

RECORDS RETENTION SCHEDULES FOR
SOUTH CAROLINA CLERKS OF COURT

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CLERK OF COURT REVISED RETENTION SCHEDULES DRAFT 4/10/2014

CLERK OF COURT - FAMILY COURT

FC-01 DOMESTIC RELATIONS DOCKET SHEETS

Description:

Record of each domestic relations case instituted in the family court which provides the office with information on cases that are pending and those that are disposed. This series also serves as a record of papers filed in each case. Information includes filing date, fee paid, nature of action, case number, whether URSEA (transferred out of state), transferred to other court, stricken from docket, dismissed by court, dismissed other or trial hearing, code number of judge at disposition, date of final disposition, name of petitioners, name of respondents, petitioner's attorneys, respondents' attorneys, documents filed by petitioner, date filed, documents filed by respondent, date filed. Older versions of the dockets, while serving the same function as the record described above, do not contain the detailed information found on the dockets currently in use.

Retention:

PERMANENT.

FC-02 INDEX TO DOMESTIC RELATIONS CASES

Description:

This record series serves as an alphabetical finding aid to Domestic Relations Case Files and Domestic Relations Dockets. Information includes case numbers and name of parties.

Retention:

PERMANENT.

FC-03 DOMESTIC RELATIONS CASE FILES

Description:

This record series documents cases involving domestic relations matters. Cases include divorces, domestic abuse, separations (pure support), name changes, and URSEA's. Documents may include petitions, summons, answers, counterclaims, financial declarations, notices, rules to show cause, affidavit of indigency, certificate of mailing, exemplification orders, D.S.S. forms, testimony, evidence, judge's names and memos, correspondence, and support payment documentation. Certain cases may be sealed upon the order of presiding judge.

Retention:

PERMANENT.

FC-04 DOMESTIC RELATIONS CASE FILES – CHILD ABUSE AND NEGLECT CASES

Description:

This record series documents domestic relations cases involving abused and neglected children. Documents may include petitions, summons, answers, counterclaims, notices, rules to show cause, certificate of mailing; reports from the State Department of Social Services, the Central Registry of Child abuse and neglect, and local child protective service agencies; testimony, judge's notes and memos, and correspondence.

Retention:

25 years, then destroy.

FC-05 DOMESTIC RELATIONS CASE FILES – SEALED ADOPTIONS

Description:

Original papers of individuals who have petitioned the court to adopt minor children and have been granted the same. Information includes name, age and residence of petitioners, date married, when petitioners acquired custody of minor and from which agency, child's birthdate and place, name of child, petitioner's desire for custody, and description and statement of child's property.

Retention:

PERMANENT.

FC-06 JUVENILE DOCKET SHEETS

Description:

Record of each juvenile case instituted in the family court which provides the office with information on cases that are pending and those disposed of. This series also serves as a record of papers filed in each case. Information includes filing date, fee paid, whether indigency claimed or statutory exemption, nature of action, case number, whether URSEA (transferred out of state), transferred to another court, stricken from docket, dismissed by court, or dismissed other, code number of judge at disposition, date of final disposition, name to petitioners, name of respondents, petitioner's attorneys, respondent's attorneys, documents filed by petitioner, date filed, documents filed by respondent, date filed. Older versions of the docket, while

serving the same function as the record described above, do not contain the detailed information found on the dockets currently in use.

Retention:

2 years, then transfer to Juvenile Case Files.

FC-07 INDEX TO JUVENILE CASES

Description:

This series serves as the finding aid to juvenile case files and the juvenile dockets. Information includes name of petitioner, name of respondent, and case number.

Retention:

20 years, then destroy.

FC-08 JUVENILE CASE FILES

Description:

Original case papers for juveniles who come under the jurisdiction of the family court. Types of documents may include some or all of the following: petition, summons, certificate of service, subpoena, order, judge's notes.

Retention:

20 years, then destroy.

