to this request. Two procedural rules are relevant to this discussion:

The clerk of the court in which the exhibits are filed shall retain and dispose of the same as directed by the supreme court.

TEX. R. CIV. P. 14b.

The clerk of the court shall retain and dispose of deposition transcripts and depositions upon written questions as directed by the Supreme Court.

TEX. R. CIV. P. 191.4(e) (formerly rule 209).

The Court has issued two identical orders related to retention of these court documents.<sup>1</sup> These orders permit clerks to destroy exhibits and deposition transcripts in case one year after final judgment (two years if service was by publication) upon notice to the attorneys of record.

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<sup>1</sup> A copy of one of these orders—currently reprinted in the Texas Rules of Civil Procedure following Rule 14b—is attached. The subject matter of former Rule 209 is covered now by Rule 191.4(e); however, the Court's related order is not reprinted as it was under Rule 209.



Additionally, retention of court records other than depositions and exhibits are governed by statute. Record retention in the courts of appeals is governed partly by Texas Government Code section 51.205.<sup>2</sup> Retention of most trial court records is governed by retention schedules promulgated by the State Library and Archives Commission pursuant to Texas Government Code section 441.158.<sup>3</sup>

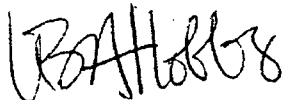
District court clerks have complained about these procedures for some time. Their concerns are primarily with the notice provision and are essentially two-fold: (1) compliance is expensive, especially in larger counties; and (2) compliance, especially in long disposed cases, is very difficult because attorneys have often either passed away or moved. They add that courthouses are running out of record storage space and storage costs are high and increasing.

In response to these complaints, the Court created a Task Force on the Retention of Court Records—a multidisciplinary group of judges, archivists, and clerks—to study the issue. The Task Force was charged with devising a retention system that, on one hand, addressed the clerks' concerns and the practical problems of storage and disposal, yet, at the same time, also considered the potential need for the records in the judicial process and their potential historical significance.

The Task Force never made any formal recommendations to the Court. However, (then Rules Attorney) Bob Pemberton drafted a rule based on discussions during the Task Force meetings.<sup>4</sup> In the end, the Court never promulgated any rule related to exhibit and deposition retention. The Court's primary concern was its uncertainty about how such a rule might affect smaller counties.

Recognizing that the ability to preserve files has undoubtedly gotten less expensive since the late Nineties, Justice Hecht is now open to revisiting this important issue. Accordingly, he met recently with Charles Bacarisse, Harris County District Clerk, to discuss a draft rule his office proposed in January 2003.<sup>5</sup> Mr. Bacarisse hopes that a rule that allows for notice by publication will meet the spirit of Rule 14b while eliminating the cumbersome, expensive process of personal notification. Justice Hecht is sympathetic to his position.

Kind Regards,



Lisa Hobbs

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<sup>2</sup> A copy of a letter to the Court from the Office of Court Administration concerning section 51.205 is attached.

<sup>3</sup> Copies of current schedules DC, pertaining to district clerks, is attached. The schedules pertaining to county clerks and justice and municipal courts are substantially similar, in relevant part, and are available online at <http://www.tsl.state.tx.us/slr/recordspubs/index.html>.

<sup>4</sup> A copy of that draft rule ("Rule 13") is attached.

<sup>5</sup> A copy of a letter to the Court from Mr. Bacarisse, with a proposed rule, is attached.

**Lisa Hobbs**

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**To:** Charles L. Babcock

**Subject:** Document Retention

We talked on Friday about Harris County's request for relief for retaining exhibits and documents. Here are some options:

1. The Court could grant immediate relief by amending the order issued pursuant to TRCPs 14b & 191.4(e) to allow for notice by publication. This would help Harris County considerably, but not probably not solve their problems entirely.
2. The Court could adopt a RJA -- similar to the RJA 13 that Pemberton drafted -- for a more complete solution.

Legislative help: Govt Code 51.204 seems to only allow CAs to microfilm documents for permanent storage. That seems pretty archaic. It also seems counterproductive to county efforts to not only receive and submit records electronically but also to electronically preserve records. Why not allow the CAs to preserve items electronically, rather than microfilm all the records they are starting to receive electronically. Seems like a waste of money.

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**Lisa Hobbs**

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P.O. Box 12248 | Austin, Texas 78711-2248  
512.463.6645 | [lisa.hobbs@courts.state.tx.us](mailto:lisa.hobbs@courts.state.tx.us)

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. \_\_\_\_\_

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## RELATING TO THE RETENTION AND DISPOSITION OF EXHIBITS BY THE DISTRICT CLERK OF HARRIS COUNTY

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### ORDERED:

Pursuant to Rule 14b, Texas Rules of Civil Procedure, exhibits shall be retained by the District Clerk of Harris County as required by law, unless disposed of as allowed by this Order or this Court's general Order effective January 1, 1988, a copy of which is attached.

In any case—

- (1) in which one year has passed since judgment in the case was rendered and no motion for new trial was filed within two years after the judgment was signed, or
- (2) in which a judgment was signed, and no appeal was perfected or a perfected appeal was dismissed, or an appellate court has issued a final judgment as to all parties and the case is no longer pending on appeal or in the trial court.

the District Clerk of Harris County may dispose of all exhibits beginning in the third month after the month in which notice of the Clerk's intention to do so is published conspicuously in the *Texas Bar Journal*, except those materials which, prior to disposition, are withdrawn.

SIGNED AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Thomas R. Phillips, Chief Justice

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Nathan L. Hecht, Justice

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Craig T. Enoch, Justice

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Priscilla R. Owen, Justice

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Harriet O'Neill, Justice

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Wallace Jefferson, Justice

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Michael Schneider, Justice

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Steven W. Smith, Justice

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Dale Wainwright, Justice

**Rule 13. Effect of Signing of Pleadings, Motions and Other Papers; Sanctions**

The signatures of attorneys or parties constitute a certificate by them that they have read the pleading, motion, or other paper; that to the best of their knowledge, information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment. Attorneys or parties who shall bring a fictitious suit as an experiment to get an opinion of the court, or who shall file any fictitious pleading in a cause for such a purpose, or shall make statements in pleading which they know to be groundless and false, for the purpose of securing a delay of the trial of the cause, shall be held guilty of a contempt. If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, after notice and hearing, shall impose an appropriate sanctions available under Rule 215-2b, upon the person who signed it, a represented party, or both.

Courts shall presume that pleadings, motions, and other papers are filed in good faith. No sanctions under this rule may be imposed except for good cause, the particulars of which must be stated in the sanction order. "Groundless" for purposes of this rule means no basis in law or fact and not warranted by good faith argument for the extension, modification, or reversal of existing law. A general denial does not constitute a violation of this rule. The amount requested for damages does not constitute a violation of this rule.

Oct. 29, 1940, eff. Sept. 1, 1941. Amended by orders of July 15, 1987, eff. Jan. 1, 1988; April 24, 1990, eff. Sept. 1, 1990.

**Comment—1990**

To require notice and hearing before a court determines to impose sanctions, to specify that any sanction imposed be appropriate, and to eliminate the 90-day "grace" period provided in the former version of the rule.

**Historical Notes****Source**

District and County Court Rule 51, unchanged.

**Rule 14. Affidavit by Agent**

Whenever it may be necessary or proper for any party to a civil suit or proceeding to make an affidavit, it may be made by either the party or his agent or his attorney.

Oct. 29, 1940, eff. Sept. 1, 1941.

**Historical Notes****Source**

Vernon's Ann.Civ.St. art. 24, unchanged.

**Rule 14a. Repealed by Order of April 10, 1986, eff. Sept. 1, 1986****Historical Notes**

The repealed rule, which provided that the provisions of Rules 430 and 437 were to apply to appellate procedure in all other courts of the state, was added by order dated Oct. 10, 1945.

**Rule 14b. Return or Other Disposition of Exhibits**

The clerk of the court in which the exhibits are filed shall retain and dispose of the same as directed by the Supreme Court.

Added by order of July 20, 1966, eff. Jan. 1, 1967. Amended by order of July 15, 1987, eff. Jan. 1, 1988.

**Supreme Court Order Relating to Retention and Disposition of Exhibits**

In compliance with the provisions of Rule 14b, the Supreme Court hereby directs that exhibits offered or admitted into evidence shall be retained and disposed of by the clerk of the court in which the exhibits are filed upon the following basis.

This order shall apply only to: (1) those cases in which judgment has been rendered on service of process by publication and in which no motion for new trial was filed within two years after judgment was signed; and, (2) all other cases in which judgment has been signed for one year and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by a final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.

After first giving all attorneys of record thirty days written notice that they have an opportunity to claim and withdraw the trial exhibits, the clerk, unless otherwise directed by the court, may dispose of the exhibits. If any such exhibit is desired by more than one attorney, the clerk shall make the necessary copies and prorate the cost among all the attorneys desiring the exhibit.

If the exhibit is not a document or otherwise capable of reproduction, the party who offered the exhibit shall be entitled to claim same; provided, however, that the party claiming the exhibit shall provide a photograph of said exhibit to any other party upon request and payment of the reasonable cost thereof by the other party.

Effective Jan. 1, 1988.

**Rule 14c. Deposit in Lieu of Surety Bond**

Wherever these rules provide for the filing of a surety bond, the party may in lieu of filing the bond deposit cash or other negotiable obligation of the government of the United States of America or any agency thereof, or with leave of court, deposit a negotiable obligation of any bank or savings and loan association chartered by the government of the United States of America or any state thereof that is insured by the government of the United States of America or any agency thereof, in the amount fixed for the surety bond, conditioned in the same manner as would be a surety bond for the protection of other parties. Any interest thereon shall constitute a part of the deposit. Added by order of June 10, 1980, eff. Jan. 1, 1981.





# OFFICE OF COURT ADMINISTRATION

JERRY L. BENEDICT  
Administrative Director

TO: Chief Justice, Supreme Court of Texas  
Presiding Judge, Court of Criminal Appeals  
Chief Justices, Courts of Appeals

FROM: Jeffrey M. Vice

CC: Clerk, Supreme Court of Texas  
Clerk, Court of Criminal Appeals  
Clerks, Courts of Appeals

DATE: April 7, 1998

SUBJECT: Funding for Records Storage in the Intermediate Appellate Courts

Jerry Benedict has asked that funding for records storage in the intermediate appellate courts be included as an agenda item for your meeting on April 16, 1998. As you may be aware, our office has been researching records management in the intermediate appellate courts, and as a result, we have drafted and are enclosing for your review the following:

- Project overview on records storage in the intermediate appellate courts,
- Cost estimates for microfilming appellate records (Attachments 1 and 1.1),
- States' retention periods for appellate records (Attachment 2),
- Estimated annual appellate records storage costs (Attachment 3), and
- Compiled results of January 1998 survey of the appellate clerks.

In the project overview's Actions for Consideration, we have identified possible approaches to address the records storage problem. These include:

- Changing the storage medium for some or all of the records from paper to microfilm (estimates provided),
- Reducing, through statute, the retention period for criminal records from permanent to some lesser period (criminal records retention periods for other states provided for comparison), and
- Ensuring budgets for the 2000-2001 biennium are sufficient to handle current costs, plus projected increases in storage costs or costs associated with developing and implementing records purging projects (current costs estimates provided; projected storage or purging project costs not identified at this time).

Should you have any questions or comments, please do not hesitate to contact me at (512) 936-0197.

## **Project Overview: Records Storage in the Intermediate Appellate Courts**

### The Problem:

Storage, assessment, and disposal of an ever increasing number of intermediate appellate court records and the costs associated with those activities.

### Background:

Texas Government Code §51.204 requires appellate civil case files to be destroyed ten years after final disposition, except for: (1) records containing "highly concentrated, unique, and valuable information unlikely to be found in any other source available to researchers;" (2) indexes, original opinions, minutes, and general court dockets; and, (3) records determined to be of historical value. However, the clerks have not universally exercised their authority to assess civil case files for historical or other value and purge the dated files deemed of no value.

In addition, appellate criminal case files are to be kept permanently. By the end of the next biennium, the courts will be storing two decades worth of criminal records. Due to the volume of civil and criminal records, most of the appellate courts are encountering difficulty in locating space to house those records, and the current space being used does not always meet records retention standards.

Storage situations vary for each appellate court, but some similarities exist. Many of the courts have received considerable, cost-free space and services from the county where they are located. However, several counties are encouraging the clerks to utilize their retention schedules to destroy some of the court records, particularly as the county facilities become space constrained. Also, several courts have transferred many of their older files to the state Archives in Austin or at regional depositories during a time when the Archives were able and willing to take ownership of the court records. Now, the State Library and Archives Commission is unable to serve as a general repository for appellate court records, except in unique situations.

### Actions for Consideration:

1. **Change the storage medium from paper to microfilm.** If criminal records must be kept permanently, converting paper documents to microfilm rolls would alleviate space constraints. Attachment 1 provides microfilming cost estimates based on the clerks' responses to two surveys conducted by the OCA.
2. **Change the statute to reduce the retention period of criminal records.** Reducing the retention period of criminal records would create an essentially finite amount of records to be stored. Twelve of the appellate clerks advocate such a statutory change. Attachment 2 presents an overview of other states' retention periods for criminal records for comparative purposes.



3. **Budget for increasing records storage costs.** Certain courts are facing the possibility of having to seek new or additional storage space from private vendors, particularly if microfilming or a statutory change in the retention period for criminal records does not occur. Cost estimates have not been developed, but monthly fees at the State Records Center run \$.1874 per cubic foot (i.e., per box). Attachment 3 presents current estimated annual appellate records storage costs.
4. **Budget for records assessment and purge projects.** To eliminate backlogs, the OCA could assist interested courts in developing projects to assess their backlogged cases for historical or other value as dictated above. As a benchmark, the 5<sup>th</sup> Court conducted such a project, taking approximately one year to complete, at a cost around \$10,000.
5. **Develop or modify, and then implement, records management procedures.** The OCA is working with the appellate clerks and State Library consultants to identify and present “best practices” associated with records management.

**Attachment 1: Cost Estimates for Microfilming Intermediate Appellate Court Records**

Court	Filming Records Backlog (Based on Jan. 98 Clerks' Estimates)			Filming Annual Accumulation of Records (Based on Jan. 98 Clerks' Estimates)			Filming Annual Accumulation of Records (Based on FY97/98 Annual Rpts.: Total Cases Disposed)		
	Criminal	Civil	TOTAL	Criminal	Civil	TOTAL	Criminal	Civil	TOTAL
1ST COA	\$364,875	\$241,078	\$605,953	\$27,366	\$11,728	\$39,094	\$23,114	\$18,570	\$41,684
2ND COA	\$25,198	\$542,216	\$567,413	\$22,805	\$9,773	\$32,578	\$20,931	\$11,191	\$32,122
3RD COA	\$148,068	\$134,841	\$282,908	\$13,683	\$15,638	\$29,320	\$11,533	\$13,357	\$24,890
4TH COA	\$224,659	\$220,228	\$444,887	\$18,244	\$18,244	\$36,488	\$16,729	\$17,413	\$34,142
5TH COA	\$221,531	\$71,672	\$293,203	\$61,898	\$19,547	\$81,445	\$43,231	\$18,716	\$61,947
6TH COA	\$41,961	\$49,160	\$91,121	\$3,909	\$5,213	\$9,122	\$4,626	\$3,698	\$8,324
7TH COA	\$92,652	\$83,270	\$175,922	\$4,691	\$4,040	\$8,731	\$9,285	\$5,750	\$15,035
8TH COA	\$111,189	\$314,705	\$425,894	\$10,555	\$8,959	\$19,514	\$7,916	\$6,825	\$14,742
9TH COA	\$38,703	\$58,119	\$96,822	\$9,773	\$16,289	\$26,063	\$7,167	\$7,330	\$14,497
10TH COA	\$45,192	\$33,060	\$78,253	\$2,606	\$1,955	\$4,561	\$6,271	\$5,066	\$11,337
11TH COA	\$94,346	\$44,404	\$138,750	\$8,340	\$2,867	\$11,207	\$9,920	\$3,356	\$13,276
12TH COA	\$43,003	\$51,473	\$94,477	\$5,213	\$5,213	\$10,425	\$5,278	\$5,946	\$11,223
13TH COA	\$130,313	\$65,156	\$195,469	\$9,773	\$9,773	\$19,547	\$11,044	\$10,946	\$21,990
14TH COA	\$173,967	\$232,087	\$406,054	\$19,547	\$17,918	\$37,465	\$25,444	\$18,146	\$43,590
<b>TOTALS</b>	<b>\$1,755,656</b>	<b>\$2,141,469</b>	<b>\$3,897,126</b>	<b>\$218,404</b>	<b>\$147,155</b>	<b>\$365,559</b>	<b>\$202,489</b>	<b>\$146,308</b>	<b>\$348,798</b>

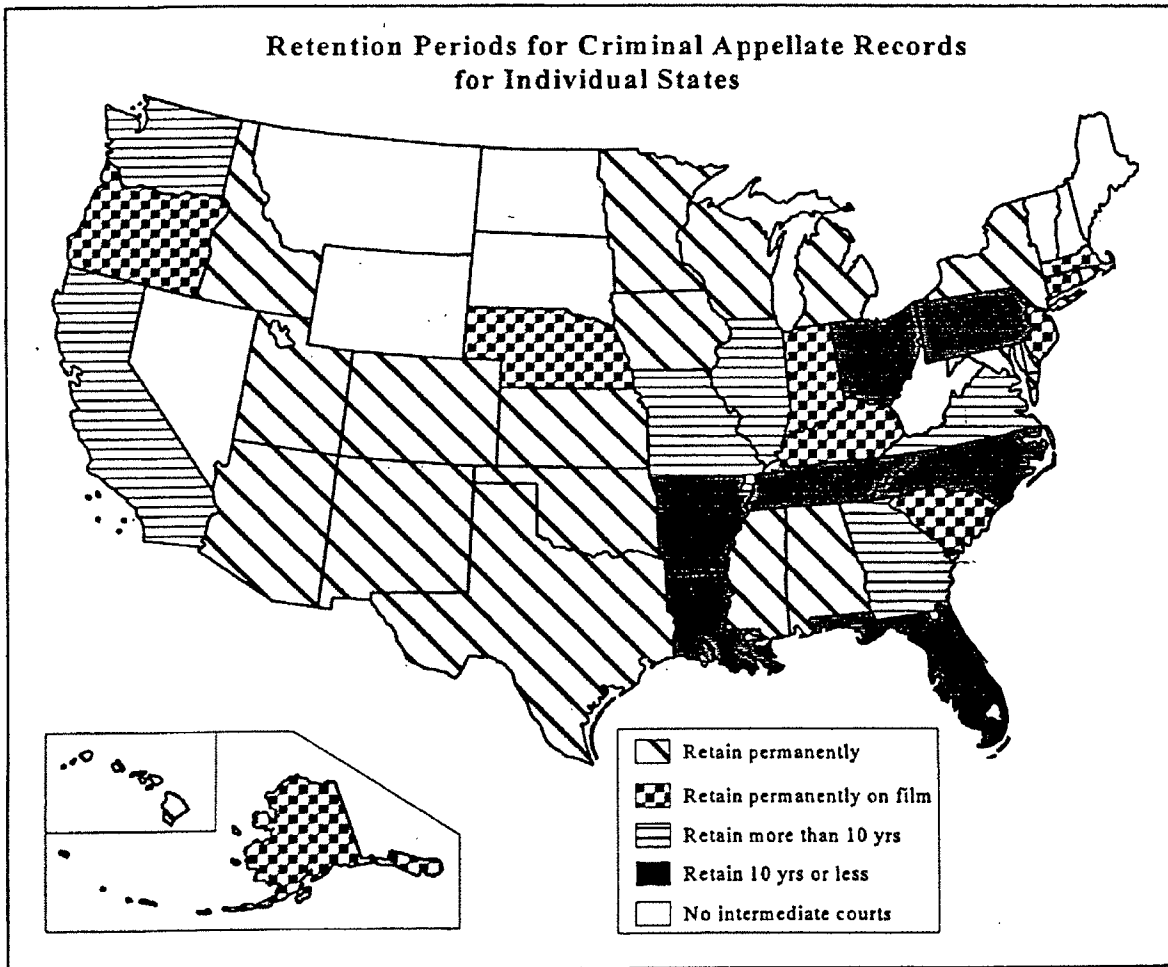
Sources: Survey of Texas' Clerks of Courts of Appeals, Office of Court Administration, 1998  
 Texas Judicial System Annual Reports, Office of Court Administration, FY 1997 & FY 1996  
 Microfilming Cost Estimate Formulas, Texas State Library and Archives Commission, 1998

**Attachment 1.1: Assumptions Used in Developing  
Cost Estimates for Microfilming Intermediate Appellate Court Records**

1. Cost estimates for filming intermediate appellate records backlogs are based on inventory estimates provided by the appellate clerks in their January 1998 survey responses. Two cost estimates for filming annual records accumulations are presented: one is based on inventory estimates provided by the appellate clerks in their January 1998 survey responses, and the other is based on the average of FY97 and FY96 total cases disposed for each court.
2. If a clerk solely provided estimated number of case files (e.g., files kept in shucks), the totals were converted to number of boxes by using a four cases per box ratio.
3. The 2<sup>nd</sup> COA provided a case file count not segregated into civil or criminal. First, the case file count was converted using Assumption 2.; then, since cases counted were from 1921-86, 95% were assigned to civil and 5% to criminal.
4. The cost estimates do not reflect several courts' records reduction activities since the beginning of the year (e.g., the 2<sup>nd</sup> COA has shipped several hundred boxes of pre-1920 cases to the Archives and destroyed hundreds more).
5. The 7<sup>th</sup> COA's cost estimates reflect approximately 3000 case files, from 1991 to 1998, which were not identified in their January 1998 survey response, but are housed on-site.
6. The 13<sup>th</sup> COA's cost estimates do not reflect that approximately 2,000 of the 6,000 case files have previously been microfilmed, per the clerk; consequently, the estimate should be reduced by one-third.
7. Calculation formulas were based on State Library and Archives Commission figures:
  - Total # Documents/Images: 2500 images per box
  - Total # Original/Duplicate Rolls: 4000 images per roll
  - Total # Document Preparation Hours: 1000 images per hour
  - Total # Months to Complete Project: 1 roll prepared and filmēd per day by one person (project length proportionate to number of preparers and photographers)
  - Total Filming Cost: \$.04 per image
  - Total Duplication Cost: \$8.50 per roll
  - Total Document Preparation Cost: \$10 per preparation hour
8. Document preparation includes removal of all fasteners, mending of torn pages, visual inspection, sorting of documents and creation of targets.
9. Cost estimates do not include the cost of microfilm readers/printers, which can average \$6,000 per Ken Hensley, Manager of Micrographics Services at the Texas State Library.
10. Cost estimates do not include any shipping or transportation costs.

**Attachment 2: States' Retention Periods for Intermediate Appellate Court Records**

Retention Period for States with Intermediate Appellate Courts	Number of States by Case Type	
	Criminal Cases	Civil Cases
Permanently	17	16
Permanently on microfilm	9	9
Retain more than 10 years	6	3
Retain 10 years or less	7	11
Subtotal	39	39
States without intermediate appellate courts	11	11
Total	50	50



Source: National Survey Regarding Retention of Appellate Records, Office of Court Administration, 1998.

**Attachment 3: Estimated (May '97) Annual Intermediate Appellate Records Storage Costs**

<b>Court</b>	<b>Cost<sup>1</sup></b>	<b>Comments</b>
1 <sup>st</sup> COA	None	Harris County provides free storage, but is encouraging retention schedule implementation. The court has responded, initiating a records purging project.
2 <sup>nd</sup> COA	\$10,000	This amount has already been greatly diminished by the court's current records purging project. Pre-1920 case files have been transferred to the state Archives, and many civil records deemed valueless by the court are being destroyed.
3 <sup>rd</sup> COA	\$4,200	This amount reflects cost-recovery fees from the State Records Center enacted September 1997. Starting in 2002, storage will be needed for the return each year of one year's worth of criminal records.
4 <sup>th</sup> COA	\$9,852	\$3,444 is actual current court cost, with remainder subsidized by the county, but subsidy under dispute. Pre-1981 civil records transferred to Archives, but still require historical value assessment/file purging.
5 <sup>th</sup> COA	None	Dallas County provides free storage. During this and last fiscal year, the court spent approximately \$10,000 to review, retain, re-file, and purge court records. Pre-1920 case files have been transferred to the state Archives.
6 <sup>th</sup> COA	\$1,200	This amount reflects charges from a private storage vendor.
7 <sup>th</sup> COA	None	County provides free storage. Pre-1920 case files have been transferred to the state Archives.
8 <sup>th</sup> COA	None	El Paso County provides free storage, but has inquired about retention schedules.
9 <sup>th</sup> COA	\$1,000	This amount for purchasing boxes. Special relationship with Archives regional depository enables court to transfer files to Liberty location.
10 <sup>th</sup> COA	\$1,380	This amount reflects charges from a private storage vendor.
11 <sup>th</sup> COA	None	On-site storage only.
12 <sup>th</sup> COA	None	On-site storage only.
13 <sup>th</sup> COA	None	On-site storage only.
14 <sup>th</sup> COA	None	Harris County provides court free storage, but is encouraging retention schedule implementation.
<b>Total</b>	<b>\$27,632</b>	

1. Costs based on clerks' May 1997 responses to OCA survey on records retention (figures were not verified; nor were peripheral costs identified (except by 9<sup>th</sup> COA), such as staff time, jackets, boxes, or shelves)). Costs indicated are per year.

§ 51.204

JUDICIAL BRANCH  
Title 2

SUBCHAPTER C. CLERKS OF COURTS OF APPEALS

§ 51.204. Records of Court

(a) The clerk of a court of appeals shall:

- (1) file and carefully preserve records certified to the court and papers relative to the record;
- (2) docket causes in the order in which they are filed;
- (3) record the proceedings of the court except opinions and orders on motions; and
- (4) certify the judgments of the court to the proper courts.

(b) Upon the issuance of the mandate in each case, the clerk shall notify the attorneys of record in the case that:

- (1) exhibits submitted to the court by a party may be withdrawn by that party or the party's attorney of record; and
- (2) exhibits on file with the court will be destroyed 10 years after final disposition of the case or at an earlier date if ordered by the court.

(c) Not sooner than the 60th day and not later than the 90th day after the date of final disposition of a case, the clerk shall remove and destroy all duplicate papers in the file on record of that case.

(d) Ten years after the final disposition of a civil case in the court, the clerk shall destroy all records filed in the court related to the case except:

- (1) records that, in the opinion of the clerk or other person designated by the court, contain highly concentrated, unique, and valuable information unlikely to be found in any other source available to researchers;
- (2) indexes, original opinions, minutes, and general court dockets unless the documents are microfilmed in accordance with this section for permanent retention, in which case the original document shall be destroyed; and
- (3) other records of the court determined to be archival state records under Section 441.186.

(e) The clerk shall retain other records of the court, such as financial records, administrative correspondence, and other materials not related to particular cases in accordance with Section 441.185.

(f) Before microfilming records, the clerk must submit a plan in writing to the justices of a court of appeals for that purpose. If a majority of the justices of a court of appeals determines that the plan meets the requirements of Section 441.188, rules adopted under that section, and any additional standards and procedures the justices may require, the justices shall inform the clerk in writing and the clerk may adopt the plan. The decision of the justices must be entered in the minutes of the court.

Amended by Acts 1997, 75th Leg., ch. 873, § 2, eff. Sept. 1, 1997.

Historical and Statutory Notes

1997 Legislation

Acts 1997, 75th Leg., ch. 873, in the section heading, substituted "Records of Court" for "Duties"; in subsec. (d), in subd. (2), substituted "in accordance with this section" for "or otherwise reduced", and added subd. (3); deleted subsec. (e); redesignated former subsec. (f) as subsec. (e), and therein substituted "in accordance with Section

441.185" for "for the time period specified by order of the court"; and added subsec. (f). Prior to amendment, subsec. (e) read:

"A record described in Subsection (d)(1) may be transferred to a public or private library or other agency concerned with the preservation of historical documents to be preserved or disposed of as the library or agency may determine."

§ 51.205. Repealed by Acts 1997, 75th Leg., ch. 873, § 8(1), eff. Sept. 1, 1997

Historical and Statutory Notes

The repealed section, relating to preservation of records, was derived from:

Acts 1977, 65th Leg., p. 342, ch. 169.  
Acts 1981, 67th Leg., p. 793, ch. 291, § 46.

JUDICIAL BRANCH  
Title 2

Acts 1985, 69th Leg., ch. 480, § 1.

§ 51.207. Fees and Costs

[See main

(b) The fees are:

(b) The fees are:

- (1) for cases appealed to and fil district and county courts
- (2) motion for leave to file petitio injunction, and other similar of appeals .....
- (3) additional fee if the motion ur
- (4) motion to file or to extend district or county court .....

Amended by Acts 1997, 75th Leg., ch. 1080, § 1.

Historical a

1997 Legislation

Acts 1997, 75th Leg., ch. 1080, in subd. ( substituted "\$100" for "\$50"; in subd. (2), substitut "50" for "\$20"; in subd. (3), substitut "375" for "\$30"; and in subd. (4), substituted "\$1 for "\$5".

Section 2 of Acts 1997, 75th Leg., ch. 10 provides:

Notes

Criminal proceedings 2

2. Criminal proceedings

Although proceeding for forfeiture of appea ance bond is criminal proceeding, costs on appe

SUBCHAPTER D


§ 51.302. Bond; Oath; Insurance

[See main vol:

(c) Each district clerk shall obtain an governmental pool operating under Chap/ district clerk and any deputy clerk against i the performance of official duties. The am/ the maximum amount of fees collected in preceding the term for which the insurance or other coverage document may not be for policy or other coverage document provides the policy must be at least \$1 million.


[See main vol

Amended by Acts 1993, 73rd Leg., ch. 561, § 2, eff



## Records Storage in the Intermediate Appellate Courts

Appellate Court  
Clerks' Meeting  
May 14, 1998



## The Problem

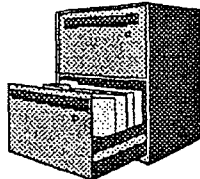
Although court costs for records storage are currently nominal, the likelihood exists that costs will increase as

- the number of records increases
- costs are shifted to the courts




## Current Situation

- Differences between the COAs
  - records backlogs
  - storage venues
    - ◆ county
    - ◆ state
    - ◆ private vendors
  - storage costs
- Similarities between the COAs
  - files accessed infrequently, except for OAG



## Texas Government Code §51.204

- Retain civil case records for 10 years, except
  - records with "...highly concentrated, unique, and valuable information unlikely to be found in any other source available to researchers"
  - indexes, original opinions, minutes, and general court dockets
  - records determined to be archival state records (i.e., historical value)



## Texas Government Code §51.204

- Retain criminal case records permanently
  - retention period dictated by omission and subsequent interpretation
  - district court retention periods are linked to judgment length



## Effects of §51.204

- Civil records accumulation
  - to date - at minimum, 10 years worth
    - ◆ problem - value assessment clause
    - ◆ response - initial retention determination
  - projected - 10 years worth
- Criminal records accumulation
  - to date - almost 20 years worth
  - projected - infinite amount

## Main Actions to Consider

- Change statute to reduce retention period of criminal records
  - ▶ Pro - cost effective
  - ▶ Con - may need criminal records
  - ▶ Cost - none

## States' Criminal Case Retention Periods



Criminal Case Retention Period	Number of States
Retain permanently (on microfilm)	25 (9)
More than 10 yrs	7
10 yrs or less	7

- 39 states have intermediate appellate courts
- Nearly two-thirds retain records permanently

## States' Criminal Case Retention Periods

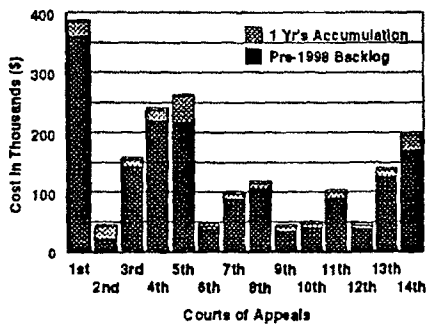
Retention periods for the 10 most populous states

Rank	State	Retention Period (Yrs)	Rank	State	Retention Period (Yrs)
1	CA	10	6	IL	21
2	TX	Permanent	7	OH	2
3	NY	Permanent	8	MI	20
4	FL	5	9	NJ	Perm - film
5	PA	1	10	GA	20

## Main Actions to Consider

- Change records storage medium from paper to microfilm
  - ▶ pro - better access; approved archive medium
  - ▶ con - expensive; not cost effective
  - ▶ cost - \$202,500 annually

## Microfilm Cost Estimates (Criminal Records Only)



## Microfilm Cost Estimates (Criminal Records Only)

For all intermediate appellate courts...