FC-09 FINE/SUPPORT PAYMENT HISTORIES (FINE/SUPPORT CASE DETAIL, PAY CARDS)

Description:

This series shows fine and support payments charged against individuals and payable through the family court section of the clerk of court's office and records what is actually paid. Information includes case number, begin date, type support, payor, payee, total arrears, payment cycle, payment amount, entry date, amount charged, amount paid, total amount charged, total amount paid.

Retention:

7 years, then transfer to case files.

FC-10 RECORDS OF FINE/SUPPORT RECEIPTS (FINE/SUPPORT RECEIPT JOURNALS)

Description:

Chronological record of receipts of fine and support payments from individuals making payments to the family court section of the clerk of court's office. Information may include some or all of the following: date, case number, name of person from whom payment is received, name of payee, receipt number, payment amount, form of payment, and amount of court fee received.

Retention:

7 years, then destroy.

FC-11 RECORDS OF SUPPORT PAYMENTS (PAYMENT REGISTERS, CHECK REGISTERS)

Description:

Chronological record of checks issued by the family court section of the clerk of court's office to individual receiving support payments. Information may include some or all of the following: date, case number, name of payee, name of person from whom payment is received, check number, amount received, amount of court fee, and amount of check.

Retention:

7 years, then destroy.

FC-12 RECEIPTS

Description:

Copies of individual receipts issued to persons remitting funds to the family court section of the clerk of court's office. These receipts are issued for payment of fines, support payments, filing fees, and other related purposes. Information includes date, number, from whom received, amount, and authorized signatures.

Retention:

7 years, then destroy.

FC-13 BANKING RECORDS (CANCELLED CHECKS, BANK STATEMENTS, DEPOSIT SLIPS, AND CHECK STUBS)

Description:

Cancelled checks and deposit slips written by the family court section of the clerk of court's office along with the statements issued by the bank. This account is maintained for the deposit and disbursement of support payments. Information includes (1) checks: date, to whom paid, amount, check number, signature of Clerk of Court; (2) bank statements: list of checks for one month period, dates, beginning balance, ending balance; (3) deposit slips: date, amounts of deposits, and total deposit; and (4) check stubs: check number, balance brought forward, date, to whom paid, amount and balance.

Retention:

7 years, then destroy.

FC-14 PURCHASE OF SERVICE REIMBURSEMENT REQUESTS

Description:

Copies of forms submitted by the family court to the South Carolina Department of Social Services requesting reimbursements for services rendered in processing support payments that are remitted to that department. Information includes name of provider (family Court), address, period covered by request, contract period, service delivery client classification, number of units (checks), processing cost per unit, total processing cost, amount of processing cost paid from federal funds, amount of processing cost paid from state funds, signature of clerk of court, signature of person preparing report, and date prepared.

Retention:

7 years, then destroy.

CLERK OF COURT - COMMON PLEAS

CP-01 INDEX TO COMMON PLEAS JOURNALS

Description:

This record series serves as a finding aid to the common pleas journals. Information includes name of plaintiff, name of defendant, book and page number.

Retention:

Record Copy: PERMANENT.

Additional Office Copies: Until Superseded, then destroy.

CP-02 COMMON PLEAS JOURNALS (MINUTES)

Description:

This series records the daily proceedings in the court of common pleas. The series consists of minute books of common pleas cases tried. Information includes court term, petit jurors, plaintiff, defendant, type action, motions, orders, decrees, plaintiff's attorney, judgment, and date of judgment.

Retention:

PERMANENT.

CP-03 INDEX TO COMMON PLEAS CASE FILES

Description:

This record series serves as a finding aid to the common pleas case files. Information includes name of plaintiff, name of defendant, and case number.

Retention:

Record Copy: PERMANENT.

Additional Office Copies: Until superseded, then destroy.

CP-04 COMMON PLEAS CASE FILES

Description:

Consists of original common pleas case files that are not entered into judgment (including dismissed cases). Types of documents may include summons and complaint, answer, and orders. Information in the documents includes names of parties, names of attorneys, date of document, and date of recording.

Retention:

PERMANENT.

CP-05 PLAINTIFF AND DEFENDANT INDEX TO JUDGMENTS

Description:

This record series serves as a finding aid to the judgment rolls. Information includes date of judgment, roll number, name of plaintiff, name of defendant, and when satisfied.