1998 Cost for Microfilming 1 Yr's Worth of Criminal Records	2008 Projected Cost for Storing Cumulative Criminal Records in Paper Format
\$202,500	\$97,000



## **RULE 13. RETENTION AND DISPOSITION OF COURT RECORDS**

**13.1 Applicability.** Except as otherwise provided by law, this rule governs the retention and disposition of court records by the clerk of the court in which the record is filed and maintained.

**13.2 Retention Period.** The clerk of the court in which the following categories of court records are filed and maintained must retain the records, under any method or medium permitted by law, for not less than the time periods set forth below:

**(a) Generally.**

- (1) *Citation.* Until four years after the date of final judgment.
- (2) *Judgments and court orders.*  
Permanently.
- (3) *Pleadings (petitions and answers).* Until 20 years after the date of final judgment.
- (4) *Motions.* Until 20 years after the date of final judgment.
- (5) *Discovery requests and responses.* Until one year after date of final judgment.
- (6) *Oral deposition transcripts and depositions upon written questions.* Until one year after date of final judgment.
- (7) *Exhibits offered and admitted into evidence.* Until one year after date of final judgment.

**(b) Exceptions.**

- (1) *Cases where no final judgment rendered.* In cases that are dismissed without a final judgment being rendered, the retention periods specified in subparagraph (a) run

from the date of dismissal.

- (2) *Cases involving minors.* In cases involving minors, the retention periods specified in subparagraph (a) run from the date the minor reaches the age of majority.
- (3) *Court order.* The court in which a particular record is filed and maintained may order the clerk to retain it for a period of time longer than retention periods specified in subparagraph (a). In so ordering, the court may consider, among other factors:
  - (A) The potential historical significance of the court paper;
  - (B) Other interests of the public in assuring and maintaining access to the court paper;
  - (C) The costs of storing and maintaining the court paper or other similar papers; and
  - (D) The availability of the same or equivalent information through other court papers or other sources.
- (4) *Service by publication.* If any defendant in a case was served by publication, the retention period specified in subparagraphs (a)(6) and (7) must be extended by one year.

### **13.3 Duties of Clerk During Retention Period; Disposal; Withdrawal.**

- (a) *Generally.* During the retention period, the clerk must make the court records listed in Rule 13.2 available for inspection and copying as provided by law.

(b) ***Disposal.***

- (1) *Exhibits and deposition transcripts.* The clerk may, without further notice, dispose of exhibits and oral or written deposition transcripts after thirty days following the end of the applicable retention period, except as provided in paragraph (c).
- (2) *Other types of court records.* The clerk may, without further notice, dispose of other types of court records listed in Rule 13.2(a) after the applicable retention period has expired.

(c) ***Procedures for withdrawing exhibits and depositions.***

- (1) *Time to withdraw.* After the end of the applicable retention period but within thirty days after that date, a party may request the clerk to withdraw an exhibit or oral or written deposition transcript.
- (2) *Withdrawal.*
  - (A) *Generally.* If a party timely requests to withdraw an exhibit or deposition transcript, the clerk must tender the exhibit or transcript to the requesting party on the thirtieth day following the end of the applicable retention period.
  - (B) *Multiple requests.* If more than one party timely requests to withdraw an exhibit or transcript, the clerk must provide copies of the exhibit or transcript to all requesting parties and prorate the cost among all the parties or persons requesting the document.
  - (C) *Exhibit not capable of reproduction.* If an exhibit is not a

document or otherwise cannot be copied, the party claiming the exhibit must provide a photograph of the exhibit upon request and payment of the reasonable cost thereof by the requesting party.

- (3) *Additional time before disposal.* If a party has timely requested to withdraw an exhibit or deposition transcript or exhibit under subparagraph (2), the clerk must retain the exhibit or transcript for an additional three business days and, if not completed by that time, until the clerk has provided any copies of exhibits or transcripts the clerk is required to provide under subparagraph (2).

# APPENDIX C

## Rough Outline of Statutes Relating to Record Retention & Destruction

Code	Court	Mandate
Local Gov't Code § 202.001	DC, CC	<p>A local government record can be destroyed if it is listed on the control schedule and either its retention period has expired or it has been microfilmed or stored electronically in accordance with Ch. 203 and 204 [section also lists other exceptions, e.g., expunction]</p> <p>A local government record cannot be destroyed if subject of litigation, including open records request.</p> <p>A local government record can be donated or loaned to museum or library only after retention period expires.</p> <p>Knowingly or intentionally destroying record in violation of section is Class A Misdemeanor</p>
Local Gov't Code § 201	DC, CC	<p>Defines local government record: any item, regardless of physical form or the public's right to access it, "created or received by a local government or any of its officers or employees pursuant to law . . . or in the transaction of business," except duplicates, reference material, personal stuff, etc. <i>See also</i> Gov't Code § 441.151(8).</p>
Local Gov't Code § 203.042	DC, CC	<p>Local government retention period may not be less than a retention period prescribed by a state or federal law, regulation, or rule of court OR a retention period established on the records retention schedule issued by the commission.</p>
Local Gov't Code § 203.045	DC, CC	<p>If a local government does not file a records control schedule, a local government record may be destroyed only with the prior approval of the commission.</p>
Local Gov't Code § 204	DC, CC	<p>A non-permanent local government record can be destroyed before the expiration of its retention period if microfilmed. But an original, permanent, local government record can only be destroyed if destruction authorization request certifies that microfilm meets state standards. A microfilmed record is an original record.</p>

Code	Court	Mandate
Local Gov't Code § 205	CC, DC	<p>Any local government data may be stored electronically in addition to or instead of source documents in paper. The Comm'n must establish rules for electronic storage of permanent records or records with a retention schedule of 10 years or more. Prior comm'n approval required to store these permanent or high-retention records electronically. If request approved, original source document may be destroyed or returned to the person who filed it. The electronic record is retained until the end of the retention period. IMPORTANTLY: The electronic record AND the hardware or software necessary to provide access to it must be retained by the local government or be available to the local government until the retention period expires.</p> <p>Source documents with retention periods of less than 10 years, if electronically maintained, can be destroyed as long as the local government maintains the electronic record and the hardware or software necessary to provide access to it until the retention period expires.</p>
Gov't Code § 51.105	CCA	Clerk of the CCA may electronically store records. The clerk shall establish a retention period.
Gov't Code § 51.204	CA	<p>Upon issuing mandate, CA shall notify attorney of record that exhibits may be withdrawn and that exhibits on file with the court will be destroyed three years after final disposition of the case or an earlier date if ordered by the court.</p> <p>Between 60-90 days after final disposition, all duplicates destroyed.</p> <p>Civil Case: 6 years after final disposition, clerk shall provide notice the district or county clerk that all records in a case will be destroyed (except minutes, etc. and unless unique or archive-able)</p> <p>For criminal cases who entire sentence (including community supervision) is less then 20 years, clerk shall destroy records 25 years after final disposition</p> <p>"Before microfilming records", clerk must submit plan to the Court for approval. (Does this mean no electronic storage of records for CA? Also, note, no retention/destruction commands for SCT).</p>
Gov't Code § 51.304	DC	Must come up with plan to preserve and store records, including electronically. A reproduction under plan is an original.
Gov't Code § 51.319	DC	A party may make a written request to see a "motion, order or other pleading in the action that is preserved only on microfilm or by other electronic means." The clerk cannot charge a fee.
Gov't Code § 441.0945	DC, CC	County record can be destroyed if on a record schedule and either retention period expired or microfilmed/stored electronically
Gov't Code 441.095	DC, CC	If county record not on the schedule, SLL must approve destruction (60 day notice) and public notice for 10 days.

Code	Court	Mandate
Gov't Code § 441.158'	DC, CC	The SLL shall prepare and distribute retention schedules. The schedules must include retention periods required by law, as well as retention periods for "all other records." <i>"After the adoption of a records retention schedule, a retention period for a record prescribed in a new or amended federal or state law, rule of court, or regulation that differs from that in a records retention schedule prevails over that in the schedule."</i>
Gov't Code § 441.159	CC?	Retention periods for county records contained in county records manual (or amdts before 9/1/89) are validated and have same effect as those adopted under 441.158. (??)
Gov't Code § 441.160	DC, CC	Revisions to schedules based on court rule, statutory changes do not require local government records committee approval
Gov't Code § 441.166	DC, CC	SCT has authority to require a local gov't to retain a record for a specific time
Gov't Code § 441.180	CA, Sct, CCA	Defines "state record"
Gov't Code § 441.181	CA, Sct, CCA	Some records of particular value are "archival state records," 441.180(2), and are preserved under special rules. 441.181; 441.186
Gov't Code § 441.185	CA, Sct, CCA	All state agencies shall prepare a records retention schedule; Comm'n may prescribe minimum retention period unless prescribed by another federal or state law, regulation or rule of court.
Gov't Code § 441.186	CA, Sct, CCA	state record may be destroyed if schedule approved and retention period expired; special request; or exempted (unless litigation, open records request, etc.) A record may be destroyed before retention period expires w/ approval. Comm'n may adopt rules prescribing permissible means by which state records may be destroyed.
Gov't Code § 441.188	CA, Sct, CCA	Any state record may be maintained on microfilm; microfilmed record is original.
Gov't Code § 441.189	CA, Sct, CCA	Any state record may be stored electronically; electronic record is original.
Gov't Code § 441.203		Records Management Interagency Coordinating Council: studies and reports on records management issues.
Gov't Code § 441.242		Texas Historical Records Advisory Board: historical records planning



Code	Court	Mandate
Family Code § 58.006	CC, DC	TC shall order destruction of juvenile records if TC determines no probable cause exists to believe the child engaged in the conduct.
Family Code § 58.0071	CC, DC	Custodian can destroy paper files in juvenile case if stored in electronic format; other special rules for records destruction. <i>“This section does not affect the destruction of physical records and files authorized by the Texas State Library Records Retention Schedule.”</i>
Civ. Prac. & Rem. Code, Ch 144	CC, DC	Special rules/penalties for mental health records. <i>“This chapter supersedes other state law regarding the retention or destruction of patient records.”</i> 144.009
Code Crim Pro. § 2.21	DC, CC	Special rules for disposing of criminal exhibits, including what appears to be a Harris County exception for notice requirements.

SCt, CCA & 14CAs = state agencies

CC, DC\* = local governments

\* some debate on this apparently, but that is how the SLL views it

he believes the suit or proceeding is being prosecuted or defended without authority, cause the attorney to be cited to appear before the court and show his authority to act. The notice of the motion shall be served upon the challenged attorney at least ten days before the hearing on the motion. At the hearing on the motion, the burden of proof shall be upon the challenged attorney to show sufficient authority to prosecute or defend the suit on behalf of the other party. Upon his failure to show such authority, the court shall refuse to permit the attorney to appear in the cause, and shall strike the pleadings if no person who is authorized to prosecute or defend appears. The motion may be heard and determined at any time before the parties have announced ready for trial, but the trial shall not be unnecessarily continued or delayed for the hearing.

(Amended June 10, 1980, eff. Jan. 1, 1981.)

#### Notes and Comments

Source: Art. 320.

Change by amendment effective January 1, 1981: The existing rule is changed to permit a challenge to a plaintiff's attorney, so that all attorneys are subject to a challenge that they are in court without authority.

### RULE 13. EFFECT OF SIGNING OF PLEADINGS, MOTIONS AND OTHER PAPERS; SANCTIONS

The signatures of attorneys or parties constitute a certificate by them that they have read the pleading, motion, or other paper; that to the best of their knowledge, information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment. Attorneys or parties who shall bring a fictitious suit as an experiment to get an opinion of the court, or who shall file any fictitious pleading in a cause for such a purpose, or shall make statements in pleading which they know to be groundless and false, for the purpose of securing a delay of the trial of the cause, shall be held guilty of a contempt. If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, after notice and hearing, shall impose an appropriate sanction available under Rule 215-2b, upon the person who signed it, a represented party, or both.

Courts shall presume that pleadings, motions, and other papers are filed in good faith. No sanctions under this rule may be imposed except for good cause, the particulars of which must be stated in the sanction order. "Groundless" for purposes of this rule means no basis in law or fact and not warranted by good faith argument for the extension, modification, or reversal of existing law. A general denial does not constitute a violation of this rule. The amount re-

quested for damages does not constitute a violation of this rule.

(Amended July 15, 1987, eff. Jan. 1, 1988; April 24, 1990, eff. Sept. 1, 1990.)

#### Notes and Comments

Source: Texas Rule 51 (for District and County Courts), unchanged.

Comment to 1990 change: To require notice and hearing before a court determines to impose sanctions, to specify that any sanction imposed be appropriate, and to eliminate the 90-day "grace" period provided in the former version of the rule.

#### Publisher's Note

Rule 13, as amended by the Supreme Court Order of July 15, 1987, effective January 1, 1988, contained the following paragraph:

"SB No. 5, Article 2. Trial; Judgment, Section 2.01. Subtitle A, Title 2, Civil Practice and Remedies Code, Chapter 9 "F frivolous Pleadings and Claims" otherwise to be effective September 2, 1987, insofar as it conflicts with this rule, is repealed pursuant to Tex.Const. Art. 5, § 31, and Tex.Gov.Code § 22.004(c)."

Rule 13, as amended by the Supreme Court Order of April 24, 1990, effective September 1, 1990, does not contain the above-quoted paragraph.

### RULE 14. AFFIDAVIT BY AGENT

Whenever it may be necessary or proper for any party to a civil suit or proceeding to make an affidavit, it may be made by either the party or his agent or his attorney.

#### Notes and Comments

Source: Art. 24, unchanged.

### RULE 14a. [REPEALED]

(Repealed April 10, 1986, eff. Sept. 1, 1986.)

### RULE 14b. RETURN OR OTHER DISPOSITION OF EXHIBITS

The clerk of the court in which the exhibits are filed shall retain and dispose of the same as directed by the Supreme Court.

(Added July 20, 1966, eff. Jan. 1, 1967; amended July 15, 1987, eff. Jan. 1, 1988.)

#### Notes and Comments

Note: This is a new rule, effective January 1, 1967.

### SUPREME COURT ORDER RELATING TO RETENTION AND DISPOSITION OF EXHIBITS

In compliance with the provisions of Rule 14b, the Supreme Court hereby directs that exhibits offered or admitted into evidence shall be retained and disposed

of by the clerk of the court in which the exhibits are filed upon the following basis.

This order shall apply only to: (1) those cases in which judgment has been rendered on service of process by publication and in which no motion for new trial was filed within two years after judgment was signed; and, (2) all other cases in which judgment has been signed for one year and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by a final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.

After first giving all attorneys of record thirty days written notice that they have an opportunity to claim and withdraw the trial exhibits, the clerk, unless otherwise directed by the court, may dispose of the exhibits. If any such exhibit is desired by more than one attorney, the clerk shall make the necessary copies and prorate the cost among all the attorneys desiring the exhibit.

If the exhibit is not a document or otherwise capable of reproduction, the party who offered the exhibit shall be entitled to claim same; provided, however, that the party claiming the exhibit shall provide a photograph of said exhibit to any other party upon

request and payment of the reasonable cost thereof by the other party.

#### Notes and Comments

Order effective January 1, 1988.

### RULE 14c. DEPOSIT IN LIEU OF SURETY BOND

Wherever these rules provide for the filing of a surety bond, the party may in lieu of filing the bond deposit cash or other negotiable obligation of the government of the United States of America or any agency thereof, or with leave of court, deposit a negotiable obligation of any bank or savings and loan association chartered by the government of the United States of America or any state thereof that is insured by the government of the United States of America or any agency thereof, in the amount fixed for the surety bond, conditioned in the same manner as would be a surety bond for the protection of other parties. Any interest thereon shall constitute a part of the deposit.

(Added June 10, 1980, eff. Jan. 1, 1981.)

#### Notes and Comments

This new rule authorizes various deposits in lieu of a surety bond.

## PART II. RULES OF PRACTICE IN DISTRICT AND COUNTY COURTS

### SECTION 1. GENERAL RULES

#### RULE 15. WRITS AND PROCESS

The style of all writs and process shall be "The State of Texas;" and unless otherwise specially provided by law or these rules every such writ and process shall be directed to any sheriff or any constable within the State of Texas, shall be made returnable on the Monday next after expiration of twenty days from the date of service thereof, and shall be dated and attested by the clerk with the seal of the court impressed thereon; and the date of issuance shall be noted thereon.

#### Notes and Comments

Source: Art. 2286.

#### RULE 16. SHALL ENDORSE ALL PROCESS

Every officer or authorized person shall endorse on all process and precepts coming to his hand the day and hour on which he received them, the manner in which he executed them, and the time and place the

process was served and shall sign the returns officially.

(Amended July 15, 1987, eff. Jan. 1, 1988.)

#### Notes and Comments

Source: Art. 6875, with minor textual changes.

Comment to 1988 Change: Article 3926a, effective September 1, 1981, authorizes the commissioner's court of each county to set a "reasonable" fee for service of process; mileage is no longer an authorized expense for serving process.

#### RULE 17. OFFICER TO EXECUTE PROCESS

Except where otherwise expressly provided by law or these rules, the officer receiving any process to be executed shall not be entitled in any case to demand his fee for executing the same in advance of such execution, but his fee shall be taxed and collected as other costs in the case.

#### Notes and Comments

Source: Art. 3911.

residence of the witness to whom the written questions are propounded, and that a deposition will be taken on or after the fourteenth day after the first publication of such notice.

In suits where service of citation has been made by publication, and the defendant has not answered within the time prescribed by law, service of notice of depositions upon written questions may be made at any time after the day when the defendant is required to answer, by filing the notice among the papers of the suit at least twenty days before such depositions are to be taken.

**3. Cross-Questions, Redirect Questions, Recross Questions and Formal Objections.** Any party may serve cross-questions upon all other parties within ten days after the notice and direct questions are served. Within five days after being served with cross-questions a party may serve redirect questions upon all other parties. Within three days after being served with redirect questions a party may serve recross questions upon all other parties. Objections to the form of written questions are waived unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other questions and within five days after service of the last questions authorized. The court may for cause shown enlarge or shorten the time.

**4. Deposition Officer; Interpreter.** Any person authorized to administer oaths including notaries public (whether or not the person is a certified shorthand reporter), is an officer who is authorized to issue a subpoena or subpoena duces tecum for a written deposition as provided in Rule 201 and is an officer before whom a written deposition may be taken. An officer who is authorized to take a written deposition shall have authority, when he deems it expedient, to summon and swear an interpreter to facilitate the taking of the deposition.

**5. Officer to Take Responses and Prepare Record.** A copy of the notice and copies of all questions served shall be delivered by the party taking the deposition to the officer designated in the notice, who shall proceed promptly to administer an oath to the witness in the manner provided in paragraph 2 of Rule 204, to take the testimony of the witness in response to the questions in the manner provided in paragraph 3 of Rule 204 and to prepare, certify and deliver the deposition, in the manner provided by Rules 205 and 206, attaching thereto the copy of the notice and questions received by him.

The officer delivering the deposition transcript shall give prompt notice of its delivery to all parties. It shall be sufficient notice of delivery for the officer to forward to each party a copy of the officer's certification described in paragraph 1 of Rule 206.

(Added Dec. 5, 1983, eff. April 1, 1984; amended July 15, 1987, eff. Jan. 1, 1988; April 24, 1990, eff. Sept. 1, 1990.)

#### Notes and Comments

This is a new rule effective April 1, 1984. Former rule 208 is incorporated into Rule 206. This new rule revises and consolidates the written deposition practice as formerly stated in Rules 189, 190, 191, 192, 196, 197 and 198 except that the use of written depositions in court proceedings is covered by new Rule 207.

Section 4 states that a person authorized to administer oaths, such as a notary public, may take written depositions, even though that person is not a certified shorthand reporter.

Section 5, by reference to new Rules 205 and 206, conforms the taking of the written deposition, its filing and other procedures to the oral deposition practice.

Comment to 1990 change: Rule 208 is modified to conform to Rule 200 and permit the deposition on written questions of a defendant prior to appearance date with permission of the court. Rule 208 is also amended to provide for persons who may attend deposition without notification, and to provide for reasonable notice of any party's intent to have any other persons attend.

#### RULE 208a. [REPEALED]

(Repealed Dec. 5, 1983, eff. April 1, 1984.)

#### Notes and Comments

For subject matter of former rule 208a, see, now, rule 206.

#### RULE 209. RETENTION AND DISPOSITION OF DEPOSITION TRANSCRIPTS AND DEPOSITIONS UPON WRITTEN QUESTIONS

The clerk of the court in which the deposition transcripts and depositions upon written questions are filed shall retain and dispose of same as directed by the Supreme Court.

(Added July 15, 1987, eff. Jan. 1, 1988.)

#### Notes and Comments

For subject matter of former rule 209, see, now, rule 205.

#### SUPREME COURT ORDER RELATING TO RETENTION AND DISPOSITION OF DEPOSITION TRANSCRIPTS AND DEPOSITIONS UPON WRITTEN QUESTIONS

In compliance with the provisions of Rule 209, the Supreme Court hereby directs that deposition transcripts and depositions upon written questions be retained and disposed of by the clerk of the court in which the same are filed upon the following basis.

This order shall apply only to: (1) those cases in which judgment has been rendered on service of process by publication and in which no motion for new trial was filed within two years after judgment was signed; and, (2) all other cases in which judgment has been signed for one year and in which no appeal was

perfected or in which a perfected appeal was dismissed or concluded by a final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.

After first giving all the attorneys of record written notice that they have an opportunity to claim and withdraw the same, the clerk, unless otherwise directed by the court, may dispose of them thirty days after giving such notice. If any such document is desired by more than one attorney, the clerk shall make the necessary copies and prorate the cost among all the attorneys desiring the document.

Order effective Jan. 1, 1988.

### RULES 210 TO 214. [REPEALED]

(Repealed Dec. 5, 1983, eff. April 1, 1984.)

#### Notes and Comments

For subject matter of former rule 210, see, now, rule 206.

For subject matter of former rules 211 to 213, see, now, rule 207.

### RULE 215. ABUSE OF DISCOVERY; SANCTIONS

**1. Motion for Sanctions or Order Compelling Discovery.** A party, upon reasonable notice to other parties and all other persons affected thereby, may apply for sanctions or an order compelling discovery as follows:

a. *Appropriate Court.* On matters relating to a deposition, an application for an order to a party may be made to the court in which the action is pending, or to any district court in the district where the deposition is being taken. An application for an order to a deponent who is not a party shall be made to the court in the district where the deposition is being taken. As to all other discovery matters, an application for an order will be made to the court in which the action is pending.

b. *Motion.*

(1) If a party or other deponent which is a corporation or other entity fails to make a designation under Rules 200-2b, 201-4 or 208; or

(2) if a party, or other deponent, or a person designated to testify on behalf of a party or other deponent fails:

(a) to appear before the officer who is to take his deposition, after being served with a proper notice; or

(b) to answer a question propounded or submitted upon oral examination or upon written questions; or

(3) if a party fails:

(a) to serve answers or objections to interrogatories submitted under Rule 168, after proper service of the interrogatories; or

(b) to answer an interrogatory submitted under Rule 168; or

(c) to serve a written response to a request for inspection submitted under Rule 167, after proper service of the request; or

(d) to respond that discovery will be permitted as requested or fails to permit discovery as requested in response to a request for inspection submitted under Rule 167;

the discovering party may move for an order compelling a designation, an appearance, an answer or answers, or inspection or production in accordance with the request, or apply to the court in which the action is pending for the imposition of any sanction authorized by paragraph 2b herein without the necessity of first having obtained a court order compelling such discovery.

When taking a deposition on oral examination, the proponent of the question may complete or adjourn the examination before he applies for an order.

If the court denies the motion in whole or in part, it may make such protective order as it would have been empowered to make on a motion pursuant to Rule 166b.

c. *Evasive or Incomplete Answer.* For purposes of this subdivision an evasive or incomplete answer is to be treated as a failure to answer.

d. *Disposition of Motion to Compel: Award of Expenses.* If the motion is granted, the court shall, after opportunity for hearing, require a party or deponent whose conduct necessitated the motion or the party or attorney advising such conduct or both of them to pay, at such time as ordered by the court, the moving party the reasonable expenses incurred in obtaining the order, including attorney fees, unless the court finds that the opposition to the motion was substantially justified or that other circumstances make an award of expenses unjust. Such an order shall be subject to review on appeal from the final judgment.

If the motion is denied, the court may, after opportunity for hearing, require the moving party or attorney advising such motion, to pay to the party or deponent who opposed the motion the reasonable expenses incurred in opposing the motion, including attorney fees, unless the court finds that the making of the motion was substantially justified or that other circumstances make an award of expenses unjust.

If the motion is granted in part and denied in part, the court may apportion the reasonable expenses incurred in relation to the motion among the parties and persons in a just manner.

RULES OF APPELLATE PROCEDURE

IN THE SUPREME COURT OF TEXAS  
ORDER REGARDING DISPOSITION OF COURT PAPERS IN CIVIL CASES

ORDERED that:

**A. Definitions.**

1. *Court records or records* means:

(a) the clerk's record;

(b) the reporter's record; and

(c) any other documents or items filed, or presented for filing and received in an appellate court in a particular case.

2. *Appellate record* means the clerk's record and the reporter's record and any supplements.

**B. In the Courts of Appeals.** The following paragraphs govern disposing of court records by the courts of appeals.

1. *Determination of permanent preservation.* Before any court records are destroyed, the court of appeals must—under Section 51.205 of the Government Code and State Archives guidelines—determine whether the records should be permanently preserved:

2. *Initial determination.* Immediately after final disposition of an appeal or other proceeding, the panel that decided the case must determine whether the case's records should be permanently preserved and must file with the records a statement declaring that the records should or should not be permanently preserved.

3. *Later determination.* After its initial determination, but before any court records are destroyed, the court of appeals may reexamine its initial determination under 2. and may change its designation.

4. *Original papers and exhibits in appeals.* Whatever the court determines concerning permanent preservation of a case's records, any original documents or exhibits must, within 30 days after final disposition of an appeal or other proceeding, be returned to the trial court in accordance with any trial court order entered under Rules 34.5(f) and 34.6(g). The court of appeals may, but need not, copy those documents and exhibits before returning them to the trial court. The court of appeals may dispose of copies of nondocumentary exhibits after the case is final on appeal.

5. *All other papers and exhibits.* Subject to paragraph 4., the court of appeals must keep and preserve all records of a case (except duplicates) until they are ultimately disposed of under this rule.

6. *Ultimate disposition.* After the period prescribed by Section 51.204 of the Government Code or other applicable statute has expired, the court of appeals must:

(a) destroy those records the court has determined need not be permanently preserved; and

(b) turn over to the State Archives or other repository allowed by law those records the court has determined should be permanently preserved.

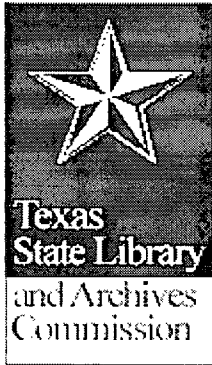
**C. In the Supreme Court.** The following paragraphs govern disposing of court records by the Supreme Court:

1. *If case reversed and remanded to court of appeals.* If the Supreme Court grants review and remands the case to the court of appeals, the Supreme Court will return the appellate record to the court of appeals. The court of appeals will then dispose of the court records in accordance with subdivision B. The Supreme Court will keep and preserve all remaining items (except duplicates) until they are turned over to the State Archives as provided by law.

2. *If case affirmed or reversed and remanded to trial court.* If the Supreme Court grants review and either affirms the court of appeals or reverses and remands to the trial court, the Supreme Court will not return the appellate record but will keep and preserve all records of the case (except duplicates) until those records are turned over to the State Archives as provided by law.

3. *In all other cases.* In all other cases, the Supreme court will return the appellate record to the court of appeals and keep and preserve all remaining records of the case (except duplicates) until they are turned over to the State Archives as provided by law.

# APPENDIX D



## **LOCAL SCHEDULE LC**

### **Retention Schedule for Records of Justice and Municipal Courts**

*Effective February 1, 1992*

This schedule establishes mandatory minimum retention periods for the records listed. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period for a record that is less than that established for the record on this schedule. The originals of records listed in this schedule may be disposed of prior to the expiration of the stated minimum retention period if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under authority of those chapters. Actual disposal of such records by a local government or an elective county office is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under its authority, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Open Records Act (Government Code, Chapter 552).

## **INTRODUCTION**

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the commission.

Local Schedule LC sets mandatory minimum retention periods for records series (identified in the Records Series Title column) that are usually found in justice and/or municipal courts. If the retention period for a record is established in a federal or state law, rule of court, or regulation, a citation to the relevant provision is given; if no citation is given, the authority for the retention period is this schedule.



The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period, again unless otherwise noted, applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

If a record described in this schedule is maintained in a bound volume of a type in which pages are not designed to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is **less than permanent** may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is **permanent** on this schedule, authority to dispose of the damaged record must be obtained from the director and librarian of the Texas State Library. The Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Requests for Authority to Destroy Unscheduled Records (SLR 501), whose submission to the director and librarian of the Texas State Library is required by the Local Government Code, Section 203.045, need not be filed for records shown as exempt from the requirement.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described. Although AV may be used as a retention period on a records control schedule of a local government, it is in the best interests of any records management program that fixed retention periods be assigned for each records series. AV records tend to accumulate and go unmanaged.

## **ABBREVIATIONS USED IN THIS SCHEDULE**

AV - As long as administratively valuable

FE - Fiscal year end

US - Until Superseded

## **TABLE OF CONTENTS**

Part 1: Civil and Criminal Records

Part 2: Inquest Records

Part 3: Vital Statistics Records

Part 4: Miscellaneous Records

## RECORDS OF JUSTICE AND MUNICIPAL COURTS

**Retention Note:** Notwithstanding any retention periods set in this schedule, all case papers, dockets, or other records of a municipal or justice court dated 1876 or earlier **must** be retained permanently. This schedule also recommends, **but does not require**, that criminal dockets dated from 1877 to 1920 be retained permanently for historical reasons.

### PART 1: CIVIL AND CRIMINAL RECORDS

**2350-01 APPEAL OR TRANSFER RECORD** - Record or register of cases appealed from a court and/or records of case transfers as a result of an examining trial. **RETENTION:** AV. (Exempt from destruction request requirement)

**2350-02 BAIL BOND RECORDS** - Ledgers or books recording the setting or taking by the court of bail or recognizance bonds. **RETENTION:** 3 years.

**2350-03 CASE PAPERS** (including documentation maintained by a court arising from the actions of its judge as a magistrate)

a) Administrative hearing case papers. **RETENTION:** 1 year after judgment rendered or proceedings terminated. (Exempt from destruction request requirement)

b) Civil case papers (including small claims and scire facias). **RETENTION:** 10 years after case closed.

**Retention Note:** Case papers of cases dismissed for want of prosecution, on motion of the plaintiff, or for other reasons within the power of the court need only be retained for 4 years from the date the case was originally filed.

c) Criminal case papers (including traffic offenses and violations of municipal ordinances) *except:* **RETENTION:** 5 years from date of offense.

1) Papers in cases dismissed for want of prosecution or for other reasons within power of the court. **RETENTION:** 5 years from date of offense.

2) Unserved arrest warrants for misdemeanors within jurisdiction of the court. **RETENTION:** 4 years after issuance.

**Retention Note:** Prior to the purging and disposal of any unserved arrest warrants under this item number, the warrants must be dismissed by the judge in a manner permitted by law. If a judge dismisses unserved warrants at any time prior to 4 years after issuance, they still must be retained until the expiration of the retention period.