Retention:

Record Copy: PERMANENT.

Additional Office Copies: Until Superseded, then destroy.

CP-06 JUDGMENT ROLLS

Description:

Consists of original common pleas case files that have been entered into judgment. Information includes summons and complaints, any reports of a special referee, testimony, decrees by the judge, and judgment. These documents contain the date of recording, names of parties, roll number, names of attorneys, cause of action, order of court, amount of judgment, date of judgment, costs, date of filing, and date of recording.

Retention:

PERMANENT.

CP-07 ABSTRACT OF JUDGMENTS

Description:

Serves as a record, in condensed form, of cases entered into the judgment rolls. Information includes number of enrollment, name of plaintiff, name of defendant, cause of action, names of attorneys, date of judgment, amount of judgment, time of hearing interest, how judgment obtained, costs (clerk's, master, witnesses, sheriff, et. al.), kind of execution, date of issuing, sheriff's return, when renewed, and satisfaction.

Retention:

PERMANENT.

CP-08 INDEX TO PLEADINGS AND JUDGMENTS

Description:

This record series serves as a finding aid to the pleadings and judgments. Information includes year, name of plaintiff, name of defendant, volume number, and page number.

Retention:

When Judgment Rolls are Extant: 10 years, then destroy.
When Judgment Rolls are not Extant: PERMANENT.

CP-09 PLEADINGS AND JUDGMENTS

Description:

This series consists of transcripts of complaints, answers and judgments in civil cases wherein judgments may have been signed. Information includes roll number, parties, complaint by the plaintiff, answer of defendant, and judgment when signed.

Retention:

When Judgment Rolls are Extant: 10 years, then destroy.

When Judgment Rolls are not Extant: PERMANENT.

CP-10 COMMON PLEAS DOCKET SHEETS

Description:

This series consists of records of all cases instituted in the court of common pleas and is used to inform Court Administration of cases that are pending and when and how disposed. This series also serves as a record of papers filed in each case. Information includes filing date; fees paid; nature of action; case number; referred to master date; master report filed date; whether jury, non-jury, or post conviction relief; date of final disposition; judge at disposition; name of plaintiff; name of defendant; plaintiff's attorney; defendant's attorney; whether disposition by: 1) transferred to other court, 2) dismissed by court not by Rule 40(c) (3), 3) discontinued, settled or withdrawn by parties, 4) Rule 40 (c) (3) dismissal, 5) ended by non-jury trial, 6) ended by jury trial, 7) uncontested/default, 8) other; documents filed by plaintiff; date filed; documents filed by defendant; date filed; and status notes.

Retention:

PERMANENT.

CP-11 JUDGE CODES LIST

Description:

This series consists of a list of circuit court judges and corresponding code numbers supplied by Court Administration to the clerk of court and is used by the clerk to assign the judge code to the common pleas and general session docket sheets. Information includes code number and name of judge.

Retention:

Until superseded, then destroy.

CP-12 COMMON PLEAS CALENDARS

Description:

This series contains a record of cases listed for trial at a specified term of the court of common pleas. Information includes number of case, term, plaintiff, defendant, cause of action, date of note issue, plaintiff's attorney, defendant's attorney, disposition last court, and remarks.

Retention:

PERMANENT.

CP-13 PLAINTIFF AND DEFENDANT INDEX TO LIS PENDENS

Description:

This record series serves as a finding aid to lis pendens. Information includes date, name of plaintiff, name of defendant, book and page number.

Retention:

When notice has been refiled: 5 years after the date of last refileing, then destroy.
When notice has not been refiled: 5 years, then destroy.

CP-14 LIS PENDENS

Description:

This series contains a record of notices that an action involving real property has been commenced and is pending action in the court of common pleas. Information includes parties, object of action, description of property, and date of filing.

Retention:

When notice has been refiled: 5 years after the date of last refileing, then destroy.
When notice has not been refiled: 5 years, then destroy.

CP-15 INDEX TO DEPOSITIONS

Description:

This series serves as a finding aid to depositions by parties involved in civil procedures. Information includes name of plaintiff, name of defendant, date, name of person signing deposition, and remarks.