3) Parking or pedestrian violation tickets that have been cleared by payment, dismissal, or other action. RETENTION: 6 months. (Exempt from destruction request requirement, unless the tickets must be retained for FE + 3 years)

**Retention Note:** It is an exception to the 6-month retention period that if the tickets are used as vouchers for direct posting to receipt journals or ledgers, the tickets must be retained for FE + 3 years.

d) Examining trial case papers. RETENTION: AV. (Exempt from destruction request requirement)

**Retention Note:** If copies of statutory warnings are maintained only as carbons in bound volumes, the volumes must be retained for 5 years after last entry.

#### **2350-04 DOCKETS AND DOCKET SHEETS**

**Retention Notes:** a) The retention periods in this record group also apply to docket sheets or the record equivalent in purpose to a docket in those courts that do not maintain dockets in bound volumes.

b) If any docket listed under (a)-(f) contains records of inquests, it must be retained permanently.

a) Civil docket (including small claims and scire facias). RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

b) Criminal docket (including traffic offenses and violations of municipal ordinances). RETENTION: 5 years.

c) Civil and criminal docket (recording cases of both types in one volume). RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

d) Administrative hearing docket. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

e) Execution docket. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

f) Examining trial dockets. RETENTION: 5 years.

g) Call dockets or docket sheets or any other working copy or preliminary version of a docket or docket sheet for the use of clerks, bailiffs, or judges before entry of the information into any of the dockets noted under (a)-(f). RETENTION: AV after entry of information into court docket. (Exempt from destruction request requirement)

**2350-05 FEE BOOKS** - Books or ledgers detailing fees or costs accrued in cases heard by the court and status of payment or waiver of costs or fees, if maintained separately from dockets. RETENTION: FE + 5 years.

**2350-06 JURY RECORDS**

- a) Jury venire lists. RETENTION: 1 year. (Exempt from destruction request requirement)
- b) Juror information and reply forms. RETENTION: 1 year. (Exempt from destruction request requirement)

**2350-07 PROCESS LOGS/ PROCESS REGISTERS** - Stub books, carbon books, logs, or registers listing warrants, subpoenas, summonses, or citations issued by or under the authority of the court. RETENTION: 5 years.

**2350-08 REPORTS TO STATE AGENCIES**

- a) Statistical reports to the Texas Judicial Council. RETENTION: 3 years.
- b) Reports of motor carrier convictions (State Comptroller Form 40-109 or equivalent). RETENTION: AV. (Exempt from destruction request requirement)
- c) Traffic conviction abstracts and reports of death arising from traffic accidents submitted to the Texas Department of Public Safety. RETENTION: AV. (Exempt from destruction request requirement)

**2350-09 WITNESS RECORD** - Register of witnesses subpoenaed, attached, or recognized in criminal cases, if maintained separately from the criminal dockets. RETENTION: 5 years.

**PART 2: INQUEST RECORDS**

**2375-01 FIRE INQUEST RECORDS**

- a) Case papers. RETENTION: AV. (Exempt from destruction request requirement)
- b) Docket or record. RETENTION: PERMANENT.

**2375-02 INQUEST RECORDS**

- a) Case papers.
  - 1) Arising from inquests or inquest hearings initiated August 31, 1987 or earlier. RETENTION: Destroy at option. (Exempt from destruction request requirement)

2) Arising from inquests or inquest hearings initiated September 1, 1987 and after.  
RETENTION: PERMANENT. [By law - Code of Criminal Procedure, art. 49.15(b).]

**Retention Note:** Prior to September 1, 1987 case papers arising from an inquest were forwarded by the justice to the district clerk. Since that date case papers are retained and become a part of the inquest docket or record and only an inquest summary report is forwarded. The only case papers retained by a justice of the peace or other magistrate before September 1, 1987 are likely to be copies of materials forwarded. Creation and retention of copies was not required by law.

b) Docket or record. RETENTION: PERMANENT. [By law - Code of Criminal Procedure, art. 49.15(b).]

### **PART 3: VITAL STATISTICS RECORDS**

**Retention Notes:** a) Since 1927, each justice of the peace precinct serves as a primary registration district for the registry of births and deaths, unless, by agreement, the county clerk assumes primary registration duties. The records in this section arise from the duties of justice of the peace as a local registrar.

b) This section applies to and is binding upon city clerks or secretaries who serve as local registrars of vital statistics.

**2400-01 BIRTH AND DEATH RECORD** (combination of the Birth Record and Death Record).  
RETENTION: PERMANENT. [By law - Health and Safety Code, Section 191.026.]

**2400-02 BIRTH RECORD (REGISTER OF BIRTHS)** - Recorded or bound duplicate copies of birth certificates, delayed birth certificates, or amended birth certificates. RETENTION: PERMANENT. [By law - Health and Safety Code, Section 191.026.]

**2400-03 BURIAL TRANSIT PERMIT RECORDS** - Stubs, copies, or lists of burial transit permits issued. RETENTION: 2 years.

**2400-04 DEATH RECORD (REGISTER OF DEATHS)** - Recorded or bound duplicate copies of death certificates, fetal death certificates, or amended death certificates. RETENTION: PERMANENT. [By law - Health and Safety Code, Section 191.026.]

#### **2400-05 DISINTERMENT RECORD**

a) Copies of disinterment permits. RETENTION: PERMANENT.

b) Applications for permits. RETENTION: 2 years.

**2400-06 NOTIFICATIONS OF DEATH OF PERSONS UNDER 55** - Abstracts, transcripts, or copies of death certificates from the Bureau of Vital Statistics of persons under age 55 (or under 18 prior to May 1987), whose birth certificates are recorded in an office of a local registrar. RETENTION: Until notation made in Birth Record. (Exempt from destruction request requirement)

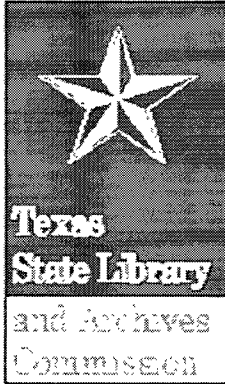
**2400-07 REPORTS OF DEATH** - Reports of death filed by funeral directors or persons acting as such. RETENTION: Until receipt of death certificate. (Exempt from destruction request requirement)

#### **PART 4: MISCELLANEOUS RECORDS**

**Retention Note:** For financial, personnel, or administrative records of a justice or municipal court not listed in this section see Local Schedule GR.

**2425-01 ACKNOWLEDGMENT RECORD** - Record of acknowledgments or proofs of instruments taken by justices of the peace. RETENTION: 10 years.

**2425-02 COST DEPOSIT RECORDS** - Journal, ledger, or similar records detailing receipts to and disbursements from monies deposited to cover costs in civil proceedings. RETENTION: FE + 5 years.



## **LOCAL SCHEDULE DC (2nd edition)**

### **Retention Schedule for Records of District Clerks**

*Effective October 20, 1997*

This schedule establishes mandatory minimum retention periods for the records listed. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period for a record that is less than that established for the record on this schedule. The originals of records listed in this schedule may be disposed of prior to the expiration of the stated minimum retention period if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under authority of those chapters. Actual disposal of such records by a local government or an elective county office is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under its authority, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Open Records Act (Government Code, Chapter 552).

### **INTRODUCTION**

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the commission.

Local Schedule DC sets mandatory minimum retention periods for records series (identified in the Records Series Title column) maintained by district clerks. If the retention period for a record is established in a federal or state law, rule of court, or regulation, a citation to the relevant provision is given; if no citation is given, the authority for the retention period is this schedule.



The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period, again unless otherwise noted, applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

If a record described in this schedule is maintained in a bound volume of a type in which pages are not designed to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is **less than permanent** may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is **permanent** on this schedule, authority to dispose of the damaged record must be obtained from the director and librarian of the Texas State Library. The Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Requests for Authority to Destroy Unscheduled Records (SLR 501), whose submission to the director and librarian of the Texas State Library is required by the Local Government Code, Section 203.045, need not be filed for records shown as exempt from the requirement.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described. Although AV may be used as a retention period on a records control schedule of a local government, it is in the best interests of any records management program that fixed retention periods be assigned for each records series. AV records tend to accumulate and go unmanaged.

## AMENDMENT NOTICE

An item number that is preceded by an asterisk (\*) indicates either that the retention period or the description of the record series has been changed from that which appeared in the edition of Local Schedule DC, effective November 1, 1994, or the records series is new to this schedule. An asterisk is also used before a retention note that has been amended or added at the beginning of the schedule or any of its parts or sections. Changes to legal citations or non-substantive editorial changes are not noted.

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## ABBREVIATIONS USED IN THIS SCHEDULE

AR - After release, replacement, termination, or cancellation of the instrument; or, if recorded, of all instruments in volume

AV - As long as administratively valuable

FE - Fiscal year end

US - Until superseded

## RECORDS OF DISTRICT CLERKS

**Retention Notes:** a) *TEXAS COUNTY RECORDS MANUAL RENDERED WITHOUT EFFECT* - The adoption and issuance of the first edition of this schedule by the Texas State Library and Archives Commission rendered without effect Section 2 of Volume II of the Texas County Records Manual as amended through February 15, 1993. District clerks should not use any part of the Texas County Records Manual to determine minimum retention periods or the requirements of local government records laws.

b) *USE OF LOCAL SCHEDULE GR (Records Common to All Governments) - Class 1000 (General Records)*, which was part of Volume II of the Texas County Records Manual, is not included in this schedule. District clerks should use Local Schedule GR for determining minimum retention periods for administrative, personnel, financial, and support service records not included in this schedule.

c) *DESTROY AT OPTION* - The term "destroy at option" as used throughout this schedule indicates that the record is an obsolete record no longer required by law to be maintained by district clerks. We recommend that district clerks who wish to retain these records rather than destroy them assign definite retention periods for the records on their records control schedules.

d) *SCOPE OF THIS PART* - In some counties, the district clerk, by law, serves either as the exclusive clerk to one or more statutory county courts, as clerk in cases concerning family law only, or as clerk in cases concerning family law and in civil and/or criminal cases in which the court has concurrent jurisdiction with district courts. The district clerk must follow the minimum retention periods in Local Schedule CC (Records of County Clerks) for records of any county court at law to which he or she is clerk that are not covered in this schedule. The district clerk must follow the retention periods in this volume for records relating to family law matters heard in a county court at law to which he is clerk.

e) *MEANING OF FINAL JUDGMENT* - For retention dating purposes, the use of the term "final judgment" in retention periods, unless otherwise qualified, means:

1) *Civil and Family Law Cases - From the date judgment signed in a district court or the court of jurisdiction if a foreign judgment; or if new trial or further proceedings granted on motion or mandated on appeal, from date judgment rendered and signed in new trial or further proceedings; or if appealed and judgment of trial court affirmed, modified, or rendered as it should have been rendered, or appeal dismissed, from date mandate or notice of dismissal received from appeals court; whichever applicable.*

2) *Criminal Cases - From the date judgment signed in a district court; or if new trial or further proceedings granted on motion or mandated by reversal on appeal, from date judgment rendered and signed in new trial or further proceedings; or if appealed and judgment of trial court affirmed or judgment of acquittal issued or appeal dismissed, from date mandate or notice of dismissal received from appeals court; whichever applicable.*

3) *Juvenile Cases - State laws provide that appeals from decisions in these types of hearings shall be governed by the Rules of Civil Procedure and the Rules of Appellate Procedure, and the dating of final judgment should follow the guidelines set out in (e)(1) above.*

*f) PRE-1876 RECORDS AND RETENTION RECOMMENDATIONS - Notwithstanding the retention periods set down in this schedule, the following records must be retained permanently:*

1) *all case papers dated 1876 or earlier and trial dockets containing entries dated 1876 or earlier; and*

2) *case papers and trial dockets from any period if the minutes of the case have been lost or destroyed.*

*In addition, with regard only to case papers in which final judgment has been rendered, this manual recommends, but does not require that consideration be given to retaining:*

1) *all case papers dated from 1877 to 1920 PERMANENTLY; and*

2) *papers in a case from any period that, because of its notoriety or significance, might possess enduring value.*

*\* g) FINGERPRINTS - Code of Criminal Procedure, art. 38.33, requires that the fingerprint of a person convicted of a Class A misdemeanor or a felony be placed on the judgment or docket sheet. The fingerprint is meant to serve as an aid to the identification of a person for use as evidence of prior convictions. The amended article applies only to convictions had on or after 1 September 1987. Because of the long retention periods set for the various records concerning felony cases in this section, this note is concerned only with **misdemeanor** records in district courts.*

*If the fingerprint appears on a misdemeanor judgment sheet or an order for probation that is incorporated directly into the Criminal Minutes [2125-08] or the District Court Minutes [2150-07] none of the retention periods listed in this manual is affected, but if the only copy of the fingerprint appears on a document in either of the following two categories, then the document must be retained 20 years after final judgment or after last entry as applicable.*

*Category 1 - On a misdemeanor docket sheet in the Criminal Docket [2125-06] or the Criminal File Docket - Type IV [2125-07], or on a separate docket sheet filed with the Criminal Case Papers [2125-05].*

*Category 2 - On a misdemeanor judgment or an order for probation filed with the Criminal Case Papers [2125-05] and not directly incorporated into the Criminal Minutes [2125-08] or the District Court Minutes [2150-07].*

*The 20 year retention required for documents in Categories 1 and 2 apply only to those documents or portions of a docket, judgment, or order created on or after 1 September 1987 and containing the only copy of the fingerprints of convicted persons. It does not apply to any documents in the same categories created on or before 31 August 1987.*

*h) RETENTION OF CIVIL EXHIBITS AND DEPOSITIONS - Exhibits and depositions in civil cases must be retained and disposed of in accordance with the following orders of the Texas Supreme Court, unless a county has obtained a modified order from the Supreme Court amending the procedure for that county.*

*1) Exhibits: In compliance with the provisions of Rule 14b, the Supreme Court hereby directs that exhibits offered or admitted into evidence shall be retained and disposed of by the clerk of the court in which the exhibits are filed upon the following basis.*

*This order shall apply only to: (1) those cases in which judgment has been rendered on service of process by publication and in which no motion for new trial was filed within two years after judgment was signed; and, (2) all other cases in which judgment has been signed for one year and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by a final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.*

*After first giving all attorneys of record thirty days written notice that they have an opportunity to claim and withdraw the trial exhibits, the clerk, unless otherwise directed by the court, may dispose of the exhibits. If any such exhibit is desired by more than one attorney, the clerk shall make the necessary copies and prorate the cost among all the attorneys desiring the exhibit.*

*If the exhibit is not a document or otherwise capable of reproduction, the party who offered the exhibit shall be entitled to claim same; provided, however, that the party*

*claiming the exhibit shall provide a photograph of said exhibit to any other party upon request and payment of the reasonable cost thereof by the other party.*

*2) Deposition Transcripts and Depositions Upon Written Questions: In compliance with the provisions of Rule 209, the Supreme Court hereby directs that deposition transcripts and depositions upon written questions be retained and disposed of by the clerk of the court in which the same are filed upon the following basis.*

*This order shall apply only to: (1) those cases in which judgment has been rendered on service of process by publication and in which no motion for new trial was filed within two years after judgment was signed; and, (2) all other cases in which judgment has been signed for one year and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by a final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.*

*After first giving all attorneys of record written notice that they have an opportunity to claim and withdraw the same, the clerk, unless otherwise directed by the court, may dispose of them thirty days after giving such notice. If any such document is desired by more than one attorney, the clerk shall make the necessary copies and prorate the cost among all the attorneys desiring the document.*

*\* i) RETENTION OF CRIMINAL EXHIBITS - Exhibits in criminal cases in which a person was convicted must be retained and disposed of in accordance with the following provisions of the Code of Criminal Procedure, art. 2.21:*

*1) To be eligible for disposal the exhibit must not be contraband or a firearm, must not have been ordered by the court to be returned to its owner, and is not an exhibit in another pending criminal action.*

*2) An eligible exhibit may be disposed of on or after the first anniversary of the date on which a conviction becomes final in the case, if the case is a misdemeanor or a felony for which the sentence imposed by the court is five years or less; or on or after the second anniversary of the date on which a conviction becomes final in the case, if the case is a non-capital felony for which the sentence imposed by the court is greater than 5 years.*

*3) Prior to disposal, county and district clerks in a county with a population of less than 1.7 million must provide written notice by mail to the attorney representing the state and the attorney representing the defendant of the intent to dispose. If a request for return is not received from either attorney before the 31st day after the date of notice, the clerk may dispose of the exhibit.*

*4) County and district clerks in a county with a population of 1.7 million or more may dispose of an eligible exhibit on the date provided in (2) if on that date the clerk has not*

*received a request for the exhibit from either the attorney representing the state or the attorney representing the defendant.*

## **PART 1: CIVIL CASE RECORDS**

**2025-01 APPEARANCE DOCKET (CALL DOCKET)** - Docket books or sheets of civil suits filed in a district court used to call cases on appearance day. RETENTION: 3 years.

**2025-02 CIVIL BAR DOCKET** - Docket books or sheets of civil suits filed for the use of attorneys. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

**2025-03 CIVIL CASE PAPERS** - Documents relating to civil proceedings (including pre-trial, preliminary, or interlocutory proceedings or hearings) and of scire facias and ancillary civil proceedings, *except* condemnation, family law, and juvenile delinquency cases, heard or received as a foreign judgment.

a) Cases dismissed on motion of plaintiff, for want of prosecution, or for other reasons within the court's power. RETENTION: Dismissal + 3 years.

\* b) All other cases. (*See retention note.*)

*Retention Notes: a) Final judgment + 20 years or, if applicable to the case, 12 years from date judgment revived, whichever longer, provided that at the time of disposal (1) no discovery proceedings are underway in the case and (2) the judgment and mandate (if applicable) have been entered of record in a permanent minute book of the court.*

*b) Prior to disposal, civil case papers shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently. Some civil case papers may merit permanent retention because they provide significant documentation of the history of the local community or the state.*

c) Exhibits and depositions. RETENTION: *See retention note (h) on page 5.* (Exempt from destruction request to the Texas State Library)

\* d) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

\* e) Transcripts and statements of fact from the district court on appeal. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

\* f) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

\* g) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

2025-04 **CIVIL DOCKET (CIVIL DOCKET-DISPOSED)**. RETENTION: PERMANENT.

2025-05 **CIVIL FILE DOCKET (CIVIL DOCKET-PENDING)** - Original entry docket books or sheets of civil cases.

a) TYPE I - File docket, which *does not contain* an account of fees due, whose contents are *transcribed* into a docket of disposed cases after adjudication. RETENTION: AV after transcription. (Exempt from destruction request to the Texas State Library)

b) TYPE II - File docket, which *does contain* an account of fees due, whose contents, *except* those relating to fees, are *transcribed* into a docket of disposed cases after adjudication. RETENTION: FE + 5 years.

c) TYPE III - Non-transferred sheets of a file docket, which *does not contain* an account of fees due, whose sheets are *transferred* to a docket of disposed cases as the case moves from pending to disposed. RETENTION: 3 years.

d) TYPE IV - File docket, which *may or may not contain* an account of fees due, whose contents are not transcribed or whose sheets are not transferred, but which serves as a combination pending and disposed docket. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

2025-06 **CIVIL MINUTES**. RETENTION: PERMANENT.

2025-07 **CONDEMNATION CASE PAPERS (EMINENT DOMAIN CASE PAPERS)**

a) Cases dismissed on motion of plaintiff, for want of prosecution, or for other reasons within the court's power. RETENTION: Dismissal + 3 years.

b) All other cases. (*See retention note.*)

***Retention Note:*** *Condemnation case papers must be retained for 10 years after entry of judgment approving award of special commissioners on the minutes of the court in the absence of objection or after final judgment rendered or proceedings otherwise terminated in court in trial of the cause, whichever applicable, except if suit is dismissed on motion of condemnor, the award of the special commissioners must be retained PERMANENTLY or, if it is entered of record in any subsequent suit, until the expiration of the retention period applicable to the records of that suit, whichever sooner.*

c) Exhibits and depositions. RETENTION: *See retention note (h) on page 5.* (Exempt from destruction request to the Texas State Library)



\* d) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

\* e) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

\* f) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

2025-08 **JURY DOCKET (JURY TRIAL DOCKET)** - Docket books or sheets of civil suits in which juries have been requested. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

2025-09 **SUBPOENAS** - Stub books, copies, or recorded copies of civil subpoenas issued. RETENTION: 2 years.

## **PART 2: TAX SUIT RECORDS**

2050-01 **CIVIL BAR DOCKET** - Docket books or sheets of delinquent tax suits filed for the use of attorneys. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2050-02 **DELINQUENT TAX CASE PAPERS** - Documents relating to delinquent tax cases. RETENTION: *Follow retention periods for Civil Case Papers [2025-03].*

2050-03 **DELINQUENT TAX DOCKET (DELINQUENT TAX DOCKET-DISPOSED)**. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

2050-04 **DELINQUENT TAX FILE DOCKET (DELINQUENT TAX DOCKET-PENDING)** - Original entry docket books or sheets of delinquent tax cases. RETENTION: *Follow retention periods for Civil File Docket [2025-05].*

2050-05 **DELINQUENT TAX MINUTES**. RETENTION: PERMANENT.

2050-06 **ORDER OF SALE RECORD (ORDER OF SALE DOCKET)** - Recorded orders of sale arising from judgments in delinquent tax suits. RETENTION: PERMANENT.

## **PART 3: FAMILY LAW CASE RECORDS**

2075-01 **ADOPTION CASE PAPERS** - Documents relating to adoption, annulment of adoption, and revocation of adoption proceedings.

a) Cases dismissed on motion of petitioner, for want of prosecution, or for other reasons within the court's power. RETENTION: Dismissal + 3 years.

b) All other cases. RETENTION: PERMANENT.

c) Exhibits and depositions. RETENTION: *See retention note (h) on page 5.* (Exempt from destruction request to the Texas State Library)

\* d) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

\* e) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

\* f) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

**2075-02 ADOPTION DOCKET (ADOPTION DOCKET-DISPOSED).** RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

**2075-03 ADOPTION FILE DOCKET (ADOPTION DOCKET-PENDING)** - Original entry docket books or sheets of adoption, annulment of adoption, and revocation of adoption cases. RETENTION: *Follow retention periods for Civil File Docket [2025-05].*

**2075-04 ADOPTION MINUTES (ADOPTION RECORD).** RETENTION: PERMANENT.

**2075-05 CHILD SUPPORT CASE PAPERS** - Documents relating to proceedings involving child support, the enforcement of child support, or custody of a child.

a) Cases dismissed on motion of petitioner, for want of prosecution, or for other reasons within the court's power. RETENTION: Dismissal + 3 years.

b) All other cases. (*See retention note.*)

***Retention Note:*** *Final judgment + 20 years or 3 years after date on which child support obligation ends pursuant to decree of order, whichever later; except if a judgment is rendered against obligor for arrearages, follow the retention period for Civil Case Papers [2025-03(b)].*

c) Exhibits and depositions. RETENTION: *See retention note (h) on page 5.* (Exempt from destruction request to the Texas State Library)

\* d) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

\* e) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

\* f) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

**2075-06 CHILD SUPPORT DOCKET (CHILD SUPPORT DOCKET-DISPOSED).**  
RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

**2075-07 CHILD SUPPORT FILE DOCKET** - Original entry docket books or sheets of cases involving child support, enforcement of child support, or custody of a child. RETENTION: *Follow retention periods for Civil File Docket [2025-05].*

**2075-08 CHILD SUPPORT MINUTES.** RETENTION: PERMANENT.

**2075-09 COMMUNITY PROPERTY MANAGEMENT PETITIONS** - Ex parte petitions of one spouse for the sole management of community property or the sale without joinder of homesteads.

a) Granted petitions. RETENTION: PERMANENT.

b) Denied petitions. RETENTION: 10 years.

**2075-10 DIVORCE CASE PAPERS** - Documents relating to divorce or annulment suits.

a) Cases dismissed on motion of petitioner, for want of prosecution, or for other reasons within the court's power. RETENTION: Dismissal + 3 years.

b) Cases in which a final decree is rendered.

1) Custody of support of a minor child is not at issue. RETENTION: *Follow retention period for Civil Case Papers [2025-03b].*

2) Custody or support of minor child is at issue. RETENTION: *Follow retention period for Child Support Case Papers [2075-05b].*

c) Cases in which petition for divorce or annulment denied. RETENTION: Final judgment + 10 years.

d) Exhibits and depositions. RETENTION: *See retention note (h) on page 5.* (Exempt from destruction request to the Texas State Library)

\* e) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

\* f) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

\* g) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

**2075-11 DIVORCE DOCKET (DIVORCE DOCKET-DISPOSED).** RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

**2075-12 DIVORCE FILE DOCKET (DIVORCE DOCKET-PENDING)** - Original entry docket books or sheets of divorce and annulment suits. RETENTION: *Follow retention periods for Civil File Docket [2025-05].*

**2075-13 DIVORCE MINUTES.** RETENTION: PERMANENT.

**2075-14 NAME CHANGE PETITIONS**

a) Granted petitions. RETENTION: PERMANENT.

b) Denied petitions. RETENTION: 10 years.

**2075-15 NEGLECTED CHILDREN CASE PAPERS (CHILD WELFARE CASE PAPERS)** - Documents relating to proceedings involving neglected, abandoned, and abused children. RETENTION: *Follow retention periods for Child Support Case Papers [2075-05].*

**2075-16 NEGLECTED CHILDREN DOCKET (NEGLECTED CHILDREN DOCKET-DISPOSED)** RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

**2075-17 NEGLECTED CHILDREN FILE DOCKET (CHILD WELFARE FILE DOCKET)** - Original entry docket books or sheets of cases involving neglected, abandoned, or abused children. RETENTION: *Follow retention periods for Civil File Docket [2025-05].*

**2075-18 NEGLECTED CHILDREN MINUTES (CHILD WELFARE MINUTES).** RETENTION: PERMANENT.

**2075-19 STATE CUSTODY DECREE RECORDS** - Certified copies of out-of-state custody decrees, including any correspondence or other documentation concerning the pendency of custody proceedings in other states. RETENTION: Final judgment + 20 years or 3 years after child support obligations ends by order or decree, whichever later.

2075-20 **PATERNITY SUIT CASE PAPERS** - Documents relating to proceedings in pre-trial conferences and trials to determine paternity.

a) Cases dismissed on motion of petitioner, for want of prosecution, or for other reasons within the court's power. RETENTION: Dismissal + 3 years.

b) Cases in which final judgment is rendered.

1) Alleged father is determined to be the father of the child. RETENTION: PERMANENT.

2) Alleged father is determined not to be the father of the child. RETENTION: Final judgment + 10 years.

c) Exhibits and depositions. RETENTION: *See retention note (h) on page 5.* (Exempt from destruction request to the Texas State Library)

\* d) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

\* e) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

\* f) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

2075-21 **REMOVAL OF DISABILITIES PETITIONS** - Ex parte petitions for the removal of the disabilities of minority. RETENTION: 10 years.

2075-22 **VOLUNTARY LEGITIMATION PETITIONS AND STATEMENTS** - Ex parte petitions and statements of paternity for the voluntary legitimation of a child. RETENTION: PERMANENT.

#### **\* PART 4: JUVENILE RECORDS**

**\* SPECIAL NOTE: This section remains in effect until the effective date of adoption of Local Schedule JR (Juvenile Records) by the Texas State Library and Archives Commission by an amendment to 13 TAC 7.125.**

*Prefatory Note: Juvenile court records are subject to sealing pursuant to Texas Family Code, Section 51.16. While sealing restricts access to the records, it does not affect the minimum*

*retention periods set down in this section nor the destruction of such records following the expiration of those periods.*

**2100-01 JUVENILE CASE PAPERS** - Documents relating to juvenile detention, transfer, adjudication, or disposition proceedings, including all records transferred to the court by law enforcement or other agencies under sealing order issued by the court.

***Retention Note:*** *The retention periods set out below are divided into two groups - those dealing with records arising from a juvenile delinquency or offense committed on or before 31 August 1987 and those dealing with records arising from a juvenile delinquency or offense committed on or after 1 September 1987. The Texas Legislature has determined that an offense occurs on or after 1 September 1987 if all the elements of the offense occur on or after that date.*

a) Records concerning delinquent conduct or offenses committed on or before 31 August 1987:

1) Fingerprint cards and photographs *only*:

A) If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, the juvenile is found not to have engaged in the alleged conduct, or the juvenile is found to have engaged in the conduct but has reached the age of 18 and there is *no* record that he or she committed a criminal offense after reaching the age of 17. **RETENTION:** Must be destroyed immediately upon fulfillment of any of the conditions listed. [By law - Family Code, Section 51.15(e) before 1987 amendment.] (Exempt from destruction request to the Texas State Library)

B) If the juvenile is found to have engaged in the conduct, has reached the age of 18, but there is a record that he or she committed an offense after reaching the age of 17. **RETENTION:** *Follow the retention period for (a)(2)(A) or (B), as applicable.*

2) All other case papers:

A) If the person has reached the age of 23 and has *not* been convicted of a felony as an adult. **RETENTION:** *See retention note.* [By law - Family Code, Section 51.16(i). (Exempt from destruction request to the Texas State Library)]

***Retention Note:*** *State law requires that the records can only be destroyed at this point by the court's own motion or upon a motion by the person in whose name the files or records are kept. District*

*clerks wishing to dispose of juvenile case papers at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. District clerks may dispose of juvenile case papers on their own initiative only according to the retention period set out in (a)(2)(B).*

B) If the person has reached the age of 23 and he or she has been convicted of a felony as an adult; or if the person has reached the age of 23, has *not* been convicted of a felony as an adult, but the court on its own or another's motion has not ordered the destruction of the papers. RETENTION: Until the individual is 33.

b) Records concerning delinquent conduct or offenses committed on or after 1 September 1987:

1) Fingerprint cards and photographs *only*:

A) If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, or the juvenile is found not to have engaged in the alleged conduct; or the juvenile is found to have engaged in the conduct but has reached the age of 18, is not subject to commitment to the Texas Youth Commission or to transfer under a determinate sentence to the Texas Department of Corrections and there is *no* record that he or she committed a criminal offense after reaching the age of 17; or the person is older than 18 years, at least three years have elapsed after the person's release from commitment, and there is no evidence that he or she committed a criminal offense after the release. RETENTION: Must be destroyed immediately upon fulfillment of any of the conditions listed. [By law - Family Code, Section 51.15(e).] (Exempt from destruction request to the Texas State Library)

B) If the juvenile is found to have engaged in conduct involving a violation of the penal code of a grade other than a felony, has reached the age of 18, but there is a record that he or she committed an offense after reaching the age of 17. RETENTION: *Follow the retention periods in (b)(2)(A) or (B), as applicable.*

C) If the juvenile is found to have engaged in conduct involving a violation of the penal code of the grade of felony. RETENTION: *Follow the retention period in (b)(2)(C).*

2) All other case papers:

A) If the person has reached the age of 23, was adjudged delinquent based on the violation of a penal law other than the grade of felony, and has *not* been convicted of a felony as an adult. RETENTION: *See retention note.* [By law - Family Code, Section 51.16(i).] (Exempt from destruction request to the Texas State Library)

***Retention Note:*** *State law requires that the records can only be destroyed at this point by the court's own motion or upon a motion by the person in whose name the files or records are kept. District clerks wishing to dispose of juvenile case papers at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. District clerks may dispose of juvenile case papers on their own initiative only according to the retention period set out in (2)(B) or (C).*

B) If the person has reached the age of 23, was adjudged delinquent based on the violation of a penal law other than the grade of felony, but he or she has been convicted of a felony as an adult; or if the person has reached the age of 23, has *not* been convicted of a felony as an adult, but the court on its own or another's motion has not ordered the destruction of the papers. RETENTION: Until the individual is 33.

C) If the case papers concern an adjudication of delinquency based on the violation of a penal law of the grade of felony. RETENTION: Date of judgment in disposition hearing + 25 years.

3) Audio or videotapes of release hearings. RETENTION: Date of final judgment in release hearing + 2 years. [By-law - Family Code, Section 54.11(g).]

2100-02 **JUVENILE DOCKET.** RETENTION: 5 years.

2100-03 **JUVENILE FILE DOCKET (JUVENILE DOCKET-PENDING)** - Original entry docket books or sheets of juvenile detention, transfer, adjudication, and disposition hearings. (*See retention note.*)

***Retention Note:*** *Follow retention periods for Civil File Docket [2025-05], except that Type IV dockets need be kept only FE + 5 years rather than permanently.*

2100-04 **JUVENILE MINUTES.** RETENTION: PERMANENT.