Retention:

1 year after the final termination of the action in which the final deposition entry was made, then destroy.

CP-16 (SEALED) DEPOSITIONS

Description:

This record series consists of sworn statements by parties involved in some way with an action before the court. Information includes name of plaintiff, name of defendant, appearances, deposition statement and certification by notary public.

Retention:

1 year after the final termination of the action which resulted in the creation of the deposition, then destroy.

CLERK OF COURT

CC-01 TRANSCRIPTS OF CASES APPEALED

Description:

This record series consists of copies of the transcript of cases that have been appealed from a lower court to the South Carolina Court of Appeals or the Supreme Court. Information includes names of parties, name of county, and transcript.

Retention:

10 years, then destroy.

CC-02 DAILY RECORD OF INSTRUMENTS FILED

Description:

This record series documents all instruments (papers) filed with the Clerk of Court on a daily basis. Types of records filed may include deeds, plats, mortgages, affidavits, warrants and summons and complaints. Information includes date of receipt, names of parties, number, type of document, and date delivered to interested parties.

Retention:

3 years, then destroy.

CC-03 JURY SUMMONS

Description:

This series documents jury summons (jury venire) served by the sheriff or other authorized official during a court term. Information includes name of county, court term, and name of juror. Also included with the summons is a list of names and addresses of summoned jurors.

Retention:

Pre-1901 Records: PERMANENT.

Post -1900 Records: 3 years, then destroy.

CC-04 REGISTERS OF PUBLIC OFFICIALS

Description:

This series provides a record of the election or appointment of county officials. Officers recorded may include clerk of court, probate judge, auditor, treasurer, tax collector, sheriff, coroner, master, supervisor, county commission/council members, superintendent of education, board of education members, magistrate, constables, notaries public, game wardens, and members of miscellaneous boards and commissions. Information includes name, title or office held, date or length of service, and date recorded.

Retention:

PERMANENT.

CC-05 BONDS OF COUNTY AND STATE OFFICIALS

Description:

This record series provides a record of surety bonds to insure the faithful and proper performance of duties of elected county officials as well as state parole and probation agents. Information contained in the record includes name of person bonded, name of surety, amount, date of bond, office, and signatures of witnesses and person bonded.

Retention:

Pre-1901 Records: PERMANENT.

Post-1900 Records: 10 years, then destroy.

CC-06 REGISTERS OF PHYSICIANS AND SURGEONS

Description:

This series provides a record of persons licensed and registered to practice medicine and related arts in the county. Occupations registered may include physicians, surgeons, dentists, optometrists, opticians, osteopaths, podiatrists, chiropractors, dental hygienists, veterinarian, embalmers and funeral directors. Information in the record includes date of filing, name, residence, place of birth, where practicing, and authority for practicing (license, diploma, when and by whom issued).

Retention:

PERMANENT.

CC-07 ARTICLES OF ASSOCIATION

Description:

This record series documents persons that have formed professional associations by recording articles of association (and any amendments) in the office of the clerk of court. Information includes date and time filed with the clerk, name of the association, form or organization, purpose, location, term of existence powers, capital, names of initial subscribers, voting trusts, by-laws and signatures of president, witness and notary public.

Retention:

PERMANENT.

CC-08 INDEX TO MILITARY DISCHARGES

Description:

This record series serves as a finding aid to military discharges recorded with the clerk of court. Information includes name, date of discharge, condition of discharge, years of service, and grade level at time of discharge.

Retention:

PERMANENT.

CC-09 MILITARY DISCHARGE RECORDS

Description:

Record of persons discharged from service in some branch of the United States military forces and recording the discharge with the county clerk of court. Information includes name, date of discharge, condition of discharge, years of service and grade level at time of discharge.

Retention:

PERMANENT.

CC-10 RECORD OF PUBLIC BOND ISSUES

Description:

This series provides a record of proceedings for the issuance of bonds for public improvements. Information includes date of issue, number of roll, by whom bonds issued, date petition for issue filed, number of freeholders signing petition, and date of maturity.