## PART 5: CRIMINAL CASE RECORDS

2125-01 **BAIL BOND RECORD** - Record of bail or recognizance bonds set or taken. RETENTION: 3 years.

2125-02 **BENCH WARRANTS** - Stub books or copies of bench warrants issued. RETENTION: 2 years.

2125-03 **CAPIASES** - Stub books or copies of capaises and summonses issued. RETENTION: 2 years.

2125-04 **CRIMINAL BAR DOCKET (STATE BAR DOCKET)** - Docket books or sheets of criminal cases filed for the use of attorneys. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2125-05 **CRIMINAL CASE PAPERS** - Documents relating to criminal cases, including those concerning habeas corpus and extradition.

a) Misdemeanor cases, including those reduced to misdemeanor under Penal Code, Section 12.44 (*except* DWI and DUID). RETENTION: Date of dismissal or final judgment + 5 years, as applicable, *but see retention note (g) on page 5.*

b) DWI and DUID cases. (*See retention note.*)

**Retention Note:** *5 years after dismissal or acquittal, 10 years after final judgment in convictions for a first and second offense or in convictions for a third or subsequent offense if the sentence is 2 years or less, or follow retention period under (d) if the sentence in a third or subsequent offense is more than 2 years. See also retention note (g) on page 5.*

c) Felony cases in which charges are dismissed or the defendant is found not guilty. (*See retention note.*)

**Retention Note:** *10 years after dismissal or final judgment, as applicable, except (1) if proceedings are dismissed as the result of the satisfactory completion of a term of probation under deferred adjudication, follow the retention period in (d); or (2) if the defendant is acquitted by reason of insanity follow the retention period in (g).*

d) Felony cases in which the sentence (or suspended sentence), term of probation, combined sentence and term of probation, cumulative sentences or terms of probation, or the longest sentence or term of probation of two or more sentences or terms of probation to be served concurrently is more than 2 but less than 20 years. RETENTION: Final judgment + 25 years.

e) Felony cases in which the sentence, cumulative sentences, or the longest sentence of two or more sentences to be served concurrently is more than 20 years, including cases in which the sentence is life imprisonment or the death penalty. RETENTION: PERMANENT.

f) Misdemeanor or felony cases in which proceedings are discontinued for civil commitment proceedings under Section 6, Article 46.02, Code of Criminal Procedure. (See retention note.)

**Retention Note:** *If at any time the defendant is found competent to stand trial and proceedings are continued to final judgment, follow the appropriate retention period for adjudicated cases in (a) through (f); if at any time the defendant is discharged by the court or the charges are dismissed and the defendant bound over to a court of appropriate jurisdiction for civil commitment, follow the retention period in (a) or (c), as applicable; or if the defendant is neither found competent to stand trial, discharged by the court, nor are charges against the defendant dismissed preparatory to transfer to an appropriate court for civil commitment, 50 years.*

g) Felony cases in which the defendant is acquitted by reason of insanity and in which the district court retains jurisdiction of the case for civil commitment under Section 4(d), Article 46.03, Code of Criminal Procedure. (See retention note.)

**Retention Note:** *If at any time the court finds that the person does not meet the criteria for involuntary commitment, 10 years from date of release; otherwise, 10 years after the death or discharge of the person from a mental health or mental retardation facility, if known, or if not known, 50 years after date of initial order of commitment.*

h) Habeas corpus proceedings. (See retention note.)

**Retention Note:** *5 years from issuance or denial of writ in pre-conviction proceedings unless the court issuing the writ is the same court having jurisdiction of the offense with which the applicant is charged, in which case the records should be kept for the same period as the case papers to which they relate. Post-conviction habeas corpus proceedings records should be retained for the same period as the case papers to which they are ancillary, except if the proceedings arise from an extradition demand, the retention period under (i) should be followed.*

i) Extradition proceedings. RETENTION: Date of decision on extradition demand + 5 years.

j) Exhibits. RETENTION: See retention note (i) on page 6. (Exempt from destruction request to the Texas State Library)

- \* k) Bills of cost in criminal cases. RETENTION: FE of final payment + 5 years.
- \* l) Transcripts and statements of fact from the district court on appeal. RETENTION: Receipt of mandate + 3 years.
- \* m) Pre-sentence investigation reports (misdemeanors). RETENTION: Final judgment + 2 years.
- \* n) Pre-sentence investigation reports (felonies). RETENTION: Final judgment + 10 years.
- \* o) Warrants, capiases, summonses, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.
- \* p) Bail, personal, appeal, peace, cost, and other surety bonds, or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

**2125-06 CRIMINAL DOCKET (CRIMINAL DOCKET-DISPOSED)**

- a) Docket of misdemeanor cases *only*. RETENTION: FE + 5 years, *but see retention note (g) on page 5*.
- b) Docket of habeas corpus filing *only*. RETENTION: 5 years.
- c) All other criminal dockets of disposed cases. RETENTION: 20 years.

**2125-07 CRIMINAL FILE DOCKET (CRIMINAL DOCKET-PENDING) - Original entry docket books or sheets of criminal cases.**

- a) TYPE I - File docket, which *does not contain* an account of fees due, whose contents are *transcribed* into a Criminal Docket [2125-06] after adjudication. RETENTION: AV after transcription.
- b) TYPE II - File docket, which *does contain* an account of fees due, whose contents, *except* that relating to fees, are *transcribed* into a Criminal Docket [2125-06] after adjudication. RETENTION: FE + 5 years.
- c) TYPE III - Non-transferred sheets of file docket, which *does not contain* an account of fees due, whose sheets are *transferred* to a Criminal Docket [2125-06] as the case moves from pending to disposed. RETENTION: 3 years.

d) TYPE IV - File docket, which *does contain* an account of fees due, whose contents *are not transcribed* or whose sheets *are not transferred*, but which serves as a combination file docket, criminal docket, and fee book. RETENTION: *Follow retention periods for Criminal Docket [2125-06].*

2125-08 **CRIMINAL MINUTES.** RETENTION: PERMANENT.

2125-09 **EVIDENCE DOCKET** - Docket recording evidentiary material filed in criminal cases.

a) If receipt of evidentiary material *is also* noted in the Criminal File Docket [2125-07]. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

b) If receipt of evidentiary material *is not* noted in Criminal File Docket [2125-07]. RETENTION: *Follow retention periods for Criminal File Docket [2125-07].*

2125-10 **EXPUNGED CRIMINAL RECORDS** - All criminal records and files, expunged pursuant to court order, transmitted by other agencies to the district clerk or already in his possession, including petitions for expunction, copies of court orders, and return receipts.

(a) Expunged records arising from arrests for offenses committed on or before August 31, 1989. RETENTION: Date of issuance of order + 1 year. (Exempt from destruction request to the Texas State Library)

(b) Expunged records arising from arrests for offenses committed on or after September 1, 1989 that are not given to the petitioner. RETENTION: Must be destroyed on first anniversary date of date of issuance of order. [By law - Code of Criminal Procedure, Section 55.02(d).] (Exempt from destruction request to the Texas State Library)

2125-11 **PROBATION MINUTES.** RETENTION: PERMANENT.

2125-12 **SEARCH WARRANTS** - Search warrants with returns, issued by a district judge, including inventories of property and any other associated documents.

a) If the judge is not satisfied that there was good ground for the issuance of the warrant. RETENTION: Date of issuance + 10 years.

b) If the judge is satisfied that there was good ground for the issuance of the warrant. (*See retention note.*)

***Retention Note:*** *The warrant, inventory of property, and any other associated documents are forwarded to the clerk of the court having jurisdiction of the case. If transferred to the district clerk, see Examining Trial Case Papers [2225-01].*

2125-13 **SUBPOENAS (CRIMINAL)** - Stub books, copies, or recorded copies of subpoenas issued. RETENTION: 2 years.

2125-14 **WITNESS ATTACHMENTS** - Stub books, copies, or recorded copies of attachment writs issued. RETENTION: 2 years.

2125-15 **WITNESS RECORD (WITNESS DOCKET)** - Register of witnesses subpoenaed, attached, or recognized in criminal cases. RETENTION: 3 years.

## **PART 6: MULTI-CASE/MULTI-COURT RECORDS**

2150-01 **APPEAL RECORD (TRANSCRIPT DOCKET)** - Record or register of civil or criminal appealed to a higher court. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2150-02 **ATTORNEYS' ORDER BOOK (CITATION RECORD)** - Record of attorneys' requests for the issuance of legal papers. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2150-03 **ATTORNEYS' RECEIPT BOOK** - Attorneys' receipts for documents temporarily withdrawn from custody of the court. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2150-04 **DEPOSITION RECORD** - Record or register of depositions filed in civil or criminal cases. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2150-05 **DISTRICT COURT DOCKET** - Combined form of the Civil Docket [2025-04] and the Criminal Docket [2125-06]. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

2150-06 **DISTRICT COURT FILE DOCKET (DISTRICT COURT DOCKET-PENDING)** - Original entry docket books or sheets of civil and criminal cases. RETENTION: *Follow retention period for Civil File Docket [2025-05].*

2150-07 **DISTRICT COURT MINUTES (CIVIL AND CRIMINAL MINUTES)**. RETENTION: PERMANENT.

2150-08 **EXECUTION DOCKET** - Record of executions issued to enforce judgments rendered in all manner of cases. RETENTION: PERMANENT.

2150-09 **MOTION DOCKET** - Docket books or sheets recording motions filed by attorneys.

a) Combined civil/criminal motion docket. RETENTION: PERMANENT.

b) Separate civil motion docket. RETENTION: PERMANENT.

c) Separate criminal motion docket. RETENTION: 20 years.

2150-10 **PROCESS LOG (DAY BOOK)** - Chronological daily log of process and other instruments issued or received. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2150-11 **SCIRE FACIAS DOCKET (BOND FORFEITURE DOCKET)**. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

2150-12 **SCIRE FACIAS MINUTES (BOND FORFEITURE MINUTES)**. RETENTION: PERMANENT.

## **PART 7: MISCELLANEOUS COURT RECORDS**

2175-01 **ADMINISTRATIVE ORDERS** - Administrative orders issued by a district judge appointing special judges, court reporters, bailiffs, temporary clerks, and other court officers; admitting attorneys to practice before the bar; setting date and time of court sessions; and establishing other matters relating to the administrative functioning of a district court.

a) Original orders that *have been recorded* in a minute book of the court. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

b) Original orders that *have not been recorded* in a minute book of the court. RETENTION: PERMANENT.

2175-02 **ATTORNEY GENERAL, REPORTS TO** - Copies of periodic reports by district clerk to the attorney general on criminal matters. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2175-03 **COURT REPORTER REPORTS** - Reports submitted by court reporters to district court on the amount and nature of the business pending in the court reporter's office. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

2175-04 **COURT REPORTER EXAMINATION RECORDS** - Records of competency examinations given to prospective court reporters. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2175-05 **DRUG-RELATED CONVICTIONS, RECORD OF** - Copies of lists of persons convicted of a drug-related felony in the county. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

**2175-06 FIRE INQUEST CASE PAPERS** - Reports and verdicts of fire inquest juries, testimony of witnesses, and all other documentary evidence relating to fire inquests held by a justice of the peace. RETENTION: Date of filing with district clerk + 10 years.

*Retention Note: Fire inquest case papers entered as evidence in a criminal or other proceeding should be retained for the same period as the corresponding case papers. See Criminal Case Papers [2125-05] and Civil Case Papers [2025-03].*

**2175-07 GRIEVANCE COMMITTEE JUDGMENTS** - Copies of judgments issued by State Bar grievance committees concerning the disbarment, suspension, or reprimand of attorneys.

a) Original judgments that *have been recorded* in a minute book of the court. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

b) Original judgments that *have not been recorded* in a minute book of the court. RETENTION: PERMANENT.

**2175-08 INDUSTRIAL ACCIDENT BOARD, NOTICES TO** - Copies of notices sent to the Industrial Accident Board notifying the board of the filing of appeals from decisions of the board. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

**2175-09 INQUIRY COURT CASE PAPERS** - Transcriptions of evidence and other papers arising from a court of inquiry held by a district judge.

*Retention Note: Any inquiry court case papers transferred to Criminal Case Papers [2125-05] as the result of an arrest and prosecution arising from the court of inquiry should be retained for the same period as the appropriate category of Criminal Case Papers. RETENTION: 10 years.*

**2175-10 INQUEST CASE PAPERS** - Autopsy reports, testimony of witnesses, laboratory reports, reports of death, and other documentary evidence or summaries of findings relating to inquests held by a justice of the peace. RETENTION: Date of filing with district clerk + 10 years, *but see retention note.* [By law - Code of Criminal Procedure, art. 49.15(d).]

*Retention Note: An order of the district court must be obtained by the district clerk to destroy this record after the expiration of its retention period. Original inquest case papers or summary reports entered as evidence in a criminal or other proceeding should be retained for the same period as the corresponding case papers. See Criminal Case Papers [2125-05] and Civil Case Papers [2025-03].*

**2175-11 JUDICIAL ADMINISTRATION REPORTS** - Reports by district clerk to the county administrative judge or the presiding judge of an administrative judicial region. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2175-12 **MOTOR CARRIER CONVICTIONS, REPORTS OF RECORD OF** - Copies of reports to the State Comptroller of fines assessed and collected for violations of the Motor Carrier Act. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2175-13 **SHORTHAND NOTES OF OFFICIAL COURT REPORTERS** - Shorthand notes of official court reporters.

a) Notes taken in a criminal case in which a person is convicted and sentenced to a term of more than two years and an appeal is not taken. RETENTION: Length of sentence or 15 years, whichever sooner. [By rule of court - Rules of Appellate Procedure, Rule 11(d).]

b) Notes in all other manner of cases. RETENTION: Date notes taken + 3 years. [By law - Government Code, Section 52.046(a)(4).

c) Copies of transcripts and statements of fact.

*Retention Note: While the responsibility for preserving notes under (b) lies with the court reporter, reporters may have left office and left their notes with the district clerk or in storage in county buildings. These notes may be disposed of after the expiration of the retention period given. State law also does not require that court reporters retain copies of any transcripts or statements of fact they prepare, but most do so for reference. Again, copies of these documents may have been left with the district clerk or in storage in county buildings. RETENTION: AV. (Exempt from destruction request to the Texas State Library)*

2175-14 **TEXAS JUDICIAL COUNCIL, STATISTICAL REPORTS TO.** RETENTION: 3 years.

2175-15 **TRAFFIC CONVICTION ABSTRACTS** - Copies of abstracts submitted to the Department of Public Safety pertaining to traffic violations. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2175-16 **WIRE AND ORAL COMMUNICATIONS INTERCEPTION RECORDS** - Sealed sound recordings, applications, and court orders of wire and oral communications interceptions ordered by a district judge.

\* a) Recordings. RETENTION: Expiration of order or last extension of order, if applicable + 10 years. [By law - Code of Criminal Procedure, art. 18.20(10)(b).] (Exempt from destruction request to the Texas State Library)



b) Applications and orders. RETENTION: Date of sealing + 10 years. [By law - Code of Criminal Procedure, art. 18.20(11).] (Exempt from destruction request to the Texas State Library)

*Retention Note: The destruction of recordings, applications, and orders at the expiration of the retention period for each can be carried out only by order of the judge of competent jurisdiction in each administrative district.*

## **PART 8: JURY RECORDS**

\* 2200-01 **JURY LISTS** - Lists of persons chosen for service in district, county, or justice courts or on grand juries, including lists of persons whose service has been postponed and defendants' and plaintiffs' lists. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

\* 2200-02 **JURY TIME BOOK (JURY RECORD)** - Record of persons serving on district court juries or grand juries. RETENTION: FE + 3 years.

2200-03 **SPECIAL VENIRE JURY LISTS** - Lists of jurors summoned by writs of special venire for capital cases tried in a district court. RETENTION: 5 years.

2200-04 **STATEMENTS OF EXEMPTION FROM JURY DUTY** - Statements by persons claiming temporary or permanent exemption from jury duty on statutory grounds, including any statements of rescission of such claims.

a) Statements requesting permanent exemption. RETENTION: AV after notification sent to tax assessor-collector. (Exempt from destruction request to the Texas State Library)

b) Statements requesting temporary exemption. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

\* 2200-05 **JUROR QUESTIONNAIRES** - Forms completed by jurors reporting for jury duty. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

## **PART 9: GRAND JURY RECORDS**

2225-01 **EXAMINING TRIAL CASE PAPERS (CRIMINAL COMPLAINT FILES)**.  
RETENTION: 5 years.

2225-02 **EXAMINING TRIAL RECORD OR REGISTER** - Record or register of complaints or examining trial cases referred to the grand jury. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2225-03 **GRAND JURY DOCKET (GRAND JURY MINUTES)**. RETENTION: 10 years.

2225-04 **GRAND JURY FEE ACCOUNT REPORTS** - Annual reports to the district judge by the grand jury on the examination of officers' fee accounts. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2225-05 **GRAND JURY INDICTMENT REPORTS** - Reports to the district court by a grand jury showing indictments handed down by the grand jury during its term. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2225-07 **INDICTMENT RECORD OR REGISTER** - Register or card file logging indictments returned by grand jury. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2225-08 **JUSTICE COURT DOCKET TRANSCRIPTS** - Certified copies of justice court criminal and examining trial dockets filed by justices of the peace. RETENTION: Date of filing + 1 year. (Exempt from destruction request to the Texas State Library)

2225-09 **SUBPOENAS (GRAND JURY)** - Stub books, copies, or recorded copies of subpoenas issued. RETENTION: 2 years.

2225-10 **WITNESS RECORD (GRAND JURY)** - Register of witnesses subpoenaed, attached, or recognized before a grand jury. RETENTION: 2 years.

## **PART 10: NATURALIZATION RECORDS**

2250-01 **DECLARATION OF INTENTION RECORD** - Bound or filed originals or recorded copies of declarations of intention to become citizens filed by aliens. RETENTION: PERMANENT.

2250-02 **NATURALIZATION PAPERS** - Petitions for naturalization, oaths of allegiance, witness affidavits, and orders granting or denying citizenship submitted by aliens or their witnesses. RETENTION: PERMANENT.

2250-03 **NATURALIZATION RECORD** - Proceedings involving naturalization. RETENTION: PERMANENT.

## **PART 11: ADMINISTRATIVE AND FINANCIAL RECORDS**

2275-01 **ACKNOWLEDGMENT RECORD** - Record of acknowledgments or proofs of instruments taken by the district clerk as ex-officio notary public. RETENTION: 10 years.

2275-02 **ANNUAL FEE REPORTS**. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2275-03 **APPLICATIONS FOR DEPUTIES** - Copies of applications to commissioners court for deputies, assistants, or clerks. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2275-04 **AUDITOR'S REPORTS** - Reports of county finances submitted by the county auditor to the district court.

a) Monthly report. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

b) Annual reports. RETENTION: 3 years.

\* 2275-05 **BANKING RECORDS** - Bank statements, canceled or digitized images of checks, check registers, deposit slips, debit and credit notices, reconciliations, notices of interest earned, etc. RETENTION: FE + 5 years.

2275-06 **CASH RECEIPTS** - Receipt books or copies of receipts upon payment of fees, fines, or costs in civil, criminal, probate or other cases; or for the deposit of trust funds.

a) Criminal receipts:

1) If county has an auditor. RETENTION: Transferred to auditor when all receipts issued. [By law - Code of Criminal Procedure, Section 103.011.]

2) If the county does not have an auditor. RETENTION: FE + 5 years.

b) All other district court receipts. RETENTION: FE + 3 years.

2275-07 **CHILD SUPPORT PAYMENT LEDGER** - Ledger showing the receipt and disbursement of monies from the child support payment fund. RETENTION: FE + 5 years.

2275-08 **CHILD SUPPORT PAYMENT RECORD** - Record of child support payments by case. RETENTION: End of support period + 10 years.

2275-09 **COST DEPOSIT RECORD** - Records of receipts to and disbursements from monies deposited with the district clerk to cover costs in civil proceedings. RETENTION: FE + 5 years.

2275-10 **COUNTY AUDITOR, REPORTS TO** - Reports not listed elsewhere in this schedule submitted to the county auditor on the receipt or disbursement of county funds or on cash balances in accounts of the district clerk. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2275-11 **COURT REPORTER EXPENSE STATEMENTS** - Copies of statements of expenses incurred by court reporters serving outside the county of their residence in a district court serving more than one county or for serving as a substitute reporter in a county other than that in which they are resident. RETENTION: FE + 3 years.

2275-12 **DAILY CASH BOOK OR REPORTS.** RETENTION: FE + 3 years.

2275-13 **DAILY FILE RECORD** - Daily record or register of papers received for filing. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2275-14 **DEPOSIT WARRANTS** - Copies of deposit warrants issued by the county clerk or the county treasurer for monies deposited in any funds or accounts of the district clerk. RETENTION: FE + 3 years.

2275-15 **FEE BOOK** - Fee books or sheets showing accounts of fees or costs accrued in cases heard in a district court. RETENTION: FE + 5 years.

2275-16 *[Withdrawn, see 2275-15]*

2275-17 **INDEPENDENT AUDIT REPORTS** - Special audit reports of county finances submitted by finance committees or special auditors appointed by a district court. RETENTION: PERMANENT.

2275-18 **JURY CERTIFICATES** - Stubs or copies of jury certificates issued. RETENTION: FE + 3 years.

2275-19 **LEGAL OPINIONS** - Copies of legal opinions rendered to the district clerk by the county attorney or the district attorney. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2275-20 **MINUTES OF OFFICERS' ACCOUNTS (OFFICERS' FEE BILLS DUE FROM STATE)** - Record of proceedings in district court approving expense claims or fees due from the state to various county or district officers for service in district court felony cases, before the grand jury, or in examining trials. RETENTION: FE + 3 years.

2275-21 **MINUTES OF WITNESS ACCOUNTS (WITNESS FEE CLAIMS)** - Record of proceedings in district court approving witness fee claims. RETENTION: FE + 3 years.

2275-22 **MONTHLY EXPENSE REPORTS.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2275-23 *[Withdrawn]*

\* **2275-24 OPEN RECORDS REQUESTS** - Written open records requests, including those sent by electronic mail or facsimile, submitted to a district clerk, including correspondence and other documentation relating to the requests.

a) Approved requests. RETENTION: Approval of request + 1 year. [Exempt from destruction request to the Texas State Library]

b) Denied requests. RETENTION: Denial of request + 2 years.

**2275-25 PROBATION COLLECTION RECORD (PROBATION FILE RECORD)** - Documentation detailing the collection of probation fees. RETENTION: FE + 5 years.

**2275-26 RECORDS MANAGEMENT RECORDS**

a) Records control schedules (including all successive versions of or amendments to schedules). RETENTION: PERMANENT.

b) Records destruction documentation - Records documenting the destruction of records under records control schedules, including requests submitted to the Texas State Library and Archives Commission for authorization to destroy unscheduled records or the originals of permanent records that have been microfilmed. RETENTION: PERMANENT.

c) Records inventories - Lists or inventories of the active and inactive records created or received by a county office. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

d) Records management plans and policy documents - Plans and similar documents establishing the policies and procedures under which a records management program operates. RETENTION: US + 5 years.

**2275-27 REPORTS OF COLLECTIONS (MONTHLY FEE REPORTS).** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

**2275-28 TRUST FUND RECORD** - Journal, ledger, or similar record of receipts to and disbursements from trust funds. RETENTION: FE + 5 years.

**2275-29 WITNESS FEE REPORTS** - Copies of reports submitted by the district clerk to the State Comptroller listing fee claims for out-county witnesses. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

## **PART 12: BUSINESS AND PROFESSIONAL RECORDS**

2300-01 **ATTORNEY LICENSING RECORDS** - Applications for license to practice law and reports of committees on applications for license to practice law. RETENTION: PERMANENT.

2300-02 **ATTORNEY RECORD** - Register or roster of attorneys licensed by a district court to practice in the county. RETENTION: PERMANENT.

2300-03 **CHIROPODY REGISTER (PODIATRY REGISTER)** - Recorded licenses of chiropodists or podiatrists issued by the state. RETENTION: PERMANENT.

2300-04 **CHIROPRACTIC REGISTER** - Recorded licenses of chiropractors issued by the state. RETENTION: PERMANENT.

2300-05 **MEDICAL REGISTER** - Register of physicians licensed by local boards or the state. RETENTION: PERMANENT.

2300-06 **PHARMACY REGISTER** - Register of pharmacists licensed by local boards. RETENTION: PERMANENT.

2300-07 *[Withdrawn]*

2300-08 **VETERINARY REGISTER** - Recorded licenses of veterinarians issued by the state. RETENTION: PERMANENT.

## **PART 13: MISCELLANEOUS RECORDS**

2325-01 **BONDS AND DEPUTATIONS OF COUNTY CLERK** - Bonds, qualifying oaths, and deputations of county clerks and their deputies. RETENTION: AR + 5 years.

2325-03 *[Withdrawn]*

2325-03 **ESTRAY RECORD** - Recorded affidavits and bonds of takers-up of estrayed animals, affidavits of appraisal of the animals, and any accompanying reports of the death of estrays or affidavits of ownership of estrays, recorded with the district clerk under the Stock Law of 1874. RETENTION: PERMANENT.

2325-04 **LIQUOR PRESCRIPTIONS AND AFFIDAVITS** - Prescriptions, canceled prescriptions, and affidavits by druggists for the sale of liquor for medicinal purposes, for the purchase of liquor from out of state or from wholesalers for importation into prohibition territory and affidavits from clergy for the use of liquor for sacramental purposes. RETENTION: PERMANENT.

2325-05 **MARKS AND BRANDS RECORD** - Register of livestock marks and brands and their subsequent sale or transfer, recorded with the district clerk under the Stock Law of 1874. RETENTION: PERMANENT.

2325-06 **PASSPORT APPLICATION RECORDS** - Copies of passport applications and all other records related to the acceptance of such applications. RETENTION: Destroy at option.

2325-07 **PRESCRIPTION REGISTER** - Register of prescriptions and affidavits received from druggists and clergy for the use of liquor for medicinal or sacramental purposes. RETENTION: PERMANENT.

2325-08 **REGISTERED VOTERS, LISTS OF** - Lists or registers of voters qualified to vote. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

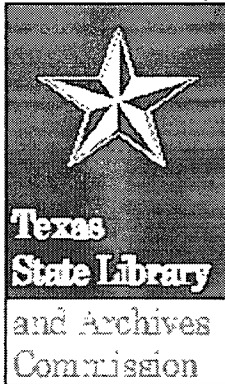
2325-09 **REPORTS OF LIQUOR SEIZED** - Reports of liquor and associated property seized, and copies of receipts issued by the sheriff for goods if liquor or property was seized by officers other than the sheriff.

a) Receipts. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

b) Reports. RETENTION: PERMANENT.

*Comments or complaints regarding the programs and services of the Texas State Library and Archives Commission can be addressed to the Director and Librarian, PO Box 12927, Austin, TX 78711-2927. 512-463-5460 or FAX 512-463-5436*

*Copies of this publication are available in alternative format upon request.*



## **LOCAL SCHEDULE CC (2nd edition)**

### **Retention Schedule for Records of County Clerks**

*Effective October 20, 1997*

This schedule establishes mandatory minimum retention periods for the records listed. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period for a record that is less than that established for the record on this schedule. The originals of records listed in this schedule may be disposed of prior to the expiration of the stated minimum retention period if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under authority of those chapters. Actual disposal of such records by a local government or an elective county office is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under its authority, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Open Records Act (Government Code, Chapter 552).

### **INTRODUCTION**

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the commission.

Local Schedule CC sets mandatory minimum retention periods for records series (identified in the Records Series Title column) maintained by county clerks. It also sets retention periods for the records of county surveyors, maintained by law by county clerks in those counties in which the office has been abolished, and for the records of defunct offices of county superintendents of schools, which are customarily maintained by county clerks. If the retention period for a record



is established in a federal or state law, rule of court, or regulation, a citation to the relevant provision is given; if no citation is given, the authority for the retention period is this schedule. The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period, again unless otherwise noted, applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

If a record described in this schedule is maintained in a bound volume of a type in which pages are not designed to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is **less than permanent** may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is **permanent** on this schedule, authority to dispose of the damaged record must be obtained from the director and librarian of the Texas State Library. The Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Requests for Authority to Destroy Unscheduled Records (SLR 501), whose submission to the director and librarian of the Texas State Library is required by the Local Government Code, Section 203.045, need not be filed for records shown as exempt from the requirement.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described. Although AV may be used as a retention period on a records control schedule of a local government, it is in the best interests of any records management program that fixed retention periods be assigned for each records series. AV records tend to accumulate and go unmanaged.

## AMENDMENT NOTICE

An item number that is preceded by an asterisk (\*) indicates either that the retention period or the description of the record series has been changed from that which appeared in the edition of Local Schedule CC, effective November 1, 1994, or the records series is new to this schedule. An asterisk is also used before a retention note that has been amended or added at the beginning of the schedule or any of its parts or sections. Changes to legal citations or non-substantive editorial changes are not noted.

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**ABBREVIATIONS USED IN THIS SCHEDULE**

AR - After release, replacement, termination, or cancellation of  
the instrument; or if recorded, of all instruments in volume

AV - As long as administratively valuable

FE - Fiscal year end

US - Until superseded

## RECORDS OF COUNTY CLERKS

**Retention Notes:** a) *TEXAS COUNTY RECORDS MANUAL RENDERED WITHOUT EFFECT* - The adoption and issuance of the first edition of this schedule by the Texas State Library and Archives Commission rendered without effect Volume I of the Texas County Records Manual as amended through February 15, 1993. County clerks should not use any part of the Texas County Records Manual to determine minimum retention periods or the requirements of local government records laws.

b) *USE OF LOCAL SCHEDULE GR (Records Common to All Governments) - Class 1000 (General Records)*, which was part of Volume I of the Texas County Records Manual, is not included in this schedule. County clerks should use Local Schedule GR for determining minimum retention periods for administrative, personnel, financial, and support service records not included in this schedule.

c) *DESTROY AT OPTION* - The term "destroy at option" as used throughout this schedule indicates that the record is an obsolete record no longer required by law to be maintained by county clerks. We recommend that county clerks who wish to retain these records rather than destroy them assign definite retention periods for the records on their records control schedules.

### PART 1: COUNTY CLERK AS CLERK TO COMMISSIONERS COURT

#### SECTION 1-1: RECORDS OF PROCEEDINGS

1100-01 **BOARD OF EQUALIZATION MINUTES** - Proceedings of commissioners court sitting as a board of equalization. RETENTION: PERMANENT.

1100-01a **COMMISSIONERS COURT AGENDAS AND OPEN MEETING NOTICES.** RETENTION: 2 years. [By law - Government Code, Section 551.104(a) for agendas of closed meetings.]

1100-02 **COMMISSIONERS COURT DOCKET** - Register of petitions, applications, and claims filed.

a) If information *is* duplicated in Commissioners Court Minutes [1100-03]. RETENTION: 5 years after last entry.

b) If information *is not* duplicated in Commissioners Court Minutes [1100-03]. RETENTION: PERMANENT.

1100-03 **COMMISSIONERS COURT MINUTES.** RETENTION: PERMANENT.

**1100-04 COMMISSIONERS COURT MINUTES (AUDIO AND VIDEOTAPES)**

a) Audio or videotapes of proceedings in open meetings:

1) Audiotapes from which written minutes *are* prepared. RETENTION: 90 days after approval of the minutes by the commissioners court. (Exempt from destruction request to the Texas State Library)

2) Audiotapes from which written minutes *are not* prepared. RETENTION: PERMANENT.

b) Audiotapes of closed meetings. RETENTION: 2 years. [By law - Government Code, Section 551.104(a).]

c) Audiotapes of workshop sessions in which votes are not made and written minutes are not required by law to be taken. RETENTION: 2 years.

**1100-05 COMMISSIONERS COURT MINUTES (NOTES)** - Notes taken during meetings to aid in the preparation of minutes. RETENTION: 90 days after approval of the minutes by the commissioners court. (Exempt from destruction request to the Texas State Library)

**1100-06 COMMISSIONERS COURT ORDERS AND RESOLUTIONS**

a) If recorded in Commissioners Court Minutes or in a separate volume of proceedings [1100-03]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

b) If *not* recorded in Commissioners Court Minutes or in a separate volume of proceedings [1100-03]. RETENTION: PERMANENT.

**1100-07 COMMISSIONERS COURT, PETITIONS TO.** RETENTION: 2 years after consideration by the court. (Review before disposal; some petitions relating to significant events in a county may have historical value. This schedule recommends, but does not require, that such original petitions that have not been recorded in one of the permanent records listed in this section be retained PERMANENTLY.)

**1100-08 HOSPITAL DISTRICT BOARD MINUTES** - Proceedings of commissioners court sitting as a board of managers of a county hospital district. RETENTION: PERMANENT.

**1100-09 TEMPORARY BOARD AND COMMISSION MINUTES** - Proceedings of temporary boards or commissions appointed by commissioners court. RETENTION: PERMANENT.

**1100-10 COMMISSIONERS COURT SUPPORTING DOCUMENTATION** - One copy of each document *of any type* submitted to a meeting of commissioners court for consideration,

approval, or other action, *if* such action is reflected in the minutes of a meeting. RETENTION: 2 years. (Review before disposal; some supporting documentation, not already required to be maintained permanently elsewhere in this or other commission schedules, may merit permanent retention for historical reasons.)

***Retention Note:** The retention periods for many of the documents submitted to commissioners court for action are established elsewhere in this or other commission schedules and are often longer than the 2-year retention period for supporting documentation set here. The 2-year retention requirement does not override a longer retention requirement set elsewhere, but rather is meant to ensure that **all** documents presented for action by commissioners court are retained at least two years. This schedule does not require that supporting documentation be maintained together, but the retention by a county clerk of one set of the documents submitted at each meeting for two years would ensure satisfaction of the minimum retention requirement. County clerks should exercise caution in disposing of supporting documentation to avoid destruction of the record copy of a document for which they are custodian before the expiration of its retention period.*

## **SECTION 1-2: FINANCIAL RECORDS**

1125-01 **ACCOUNT OF OCCUPATION TAX RECEIPTS** - Statements of account from the State Comptroller to commissioners court showing amount of occupation taxes collected by the county. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1125-02 **ANNUAL FEE REPORTS** - Annual statements of fees, costs, and commissions earned, collected, and owed by district, county, and precinct officers. RETENTION: FE + 3 years.

1125-03 **ANNUAL REPORTS OF SINKING FUNDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library.)

1125-04 **APPLICATIONS FOR DEPUTIES** - Applications by officials for the appointment of deputies and assistants. RETENTION: 1 year after appointment or denial of application. (Exempt from destruction request to the Texas State Library)

### **1125-05 AUDITOR'S REPORTS**

a) Monthly or other partial year reports. RETENTION: FE + 3 years.

b) Annual reports. RETENTION: PERMANENT.

\* 1125-06 **BANKING RECORDS** - Bank statements, canceled or digitized images of checks,

check registers, deposit slips, debit and credit notices, reconciliations, notices of interest earned, etc. of a county clerk. RETENTION: FE + 5 years.

**1125-07 BIDS AND BID DOCUMENTATION** - Original bid documentation maintained by county clerks in counties without county auditors or county purchasing agents.

a) Requests for proposals and successful bids, including invitations to bid, bid bonds and affidavits, bid sheets, and similar supporting documentation. RETENTION: FE + 3 years.

*\* Retention Note: If a formal written contract is the result of a request for proposal or successful bid, the request for proposal or successful bid and its supporting documentation must be retained for the same period as the contract. See item number 1125-12.*

b) Unsuccessful bids. RETENTION: 2 years.

c) Informal bid records, such as requests for quotations or estimates, for the procurement of goods or services for which state law or local policy does not require the formal letting of bids. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

**1125-08 BOND REGISTERS**

a) If bond registers *are* duplicates of those maintained by the county treasurer or the county auditor. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

\* b) If bond registers *are not* duplicates of those maintained by the county treasurer or the county auditor. RETENTION: FE of cancellation of last bond under issue + 5 years.

*Retention Note: Prior to disposal, bond registers shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently. Older bond registers from a time when the government itself or a local bank handled the issuance and payment of bonds often contain the names of local residents who subscribed to the bond issue. These registers usually merit permanent retention for historical reasons.*

**1125-09 BONDS AND COUPONS** - Canceled or unsold bonds, bond interest paying coupons, and similar instruments of paid bonded indebtedness, including lists of bonds and coupons to be destroyed.

a) Any unsold and undelivered bonds that have been printed, but the authority to issue which has been revoked by an election. RETENTION: *See retention note.* [By law -

Revised Civil Statutes, art. 717g(2).] (Exempt from destruction request to the Texas State Library)

***Retention Note:** Must be canceled and burned after canvass of election returns indicates revocation of the bond issue has been approved by the electorate.*

b) Canceled bonds or coupons in the possession of the county depository or another entity acting as paying agent for the bond issue. RETENTION: *See retention note.* [By law - Revised Civil Statutes, art. 717l-1.] (Exempt from destruction request to the Texas State Library)

***Retention Note:** Commissioners courts may enter into contract with a depository or other entity for destruction of bonds or coupons provided that a) 1 year has elapsed since the bond or coupon was paid; and b) 90 days have elapsed since the depository or other agent has filed with the commissioners court or the county treasurer a list identifying the certificate, bond, interest coupon, or other evidence of indebtedness to be destroyed. The list submitted by the depository or other agency must be retained for 1 year after the destruction of the bonds or coupons and is exempt from destruction request to the Texas State Library.*

c) Canceled bonds or coupons in the possession of a county clerk. RETENTION: 1 year after payment. (Exempt from destruction request to the Texas State Library)

1125-10 **CLAIMS** - Bills, invoices, and other claims requesting payment for goods or services rendered.

a) In counties without an auditor or in counties with an auditor in which the county clerk retains the original claims as clerk to the commissioners court. RETENTION: FE + 3 years.

b) In counties with an auditor in which the county clerk retains copies and the county auditor the original claims. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1125-11 **CONTRACT RECORD** - Recorded contracts, leases, or agreements entered into by the county. RETENTION: PERMANENT.

\* 1125-12 **CONTRACTS, LEASES, AND AGREEMENTS** - Contracts, leases, and agreements entered into by the county, including reports, correspondence, performance bonds, and similar records relating to their negotiation, administration, renewal, or termination, *except* construction contracts. For construction contracts, see item number 1075-16 in Local Schedule GR (Records Common to All Local Governments). RETENTION: 4 years after the expiration or termination of the instrument according to its terms.



1125-13 **COUNTY BUDGETS** - Annual, supplemental, and special budgets, including amendments. RETENTION: PERMANENT.

1125-14 **COUNTY DEPOSITORY PLEDGE CONTRACTS** - Pledge contracts with banks acting as depositories for county or court trust funds, including any lists and amounts of securities pledged, notices of additional pledges, reconciliation papers, and similar documents relating to the contract. RETENTION: 4 years after the expiration or termination of the contract according to its terms.

1125-15 **DEPOSIT WARRANTS** - Copies or stub books of deposit warrants issued by the county clerk for monies deposited in county funds or accounts. RETENTION: FE + 3 years.

1125-16 **FINANCE LEDGER** - Record of credits to and debits from the various accounts and funds administered by county officials, maintained by county clerks in counties without county auditors.

\* 1) Fiscal years for which an annual audit report (see item numbers 1125-05 and 1125-17) exists. RETENTION:  
FE + 5 years.

*Retention Note: Prior to disposal, finance ledgers shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently.*

2) Fiscal years for which an annual audit report (see item numbers 1125-05 and 1125-17) does not exist. RETENTION: PERMANENT.

1125-17 **INDEPENDENT AUDIT REPORTS** - Audit reports by an auditor other than the county auditor. RETENTION: PERMANENT.

1125-18 **MINUTES OF ACCOUNTS ALLOWED (CLAIM MINUTES)**. RETENTION: PERMANENT.

1125-19 **MINUTES OF TREASURERS REPORT**. RETENTION: PERMANENT.

1125-20 **MONTHLY EXPENSE REPORTS** - Monthly statements by district, county, and precinct officers of expenses incurred. RETENTION: FE + 3 years.

1125-21 **PRISONER EXPENSE REPORTS** - Reports concerning expenses incurred for the safekeeping or maintenance of county prisoners. RETENTION: FE + 3 years.

\* 1125-22 **PUBLIC HOSPITAL BOND RECORD** - Record of bonds issued by a public hospital district if, by law, the county clerk maintains the record. RETENTION: FE of cancellation of last bond under issue + 5 years.

*Retention Note: Prior to disposal, bond records shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently. Older bond records from a time when the government itself or a local bank handled the issuance and payment of bonds often contain the names of local residents who subscribed to the bond issue. These bond records usually merit permanent retention for historical reasons.*

1125-23 **REPORTS OF COLLECTIONS** - Reports of collections submitted by district, county, and precinct officers. RETENTION: FE + 3 years.

1125-24 **TREASURER'S MONTHLY REPORTS.** RETENTION: FE + 3 years.

1125-25 **TREASURER'S QUARTERLY REPORTS.** RETENTION: FE + 3 years.

1125-26 **VITAL STATISTICS REPORTS** - Reports from the State Registrar certifying the number of birth, death, and fetal death certificates filed by each local registrar. RETENTION: FE + 3 years.

### **SECTION 1-3: ROAD RECORDS**

1175-01 **DRAINAGE CONSTRUCTION REPORTS** - Reports on the construction of ditches and canals by private corporations. RETENTION: 5 years.

1175-02 **HIGHWAY FUND ANNUAL REPORTS** - Annual reports to the State Treasurer detailing how monies from county road funds were spent. RETENTION: PERMANENT.

1175-04 **JURY OF VIEW REPORTS** - Reports of juries of view appointed to oversee the laying out or alteration of county roads and ditches.

a) Originals of reports that *have been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

b) Originals of reports that *have not been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: PERMANENT.

1175-05 **ORDERS FOR APPOINTMENT OF JURIES OF VIEW.** RETENTION: Destroy at option after submission of report of jury of view. (Exempt from destruction request to the Texas State Library)

1175-06 **ROAD COMMISSIONERS REPORTS**

a) Originals of reports that *have been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

b) Originals of reports that *have not been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: PERMANENT.

1175-07 **ROAD CONSTRUCTION SURETY BONDS** - Surety bonds filed by owners of real estate subdivisions for the construction of streets and roads. RETENTION: Effective life of bond + 5 years.

\* 1175-08 **ROAD DISTRICT BOND RECORD.** RETENTION: FE of cancellation of last bond under issue + 5 years.

*Retention Note: Prior to disposal, bond records shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently. Older bond records from a time when the government itself or a local bank handled the issuance and payment of bonds often contain the names of local residents who subscribed to the bond issue. These bond records usually merit permanent retention for historical reasons.*

1175-09 **ROAD MINUTES** - Proceedings of commissioners court relating to county roads and ditches.

a) Any volume containing minutes of proceedings and actions concerning road matters. RETENTION: PERMANENT.

b) Any volume containing recorded copies of road petitions; orders for juries of view; or reports of juries of view or road overseers, supervisors, or commissioners. RETENTION: PERMANENT.

c) Any volume containing only a record of appointments of or commissions issued to road overseers. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

#### 1175-10 ROAD OVERSEERS ANNUAL REPORTS

- a) Originals of reports that *have been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)
- b) Originals of reports that *have not been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: PERMANENT.

1175-11 **ROAD OVERSEERS COMMISSIONS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

#### 1175-12 ROAD SUPERINTENDENTS REPORTS

- a) Originals of reports that *have been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)
- b) Originals of reports that *have not been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: PERMANENT.

#### 1175-13 ROAD SUPERVISORS REPORTS

- a) Originals of reports that *have been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)
- b) Originals of reports that *have not been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: PERMANENT.

1175-14 **STATE HIGHWAY BIDS** - Copies of bids submitted to the Texas Department of Transportation or its predecessors for construction or improvement of state highways. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1175-15 **SURVEY REPORTS** - Reports, including surveys, specifications, and cost estimates, submitted by surveyors or the county engineer to commissioners court on the construction or repair of county roads and bridges and county-owned drainage ditches.

- a) Originals of reports and associated papers that have been recorded in Commissioners Court Minutes [1100-03], Road Minutes [1175-09], or Plat Record [1275-17]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)
- b) Originals of reports and associated papers that have *not* been recorded in Commissioners Court Minutes [1100-03], Road Minutes [1175-09], or Plat Record [1275-17]. RETENTION: PERMANENT.

## SECTION 1-4: RECORDS OF WATER DISTRICTS

**1200-01 COMMISSIONERS COURT PROCEEDINGS CONCERNING WATER DISTRICTS** - Proceedings, findings, orders, and declarations of commissioners court or a joint board concerning drainage, fresh water supply, irrigation, levee improvement, navigation, self liquidating navigation, stormwater control, water control and improvement, water control and preservation, and water improvement districts. RETENTION: PERMANENT.

*Retention Note: Originals of any of these documents that have been recorded in Commissioners Court Minutes [1100-03] or in a separate volume of proceedings need only be kept as long as administratively valuable and are exempt from destruction request to the Texas State Library.*

**1200-02 DRAINAGE DISTRICT ANNUAL MAINTENANCE REPORTS.** RETENTION: PERMANENT.

**1200-03 DRAINAGE DISTRICT BOND AGREEMENTS** - Agreements between commissioners court and district bondholders for retirement of bonds of dissolved districts. RETENTION: Retirement of all bonds of district + 7 years.

**1200-04 DRAINAGE DISTRICT CIVIL ENGINEER REPORTS.** RETENTION: PERMANENT.

**1200-05 FRESH WATER SUPPLY DISTRICT BOARD RESOLUTIONS** - Copies of resolutions of district boards adding or excluding land from districts, redefining boundaries, or discharging liability of taxpayers in excluded territory.

a) Recorded copies. RETENTION: PERMANENT.

b) Filed copies. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

**1200-06 IRRIGATION DISTRICT CREATION AND DISSOLUTION ORDERS** - Filed and recorded copies of the orders of district boards creating or dissolving districts.

a) Recorded copies. RETENTION: PERMANENT.

b) Filed copies. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

**1200-07 IRRIGATION DISTRICTS, RECORDS OF DISSOLVED** - Records of dissolved irrigation districts. RETENTION: *See retention note.* [By law - Water Code, Section 58.828.]

*Retention Note: State law requires that a county clerk, after obtaining custody of the records of a dissolved irrigation district, contact the director and librarian of the Texas*

*State Library to arrange for the transfer of the records to the custody of the Texas State Library and Archives Commission.*

**1200-08 LEVEE IMPROVEMENT DISTRICT RECLAMATION PLANS.** RETENTION: 3 years.

**1200-09 PRIVATE WATER COMPANY ANNUAL REPORTS** - Annual operations and financial reports of private water companies in counties over 1,500,000. RETENTION: PERMANENT.

**1200-10 STORMWATER CONTROL DISTRICT STORMWATER PLANS.** RETENTION: 3 years.

**1200-11 TEXAS NATURAL RESOURCE CONSERVATION COMMISSION ORDERS CONCERNING WATER DISTRICTS** - Copies of orders, findings, reports, and decisions from the Texas Natural Resource Conservation Commission or its predecessors relating to the creation and formation of irrigation, levee improvement, stormwater control, underground water conservation, water control and improvement, and water improvement districts. RETENTION: PERMANENT.

**1200-12 WATER ADJUDICATION CASE PAPERS** - Documentation received from the Texas Natural Resource Conservation Commission or its predecessors; and copies of documents and correspondence submitted to the Commission involving water rights adjudications to which the county is a party or in which the county has an interest. RETENTION: PERMANENT.

**1200-13 WATER CONTROL AND IMPROVEMENT DISTRICTS, RECORDS OF DISSOLVED** - Records of dissolved water control and improvement districts. RETENTION: *See retention note.* [By law - Water Code, Section 51.828.]

*Retention Note: State law requires that a county clerk, after obtaining custody of the records of a dissolved water control and improvement district, contact the director and librarian of the Texas State Library to arrange for the transfer of the records to the custody of the Texas State Library and Archives Commission.*

**1200-14 WATER CONTROL AND PRESERVATION DISTRICT BOND RESOLUTIONS.** RETENTION: PERMANENT.

**1200-15 WATER DISTRICT ANNUAL AUDIT REPORTS.** RETENTION: 3 years.

**1200-16 WATER DISTRICT ANNUAL FINANCIAL DORMANCY AFFIDAVITS.** RETENTION: 3 years.

**1200-17 WATER DISTRICT ANNUAL FINANCIAL REPORTS.** RETENTION: 3 years.

**1200-18 WATER DISTRICT PROCEEDINGS RECORD** - Recorded proceedings of irrigation, underground water conservation, and water control and improvement district boards and of all orders or decrees of any court affecting the creation, boundaries, or validity of the districts. RETENTION: PERMANENT.

\* **1200-19 WATER DISTRICT BOND RECORD** - Bond record of drainage and water control and preservation districts. RETENTION: FE of cancellation of last bond under issue + 5 years.

*Retention Note: Prior to disposal, bond records shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently. Older bond records from a time when the government itself or a local bank handled the issuance and payment of bonds often contain the names of local residents who subscribed to the bond issue. These bond records usually merit permanent retention for historical reasons.*

**1200-20 WATER DISTRICT COMMISSIONERS OF APPRAISEMENT REPORTS** - Final reports of commissioners of appraisal for taxation on benefit basis in irrigation, levee improvement, water control and improvement, and water improvement districts. RETENTION: PERMANENT.

**1200-21 WATER DISTRICT CONDEMNATION DECREES** - Certified final decrees of condemnation rendered by levee improvement, navigation, and water control and improvement district tribunals in eminent domain proceedings. RETENTION: PERMANENT.

**1200-22 WATER DISTRICT CONSTRUCTION CONTRACTS** - Construction contracts of drainage, irrigation, navigation, self-liquidating navigation, water control and improvement, water control and preservation, and water improvement districts.

a) Recorded copies. RETENTION: PERMANENT.

b) Filed copies. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

**1200-23 WATER DISTRICT CREATION REVIEW REPORTS.** RETENTION: PERMANENT.

**1200-24 WATER DISTRICT DISSOLUTION TAX RECEIPTS** - Dissolution tax receipts of drainage, irrigation, water control and improvement, and water improvement districts. RETENTION: FE + 3 years.

**1200-25 WATER DISTRICT FINANCIAL STATUS REPORTS** - Reports on financial status of drainage and navigation districts made by the county treasurer by order of commissioners court. RETENTION: PERMANENT.

1200-26 **WATER DISTRICT INFORMATION FORMS** - Information forms and boundary maps of each water district in a county whose principal function is to provide water and sewer services, including any statements of amendment or dissolution. RETENTION: PERMANENT.

1200-27 **WATER DISTRICT JUDGMENTS** - Certified judgments from district or higher courts on appeal from decisions of commissioners court relating to the creation of irrigation, levee improvement, and water control and improvement districts. RETENTION: PERMANENT.

1200-28 **WATER DISTRICT PETITIONS AND ORDERS TO ADD LAND** - Filed and recorded petitions to add land to drainage, irrigation, municipal utility, regional water, special utility, and water control and improvement districts granted by district boards.

a) Recorded copies. RETENTION: PERMANENT.

b) Filed copies. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

1200-29 **WATER DISTRICT RATE STATEMENTS** - Rate statements of municipal utility and regional utility districts under contract with cities concerning water and sewer rates with accompanying maps or plats of the districts. RETENTION: PERMANENT.

1200-30 **WATER DISTRICT SEMI-ANNUAL REPORTS** - Semi-annual reports of drainage and water improvement districts. RETENTION: 3 years.

1200-31 **WATER DISTRICT TENTATIVE DISSOLUTION TAX ROLLS** - Tentative dissolution tax rolls of irrigation and water control and improvement districts. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1200-32 **WATER DISTRICT TRUSTEE'S REPORTS** - Final accounts and reports to commissioners court by the county treasurer as trustee of dissolved drainage and water improvement districts or by the trustees of dissolved levee improvement districts. RETENTION: PERMANENT.

#### **SECTION 1-5: MISCELLANEOUS RECORDS**

1225-01 **BOARD OF EQUALIZATION NOTICES** - Copies of notices sent to property owners notifying them of impending changes in land valuation. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1225-02 **CHARGES AGAINST COUNTY HEALTH OFFICERS** - Charges or complaints against county health officers filed with commissioners court by the state. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)



**1225-03 COUNTY AUDITORIUM ANNUAL BUDGETS AND FINANCIAL STATEMENTS.** RETENTION: PERMANENT.

**1225-04 COUNTY BUILDING AUTHORITY ANNUAL BUDGETS.** RETENTION: PERMANENT.

**1225-05 COUNTY BUILDING AUTHORITY QUARTERLY REPORTS.** RETENTION: FE + 3 years.

\* **1225-06 COUNTY HEALTH OFFICER REPORTS.** RETENTION: 1 year, *but see retention note.* (Exempt from destruction request to the Texas State Library)

*Retention Note: Prior to disposal, county health officers reports shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently. Some reports from county health officers, especially from the period 1909 to about 1930, dealing with the control and quarantine of epidemic diseases such as yellow fever may have historical value.*

**1225-07 COUNTY HISTORICAL COMMISSION REPORTS AND SURVEYS.** RETENTION: PERMANENT.

**1225-07a COUNTY AND REGIONAL HOUSING AUTHORITY ANNUAL REPORTS.** RETENTION: PERMANENT.

**1225-08 COUNTY MUSEUM ANNUAL BUDGETS AND FINANCIAL STATEMENTS.** RETENTION: PERMANENT.

**1225-09 COUNTY NURSE MONTHLY REPORTS.** RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

**1225-09a COUNTY PARK BOARD ANNUAL FINANCIAL REPORTS.** RETENTION: PERMANENT.

**1225-10 EXTENSION AND DEMONSTRATION AGENTS' REPORTS** - Monthly and annual reports of county agricultural extension agents and county home demonstration agents. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

**1225-11 ENCLOSED SCHOOL LAND REPORTS** - Annual reports to commissioners court by county surveyor on number of sections of school land sold and enclosed during the year. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

**1225-12 FERRY LICENSE APPLICATIONS** - Original applications and/or copies of licenses issued to ferrymen, launch pilots, or branch pilots.

a) Those dated 1910 and before. RETENTION: PERMANENT.

b) Those dated 1911 and later. RETENTION: Termination, expiration, or denial of license + 4 years.

**1225-13 GLANDERS APPRAISEMENT REPORTS** - Reports of appraisement of horses, mules, and asses affected with glanders submitted by committees of appraisement. RETENTION: 2 years.

**1225-14 HOSPITAL BOARD OR DISTRICT REPORTS**

a) Quarterly and other partial year reports. RETENTION: FE + 3 years.

b) Annual reports. RETENTION: PERMANENT.

**1225-15 INSURANCE POLICIES ON COUNTY PROPERTY.** RETENTION: 4 years after the expiration or termination of the policy according to its terms.

**1225-16 INVENTORIES OF COUNTY PROPERTY**

(a) Capital asset equipment or property inventories (including sequential number property logs). RETENTION: US + 3 years.

(b) Inventory records (parts and supplies). RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

\* **1225-17 LEGAL OPINIONS** - Copies of legal opinions rendered to commissioners court, the county judge, or the county clerk by a county or district attorney. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

*Retention Note: For the record copies of the opinions maintained permanently by county and district attorneys, see item number 1000-30 in Local Schedule GR (Records Common to All Local Governments).*

**1225-18 LIVESTOCK AUCTION COMMISSION MERCHANTS, QUARTERLY REPORTS OF.** RETENTION: 2 years.

**1225-19 MOSQUITO CONTROL DISTRICT BIENNIAL REPORTS.** RETENTION: PERMANENT.

**1225-20 ODOMETER READINGS** - Monthly reports of odometer readings of county-owned vehicles used by the county sheriff or deputies. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1225-21 **PAUPER APPLICATIONS** - Applications and petitions by persons requesting to be declared paupers and eligible for county aid, and similar applications by needy mothers. RETENTION: PERMANENT.

1225-22 **PAUPER RECORD (INDIGENT RECORD)** - Record of payments or allowances made to paupers or needy mothers by the commissioners court. RETENTION: PERMANENT.

\* 1225-23 **PUBLIC WORKS PROJECT RECORDS** - Records series item number withdrawn. See item number 1075-16 in Local Schedule GR (Records Common to All Local Governments)

1225-24 **RECORD OF INMATES** - Register of inmates of county poorhouses or asylums. RETENTION: PERMANENT.

**1225-25 REPORTS OF ANIMALS SLAUGHTERED (BUTCHERS REPORTS)**

1) Originals of reports that *have been* recorded in Record of Animals Slaughtered [1475-14]. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2) Originals of reports that *have not been* recorded in Record of Animals Slaughtered [1475-14]. RETENTION: PERMANENT.

1225-26 **RURAL FIRE PREVENTION DISTRICT ANNUAL REPORTS.** RETENTION: PERMANENT.

1225-27 **SCALP BOUNTY RECORDS** - All documents relating to the payment of scalp bounties by commissioners court. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1225-28 **SOLID WASTE DISPOSAL PERMIT RECORDS** - Applications, copies of permits, and other documentation related to the issuance of permits by the county for the operation of facilities for the processing, storage, or disposal of solid waste. RETENTION: Expiration, cancellation, or denial of permit + 3 years.

1225-29 **SOLID WASTE DISPOSAL PLANS AND REGULATIONS** - Plans and regulations concerning the handling, transport, processing, storage, or disposal of solid waste in the county. RETENTION: PERMANENT.

1225-29a **SURPLUS AND SALVAGE PROPERTY REPORTS** - Reports on county surplus or salvaged property sold by competitive bid or at auction or destroyed. RETENTION: 1 year. [By law - Local Government Code, Section 263-155(b).] (Exempt from destruction request to the Texas State Library)

1225-30 **TICK ERADICATION INSPECTION REPORTS.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1225-31 **TUBERCULOSIS CONTROL BOARD QUARTERLY REPORTS.** RETENTION: FE + 3 years.

1225-32 **WRECK-MASTER SALVAGE REPORTS**

a) Reports dated 1910 and earlier. RETENTION: PERMANENT.

b) Reports dated 1911 and later. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

**SECTION 1-6: RECORDS OF THE COUNTY JUDGE**

1250-01 **ACKNOWLEDGMENT RECORD** - Record of acknowledgments or proofs of instruments taken by the county judge as ex-officio notary public. RETENTION: 10 years.

1250-02 **ANNUAL FEE REPORTS.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1250-03 **CASH RECEIPTS.** RETENTION: FE + 3 years.

1250-04 **CONVICT LABOR RECORD** - Register of convicts doing work for the county or hired out to individuals and firms for private work. RETENTION: PERMANENT.

1250-05 **DAILY CASH BOOK OR REPORTS.** RETENTION: FE + 3 years.

1250-06 **DEPOSIT WARRANTS** - Copies of deposit warrants issued by the county clerk or the county treasurer for monies deposited in any funds or accounts of the county judge. RETENTION: FE + 3 years.

1250-07 **FEE BOOK.** RETENTION: FE + 5 years.

1250-08 **MONTHLY EXPENSE REPORTS.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

\* 1250-09 **OPEN RECORDS REQUESTS** - Written open records requests, including those sent by electronic mail or facsimile, submitted to a county judge, including correspondence and other documentation relating to the requests.

a) Approved requests. RETENTION: Approval of request + 1 year. [Exempt from destruction request to the Texas State Library]

b) Denied requests. RETENTION: Denial of request + 2 years.

1250-10 **REPORTS OF COLLECTIONS (MONTHLY FEE REPORTS).** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

## **PART 2: COUNTY CLERK AS RECORDER**

### **SECTION 2-1: PROPERTY RECORDS**

1275-01 **ALIEN OWNED LAND RECORD.** RETENTION: PERMANENT.

1275-02 **APPLICATION RECORD - ACTUAL SETTLER.** RETENTION: PERMANENT.

1275-03 **APPLICATION RECORD - ADDITIONAL LANDS.** RETENTION: PERMANENT.

1275-04 **BILL OF SALE RECORD (PERSONAL PROPERTY RECORD).** RETENTION: PERMANENT.

1275-05 **BOARD OF LAND COMMISSIONERS, MINUTES OF (REGISTER OF HEAD-RIGHT CERTIFICATES).** RETENTION: PERMANENT.

1275-06 **BURNED DEED RECORD.** RETENTION: PERMANENT.

1275-07 **CEMETERY RECORDS** - Deeds, plats, and all other records relating to cemeteries situated in county, including any lists of persons buried. RETENTION: PERMANENT.

1275-08 **CLASSIFICATION RECORD (RECORD OF UNSOLD PUBLIC LANDS, SCHOOL LAND SALE RECORD).** RETENTION: PERMANENT.

1275-09 **CONDOMINIUM RECORD.** RETENTION: PERMANENT.

1275-10 **COUNTY DEEDS, EASEMENTS, AND RIGHTS OF WAY** - Originals and recorded copies of deeds to county-owned land and instruments relating to easements and rights of way granted to the county. RETENTION: PERMANENT.

1275-11 **DEED RECORD.** RETENTION: PERMANENT.

1275-12 **DELINQUENT TAX DEED RECORD (SHERIFF'S DEED RECORD).** RETENTION: PERMANENT.

1275-13 **LAND OFFICE NOTICES** - Notices of forfeiture of title to or lease of public school lands due to non-payment of interest or failure to drill offset wells.

a) Notices of forfeiture due to non-payment. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

b) Notices of forfeiture due to failure to drill offset wells. RETENTION: 90 days after notation made in Oil and Gas Lease Record [1275-14] or Deed Record [1275-11]. (Exempt from destruction request to the Texas State Library)

1275-14 **OIL AND GAS LEASE RECORD.** RETENTION: PERMANENT.

1275-15 **OYSTER BED CLAIMS RECORD.** RETENTION: PERMANENT.

1275-16 **PATENT RECORD.** RETENTION: PERMANENT.

1275-17 **PLAT RECORD.** RETENTION: PERMANENT.

1275-18 **PUBLIC LAND LEASE RECORD (ABSTRACT OF LEASES OF PUBLIC LAND).** RETENTION: PERMANENT.

1275-19 **SLAVE RECORDS** - Records involving the sale, purchase, capture, or liberation of slaves. RETENTION: PERMANENT.

1275-20 **TRANSCRIBED DEED RECORD.** RETENTION: PERMANENT.

1275-21 **TRANSCRIBED SPANISH DEED RECORD.** RETENTION: PERMANENT.

1275-22 **TRANSFER OF PROPERTY REGISTER** - Record or register of property transfers, by sale or other means, showing names of grantor and grantee, type of instrument, description of property, date filed, and the page and volume number of the Deed Record [1275-11] in which the instrument is recorded. RETENTION: Destroy at option, *but see retention note.*

*Retention Note: A Transfer of Property register must be retained until a new index is compiled if an index to the Deed Record [1275-11] for the corresponding year or years is missing.*

1275-23 **VETERANS LAND BOARD NOTICES** - Notices of forfeiture of land purchase contracts due to non-payment. RETENTION: 90 days after notation made in the Deed Record [1275-11]. (Exempt from destruction request to the Texas State Library)

## **SECTION 2-2: MORTGAGE AND LIEN RECORDS**

1300-01 **ABSTRACT OF JUDGMENT RECORD.** RETENTION: PERMANENT.

1300-02 **ASSIGNMENTS OF ACCOUNT NOTICES.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-03 **ASSIGNMENT OF ACCOUNTS REGISTER.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-04 **ATTACHMENT LIEN RECORD.** RETENTION: PERMANENT.

1300-05 **CHATTEL MORTGAGE ATTACHED TO REALTY REGISTER (MACHINERY MORTGAGE REGISTER).** RETENTION: PERMANENT.

1300-06 **CHATTEL MORTGAGE REGISTER (CHATTEL MORTGAGE RECORD).** RETENTION: Destroy at option, *but see retention note.*

*Retention Note: It is an exception to the retention period given, that any chattel mortgage register containing recorded copies of chattel mortgages dated 1846-1930, 1935, 1940, 1945, and 1950, with corresponding indexes must be retained PERMANENTLY for historical reasons.*

1300-07 **CHATTEL MORTGAGE RELEASES.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-08 **CHATTEL MORTGAGES.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-09 **CHATTEL MORTGAGES ATTACHED TO REALTY (MACHINERY MORTGAGES).** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-10 **DEED OF TRUST RECORD (MORTGAGE RECORD).** RETENTION: PERMANENT.