Retention:

PERMANENT.

CC-11 VOTER REGISTRATION BOOKS AND LISTS

Description:

Record of persons registering to vote in the county. These records are deposited with clerk of court in accordance with the Code of Laws of South Carolina, 1976, Section 7-5-410. Information may include precinct/ward, name of registrant, address, occupation, sex, age, date, and certificate number.

Retention:

Pre-1968 Records: PERMANENT.

Post 1967 Records: Until superseded, then destroy.

CC-12 ELECTION RECORDS

Description:

This series provides a record of official elections, held in the county. Information includes but is not limited to statements and returns of votes, candidate's oaths and pledges, statements of campaign expenses, and reports from state board of canvassers on general elections.

Retention:

Pre-1968 Records: PERMANENT.

Post-1967 Records: 5 years, then destroy.

CC-13 STATEMENTS OF ECONOMIC INTEREST

Description:

This record serves as the Clerk of Court's copy of the public record documenting the economic interest of all candidates for public office as well as those already holding office. Information includes social security number or identification number, name, county of residence, home address, status position, name of agency, date of hire or date of appointment, terms, date filed as candidate, compensation, other fees, information on regulated business associations, business transactions, real estate, lobbyist, certification, signature and date.

Retention:

4 years, then destroy.

CC-14 AUDIT REPORTS

Description:

Copies of the audit reports which were prepared by the certified public accountants employed by the county for that purpose. These reports are categorized by the various county offices and further classified by accounts for which they are responsible. The appropriations and expenditures are listed for each fund. In addition to the annual county audits, this series also includes semiannual and special audits. Information includes date, county office or department, appropriations, expenditures, balance, total, and descriptive remarks.

Retention:

PERMANENT.

CC-15 JURY PAY BILLS

Description:

This series documents payments to members of juries for services rendered. Information includes amount paid to juror, type of jury, court term, name of juror, number of days served, and miles travelled to serve.

Retention:

3 years, then destroy.

CC-16 BANKING RECORDS

Description:

Cancelled checks, deposit slips, and check stubs written by the clerk of court's office along with the statements issued by the bank. These records are maintained for funds received and disbursed in the payment of fines, fees and costs as well as the miscellaneous funds associated with the operation of the office.

Retention:

7 years, then destroy.

CC-17 RECEIPT BOOKS (RECEIPT CARBONS)

Description:

Copies of receipts issued by the clerk of court to persons paying fines, fees, and support payments. Information includes date, receipt number, from whom received, amount, purpose, and clerk's signature.

Retention:

7 years, then destroy.

CC-18 FINANCIAL JOURNALS

Description:

Record of funds received or disbursed by the clerk of court for fines, fees, restitution payments, and miscellaneous other purposes. Information includes date, amount, from whom received or to whom disbursed, purpose, and transaction number.

Retention:

When corresponding county treasurer's general ledgers are extant: 10 years, then destroy.
When corresponding county treasurer's general ledgers are not extant: PERMANENT.

GENERAL SESSIONS

GS-01 GENERAL SESSIONS INDEX

Description:

This record series serves as a finding aid to papers in cases tried in the court of general sessions. Information includes name of defendant, offense, roll number, and trial date.

Retention:

Record Copy: PERMANENT.

Additional Office Copies: Until superseded, then destroy.

GS-02 GENERAL SESSIONS PAPERS

Description:

Original papers of criminal proceedings in the court of general sessions. Among the types of documents included in these papers are indictments, bond forms, arrest warrants, bench warrants, and orders of the court. Information includes parties involved, attorneys, offense, date of trial, verdict and sentence.

Retention:

PERMANENT.

GS-03 INDEX TO GENERAL SESSION JOURNALS

Description:

This series serves as a finding aid to the general sessions journals. Information includes name, date, court term, volume and page.

Retention:

Record Copy: PERMANENT.

Additional Office Copies: Until superseded, then destroy.

GS-04 GENERAL SESSIONS JOURNALS

Description:

This record series documents the daily proceedings of the court of general sessions. Information includes court terms, cases tried, offenses, parties, attorneys, decision of the court, and jury members.