1300-11 **FACTORS LIENS AND LIEN RELEASES.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-12 **FACTORS LIEN REGISTER.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-13 **FEDERAL LAND BANK DEED OF TRUST RECORD (AMORTIZATION RECORD).** RETENTION: PERMANENT.

1300-14 **FEDERAL TAX LIEN NOTICES AND RELEASES.** RETENTION: AR + 1 year.

1300-15 **FEDERAL TAX LIEN RECORD.** RETENTION: AR + 1 year.

1300-16 **FINANCING STATEMENT FILE REGISTER** - Register of financing statements and associated statements received for filing.

a) If the register *does not* contain a record of filing fees collected. RETENTION: AV.

b) If the register *does* contain a record of filing fees collected, but the information is duplicated in a Fee Book [1525-06]. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

c) If the register *does* contain a record of filing fees collected and the information is not duplicated in a Fee Book [1525-06]. RETENTION: FE + 3 years after last entry.

1300-17 **FINANCING STATEMENTS.** RETENTION: Lapse or termination + 1 year, *but see retention note.* [By law - Business and Commerce Code, Sections 9.403(a) and 9.404(b).]

*Retention Note: In those counties that retain the hard copy of the financing statement in an alphabetical or other form of file in addition to the principal copy of the financing statement, both copies may be disposed of at the expiration of the retention period.*

1300-18 **HOSPITAL LIEN RECORD.** RETENTION: AR + 1 year.

1300-19 **HOSPITAL LIENS AND LIEN RELEASES.** RETENTION: AR + 1 year.

1300-20 **LABORERS LIEN RECORD (EMPLOYEES LIEN RECORD).** RETENTION: AR + 1 year.

1300-21 **LANDLORDS LIEN RECORD (RENTAL LIEN RECORD).** RETENTION: AR + 1 year.

1300-22 **LIS PENDENS RECORD.** RETENTION: AR + 1 year.

1300-23 **MECHANICS AND MATERIALMEN LIEN RECORD.** RETENTION: PERMANENT.

1300-23a **MENTAL HEALTH LIENS AND LIEN RELEASES.** RETENTION: AR + 1 year.

1300-24 **PROGENY LIEN RECORD** - Recorded agreements establishing liens on progeny of livestock. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-25 **RELEASE RECORD** - Recorded releases of mortgages, deeds of trust, liens, and other instruments affecting real property. RETENTION: PERMANENT.

1300-26 **FINANCING STATEMENTS, REQUESTS FOR INFORMATION FROM** - Forms requesting information from, or copies of, financing statements or statements of assignment. RETENTION: 30 days. (Exempt from destruction request to the Texas State Library.)



**1300-27 SALE OF REAL PROPERTY UNDER CONTRACT LIEN, NOTICES OF -** Notices of sale of real property under a power of sale conferred by a deed of trust or other contract lien. RETENTION: Day after date of sale. [By law - Property Code, Section 51.002(f).] (Exempt from destruction request to the Texas State Library)

**1300-28 SECURITY INTEREST IN FIXTURES, INDEX TO -** Index to financing statements related to fixtures.

a) If *only* an index to financing statements related to fixtures filed from 1967 through 1973. RETENTION: AR + 1 year.

b) If an index to financing statements related to fixtures filed after 1 January 1974 and recorded in the Deed of Trust Record [1300-10]. RETENTION: PERMANENT.

**1300-29 STATE TAX LIEN RECORD.** RETENTION: AR + 1 year.

**1300-30 STATE TAX LIENS AND LIEN RELEASES.** RETENTION: AR + 1 year.

**1300-31 UTILITY SECURITY RECORDS (AFTER ACQUIRED PROPERTY RECORDS) -** Filed and recorded security mortgages, deeds of trust, indentures, supplemental mortgages, and similar instruments, including those containing after acquired property provisions, of public utilities and railroads.

a) Original utility security instruments filed with Chattel Mortgages Attached to Realty [1300-09], Chattel Mortgages [1300-08], Financing Statements [1300-17], or separately, and *recorded*. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

b) Original utility security instruments filed with Chattel Mortgages Attached to Realty [1300-09], Chattel Mortgages [1300-08], Financing Statements [1300-17], or separately and *not recorded*. RETENTION: PERMANENT.

c) Abstracts or recorded copies of utility security instruments abstracted or recorded in the Chattel Mortgages Attached to Realty Register [1300-05], Deed of Trust Record [1300-10], or in separate volumes. RETENTION: PERMANENT.

d) Index. RETENTION: PERMANENT.

**1300-32 VENDORS LIEN RECORD.** RETENTION: PERMANENT.

## SECTION 2-3: BIRTH RECORDS

*\* Retention Note: Section 191.026, Health and Safety Code was amended by the 75th Legislature in 1997 by adding subsection (e) to provide the following:*

*(e) The local registrar may, after the first anniversary of the date of registration of a birth, death, or fetal death, destroy the permanent record of the birth, death, or fetal death maintained by the local registrar if:*

*(1) the local registrar has access to electronic records of births, death and fetal deaths maintained by the bureau of vital statistics; and*

*(2) before destroying the records, the local registrar certifies to the state registrar that each record maintained by the local office that is to be destroyed has been verified against the records contained in the bureau's database and that each record is included in the database or otherwise accounted for.*

*The permanent retention period established in this schedule and by law for item numbers 1325-03, 1325-04(b), 1325-04(d), 1325-05, 1325-06, 1325-08, 1325-11(a), 1325-11(d), 1325-13, 1325-14, and 1325-17 is not required for those county clerks who choose to follow the option permitted by Section 191.026(e), provided they do so in accordance with procedures developed by the Bureau of Vital Statistics of the Texas Department of Health to implement the section.*

1325-01 [*Withdrawn, see 1325-04*]

1325-02 **BAPTISMAL AND PHYSICIANS REGISTERS** - Baptismal registers, account books of physicians, or any similar record that provides a listing of baptisms and births that have taken place in the county. RETENTION: PERMANENT.

\* 1325-03 **BIRTH AND DEATH RECORD** (combination form of the Birth Record and the Death Record). RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

1325-04 **BIRTH CERTIFICATES** - Copies of birth certificates, supplementary birth certificates, delayed birth certificates and supporting documentation, and amendments to birth certificates received by the county clerk as a local registrar or from local registrars or the Texas Department of Health.

a) Notices of birth (1873-1876; 1903-1911) or copies of birth certificates (1911-1927) that *have been* recorded or entered in the Birth Record [1325-08]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

\* b) Notices of birth (1873-1876; 1903-1911) or copies of birth certificates (1911-1927) that *have not been* recorded or entered in the Birth Record [1325-08]. RETENTION:

PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

c) Copies of birth certificates (1927-current), supplementary birth certificates (1935-current), delayed birth certificates (1939-current), or amendments to birth certificates (1927-current) that *have been* recorded in full in the Birth Record [1325-05], the Delayed Birth Record [1325-06], or a Supplementary Birth Record [1325-08]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

\* d) Copies of birth certificates (1927-current), supplementary birth certificates (1935-current), delayed birth certificates (1939-current), or amendments to birth certificates (1927-current) that *have not been* recorded in full in the Birth Record [1325-05], the Delayed Birth Record [1325-06], or a Supplementary Birth Record [1325-08]. RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

\* 1325-05 **BIRTH RECORD (BIRTH REGISTER before 1912).** RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

\* 1325-06 **DELAYED BIRTH RECORD (PROBATE BIRTH RECORD).** RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

1325-07 **ORDERS FOR CERTIFIED COPIES OF ILLEGITIMATE BIRTH CERTIFICATES** - Applications for the issuance of and court orders or judge's letters authorizing the issuance of illegitimate birth certificates. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

\* 1325-08 **SUPPLEMENTARY BIRTH RECORD** - Recorded or duplicate copies of supplementary birth certificates issued as the result of adoption, legitimation, or judicial determination of paternity. RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

\* 1325-08a **RECORD OF ISSUANCE OF CERTIFIED COPIES OR ABSTRACTS OF BIRTH RECORDS** - Record of the issuance of certified copies or abstracts of birth records showing date issued, document number, name and address of person to whom issued, and form of identification presented by applicant. RETENTION: 3 years. [By regulation - 25 TAC 181.28(e).]

***Retention Note:** The administrative rule of the Texas Department of Health setting the 3 year minimum retention period states that the application form, with the document number inserted, may serve to document the issuance of the copies or abstracts. For*

*those clerks who document the issuance of the copies or abstracts by other means, the applications need be retained only AV after the required information from the application is entered in the alternative record of issuance.*

#### **SECTION 2-4: DEATH RECORDS**

1325-09 *[Withdrawn, see 1325-11]*

**1325-10 BURIAL TRANSIT PERMIT RECORDS (BURIAL PERMIT RECORDS) -** Stubs, copies, or lists of burial transit permits issued. RETENTION: 2 years.

**1325-11 DEATH CERTIFICATES -** Copies of death certificates, fetal death certificates, and amendments to death certificates received by the county clerk as a local registrar or from local registrars or the Texas Department of Health.

a) Notices of death (1903-1911) or copies of death certificates (1911-1927) that *have been* recorded or entered in the Death Record [1325-13]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

\* b) Notices of death (1903-1911) or copies of death certificates (1911-1927) that *have not been* recorded or entered in the Death Record [1325-13]. RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

c) Copies of death certificates (1927-current), fetal death certificates (1951-current), delayed death certificates (1939-current), or amendments to death certificates (1927-current) that *have been* recorded in full in the Death Record [1325-13], the Delayed Death Record [1325-14], or a Fetal Death Record [1325-17]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

\* d) Copies of death certificates (1927-current), fetal death certificates (1951-current), delayed death certificates (1939-current), or amendments to death certificates (1927-current) that *have not been* recorded in full in the Death Record [1325-13], the Delayed Death Record [1325-14], or a Fetal Death Record [1325-17]. RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

**1325-12 NOTIFICATIONS OF DEATH OF PERSONS UNDER 55 -** Abstracts, transcripts, or copies of death certificates from the Bureau of Vital Statistics of persons under age 55 (or under 18 prior to May 1987) whose birth certificates were recorded by the county clerk. RETENTION: Until notation made in Birth Record. (Exempt from destruction request to the Texas State Library)

\* 1325-13 **DEATH RECORD.** RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

\* 1325-14 **DELAYED DEATH RECORD (PROBATE DEATH RECORD).** RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

1325-15 **DISINTERMENT PERMITS** - Copies of disinterment permits issued by the county clerk. RETENTION: PERMANENT.

1325-16 **DISINTERMENT PERMITS, APPLICATIONS FOR.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

\* 1325-17 **FETAL DEATH RECORD (STILLBORN RECORD).** RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

1325-18 **REPORTS OF DEATH** - Reports of death filed by funeral directors or persons acting as such with the county clerk. RETENTION: Until receipt of death certificate. (Exempt from destruction request to the Texas State Library)

\* 1325-18a **RECORD OF ISSUANCE OF CERTIFIED COPIES OR ABSTRACTS OF DEATH RECORDS** - Record of the issuance of certified copies or abstracts of death records showing date issued, document number, name and address of person to whom issued, and form of identification presented by applicant. RETENTION: 3 years. [By regulation - 25 TAC 181.28(e).]

*Retention Note: The administrative rule of the Texas Department of Health setting the 3 year minimum retention period states that the application form, with the document number inserted, may serve to document the issuance of the copies or abstracts. For those clerks who document the issuance of the copies or abstracts by other means, the applications need be retained only AV after the required information from the application is entered in the alternative record of issuance.*

## SECTION 2-5: MARRIAGE RECORDS

1325-19 **DECLARATION OF INFORMAL MARRIAGE RECORD.** RETENTION: PERMANENT.

1325-20 **MARRIAGE AFFIDAVITS** - Affidavits by couples or by third parties that the couples are of age to marry without parental consent. RETENTION: AV, *but see retention note.* (Exempt from destruction request to the Texas State Library)

***Retention Note:** Marriage affidavits vary considerably in the quality and quantity of the information they contain. Some, especially those filed or recorded separately, may have sufficient genealogical information to merit retention for historical purposes. In such cases this schedule recommends, but does not require, that the marriage affidavits be retained PERMANENTLY.*

1325-21 **MARRIAGE BONDS** - Marriage bonds or similar documents evidencing marriage prior to 5 June 1837. RETENTION: PERMANENT.

1325-22 **MARRIAGE CONTRACT RECORD** - Recorded pre-nuptial or spousal agreements and associated documentation. RETENTION: PERMANENT.

1325-23 **MARRIAGE LICENSE APPLICATIONS**. RETENTION: 90 days. (Exempt from destruction request to the Texas State Library)

1325-24 **MARRIAGE LICENSE CORRECTIONS** - Affidavits or notices of correction of information on marriage licenses due to clerical or other error, including any attached incorrect versions of the marriage license.

a) If corrected information *is* recorded or noted in the Marriage Record [1325-26]. RETENTION: AV after correction made. (Exempt from destruction request to the Texas State Library)

b) If corrected information *is not* recorded or noted in the Marriage Record [1325-26]. RETENTION: PERMANENT.

1325-25 **MARRIAGE LICENSE STUB BOOKS (MARRIAGE LICENSE RECEIPTS)**

a) In those counties that no longer use stub books. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

b) In those counties that still use license stub books. RETENTION: AV after all licenses in the volume have been issued. (Exempt from destruction request to the Texas State Library)

1325-26 **MARRIAGE RECORD**. RETENTION: PERMANENT.

1325-27 **MARRIAGE RECORD (NEGRO)**. RETENTION: PERMANENT.

1325-28 **MARRIAGES, LISTS OF** - Lists of persons married in county.

a) If the list contains the names of couples all of whose marriage licenses *are* recorded in an existing volume of the Marriage Record [1325-26]. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

b) If the list contains the names of couples all of whose marriage licenses *are not* recorded in an existing volume of the Marriage Record [1325-26]. RETENTION: PERMANENT.

1325-29 **MEDICAL EXAMINATION CERTIFICATES AND WAIVERS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1325-30 **NOTICE OF INTENTION TO MARRY RECORD.** RETENTION: PERMANENT.

**1325-31 PARENTAL CONSENT (OR OBJECTION) FORMS**

a) Parental consents or objections dated 1850 or earlier. RETENTION: PERMANENT.

b) All others. RETENTION: 90 days. (Exempt from destruction request to the Texas State Library)

\* 1325-32 **CHILD SUPPORT AFFIDAVITS** - Statements filed by applicants for marriage licenses indicating that delinquent court-ordered child support is not owed. RETENTION: AV (Exempt from destruction request to the Texas State Library)

**SECTION 2-6: ELECTION RECORDS**

*Note: All Class 1350 records were withdrawn effective February 1, 1992. County clerks should use Local Schedule EL (Records of Elections and Voter Registration) to determine retention periods for election records.*

**SECTION 2-7: TAX RECORDS**

1375-01 **CERTIFICATES OF CANCELLATION/CORRECTION RECORD** - Recorded cancellation or correction certificates issued by tax assessor-collector and approved by commissioners court acknowledging that property was erroneously reported as delinquent. RETENTION: 20 years.

1375-02 **DELINQUENT AND INSOLVENT TAXPAYERS, LISTS OF** - Copies of annual lists of delinquent and insolvent taxpayers sent by the tax assessor-collector to commissioners court (1838-1876).

a) All lists, whether bound, recorded, or separate dated 1884 or earlier. RETENTION: PERMANENT.

b) All reports dated 1885 or later. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1375-03 **DELINQUENT TAX RECORD.** RETENTION: Destroy at option.

1375-04 **DELINQUENT TAX ROLLS.** RETENTION: Destroy at option.

1375-05 **DRUMMERS LICENSE RECORD** - Recorded special \$50 occupation tax receipts issued to drummers (traveling salesmen) by the State Comptroller. RETENTION: PERMANENT.

1375-06 **ERRORS IN ASSESSMENT, LISTS OF.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1375-07 **OCCUPATION TAX REGISTER.** RETENTION: PERMANENT.

1375-08 **RECORD OF LAND OR TOWN LOTS SOLD FOR TAXES** - Record or register of land or town lots in the county sold for taxes. RETENTION: PERMANENT.

1375-09 **REDEMPTION RECORD.** RETENTION: PERMANENT.

1375-10 **REPORTS OF LAND SOLD UNDER JUDGMENT.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1375-11 **REPORTS OF LAND SOLD UNDER JUDGMENT AND REDEEMED.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1375-12 **REPORTS OF COUNTY TAXES COLLECTED** - Monthly, quarterly, and annual reports of county taxes collected, submitted by the tax assessor-collector .

a) Monthly reports. RETENTION: FE + 3 years.

b) Quarterly reports. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

c) Annual reports. RETENTION: PERMANENT.

1375-13 **REPORTS OF STATE AND COUNTY TAXES COLLECTED** - Annual, quarterly, and monthly reports of state and county taxes collected, submitted by tax assessor-collector to commissioners court. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1375-14 **REPORTS ON TAXES AND INDEBTEDNESS OF LOCAL UNITS OF GOVERNMENT.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1375-15 **TAX RECEIPT RECORD** - Recorded tax receipts submitted by taxpayers. RETENTION: 20 years.



1375-16 **TAX RECEIPTS** - Receipt stubs or copies of receipts issued by the tax assessor-collector. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1375-17 **TAX ROLLS** - Copies of county tax rolls or assessment lists. RETENTION: Destroy at option.

## **SECTION 2-8: BOND AND DEPUTATION RECORDS**

1400-01 **ANATOMICAL BONDS**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-02 **BONDS AND CONTRACTS TO PAY LIENS AND CLAIMS** - Filed statutory payment bonds (Hardeman Act) with accompanying construction contracts or agreements between contractor and owner.

a) If recorded. RETENTION: AR.

b) If *not* recorded. RETENTION: AR + 5 years.

1400-03 **BONDS AND CONTRACTS TO PAY LIENS AND CLAIMS RECORD** - Recorded statutory payment bonds (Hardeman Act) and construction contracts or agreements between contractor and owner. RETENTION: AR + 5 years.

### **1400-04 BUTCHERS BONDS**

a) Recorded copies and filed copies that *have not been* recorded. RETENTION: AR + 5 years.

b) Filed copies that *have been* recorded. RETENTION: AR.

1400-05 **COMMISSION MERCHANTS BOND RECORD**. RETENTION: AR + 5 years.

### **1400-06 COMMISSION MERCHANTS BONDS**

a) If recorded. RETENTION: AR.

b) If *not* recorded. RETENTION: AR + 5 years.

1400-07 **CONTRACTING STEVEDORES BOND RECORD**. RETENTION: AR + 5 years.

1400-08 **CONTRACTORS BONDS** - Filed or recorded performance bonds of contractors under contract with county. RETENTION: AR + 5 years.

1400-09 **COUNTY DEPOSITORY BONDS** - Bonds of banks acting as depositories for county funds and statements describing unencumbered and non-exempt lands owned by sureties. RETENTION: AR + 5 years.

1400-10 **DEPUTATION RECORD** - Recorded notices of appointment of persons to perform duties of county officials as deputies. RETENTION: PERMANENT.

1400-11 **DEPUTATIONS** - Filed notices of appointment of persons to perform duties of county officials as deputies. RETENTION: AR + 5 years or termination of employment + 5 years, whichever sooner.

1400-12 **FERRY BONDS** - Filed or recorded bonds of ferrymen, launch pilots, or branch pilots licensed by commissioners court.

a) Bonds dated 1910 and earlier. RETENTION: PERMANENT.

b) Bonds dated 1911 and later. RETENTION: AR + 5 years.

1400-13 **LIQUOR AND MALT LIQUOR DEALERS BOND RECORD.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-14 **LIQUOR AND MALT LIQUOR DEALERS BONDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-15 **LIVESTOCK AUCTION COMMISSION MERCHANTS BOND RECORD.** RETENTION: AR + 5 years.

1400-16 **LIVESTOCK AUCTION COMMISSION MERCHANTS BONDS**

a) If recorded. RETENTION: AR.

b) If *not* recorded. RETENTION: AR + 5 years.

1400-17 **LIVESTOCK COMMISSION MERCHANTS BOND RECORD.** RETENTION: AR + 5 years.

1400-18 **LIVESTOCK COMMISSION MERCHANTS BONDS**

a) If recorded. RETENTION: AR.

b) If *not* recorded. RETENTION: AR + 5 years.

1400-19 **LOAN BROKERS BOND RECORD.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-20 **LOAN BROKERS BONDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-21 **NOTARY PUBLIC BOND RECORD.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-22 **NOTARY PUBLIC BONDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-23 **OATH OF OFFICE RECORD** - Recorded oaths of office of county officials and deputies, including those of the directors and officers of special districts and that are or were required by law to have their oaths.

a) If recorded in the Official Bond Record [1400-26], the Official Bond and Deputation Record [1400-25], or the Deputation Record [1400-10]. RETENTION: Follow the retention for the records indicated.

b) If recorded separately. RETENTION: 1 year after the oaths of all officials or deputies in volume have left office.

1400-24 **OATHS OF OFFICE** - Filed oaths of office of county officials and deputies, including those of the directors and officers of special districts that are or were required by law to take the oath of office and file it with the county clerk.

a) If filed with Official Bonds [1400-27] or Deputations [1400-11]. RETENTION: Follow the retention for the records indicated.

b) If filed separately. RETENTION: 1 year after the official or deputy leaves office.

1400-25 **OFFICIAL BOND AND DEPUTATION RECORD.** RETENTION: PERMANENT.

1400-26 **OFFICIAL BOND RECORD.** RETENTION: PERMANENT.

1400-27 **OFFICIAL BONDS** - Filed bonds and qualifying oaths of county officials and deputies, including those of the directors and officials of special districts that are or were required by law to be filed with the county clerk. RETENTION: AR + 5 years or termination of employment + 5 years, whichever sooner.

1400-28 **PAWNBROKERS BONDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-29 **PUBLIC WAREHOUSEMEN BONDS AND APPLICATIONS**

a) Recorded copies and filed copies that *have not been* recorded. RETENTION: AR + 5 years.

b) Filed copies that *have been* recorded. RETENTION: AR.

1400-30 **PUBLIC WEIGHERS BOND RECORD.** RETENTION: AR + 5 years.

1400-31 **PUBLIC WEIGHERS BONDS.** RETENTION: AR + 5 years.

1400-32 **WRECK-MASTERS BONDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

## **SECTION 2-9: BUSINESS AND PROFESSIONAL RECORDS**

1425-01 **ACCOUNT BOOKS OF PRIVATE BUSINESSES AND ORGANIZATIONS -** Account books, ledgers, registers, and similar financial or administrative records of private businesses or organizations filed for record with the county clerk. RETENTION: AV. (Exempt from destruction request to the Texas State Library, but use discretion. Some of these records may merit permanent preservation for historical reasons.)

*Retention Note: Private businesses and organizations, especially insurance companies, benevolent associations, and agriculture-related businesses, occasionally filed account books and other financial records with the county clerk; some of which may have come into the possession of the county clerk as clerk to the county court and the keeper of trust funds.*

1425-02 **ANATOMICAL AFFIDAVITS -** Affidavits of agents in charge of unclaimed human remains that relatives of the deceased cannot be found. RETENTION: 4 years.

1425-03 **ASSUMED NAME CERTIFICATES**

a) Certificates filed 28 August 1977 and earlier. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

b) Certificates filed 29 August 1977 and later. RETENTION: AR + 2 years.

1425-04 **ASSUMED NAME REGISTER -** Register of certificates filed by individuals, owners of businesses, or by corporations conducting business or under an assumed name. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1425-05 **BANKS, RECORDS RELATING TO THE CREATION, OPERATION, AND DISSOLUTION OF.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1425-06 **BUTCHERS REGISTER** - Register of slaughterers or butchers who slaughter less than 300 head of cattle a day for profit. RETENTION: PERMANENT.

1425-07 **COTTON GINNERS RECORD** - Affidavits of cotton ginner pledging to report the number of bales ginned to the state and stub books or registers of certificates issued for receipt of affidavits. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1425-08 **DENTAL RECORD** - Recorded licenses of dentists issued by local boards or by the state. RETENTION: PERMANENT.

1425-09 **DISCHARGE RECORD** - Recorded copies of military discharge papers. RETENTION: PERMANENT.

1425-10 **EMBALMERS RECORD** - Recorded licenses of embalmers, morticians, or funeral directors issued by the state. RETENTION: PERMANENT.

1425-11 **FARMERS COOPERATIVE SOCIETIES - CHARTERS** - Charters and by-laws, and any amendments, of farmers' cooperative societies. RETENTION: PERMANENT.

1425-12 **FIREMEN, LISTS OF** - Lists of volunteer firemen. RETENTION: PERMANENT.

1425-13 **GOING OUT OF BUSINESS SALE RECORDS.** RETENTION: Date of filing of post-sale inventory + 2 years.

1425-14 **LIMITED PARTNERSHIP RECORD** - Recorded limited partnership documents. RETENTION: PERMANENT.

1425-15 **MIDWIFE IDENTIFICATION FORMS** - Identification forms of midwives licensed by the state. RETENTION: 13 months or when replaced by new form, whichever sooner. (Exempt from destruction request to the Texas State Library)

1425-16 **MINISTRY REGISTER** - Recorded ordination certificates of pastors. RETENTION: PERMANENT.

1425-17 **MUSTER ROLLS.** RETENTION: PERMANENT.

1425-18 **NATUROPATHIC RECORD** - Recorded licenses of naturopaths issued by the state. RETENTION: PERMANENT.

1425-19 **NOTARY PUBLIC APPOINTMENT RECORDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1425-20 **NURSES RECORD** - Recorded certificates of nurses issued by the state. RETENTION: PERMANENT.

1425-21 **OPTOMETRY RECORD** - Recorded licenses of optometrists issued by the state. RETENTION: PERMANENT.

1425-22 **PAWNBROKER SALE REPORTS**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1425-23 **PHARMACY REGISTER** - Register of pharmacists or recorded permits of pharmacists issued by local boards. RETENTION: PERMANENT.

1425-24 **POLYGRAPH EXAMINERS RECORD** - Recorded licenses of polygraph examiners issued by the state. RETENTION: PERMANENT.

1425-25 **POWER OF ATTORNEY RECORD** - Recorded instruments conveying or revoking power of attorney. RETENTION: PERMANENT.

1425-26 [*Withdrawn*]

1425-27 **PUBLIC UTILITY CORPORATION RECORD** - Recorded annual financial reports of public utility corporations operating in the county.

a) Recorded reports and original reports that *have not been* recorded. RETENTION: PERMANENT.

b) Originals of reports that *have been* recorded. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1425-28 **RAILROADS - ARTICLES OF INCORPORATION** - Filed articles of incorporation and by-laws of railroads. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1425-29 **STATEMENTS OF ABANDONMENT OF USE OF ASSUMED NAME**. RETENTION: 2 years.

1425-30 **TRADEMARK REGISTER**. RETENTION: PERMANENT.

1425-31 **TUBERCULOSIS NURSES RECORD** - Recorded certificates of tuberculosis nurses issued by the state. RETENTION: PERMANENT.

1425-32 **WORKMEN'S COMPENSATION LIABILITY RECORD** - Recorded notices from businesses indicating compliance with the Workmen's Compensation Act (1917) and the Employer's Liability Act (1923). RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

## SECTION 2-10: SCHOOL RECORDS

1450-01 **ABSTRACTS OF SCHOOL CENSUSES** - Abstracts of school censuses compiled by the tax assessor-collector (1854-1885) or district trustees (1885-1905). RETENTION: PERMANENT.

1450-02 **ANNUAL AUDIT REPORTS OF COMMON SCHOOL DISTRICTS.** RETENTION: PERMANENT.

1450-03 **ANNUAL STATEMENTS OF SCHOOL FUNDS (ANNUAL REPORTS OF COUNTY SCHOOL ACCOUNTS).** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1450-04 **CONSOLIDATED SCHOLASTIC CENSUS ROLLS.** RETENTION: PERMANENT.

1450-05 **RECORD OF SCHOOL DISTRICTS** - Proceedings of county board of school trustees or commissioners court establishing school district boundaries. RETENTION: PERMANENT.

1450-06 **SCHOOL DISTRICT BUDGETS**

a) Independent school districts. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

b) Common school districts. RETENTION: PERMANENT.

## SECTION 2-11: LIVESTOCK RECORDS

1475-01 **ANIMALS KILLED ON RAILROAD RIGHT-OF-WAY RECORD.** RETENTION: Last entry + 3 years.

1475-02 **ANIMALS KILLED ON RAILROAD RIGHT-OF-WAY REPORTS.** RETENTION: 3 years.

1475-03 **BILL OF SALE RECORD (LIVESTOCK).** RETENTION: PERMANENT.

1475-04 **BRAND REFERENCE BOOK** - Record used as a guide to the symbols used as marks and brands and serving as a form of index to the Marks and Brands Record [1475-13]. RETENTION: PERMANENT.

1475-05 **BRAND TRANSFER RECORD** - Record of the transfer or sale of marks and brands. RETENTION: PERMANENT.

1475-06 **CATTLE RECORDS** - Bills of sale and shipment records of cattle, including lists of marks and brands; names of purchasers, sellers, and shippers; and inspection reports. RETENTION: PERMANENT.

1475-07 *[Withdrawn, see 1475-09]*

1475-08 **ESTRAY RECORD** - Recorded affidavits and bonds of takers-up of estrayed animals, affidavits of appraisal of the animals, and any reports of the death of estrays or affidavits of ownership of estrays. RETENTION: PERMANENT.

1475-09 **ESTRAY RECORDS** - Filed documents relating to the taking-up, recovery, or sale of estrays filed by the sheriff or other takers-up of estrays. RETENTION: 3 years.

1475-10 *[Withdrawn, see 1475-09]*

1475-11 **LIVESTOCK QUARANTINE RECORDS** - Reports, notices, orders, and similar records relating to the quarantine of livestock. RETENTION: Lifting of quarantine + 3 years.

1475-12 **MARKS AND BRANDS APPLICATIONS.** RETENTION: 2 years.

1475-13 **MARKS AND BRANDS RECORD.** RETENTION: PERMANENT.

1475-14 **RECORD OF ANIMALS SLAUGHTERED (BUTCHERS' RECORD)** - Recorded reports of animals slaughtered. RETENTION: PERMANENT.

1475-15 **RECORD OF INSPECTION (RECORD OF HIDES AND ANIMALS)** - Certified copy of the records of inspection by the inspector of hides and animals. RETENTION: PERMANENT.

1475-16 **TATTOO REGISTRATIONS** - Certificates of registration for tattoo marks of hogs, dogs, sheep, or goats filed by the Texas Department of Public Safety. RETENTION: PERMANENT.

## **SECTION 2-12: WATER RECORDS**

1500-01 **CAUSEWAY RECORD** - Recorded statements and maps detailing the location, ownership, size, etc. of bridges, dams, dikes, causeways, and roadways constructed across any arm, inlet, or saltwater bay of the Gulf of Mexico. RETENTION: PERMANENT.

1500-02 **CERTIFICATES OF ADJUDICATION RECORD** - Recorded certificates of adjudication issued by the Texas Natural Resource Conservation Commission or its predecessors authorizing the appropriation, storage, or diversion of state water as determined by court action. RETENTION: PERMANENT.



1500-03 **WATER PERMIT RECORD (IRRIGATION RECORD)** - Recorded permits and associated documentation issued by the Texas Natural Resource Conservation Commission or its predecessors authorizing the appropriation, storage, or diversion of state water. RETENTION: PERMANENT.

1500-04 **WATER RIGHTS AGREEMENT RECORD** - Recorded agreements between the Texas Natural Resource Conservation Commission and claimants for the administration of unadjudicated water rights. RETENTION: PERMANENT.

1500-05 **WATER RIGHTS RECORD (IRRIGATION RECORD)** - Recorded statements of water rights appropriations or declarations of intent to appropriate state water, including maps and plats denoting the routes of canals and ditches. RETENTION: PERMANENT.

### **SECTION 2-13: ADMINISTRATIVE AND FINANCIAL RECORDS**

1525-01 **ACKNOWLEDGMENT RECORD (COUNTY CLERK)** - Record of acknowledgments or proofs of instruments taken by the county clerk as ex-officio notary public. RETENTION: 10 years.

1525-02 **ACKNOWLEDGMENT RECORD (NOTARY PUBLIC)** - Record of acknowledgments or proofs of instruments taken by notaries public. RETENTION: 10 years.

1525-03 **ANNUAL FEE REPORTS.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1525-04 **CASH RECEIPTS.** RETENTION: FE + 3 years.

1525-05 **DAILY CASH BOOK OR REPORTS.** RETENTION: FE + 3 years.

1525-06 **FEE BOOK.** RETENTION: FE + 5 years.

1525-07 **FEE STATEMENTS** - Copies of statements of filing fees due sent out by county clerk to companies or individuals. RETENTION: FE + 3 years.

1525-08 **INSTRUMENTS LEFT FOR RECORD** - The following instruments that *have-been* recorded as required or permitted by law, but are unclaimed by their owners or are unreturnable. The instruments may be disposed of at the expiration of the retention period given for each record below, with the retention period dating from the date of recording.

a) Deeds, deeds of trust and mortgages, liens, oil and gas leases, powers of attorney, military discharge papers, and marriage licenses. RETENTION: 5 years.

b) Bills of sale [1275-04 and 1475-03] and tax receipts. RETENTION: 2 years.

1525-09 **INSTRUMENTS SENT, RECORD OF** - Record or register of recorded instruments returned by mail to those who filed them. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

1525-10 **MONTHLY EXPENSE REPORTS.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1525-11 *[Withdrawn February 1, 1992]*

1525-12 **OPEN MEETING NOTICES** - Notices of open meetings of the governing bodies of water districts and all other special districts required by law to file notices. RETENTION: 2 years.

\* 1525-13 **OPEN RECORDS REQUESTS** - Written open records requests, including those sent by electronic mail or facsimile, submitted to a county clerk, including correspondence and other documentation relating to the requests.

a) Approved requests. RETENTION: Approval of request + 1 year. [Exempt from destruction request to the Texas State Library]

b) Denied requests. RETENTION: Denial of request + 2 years.

*Caution: This records series does not include applications for the issuance of certified copies or abstracts of birth or death records. See items numbers 1325-08a and 1325-18a.*

\* 1525-14 **RECORDS DESTRUCTION NOTICES** - Records destruction notices filed with the county clerk by other county officials and offices. RETENTION: PERMANENT.

#### 1525-15 **RECORDS MANAGEMENT RECORDS**

a) Records control schedules (including all successive versions of or amendments to schedules). RETENTION: PERMANENT.

b) Records destruction documentation - Records documenting the destruction of records under records control schedules, including requests submitted to the Texas State Library and Archives Commission for authorization to destroy unscheduled records or the originals of permanent records that have been microfilmed. RETENTION: PERMANENT.

c) Records inventories - Lists or inventories of the active and inactive records created or received by a county office. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

d) Records management plans and policy documents - Plans and similar documents establishing the policies and procedures under which a records management program operates. RETENTION: US + 5 years.

**1525-16 REGISTER OF INSTRUMENTS FILED FOR RECORD (CLERK'S FILE DOCKET, FILE REGISTER, RECEPTION RECORD).** RETENTION: PERMANENT.

**1525-17 REPORTS OF COLLECTIONS (MONTHLY FEE REPORTS).** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

#### **SECTION 2-14: MISCELLANEOUS RECORDS**

**1550-01 ADOPTION STATEMENTS (AFFIDAVITS OF HEIRSHIP)** - Statements by persons that they have adopted other persons as their legal heirs.

a) Recorded statements and originals of statements that *have not been* recorded. RETENTION: PERMANENT.

b) Originals of statements that *have been* recorded. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

**1550-02 AUTOMOBILE REGISTER** - Register of automobiles licensed in county from 1907 to 1917. RETENTION: PERMANENT.

**1550-03 CENSUS RECORDS** - Lists of persons enumerated, mortality schedules, or other documents relating to the federal decennial censuses or any special state or county census. RETENTION: PERMANENT.

\* **1550-04 CERTIFICATES OF DEPOSIT (RECEIPTS) FOR WILLS FILED FOR SAFE-KEEPING.** RETENTION: Return of will + 5 years. (Exempt from destruction request to the Texas State Library)

**1550-05 CITY BUDGETS.** RETENTION: 3 years.

**1550-06 CONFEDERATE WIDOWS' AFFIDAVITS** - Affidavits by widows of Confederate veterans attesting to their inability to obtain information on regiments or companies in which their husbands served. RETENTION: PERMANENT.

**1550-07 CROSSTIES AND STAVES PURCHASE STATEMENTS** - Purchase statements by buyers of crossties and staves for which a bill of sale was not provided by the seller. RETENTION: 2 years.

1550-07a **EMERGENCY SERVICES DISTRICT ANNUAL REPORTS.** RETENTION: PERMANENT.

1550-08 **EXPLOSIVE LICENSES, RECORDS OF** - Register or license stubs of licenses issued by authority of the U. S. Bureau of Mines for the sale, purchase, or use of explosives pursuant to provisions of the Federal Explosives Act. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1550-09 **FISH AND GAME LICENSING RECORDS** - Registers, stub books, duplicate licenses, duplicate receipts, affidavits of loss of license, and reports relating to the issuance of fish and game licenses.

a) Records in counties in which the county clerk is no longer an issuing agent. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

b) Records in counties in which the county clerk is an issuing agent:

1) All records dated 1985 and earlier. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2) All records dated 1986 or later. RETENTION: FE + 3 years.

1550-10 **FOOD STAMP PROGRAM RECORDS** - Documentation relating to the distribution of food stamps. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1550-11 **HEADLIGHT TESTING STATION RECORDS** - Documentation relating to headlight testing stations established by commissioners court pursuant to the Texas Headlight Act (1925). RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1550-11a **INJECTION WELLS, APPLICATIONS TO DRILL.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1550-12 **LOG BRAND RECORD.** RETENTION: PERMANENT.

1550-13 **MUNICIPAL RESOLUTIONS ADOPTING HOME RULE** - Resolutions or ordinances by municipalities accepting municipal status under Title 28 of the Texas Civil Statutes. RETENTION: PERMANENT.

1550-14 **NOXIOUS WEED CONTROL DISTRICT ANNUAL REPORTS.** RETENTION: PERMANENT.

1550-15 **OLD AGE PENSION LISTS OR REGISTERS** - Monthly lists of persons in the county receiving old age pensions from the state. RETENTION: PERMANENT.

1550-16 **PROTEST RECORD** - Record of protest notices issued by notaries public evidencing non-payment of monies owed or non-performance of services promised. RETENTION: 10 years.

1550-17 **RECORD OF TIMBER CUT** - Recorded quarterly reports of persons who float or raft timber on rivers or creeks. RETENTION: PERMANENT.

1550-18 **REPORTS OF LIQUOR SEIZED** - Reports of liquor and associated property seized, and copies of receipts issued by the sheriff for goods if liquor or property was seized by officers other than the sheriff.

a) Receipts. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

b) Reports. RETENTION: PERMANENT.

1550-19 **REQUESTS FOR FREE COPIES BY VETERANS** - Requests by veterans for free copies of records. RETENTION: 90 days. (Exempt from destruction request to the Texas State Library)

1550-20 **SELECTIVE SERVICE RECORDS** - All records relating to the registration of men for military service under the Selective Service and Training Act of 1940. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1550-21 **TEXAS RELIEF COMMISSION RECORDS** - Records relating to the welfare and relief activities of the Texas Relief Commission. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1550-22 **WILLS FILED FOR SAFEKEEPING.** RETENTION: Until retrieved or disposed of. [In accordance with Probate Code, Section 71.]

1550-23 **WIND EROSION DISTRICT ANNUAL AUDIT REPORTS.** RETENTION: PERMANENT.

\* 1550-24 **AXLE OVERWEIGHT RECORDS** - Notifications and other documents submitted by operators of vehicles granted axle overweight permits by the Texas Department of Transportation. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

### **PART 3: COUNTY CLERK AS CLERK OF COUNTY COURT**

*Retention Notes: a) SCOPE OF THIS PART - The term "county court" as used in the descriptions of records in this part includes not only the constitutional county courts, but also county courts at law; county civil courts at law; county criminal courts; county criminal courts at law;*

*county courts for criminal cases; county criminal courts of appeal; probate courts; and any other county courts that may hereafter be created by statute.*

*In some counties, the district clerk serves either as the exclusive clerk to one or more statutory county courts in the county, as clerk in those cases concerning family law only, or as clerk in those cases concerning both family law and those in civil and/or criminal law in which the court has concurrent jurisdiction with district courts. The district clerk must follow the minimum retention periods in this section for the records of any county court to which he or she is clerk. If the court also has concurrent jurisdiction with district courts in family law matters, the clerk must use the retention periods set down in the Local Schedule DC (Records of District Clerks) for those records relating to family law.*

*In some counties, the county clerk serves as exclusive clerk to a statutory county court that has been granted concurrent jurisdiction with district courts in family law matters. The county clerk should follow the retention periods in this section for civil, criminal, and probate records and those in Local Schedule DC for records concerning family law matters (e.g., Divorce Minutes).*

*b) MEANING OF FINAL JUDGMENT - For retention dating purposes, the use of the term "final judgment" in retention periods, unless otherwise qualified, means:*

*1) Civil Cases - From the date judgment rendered and signed in a county court; or if new trial or further proceedings granted on motion or mandated on appeal, from date judgment rendered and signed in new trial or further proceedings; or if appealed and judgment of trial court affirmed, modified, or rendered as it should have been rendered, or appeal dismissed, from date mandate or notice of dismissal received from appeals court; whichever applicable.*

*2) Criminal Cases - From the date judgment rendered and signed in a county court; or if new trial or further proceedings granted on motion or mandated by reversal on appeal, from date judgment rendered and signed in new trial or further proceedings; or if appealed and judgment of trial court affirmed or judgment of acquittal issued or appeal dismissed, from date mandate or notice of dismissal received from appeals court; whichever applicable.*

*3) Juvenile, Mental Illness, Mental Retardation, Alcoholism, or Narcotics Addiction Cases - State laws provide that appeals from decisions in these types of hearings shall be governed by the Texas Rules of Civil Procedure and the Texas Rules of Appellate Procedure, and the dating of final judgment should follow the guidelines set out in (b)(1) above.*

*c) PRE-1876 RECORDS AND RETENTION RECOMMENDATIONS - Notwithstanding the retention periods set down in this schedule, the following records must be retained permanently:*

*1) all case papers dated 1876 or earlier and trial dockets containing entries dated 1876 or earlier; and*

2) case papers and trial dockets from any period if the minutes of the case have been lost or destroyed.

*In addition, with regard only to case papers in which final judgment has been rendered, this manual recommends, but does not require that consideration be given to retaining:*

1) all case papers dated from 1877 to 1920 PERMANENTLY; and

2) papers in a case from any period that, because of its notoriety or significance, might possess enduring value.

\* d) *FINGERPRINTS* - Texas Code of Criminal Procedure, art. 38.33, requires that the fingerprint of a person convicted of a Class A misdemeanor or a felony be placed on the judgment or docket sheet. This requirement applies only to convictions had on or after 1 September 1987.

*If the fingerprint appears on a judgment sheet or an order for probation that is incorporated directly into the Criminal Minutes [1600-07] or the County Court Minutes [1650-06] none of the retention periods listed in Part 3 of this schedule is affected, but if the only copy of the fingerprint appears on a document in either of the following two categories, then the document must be retained 20 years after final judgment or after last entry, as applicable.*

*Category 1 - On a docket sheet in the Criminal Docket [1600-05] or the Criminal File Docket, Type IV [1600-06], or on a separate docket sheet filed with the Criminal Case Papers [1600-04].*

*Category 2 - On a judgment or an order for probation filed with the Criminal Case Papers [1600-04] and not directly incorporated into the Criminal Minutes [1600-07] or the County Court Minutes [1650-06].*

*The 20 year retention required for documents in Categories 1 and 2 apply only to those documents or portions of a docket, judgment, or order created on or after 1 September 1987 and containing the only copy of the fingerprints of convicted persons. It does not apply to any documents in the same categories created on or before 31 August 1987.*

e) *RETENTION OF CIVIL EXHIBITS AND DEPOSITIONS* - Exhibits and depositions in civil cases must be retained and disposed of in accordance with the following orders of the Texas Supreme Court, unless a county has obtained a modified order from the Supreme Court amending the procedure for that county.

1) *Exhibits:* In compliance with the provisions of Rule 14b, the Supreme Court hereby directs that exhibits offered or admitted into evidence shall be retained and disposed of by the clerk of the court in which the exhibits are filed upon the following basis.

*This order shall apply only to: (1) those cases in which judgment has been rendered on service of process by publication and in which no motion for new trial was filed within two years after judgment was signed; and, (2) all other cases in which judgment has been signed for one year and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by a final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.*

*After first giving all attorneys of record thirty days written notice that they have an opportunity to claim and withdraw the trial exhibits, the clerk, unless otherwise directed by the court, may dispose of the exhibits. If any such exhibit is desired by more than one attorney, the clerk shall make the necessary copies and prorate the cost among all the attorneys desiring the exhibit.*

*If the exhibit is not a document or otherwise capable of reproduction, the party who offered the exhibit shall be entitled to claim same; provided, however, that the party claiming the exhibit shall provide a photograph of said exhibit to any other party upon request and payment of the reasonable cost thereof by the other party.*

*2) Deposition Transcripts and Depositions Upon Written Questions: In compliance with the provisions of Rule 209, the Supreme Court hereby directs that deposition transcripts and depositions upon written questions be retained and disposed of by the clerk of the court in which the same are filed upon the following basis.*

*This order shall apply only to: (1) those cases in which judgment has been rendered on service of process by publication and in which no motion for new trial was filed within two years after judgment was signed; and, (2) all other cases in which judgment has been signed for one year and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by a final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.*

*After first giving all attorneys of record written notice that they have an opportunity to claim and withdraw the same, the clerk, unless otherwise directed by the court, may dispose of them thirty days after giving such notice. If any such document is desired by more than one attorney, the clerk shall make the necessary copies and prorate the cost among all the attorneys desiring the document.*

*\* f) RETENTION OF CRIMINAL EXHIBITS - Exhibits in criminal cases in which a person was convicted must be retained and disposed of in accordance with the following provisions of the Texas Code of Criminal Procedure, art. 2.21:*

*1) To be eligible for disposal the exhibit must not be contraband or a firearm, must not have been ordered by the court to be returned to its owner, and is not an exhibit in another pending criminal action.*



2) *An eligible exhibit may be disposed of on or after the first anniversary of the date on which a conviction becomes final in the case, if the case is a misdemeanor or a felony for which the sentence imposed by the court is five years or less; or on or after the second anniversary of the date on which a conviction becomes final in the case, if the case is a non-capital felony for which the sentence imposed by the court is greater than 5 years.*

3) *Prior to disposal, county and district clerks in a county with a population of less than 1.7 million must provide written notice by mail to the attorney representing the state and the attorney representing the defendant of the intent to dispose. If a request for return is not received from either attorney before the 31st day after the date of notice, the clerk may dispose of the exhibit.*

4) *County and district clerks in a county with a population of 1.7 million or more may dispose of an eligible exhibit on the date provided in (2) if on that date the clerk has not received a request for the exhibit from either the attorney representing the state or the attorney representing the defendant.*

### **SECTION 3-1: CIVIL CASE RECORDS**

1575-01 **APPEARANCE DOCKET (CALL DOCKET)** - Docket books or sheets of civil suits filed in a county court used to call cases on appearance day. RETENTION: 3 years.

1575-02 **CIVIL BAR DOCKET** - Docket books or sheets of civil suits filed for the use of attorneys. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1575-03 **CIVIL CASE PAPERS** - Documents relating to civil suits (including pre-trial, preliminary, or interlocutory proceedings or hearings) and of scire facias and ancillary civil proceedings, *except condemnation suits* (see 1575-07).

a) Cases dismissed on motion of plaintiff, for want of prosecution, or for other reasons within the court's power. RETENTION: Dismissal + 3 years.

\* b) All other cases. *See retention note.*

**Retention Notes:** *a) Final judgment + 12 years or, if applicable to the case, 12 years from date judgment revived, whichever longer, provided that at the time of disposal (1) no discovery proceedings are underway in the case and (2) the judgment and mandate (if applicable) have been entered of record in a permanent minute book of the court.*

*b) Prior to disposal, civil case papers shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently.*

*Some civil case papers may merit permanent retention because they provide significant documentation of the history of the local community.*

c) Exhibits and depositions. RETENTION: *See retention note (e) on page 35.* (Exempt from destruction request to the Texas State Library)

\* d) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

\* e) Transcripts and statements of fact from the county court on appeal. RETENTION: AV. (Exempt from destruction request to the Texas State Library).

\* e) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

\* f) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

1575-04 **CIVIL DOCKET.** RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1575-05 **CIVIL FILE DOCKET (CIVIL DOCKET-PENDING)** - Original entry docket books or sheets of civil cases.

a) TYPE I - File docket, which *does not contain* an account of fees due, whose contents are *transcribed* into a docket of disposed cases after adjudication. RETENTION: AV after transcription. (Exempt from destruction request to the Texas State Library)

b) TYPE II - File docket, which *does contain* an account of fees due, whose contents, *except* those relating to fees, are *transcribed* into a docket of disposed cases after adjudication. RETENTION: FE + 5 years.

c) TYPE III - Non-transferred sheets of a file docket, which *does not contain* an account of fees due, whose sheets are *transferred* to a docket of disposed cases as the case moves from pending to disposed. RETENTION: 3 years.

d) TYPE IV - File docket, which *may or may not contain* an account of fees due, whose contents are not transcribed or whose sheets are not transferred, but which serves as a combination pending and disposed docket. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1575-06 **CIVIL MINUTES.** RETENTION: PERMANENT.

**1575-07 CONDEMNATION CASE PAPERS (EMINENT DOMAIN CASE PAPERS)**

a) Cases dismissed on motion of plaintiff, for want of prosecution, or for other reasons within the court's power. RETENTION: Dismissal + 3 years.

\* b) All other cases. *See retention note.*

***Retention Note:** Condemnation case papers must be retained for 12 years after entry of judgment approving award on the court minutes in the absence of objection or after final judgment rendered or proceedings otherwise terminated in court in trial of the cause, whichever applicable, except if suit is dismissed on motion of condemnor, the award of the special commissioners must be retained PERMANENTLY or, if it is entered of record in any subsequent suit, until the expiration of the retention period applicable to the records of that suit, whichever sooner.*

c) Exhibits and depositions. RETENTION: *See retention note (e) on page 35.* (Exempt from destruction request to the Texas State Library)

\* d) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

\* e) Transcripts and statements of fact from the county court on appeal. RETENTION: AV. (Exempt from destruction request to the Texas State Library).

\* f) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

\* g) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

**1575-08 JURY DOCKET (JURY TRIAL DOCKET)** - Docket books or sheets of civil suits in which juries have been requested. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

**1575-09 SUBPOENAS** - Stub books, copies, or recorded copies of civil subpoenas issued. RETENTION: 2 years.

**SECTION 3-2: CRIMINAL CASE RECORDS**

**1600-01 BAIL BOND RECORD** - Record of bail or recognizance bonds set or taken. RETENTION: 3 years.

1600-02 **CAPIASES** - Stub books or copies of capaises and summonses issued. RETENTION: 2 years.

1600-03 **CRIMINAL BAR DOCKET (STATE BAR DOCKET)** - Docket books or sheets of criminal cases filed for the use of attorneys. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1600-04 **CRIMINAL CASE PAPERS** - Documents relating to criminal cases.

a) DWI and DUID cases.

1) Dismissed cases or cases in which defendant acquitted. RETENTION: Date of dismissal or acquittal + 5 years, as applicable.

2) Cases in which defendant convicted. RETENTION: Final judgment + 10 years, *but see retention note (d) on page 34.*

b) All other cases. RETENTION: Date of dismissal or final judgment + 5 years, as applicable, *but see retention note (d) on page 34.*

c) Exhibits. RETENTION: *See retention note (f) on page 35.* (Exempt from destruction request to the Texas State Library)

\* d) Bills of cost. RETENTION: FE of final payment + 5 years.

\* e) Transcripts and statements of fact from the county court on appeal. RETENTION: Receipt of mandate + 3 years.

\* f) Pre-sentence investigation reports. RETENTION: Final judgment + 2 years.

\* g) Warrants, capiases, summonses, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

\* h) Bail, personal, appeal, peace, cost, and other surety bonds, or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

1600-05 **CRIMINAL DOCKET.** RETENTION: 5 years, *but see retention note (d) on page 34.*

1600-06 **CRIMINAL FILE DOCKET (CRIMINAL DOCKET-PENDING)** - Original entry docket books or sheets of criminal cases.

a) TYPE I - File docket, which *does not contain* an account of fees due, whose contents are *transcribed* into a Criminal Docket [1600-05] after adjudication. RETENTION: AV after transcription. (Exempt from destruction request to the Texas State Library)

b) TYPE II - File docket, which *does contain* an account of fees due, whose contents, *except* that relating to fees, are *transcribed* into a Criminal Docket [1600-05] after adjudication. RETENTION: FE + 5 years.

c) TYPE III - Non-transferred sheets of file docket, which *does not contain* an account of fees due, whose sheets are *transferred* to a Criminal Docket [1600-05] as the case moves from pending to disposed. RETENTION: 3 years.

d) TYPE IV - File docket, which *does contain* an account of fees due, whose contents *are not transcribed* or whose sheets *are not transferred*, but which serves as a combination file docket, criminal docket, and fee book. RETENTION: FE + 5 years, but see retention note (d) on page 34.

1600-07 **CRIMINAL MINUTES**. RETENTION: PERMANENT.

1600-08 **PROBATION MINUTES**. RETENTION: PERMANENT.

1600-09 **SUBPOENAS (CRIMINAL)** - Stubs books, copies, or recorded copies of subpoenas issued. RETENTION: 2 years.

1600-10 **WITNESS ATTACHMENTS** - Stub books, copies, or recorded copies of attachment writs issued. RETENTION: 2 years.

1600-11 **WITNESS RECORD (WITNESS DOCKET)** - Register of witnesses subpoenaed, attached, or recognized in criminal cases. RETENTION: 3 years.

### **SECTION 3-3: PROBATE RECORDS**

1625-01 **ANNUAL ACCOUNT RECORD (PROBATE ACCOUNT RECORD)** - Recorded annual or final reports or exhibits of account of executors, administrators, and guardians. RETENTION: PERMANENT.

1625-02 **APPRENTICESHIP RECORD** - Record of the apprenticeship of minors. RETENTION: PERMANENT.

1625-03 **COMMUNITY PROPERTY DOCKET** - Docket books or sheets of probate cases involving the administration of community property due to the death or incompetence of a spouse. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26]

1625-04 **COMMUNITY PROPERTY MINUTES** - Record of the proceedings of the county court in cases involving the administration of community property due to the death or incompetence of a spouse. RETENTION: PERMANENT.

1625-05 **GUARDIANS' CLAIM DOCKET** - Register of claims on estates of persons under guardianship. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1625-06 **GUARDIANS' DOCKET** - Docket books or sheets of cases involving the appointment of guardians. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1625-07 **GUARDIANSHIP MINUTES (GUARDIANSHIP RECORD)**. RETENTION: PERMANENT.

1625-08 **INVENTORY RECORD (PROBATE INVENTORY RECORD)** - Recorded inventories and appraisements of property in probate cases. RETENTION: PERMANENT.

1625-09 **PROBATE BOND RECORD (PROBATE BOND DOCKET)** - Recorded bonds and qualifying oaths of executors, administrators, and guardians. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

\* 1625-10 **PROBATE CASE PAPERS** - Original case papers, including wills, of matters within the jurisdiction of a county court as probate court. RETENTION: PERMANENT.

1625-11 **PROBATE CLAIM DOCKET** - Register of claims against estates of decedents or of those under guardianship. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1625-12 **PROBATE DOCKET**. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1625-13 **PROBATE FILE DOCKET (PROBATE DOCKET-PENDING)** - Original entry docket books or sheets of probate cases. RETENTION: *Follow retention periods for Civil File Docket [1575-05].*

1625-14 **PROBATE MINUTES**. RETENTION: PERMANENT.

1625-15 **PROBATE RECORD (FINAL PROBATE RECORD)** - Recorded documents filed in probate cases. RETENTION: PERMANENT.

1625-16 **REPORTS OF SALE RECORD** - Recorded reports of sale of property from estates submitted by executors, administrators, or guardians. RETENTION: PERMANENT.

1625-17 **SMALL ESTATES AFFIDAVITS** - Affidavits filed by the distributees of small estates.

a) Originals of affidavits that have been recorded in the Small Estates Record [1625-19]. RETENTION: 1 year after estate settled and closed.

b) Originals of affidavits that have *not* been recorded in the Small Estates Record [1625-19]. RETENTION: PERMANENT.

1625-18 **SMALL ESTATES DOCKET** - Docket books or sheets of hearings to approve small estates affidavits. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1625-19 **SMALL ESTATES RECORD** - Recorded affidavits filed by the distributees of small estates. RETENTION: PERMANENT.

1625-20 **VITAL STATISTICS DOCKET OR MINUTES (PROBATE BIRTH DOCKET OR MINUTES; DELAYED BIRTH DOCKET OR MINUTES)** - Docket books or sheets or minutes of hearings on applications for the issuance of delayed birth or death certificates or for the issuance of certified copies of illegitimate birth certificates heard. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1625-21 **VITAL STATISTICS CASE PAPERS (PROBATE BIRTH CASE PAPERS; DELAYED BIRTH CASE PAPERS)** - Documents relating to hearings on the issuance of delayed birth or death certificates or certified copies of illegitimate birth certificates. RETENTION: 2 years from date application denied or order for registration issued.

1625-22 **WILL RECORD** - Recorded copies of wills. RETENTION: PERMANENT.

#### **SECTION 3-4: MULTI-CASE/MULTI-COURT RECORDS**

1650-01 **APPEAL RECORD (TRANSCRIPT DOCKET)** - Record or register of civil, criminal, or probate cases appealed to a higher court. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1650-02 **ATTORNEYS' ORDER BOOK (CITATION RECORD)** - Record of attorneys' requests for the issuance of legal papers. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1650-03 **ATTORNEYS' RECEIPT BOOK** - Attorneys' receipts for documents temporarily withdrawn from custody of the court. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1650-04 **COUNTY COURT DOCKET** - Combined form of the Civil Docket [1575-04] and the Criminal Docket [1600-05]. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1650-05 **COUNTY COURT FILE DOCKET (COUNTY COURT DOCKET-PENDING)** - Original entry docket books or sheets of civil, criminal, and probate cases. RETENTION: *Follow retention periods for Civil File Docket [1575-05].*

1650-06 **COUNTY COURT MINUTES (CIVIL AND CRIMINAL MINUTES)**. RETENTION: PERMANENT.

1650-07 **DEPOSITION RECORD** - Record or register of depositions filed. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1650-08 **EXECUTION DOCKET** - Record of executions issued to enforce judgments. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1650-09 **MOTION DOCKET** - Docket books or sheets recording motions filed by attorneys.

a) Combined civil/criminal motion docket. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

b) Separate civil motion docket. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

c) Separate criminal motion docket. RETENTION: 5 years.

1650-10 **SCIRE FACIAS DOCKET (BOND FORFEITURE DOCKET)**. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1650-11 **SCIRE FACIAS MINUTES (BOND FORFEITURE MINUTES)**. RETENTION: PERMANENT.

1650-12 **SHORTHAND NOTES OF OFFICIAL COURT REPORTERS** - Shorthand notes of official court reporters. RETENTION: Date notes taken + 3 years. [By law - Government Code, Section 52.046(a)(4).]

***Retention Note:** Court reporters must, by law, retain their notes in all manner of cases for three years from the date on which they were taken. While the responsibility for preserving the notes lies with the court reporter, in many counties reporters have left office and left their notes with the county clerk or in storage in county buildings. These notes may be disposed of after the expiration of the retention period.*



### SECTION 3-5: JURY RECORDS

1675-01 **JURY LISTS** - Lists of persons chosen for service in district, county, or justice courts, including lists of persons whose service has been postponed and defendants' and plaintiffs' lists. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

1675-02 **JURY TIME BOOK (JURY RECORD)** - Record of persons serving on county or justice court juries. RETENTION: FE + 3 years.

1675-03 **STATEMENTS OF EXEMPTION FROM JURY DUTY** - Statements by persons claiming temporary or permanent exemption from jury duty on statutory grounds, including any statements of rescission of such claims.

a) Statements requesting permanent exemption. RETENTION: AV after notification sent to tax assessor-collector. (Exempt from destruction requirement)

b) Statements requesting temporary exemption. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

\* 1675-04 **JUROR QUESTIONNAIRES** - Forms completed by jurors reporting for jury duty. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

### \* SECTION 3-6: JUVENILE RECORDS

\* **SPECIAL NOTE:** This section remains in effect until the effective date of adoption of Local Schedule JR (Juvenile Records) by the Texas State Library and Archives Commission by an amendment to 13 TAC 7.125.

*Prefatory Note: Juvenile court records are subject to sealing pursuant to Texas Family Code, Section 51.16. While sealing restricts access to the records, it does not affect the minimum retention periods set down in this section nor the destruction of such records following the expiration of those periods.*

1700-01 **DEPENDENT JUVENILE RECORD** - Proceedings of a county court in hearings from 1907 to 1918 involving dependent or neglected children. RETENTION: PERMANENT.

1700-02 **JUVENILE CASE PAPERS** - Documents relating to juvenile detention, transfer, adjudication, or disposition proceedings, including all records transferred to the court by law enforcement or other agencies under sealing order issued by the court.

*Retention Note: The retention periods set out below are divided into two groups - those dealing with records arising from a juvenile delinquency or offense committed on or before 31 August 1987 and those dealing with records arising from a juvenile delin-*

quency or offense committed on or after 1 September 1987. The Texas Legislature has determined that an offense occurs on or after 1 September 1987 if all the elements of the offense occur on or after that date.

a) Records concerning delinquent conduct or offenses committed on or before 31 August 1987:

1) Fingerprint cards and photographs *only*:

A) If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, the juvenile is found not to have engaged in the alleged conduct, or the juvenile is found to have engaged in the conduct but has reached the age of 18 and there is *no* record that he or she committed a criminal offense after reaching the age of 17. RETENTION: Must be destroyed immediately upon fulfillment of any of the conditions listed. [By law - Family Code, Section 51.15(e) before 1987 amendment. (Exempt from destruction request to the Texas State Library)]

B) If the juvenile is found to have engaged in the conduct, has reached the age of 18, but there is a record that he or she committed an offense after reaching the age of 17. RETENTION: Follow the retention period for (a)(2)(A) or (B), as applicable.

2) All other case papers:

A) If the person has reached the age of 23 and has *not* been convicted of a felony as an adult. RETENTION: *See retention note.* [By law - Family Code, Section 51.16(i).] (Exempt from destruction request to the Texas State Library)

***Retention Note:*** *State law requires that the records can only be destroyed at this point by the court's own motion or upon a motion by the person in whose name the files or records are kept. County clerks wishing to dispose of juvenile case papers at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. County clerks may dispose of juvenile case papers on their own initiative only according to the retention period set out in (a)(2)(B).*

B) If the person has reached the age of 23 and he or she has been convicted of a felony as an adult; or if the person has reached the age of 23, has *not* been convicted of a felony as an adult, but the court on its own or

another's motion has not ordered the destruction of the papers. RETENTION: Until the individual is 33.

b) Records concerning delinquent conduct or offenses committed on or after 1 September 1987:

1) Fingerprint cards and photographs *only*:

A) If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, or the juvenile is found not to have engaged in the alleged conduct; or the juvenile is found to have engaged in the conduct but has reached the age of 18, is not subject to commitment to the Texas Youth Commission or to transfer under a determinate sentence to the Texas Department of Corrections and there is *no* record that he or she committed a criminal offense after reaching the age of 17; or the person is older than 18 years, at least three years have elapsed after the person's release from commitment, and there is no evidence that he or she committed a criminal offense after the release. RETENTION: Must be destroyed immediately upon fulfillment of any of the conditions listed. [By law - Family Code, Section 51.15(e).] (Exempt from destruction request to the Texas State Library)

B) If the juvenile is found to have engaged in conduct involving a violation of the penal code of a grade other than a felony, has reached the age of 18, but there is a record that he or she committed an offense after reaching the age of 17. RETENTION: *Follow the retention periods in (b)(2)(A) or (B), as applicable.*

C) If the juvenile is found to have engaged in conduct involving a violation of the penal code of the grade of felony. RETENTION: *Follow the retention period in (b)(2)(C).*

2) All other case papers:

A) If the person has reached the age of 23, was adjudged delinquent based on the violation of a penal law other than the grade of felony, and has *not* been convicted of a felony as an adult. RETENTION: *See retention note.* [By law - Family Code, Section 51.16(i).] (Exempt from destruction request to the Texas State Library)

***Retention Note:*** *State law requires that the records can only be destroyed at this point by the court's own motion or upon a motion by the person in whose name the files or records are kept. County*

*clerks wishing to dispose of juvenile case papers at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. County clerks may dispose of juvenile case papers on their own initiative only according to the retention period set out in (2)(B) or (C).*

B) If the person has reached the age of 23, was adjudged delinquent based on the violation of a penal law other than the grade of felony, but he or she has been convicted of a felony as an adult; or if the person has reached the age of 23, has *not* been convicted of a felony as an adult, but the court on its own or another's motion has not ordered the destruction of the papers. RETENTION: Until the individual is 33.