Retention:

PERMANENT.

GS-05 GENERALS SESSIONS DOCKET SHEETS

Description:

This series records all cases instituted in the court of general sessions and is used to inform Court Administration of cases that are pending and when and how disposed. Information includes name of defendant; address; whether placed on contingent docket or PTI (pre-trial intervention); indictment number; warrant/ticket number; name of defense attorney; whether defense attorney is 1. EM (employed), 2. PD (public defender), 3. AP (appointed), 4. N (none), 5. UK (unknown); date of birth; race; sex; social security number; driver's license; state; date of arrest; date indictment refiled; date true billed; date no bill; date waiver; number of counts charged; offense code charged; date of disposition; whether disposition by plea, trial-guilty, trial-not guilty, nol pros, prosecution ended, judicial dismissal, remand, other; judge code; name; court reporter; number of counts convicted; offense code convicted; and sentence.

Retention:

PERMANENT.

GS-06 OFFENSE CODES LIST

Description:

This series consists of an alphabetical list of criminal offenses under state law. The list is supplied by Court Administration to the clerk of court and is used by the clerk to assign the correct offense charged codes and offense conviction codes to the general sessions docket sheets. Information includes code number, offense South Carolina Code of Laws citation, and violation flag.

Retention:

Until superseded, then destroy.

GS-07 GENERAL SESSIONS DOCKETS

Description:

A record of cases listed for trial before the court of general sessions. Information includes the court term, number of the cause, plaintiff, defendant, attorneys, disposition of case and remarks.

Retention:

PERMANENT.

GS-08 CONTINGENT DOCKETS

Description:

This series records general sessions cases carried over from one court term to another court term. Information includes the court term, number of cause, plaintiff, defendant, cause of action, attorneys, order of last court, and verdict.

Retention:

PERMANENT.

GS-09 GENERAL SESSIONS APPEAL DOCKETS

Description:

A record of general sessions cases listed for appeal to a higher court from the court of general session. Information includes the cause, court term, parties, attorneys, order of last court, and event of suit.

Retention:

PERMANENT.

GS-10 RECORD OF PARDONS

Description:

Record of pardons of persons convicted of crimes and sentenced to prison from the county. Information includes name of person convicted, date of conviction, date of pardon, and offense.

Retention:

PERMANENT.

GS-11 PARDONS AND PAROLES

Description:

Copies of pardons and paroles given by the Governor and more recently the South Carolina Department of Probation, Pardon, and Parole Board to persons convicted of crimes. Information includes court term, judge, name of person convicted, offense, sentence, reason for suspension, pardon, or parole, and terms of pardon or parole.

Retention:

PERMANENT.

GS-12 REPORT OF THE CLERK OF COURT OF GENERAL SESSION (CRIMINAL STATISTICS)

Description:

Record of statistics in criminal cases tried in the court of general sessions for each court term. Information includes the offender, name of judge, crime, race, sex, age, guilty or not guilty, and court term.

Retention:

PERMANENT.

GS-13 PRESENTMENTS OF THE GRAND JURY

Description:

The written notice taken by a grand jury, from their own knowledge or observation, without any bill of indictment laid before them at the suit of the government. Includes comments on such matters as the state of county equipment, records, buildings, roads; the conduct of county officials; taxation; and governmental procedures which give general observations on the overall state of the county in many areas of concern. Information includes the date, name of county, judge, foreman of the grand jury, members of the grand jury (occasionally), and the presentment.

Retention:

PERMANENT.

GS-14 RECORD OF FINES AND FORFEITURES

Description:

This series contains names of individuals fined by the court and those forfeiting bond. Information includes name, cause of fine, when fined, by whom fined, amount of fine, to whom due, when collected, by whom collected, why not collected, when paid over, to whom paid over.

Retention:

7 years, then destroy.