C) If the case papers concern an adjudication of delinquency based on the violation of a penal law of the grade of felony. RETENTION: Date of judgment in disposition hearing + 25 years.

3) Audio or videotapes of release hearings. RETENTION: Date of final judgment in release hearing + 2 years. [By law - Family Code, Section 54.11(g).]

1700-03 **JUVENILE COURT DOCKET.** RETENTION: 5 years.

1700-04 **JUVENILE RECORD (JUVENILE COURT MINUTES).** RETENTION: PERMANENT.

### **SECTION 3-7: RECORDS OF COMMITMENT AND ADMISSION TO STATE CARE**

1725-01 **ALCOHOLISM CASE PAPERS** - Documents relating to alcoholic commitment cases. RETENTION: 5 years after final judgment on grant or denial of petition for commitment.

1725-02 **ALCOHOLISM DOCKET.** RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1725-03 **ALCOHOLISM MINUTES.** RETENTION: PERMANENT.

1725-04 **CANCER AND PELLAGRA APPLICATIONS** - Documents filed with the county judge by or on behalf of persons seeking admission to state hospitals for the treatment of cancer or pellagra. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-05 **CRIPPLED CHILDREN APPLICATIONS** - Documents filed with the county judge seeking hospitalization and medical care for crippled children. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-06 **CRIPPLED CHILDREN DOCKET**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-07 **CRIPPLED CHILDREN MINUTES**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-08 **EPILEPTIC APPLICATIONS** - Documents filed with the county judge by or on behalf of persons seeking admission to the Abilene State Hospital. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-09 **EPILEPTIC DOCKET**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-10 **EPILEPTIC MINUTES**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-11 **MENTAL ILLNESS CASE PAPERS (LUNACY CASE PAPERS)** - Documents relating to the temporary or extended commitment under civil or criminal law of mentally ill persons (including juveniles) heard in county court.

a) Cases in which application for commitment denied or judgment against commitment issued by court. RETENTION: Final judgment + 5 years.

b) Cases in which application for commitment granted or judgment for commitment rendered and the date of death or discharge from hospitalization or outpatient services *is* known. RETENTION: Date of death or discharge + 10 years.

c) Cases in which application for commitment granted or judgment for commitment rendered and date of death or discharge from hospitalization or outpatient services *is not* known. RETENTION: Date of commitment + 50 years.

1725-12 **MENTAL ILLNESS DOCKET (LUNACY DOCKET)**. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1725-13 **MENTAL ILLNESS MINUTES (LUNACY MINUTES)**. RETENTION: PERMANENT.

1725-14 **MENTAL RETARDATION CASE PAPERS** - Documents relating involving the civil or criminal commitment or transfer of mentally retarded persons (including juveniles) to residential care facilities or state mental hospitals.

a) Cases in which application for commitment denied or judgment against commitment issued. RETENTION: Final judgment + 5 years.

b) Cases in which application for commitment granted or judgment for commitment rendered and date of death or discharge of the patient *is* known. RETENTION: Date of death or discharge + 10 years.

c) Cases in which application for commitment is granted or judgment for commitment rendered and date of death or discharge of the patient *is not* known. RETENTION: Date of commitment + 50 years.

**1725-15 MENTAL RETARDATION DOCKET (FEBBLEMINDED DOCKET).** RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

**1725-16 MENTAL RETARDATION MINUTES (FEBBLEMINDED MINUTES).** RETENTION: PERMANENT.

**1725-17 NARCOTICS ADDICTION CASE PAPERS** - Documents relating to narcotics addiction commitment cases.

a) Cases in which petition for commitment denied. RETENTION: 5 years.

b) Cases in which petition for commitment granted and date of death or discharge of patient *is* known. RETENTION: Discharge of patient + 5 years.

c) Cases in which petition for commitment granted and date of death or discharge of patient *is not* known. RETENTION: Date of commitment + 10 years.

\* **1725-17a NARCOTICS ADDICTION DOCKET.** RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

**1725-18 NARCOTICS ADDICTION MINUTES.** RETENTION: PERMANENT.

**1725-19 TUBERCULOSIS APPLICATIONS** - Documents filed with the county judge by or on behalf of persons seeking admission to state chest hospitals. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

**1725-20 TUBERCULOSIS DOCKET** - Dockets books or sheets setting hearings by the county judge on tuberculosis applications. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

**1725-21 TUBERCULOSIS MINUTES.** RETENTION: PERMANENT.

### SECTION 3-8: NATURALIZATION RECORDS

1750-01 **DECLARATION OF INTENTION RECORD** - Bound or filed originals or recorded copies of declarations of intention to become citizens filed by aliens. RETENTION: PERMANENT.

1750-02 **NATURALIZATION PAPERS** - Petitions for naturalization, oaths of allegiance, witness affidavits, and orders granting or denying citizenship submitted by aliens or their witnesses. RETENTION: PERMANENT.

1750-03 **NATURALIZATION RECORD** - Proceedings involving naturalization. RETENTION: PERMANENT.

### SECTION 3-9: LIQUOR LICENSING RECORDS

\* 1775-01 **BEER AND WINE LICENSE APPLICATION RECORDS** - Applications submitted to the county judge for wine and beer retail permits or for licenses to manufacture, distribute, or sell beer within the county. RETENTION: 2 years.

1775-02 **BEER AND WINE LICENSE DOCKET** - Docket books or sheets setting hearings on applications for beer or wine licenses or permits. RETENTION: 10 years.

1775-03 **LIQUOR LICENSE APPLICATION RECORDS** - Original applications for retail malt or spiritous liquor licenses. Destroy at option. (Exempt from destruction request to the Texas State Library)

1775-04 **LIQUOR LICENSE DOCKET (LIQUOR DEALERS DOCKET)** - Docket of applications for retail malt or spiritous liquor licenses.

a) If the Liquor License Record [1775-05] for the same period *has* survived. RETENTION: Destroy at option.

b) If the Liquor License Record [1775-05] for the same period *has not* survived. RETENTION: PERMANENT.

1775-05 **LIQUOR LICENSE RECORD (LIQUOR DEALERS JUDGMENT RECORD)** - Proceedings of county court on applications for retail malt or spiritous liquor licenses. RETENTION: PERMANENT.

1775-06 **NOTICES OF APPLICATION FOR ALCOHOLIC BEVERAGE PERMITS** - Notices to the county judge from the Texas Alcoholic Beverage Commission or its predecessors of applications for permits made directly to the Commission. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

## SECTION 3-10: FEE AND ADMINISTRATIVE RECORDS

1800-01 **CASH RECEIPTS** - Receipt books or copies of receipts upon payment of fees, fines, or costs in civil, criminal, probate or other cases; or for the deposit of trust funds.

a) Criminal receipts.

1) If county has an auditor. RETENTION: Transferred to auditor when all receipts issued. [By law - Code of Criminal Procedure, Section 103.011.]

2) If the county does not have an auditor. RETENTION: FE + 5 years.

b) All other county court receipts. RETENTION: FE + 3 years.

1800-02 **COST DEPOSIT RECORD** - Journal, ledger, ledger cards, or similar records of receipts to and disbursements from monies deposited with the county clerk to cover costs in civil and probate proceedings. RETENTION: FE + 5 years.

1800-03 **COURT REPORTER REPORTS** - Monthly reports submitted by court reporters to the presiding judge of a county court. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

1800-04 **FEE BOOK** - Fee books or sheets showing accounts of fees or costs accrued in cases heard in a county court. RETENTION: FE + 5 years.

1800-05 *[Withdrawn, see 1800-04]*

1800-06 **JURY CERTIFICATES** - Stubs or copies of jury certificates issued. RETENTION: FE + 3 years.

1800-07 **TEXAS JUDICIAL COUNCIL, STATISTICAL REPORTS TO.** RETENTION: 3 years.

1800-08 **TRUST FUND RECORD** - Journal, ledger, or similar record of receipts to and disbursements from trust funds, including those involving restitution by persons on probation. RETENTION: FE + 5 years.

1800-09 **WITNESS AFFIDAVITS AND CERTIFICATES (WITNESS FEE CLAIMS)** - Copies or stub books of affidavits or statements by persons or assignees claiming compensation for service as witnesses. RETENTION: FE + 3 years.



## SECTION 3-11: MISCELLANEOUS COURT RECORDS

1810-01 **MOTOR CARRIER CONVICTIONS, REPORTS OF RECORD OF** - Copies of reports to the State Comptroller of fines assessed and collected for violations of the Motor Carrier Act. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1810-02 **TRAFFIC CONVICTION ABSTRACTS** - Copies of abstracts submitted to the Department of Public Safety pertaining to traffic violations. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

## PART 4: OFFICIAL PUBLIC RECORDS OF COUNTY CLERKS

*Prefatory Note: The Local Government Code, Section 193.008, provides that county clerks who microfilm must divide instruments received for filing, registering, or recording in classes specified by statute for recording on microfilm. The Local Government Code, Section 193.002(a), permits clerks who do not microfilm to divide and maintain instruments in the same manner. The records series titles contained in this part are those prescribed by statute.*

1820-01 **OFFICIAL PUBLIC RECORDS OF REAL PROPERTY.** RETENTION: PERMANENT.

1820-02 **OFFICIAL PUBLIC RECORDS OF PERSONAL PROPERTY AND CHATTELS.** RETENTION: PERMANENT.

1820-03 **OFFICIAL PUBLIC RECORDS OF PROBATE COURTS.** RETENTION: PERMANENT.

1820-04 **OFFICIAL PUBLIC RECORDS OF COUNTY CIVIL COURTS.** RETENTION: PERMANENT.

1820-05 **OFFICIAL PUBLIC RECORDS OF COUNTY CRIMINAL COURTS.** RETENTION: PERMANENT.

1820-06 **OFFICIAL PUBLIC RECORDS OF COMMISSIONERS COURT.** RETENTION: PERMANENT.

1820-07 **OFFICIAL PUBLIC RECORDS OF GOVERNMENTAL, BUSINESS, AND PERSONAL MATTERS.** RETENTION: PERMANENT.

1820-08 **OFFICIAL PUBLIC RECORDS** - A combination of Official Records of Real Property [1820-01] and Official Public Records of Governmental, Business, and Personal Matters [1820-07]. RETENTION: PERMANENT.

## PART 5: RECORDS OF THE COUNTY SURVEYOR

*Prefatory Note: State law provides that when the office of county surveyor is vacant or has been abolished the county clerk shall take custody of the records of the county surveyor and assume the recording duties of that office.*

### SECTION 5-1: SURVEY RECORDS

1825-01 **AFFIDAVITS OF LOSS OR DESTRUCTION OF FIELD NOTES.** RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

1825-02 **ENCLOSED SCHOOL LAND REPORTS** - Copies of annual reports to commissioners court on number of sections of school land sold and enclosed during the year in county. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1825-03 **FIELD NOTES** - Original field notes of surveys of public land. RETENTION: PERMANENT.

*Retention Note: If it is determined that the field notes have been recorded in the Survey Record [1825-06] and sets of such original field notes have been sent to the General Land Office or to the agencies, persons, or companies that ordered the survey as required by law or dictated by the customary practices of surveying, the field notes may be destroyed at option and are exempt from destruction request to the Texas State Library. Rough field notes or other notes or papers used in the preparation of formal field notes may also be destroyed at option and are also exempt.*

1825-04 **MAPS AND PLATS** - Maps of county lands and rights of way, plats and profiles of surveys, and all other maps and plats used or created by the county surveyor.

a) Plats and maps that *are* recorded in the Survey Record [1825-06] or the Plat Record [1275-17]. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

b) Plats and maps that *are not* recorded in the Survey Record [1825-06] or the Plat Record [1275-17]. RETENTION: PERMANENT.

1825-05 **RECORD OF APPLICATIONS FOR SURVEY, LEASE, OR PURCHASE OF PUBLIC LANDS** - Recorded applications and supporting documentation for the survey, lease, or purchase of public land. RETENTION: 2 years.

1825-06 **SURVEY RECORD (RECORD OF FIELD NOTES)** - Recorded copies of field notes and plats of surveys of public land. RETENTION: PERMANENT.

## SECTION 5-2: FEE AND ADMINISTRATIVE RECORDS

1850-01 **ANNUAL FEE REPORTS.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1850-02 **CASH RECEIPTS.** RETENTION: FE + 3 years.

1850-03 **DAILY CASH BOOK OR REPORTS.** RETENTION: FE + 3 years.

1850-04 **DEPOSIT WARRANTS** - Copies of deposit warrants issued by the county clerk or the county treasurer for monies deposited in any funds or accounts of the county surveyor. RETENTION: FE + 3 years.

1850-05 **FEE BOOK.** RETENTION: FE + 5 years.

1850-06 **LEGAL OPINIONS** - Copies of legal opinions rendered to the county surveyor by the county attorney or the district attorney. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1850-07 **MONTHLY EXPENSE REPORTS.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1850-08 *[Withdrawn]*

\* 1850-09 **OPEN RECORDS REQUESTS** - Written open records requests, including those sent by electronic mail or facsimile, submitted to a county surveyor, including correspondence and other documentation relating to the requests.

a) Approved requests. RETENTION: Approval of request + 1 year. [Exempt from destruction request to the Texas State Library]

b) Denied requests. RETENTION: Denial of request + 2 years.

### 1850-10 **RECORDS MANAGEMENT RECORDS**

a) Records control schedules (including all successive versions of or amendments to schedules). RETENTION: PERMANENT.

b) Records destruction documentation - Records documenting the destruction of records under records control schedules, including requests submitted to the Texas State Library and Archives Commission for authorization to destroy unscheduled records or the originals of permanent records that have been microfilmed. RETENTION: PERMANENT.

c) Records inventories - Lists or inventories of the active and inactive records created or received by a county office. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

d) Records management plans and policy documents - Plans and similar documents establishing the policies and procedures under which a records management program operates. RETENTION: US + 5 years.

1850-11 **REPORTS OF COLLECTIONS (MONTHLY FEE REPORTS).** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

## **PART 6: RECORDS OF THE COUNTY SUPERINTENDENT OF SCHOOLS AND COUNTY BOARDS OF SCHOOL TRUSTEES [ABOLISHED OFFICES AND BOARDS ONLY]**

*Prefatory Note: Texas Education Code, Section 17.95, effective 31 December 1978, abolished the county board of school trustees and the office of county superintendent of schools in counties without common or rural school districts. The board and/or the office can be continued through ad valorem taxation or by contract among the independent school districts of a county.*

*This schedule applies only to the records of boards and offices abolished 31 December 1978 or earlier. For records of active offices of the county superintendent of schools see Local Schedule SD (Records of Public School Districts).*

*The retention periods set down in this section must be followed by the county clerk, the county judge, the county treasurer, or any other county officer who has custody of any of the records of abolished offices listed in this section.*

### **SECTION 6-1: RECORDS OF PROCEEDINGS**

1875-01 **ELECTION RECORD (SCHOOL TRUSTEES).** RETENTION: PERMANENT.

1875-02 **MINUTES OF THE COUNTY BOARD OF SCHOOL TRUSTEES.** RETENTION: PERMANENT.

1875-03 **NOTICES OF COUNTY BOARD OF SCHOOL TRUSTEES MEETINGS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1875-04 **NOTICES OF COUNTY BOARD OF SCHOOL TRUSTEES MEETINGS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1875-05 **RECORD OF SCHOOL DISTRICTS** - Proceedings of the county board of school trustees or commissioners court establishing school district boundaries, including petitions, plats, and survey field notes. RETENTION: PERMANENT.

*Retention Note: Original survey field notes of school district boundaries or of other surveys relating to schools found among the records of the county superintendent of schools may be destroyed at option provided that they have been properly recorded in the Minutes of the County Board of School Trustees [1875-02] or in either of the Records of School Districts [1875-02]. If they have not been properly recorded in any of those records they should be retained PERMANENTLY.*

1875-06 **SCHOOL DISTRICT BOARD MINUTES** - Proceedings of the boards of trustees of independent, common, or rural school districts in the county that through dissolution or by other means passed to the custody of the county superintendent of schools. RETENTION: PERMANENT.

1875-07 **SCHOOL TRUSTEE REGISTER** - Register, record, or lists of school trustees and board officers in the county. RETENTION: PERMANENT.

## **SECTION 6-2: FINANCIAL RECORDS**

1900-01 **ACCOUNT JOURNALS** - Account books or journals of original entry detailing receipts to, disbursements from, or encumbrances involving school funds or accounts. RETENTION: Destroy at option.

1900-02 **ACCOUNTS PAYABLE RECORDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-03 **ANNUAL AUDIT REPORTS OF SCHOOL DISTRICTS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-04 **ANNUAL STATEMENTS OF SCHOOL FUNDS (ANNUAL REPORTS OF COUNTY SCHOOL ACCOUNTS; ANNUAL FINANCIAL REPORTS OF COUNTY SCHOOLS).** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-05 **ASSESSMENT ABSTRACTS** - Abstracts of property assessments in school districts under the administration of the county superintendent of schools. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-06 **BANKING RECORDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

\* 1900-07 **BOND REGISTERS.** RETENTION: Destroy at option.

*Retention Note: Prior to disposal, bond registers shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently. Older bond registers from a time when the government itself or a local bank handled the issuance and payment of bonds often contain the names of local residents who subscribed to the bond issue. These registers usually merit permanent retention for historical reasons.*

1900-08 **BONDS AND COUPONS** - Canceled or unsold bonds, coupons, and similar instruments of paid bonded indebtedness. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-09 **BUDGET REQUESTS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-10 **CASH RECEIPTS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-11 *[Withdrawn, see 1900-20]*

1900-12 **DEPOSIT WARRANTS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-13 **FEDERAL AND STATE TAX FORMS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-14 **OFFICE AND TRAVEL EXPENSE REPORTS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-15 **OFFICIAL BUDGETS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-16 **PAYROLL REGISTERS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-17 **REPORT OF SCHOOL DISTRICT TAXES COLLECTED.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-18 **RETIREMENT RECORD** - Record book or account sheets of teacher or other school employee retirement and/or federal withholding tax deductions. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-19 **RETIREMENT REPORTS** - Copies of pay period or other reports submitted by the county superintendent of schools to the Texas Teacher Retirement System detailing retirement deductions. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-20 **SCHOOL FUND LEDGER (SCHOOL LEDGER, ACCOUNTS WITH SCHOOL DISTRICTS, COUNTY SUPERINTENDENT'S SCHOOL RECORD, SUPERINTENDENT'S SCHOOL RECORD, COUNTY JUDGE'S SCHOOL RECORD)** - General account ledger maintained by the county superintendent of schools showing apportionment to and receipts and disbursements from all school funds or accounts under his control. RETENTION: Destroy at option.

*Retention Note: It is an exception to the retention given that if any volume of a school fund ledger contains lists of persons applying for teaching certificates by examination or of trustees and teachers in each district, information on the location of schoolhouses, or recorded copies of the orders of the county board of school trustees affecting school finances it must be retained PERMANENTLY.*

### **SECTION 6-3: STUDENT RECORDS**

1925-01 **ACHIEVEMENT TESTS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1925-02 **BIRTH CERTIFICATES** - Copies of birth certificates of students filed by parents or guardians for enrollment or other purposes. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1925-03 **CENSUS FORMS** - Original census forms filled out for each family having children of school age.

a) All census forms dated 1948 or earlier. RETENTION: PERMANENT.

b) All census forms dated 1949 or later:

1) Forms for any year from 1949 to 1970 for which a Consolidated Scholastic Census [1925-04] *exists*. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2) Forms for any year from 1949 to 1970 for which a Consolidated Scholastic Census [1925-04] *does not exist*. RETENTION: PERMANENT.

1925-04 **CONSOLIDATED SCHOLASTIC CENSUS ROLLS** - Consolidated census rolls of students enrolled in county schools. RETENTION: PERMANENT.

**1925-05 CUMULATIVE SCHOLASTIC RECORD (PERMANENT GRADE RECORD, PERMANENT SCHOOL RECORD, PERMANENT GRADE SHEETS)** - Record books, cards, or sheets showing academic achievement record of each student enrolled in county schools.

a) For students in grades Pre-K through 8. RETENTION: Destroy at option.

b) For students in grades 9-12. RETENTION: PERMANENT.

**1925-06 SCHOOL CENSUS RECORDS** - Registers or lists of children of school age resident in county compiled from 1854 to 1905. RETENTION: PERMANENT.

**1925-07 STUDENT HEALTH RECORDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

**1925-08 STUDENT TRANSFER RECORDS** - Registers or other records documenting the transfer of students between school districts within a county or with districts in adjoining counties. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

#### **SECTION 6-4: ATTENDANCE AND ENROLLMENT RECORDS**

**1950-01 ATTENDANCE OFFICERS' RECORD** - Register or list of children of school age who are not attending public or private schools in violation of compulsory attendance laws. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

**1950-02 DAILY ATTENDANCE SHEETS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

**1950-03 PRINCIPALS' PERIOD REPORTS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

**1950-04 SUPERINTENDENT'S ANNUAL REPORTS** - Superintendent's annual reports on school enrollment. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

**1950-05 TEACHERS' DAILY REGISTER (DAILY REGISTER OF PUPIL ATTENDANCE).** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

**1950-06 TEACHERS' MONTHLY OR PERIOD REPORTS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)



## SECTION 6-5: PERSONNEL RECORDS

1975-01 **COUNTY INSTITUTE ATTENDANCE, RECORD OF** - Record of attendance by teachers at county teaching institutes. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1975-02 **PERSONNEL RECORDS** - Employment records of teachers and non-teaching personnel of the county school system, including.

\* a) The Teacher Service Record Card and any similar record for non-teaching personnel, on Texas Education Agency or comparable forms, that provide, in summary, a record of the person's employment history in the county school system. RETENTION: Termination of employment + 75 years.

b) All other personnel records. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1975-03 **REGISTRATION CARDS OF SCHOOL EMPLOYEES.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1975-04 **TEACHERS APPLYING FOR EXAMINATION, RECORDS OF** - Registers of persons applying for teacher certification by examination before county boards of examiners.

a) Registers of persons applying for teaching certificates by examination maintained in the School Fund Ledger [1900-20] or separately. RETENTION: PERMANENT.

b) All other documents relating to the examination of persons applying for teaching certificates. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1975-05 **TEACHERS' CERTIFICATE REGISTER** - Abstracts or recorded copies of teachers' certificates of teachers working in county schools. RETENTION: PERMANENT.

## SECTION 6-6: MISCELLANEOUS RECORDS

2000-01 **DEEDS** - Deeds to school property. RETENTION: PERMANENT.

2000-02 **FEDERAL AND STATE SCHOOL AID RECORDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2000-03 **INSURANCE RECORDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2000-04 **OPEN RECORDS APPLICATIONS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2000-05 **TEXTBOOK RECORDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2000-06 **TRANSPORTATION RECORDS (SCHOOL BUS RECORDS).** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2000-07 **VETERANS VOCATIONAL SCHOOL RECORDS** - Records of veterans vocational schools established in county.

a) Proceedings of the board of trustees of the vocational school. RETENTION: PERMANENT.

b) All other records, *including* academic records. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

*Comments or complaints regarding the programs and services of the Texas State Library and Archives Commission can be addressed to the Director and Librarian, PO Box 12927, Austin, TX 78711-2927. 512-463-5460 or FAX 512-463-5436*

*Copies of this publication are available in alternative format upon request.*

# APPENDIX E

# In the Supreme Court of Texas

Miscellaneous Docket No. 0024

## Relating to the Retention and Disposition of Depositions By the District Clerk of Harris County

**ORDERED:**

Pursuant to Rule 209, Texas Rules of Civil Procedure, deposition transcripts and depositions upon written questions shall be retained by the District Clerk of Harris County as required by law unless disposed of as allowed by this Order or this Court's general order effective Jan. 1, 1988,

In any case —

1. in which judgment was rendered upon service of process by publication and signed prior to Jan. 1, 1987, and in which no motion for new trial was filed within two years after judgment was signed, or
2. in which judgment was signed prior to Jan. 1, 1985, and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court—

the district clerk of Harris County may dispose of all deposition transcripts and depositions upon written questions beginning in the third month after the month in which notice of the clerk's intention to do so is published conspicuously in the *Texas Bar Journal*, except material which, prior to disposition, the clerk has received a written notice to withdraw, identify the case number, the style of case, and the materials to be withdrawn.

**SIGNED AND ENTERED the 13th day of December 1991.**

## ABA Gambrell Professionalism Award

Nominations are open for the second annual awards competition recognizing bar association and law school projects to enhance professionalism among lawyers.

Entries will be accepted until May 1, and awards will be presented at the ABA Annual Meeting in August in San Francisco. The ABA Special Coordinating Committee on Professionalism and Center for Professional Responsibility will confer up to three awards of \$3,750 each for programs on-going after June 1, 1991. Projects previously recognized are ineligible.

The ABA Standing Committee will judge entries based on overall program quality and success, suitability of the program for replication elsewhere, likelihood the program will continue, innovative nature of the program, substantive strength of the program in professionalism, and scope of the program.

For additional information on eligibility or nominating procedures, contact Arthur Garwin, ABA assistant professionalism counsel, 541 N. Fairbanks Ct., 14th Floor, Chicago, IL 60611-3314; 312/988-5294

# Law Firms Experience Economic Downturn

Law firms are dismissing an unprecedented number of associates and, for the first time, are requiring significant numbers of partners to withdraw. Although it has been well-chronicled in the press, this trend has not been tracked and quantified, leading firms to question their termination policies and procedures. A recent survey by Hildebrandt, Inc. has revealed how widespread dismissals are. It also indicates that the terminations are far from over.

The Somerville, NJ-based legal management consulting company, surveyed the nation's largest law firms. Of the 105 firms responding, more than half expect to ask partners to leave in the next 18 months, and nearly nine out of 10 anticipate terminating associates in the same period.

The survey showed that 60 percent of responding firms asked partners to withdraw during the past 18 months. Approximately one-third of the firms surveyed had no involuntary withdrawals in that time period. Half of these expect them in the next 18 months and nearly two-thirds of the firms that terminated partners anticipate they will ask more to leave in the next 18 months.

Although a growing number of firms are asking partners and associates to leave, few have established policies on severance.

"We were astonished to discover the number of firms that do not compel withdrawing partners to sign settlement agreements," said Edwin Mruk, senior consultant with Hildebrandt Career Counseling for Professionals. "In fact, firms that have terminated partners in the past actually are less likely to have separation policies than those that have not. This is a clear case of lawyers not following the advice that they give to their clients."

"However," says Mruk, "lawyers are not being dumped on the sidewalk. In many cases, they are being given severance pay, secretarial services and use of office space, as well as the services of professional out placement consultants."

Hildebrandt is a management consulting company that specializes in helping law practices cut costs, increase efficiency, and maximize profits.

For more information about the survey call Mruk at 212/983-8045 or Ann Levine or Carol Buckner at 908/725-1600.

## Toll-Free Numbers Available

A new toll-free phone number is available to persons seeking information about filing a complaint against a Texas attorney. The toll-free number is part of an overhaul of the State Bar's grievance system which goes into effect in May. Those who call 1/800/932-1900 will receive information about the system and be guided through the initial steps of filing a complaint.

Another toll-free number, 1/800/932-1990, is available to any member of the public or profession seeking information about the State Bar of Texas or the legal profession in Texas.

## IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 92-0060

### Relating to the Retention and Disposition Of Exhibits by the District Clerk of Harris County

#### ORDERED:

Pursuant to Rule 14b, Texas Rules of Civil Procedure, exhibits shall be retained by the District Clerk of Harris County as required by law unless disposed of as allowed by this order or this court's general order effective Jan. 1, 1988.

In any case —

- (1) in which judgment was rendered upon service of process by publication and signed prior to Jan. 1, 1987, and in which no motion for new trial was filed within two years after judgment was signed, or
- (2) in which judgment was signed prior to Jan. 1, 1985, and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court —

the District Clerk of Harris County may dispose of all exhibits beginning in the third month after the month in which notice of the clerk's intention to do so is published conspicuously in the *Texas Bar Journal*, except materials which, prior to disposition, the clerk has received a written notice to withdraw, identifying the case number, the style of the case, and the materials to be withdrawn.

Signed and entered the 25th day of February 1992.

## How the New Grievance System Works

A CLE Video from the State Bar of Texas

In 1990, the State Bar membership voted to adopt a new system for handling lawyer discipline and disability.

That system took effect May 1.

In an effort to help Texas lawyers understand the new system, the State Bar Professional Development program has produced a videotape highlighting the changes in how grievances are handled in Texas. The videotape also demonstrates important new rules affecting the investigatory and evidentiary hearings which are part of the system.

The new system affects all lawyers. To ensure that all Texas lawyers are educated about the new system, the State Bar of Texas will present this videotape free of charge throughout the state during June. No registration fee will be charged and attorneys can earn a half hour of MCLE credit.

The videotape includes discussion

and demonstrations by James McCormack, general counsel of the State Bar of Texas; Steve W. Young, first assistant general counsel; Sam Bargainer, office manager of the Dallas regional office of the general counsel; and Eddie Vassallo, grievance committee chair, Dallas. Research and scripting of the videotape was done by Marilee Neff, director of the Dallas regional office of the general counsel.

This program was made possible by a grant from the Texas Bar Foundation.

In addition, the general counsel's office has developed model language to help attorneys meet the requirement that they notify clients of the existence of the grievance process.

A brochure announcing the dates for presentation of the videotape should arrive in attorneys' offices in late May. Seating at the video program will be on a first come, first served basis.

## Full-Text Opinions — Ready When You Are

In an effort to better serve Texas lawyers, the State Bar of Texas has implemented a new process whereby subscribers to the *Texas Lawyers' Civil or Criminal Digests* have access to the fastest full-text opinion service in the state. The service is available to subscribers 24 hours a day, 365 days a year.

To order an opinion from the FASTBACK OPINION Service, subscribers can use their touch-tone phones, dial toll-free, 1/800/925-5567 and receive the full-text of any Texas appellate opinion reported in the digests. Within one minute of an order, the service will begin faxing the opinion. Subscribers will be billed for the service.

The charge is four dollars per call and 75 cents per page for as many opinions as ordered per call. The number of pages and the identification number of the opinions are shown in the digests. If an attorney would rather receive the text through the mail there is no additional charge. For a \$20 fee, the opinion can be sent overnight by express delivery.

Non-subscribers to the digests can use the FASTBACK service for a \$10 per call surcharge. A year's subscription to either the civil or criminal digest is \$35 plus tax and may begin at anytime.

If you need more information or would like to subscribe to one or both of the digests, write Digest Subscription (specify criminal or civil), State Bar of Texas, P.O. Box 12487, Austin 78711, or call 512/463-1403. Mastercard and Visa are accepted.

## Toll-Free Numbers Available

A toll-free phone number, part of the overhaul of the State Bar of Texas grievance procedure, is available to persons seeking information about the grievance process. Those who call 1/800/932-1900 will be guided through the initial steps of filing a complaint.

Another toll-free number, 1/800/932-1990 is available to those seeking information about the State Bar.