GS-15 CERTIFICATES OF TRANSMITTAL

Description:

This series documents the transmittal of criminal charging papers and related documents (arrest warrants, bonds, checklists), from the summary courts (magistrates and municipal judge) to the clerk of court. The clerk is responsible for verifying the information and sending a copy of the record to South Carolina Court Administration where the information is used in monitoring the number of active arrest warrants on file in each clerk of court's office in the state. Information includes county, date, name and title of transmitting official, name of accused, date of arrest warrant or ticket number, whether dismissed at preliminary hearing, papers transmitted (warrant, checklist, bond, other), date received in clerk's office, by whom received, name of clerk, and an optional section for the date transmitted to solicitor, by whom received, and date received in solicitor's office.

Retention:

2 years, then destroy.

GS-16 DISMISSED ARREST WARRANTS

Description:

This series consists of arrest warrants that have been dismissed by the solicitor prior to seeking an indictment. Information includes warrant number, name of person warrant served on, address, sex, race, height, weight, date of birth, offense, code or ordinance citation, date of offense, officer, agency, name of person bringing charges, issuing judge, date issued, notation of dismissal.

Retention:

2 years, then destroy.



APPROVAL OF RECORDS RETENTION SCHEDULE

In accordance with provisions of Title 30, Code of Laws of South Carolina, 1976, Sections 30-1-10 through 30-1-140, as amended, the attached Records Retention Schedule is submitted for approval. This schedule supersedes any previously approved schedule for these same records series.

PART I—Office or Department

BERKELEY COUNTY

Local Government Subdivision

CLERK OF COURT

Office or Department

8

Record Group Number

I certify that I am authorized to act for this office or department in the disposition of its public records and hereby approve the attached Records Retention Schedule. The schedule meets all legal and audit requirements and the records have no further administrative, fiscal, or legal value to this office or department after the expiration of the prescribed retention periods.

13799

Records series included in this approval are numbered:

7/10/03

Date

Sherry J. Villington

Signature of Approving Authority

Records Manager

Title

PART II—Governing Body

I am authorized to act for the governing body of this local government subdivision and certify that the governing body has approved the Records Retention Schedule as described in Part I, above.

7/14/03

Date

[Signature]

Signature of Approving Authority

County Supervisor

Title

PART III—Department of Archives and History

The records listed in the attached Records Retention Schedule have been evaluated by this department for their management, research, and permanent value and are approved for retention or disposal as described in the schedule.

07/28/03

Date

[Signature]

Director, Department of Archives and History

STATE ARCHIVIST AND
RECORDS ADMINISTRATOR



BERKELEY COUNTY

RECORD GROUP NUMBER: 8

CLERK OF COURT

13799 CAMPAIGN DISCLOSURE FORMS

Description:

Records used by candidates for political office to report campaign contributions and expenditures. Information includes name, social security number, county of residence, mailing address, position sought, type of election, summary and itemization of receipts and expenditures, and certifying signature/date.

Retention:

4 years, then destroy.

Schedule Approved 7-28-03



APPROVAL OF RECORDS RETENTION SCHEDULE

In accordance with provisions of Title 30, *Code of Laws of South Carolina, 1976*, Sections 30-1-10 through 30-1-140, as amended, the attached Records Retention Schedule is submitted for approval. This schedule supersedes any previously approved schedule for these same records series.

PART I—Office or Department

BERKELEY COUNTY

Local Government Subdivision

CLERK OF COURT

Office or Department

8

Record Group Number

I certify that I am authorized to act for this office or department in the disposition of its public records and hereby approve the attached Records Retention Schedule. The schedule meets all legal and audit requirements and the records have no further administrative, fiscal, or legal value to this office or department after the expiration of the prescribed retention periods.

13580

Records series included in this approval are numbered:

9/19/02

Date

Henry J. Veltrop

Signature of Approving Authority

Records Manager

Title

PART II—Governing Body

I am authorized to act for the governing body of this local government subdivision and certify that the governing body has approved the Records Retention Schedule as described in Part I, above.

10/1/02

Date

[Signature]

Signature of Approving Authority

County Supervisor

Title

PART III—Department of Archives and History

The records listed in the attached Records Retention Schedule have been evaluated by this department for their management, research, and permanent value and are approved for retention or disposal as described in the schedule.

[Signature]

Director, Department of Archives and History
STATE ARCHIVIST AND
RECORDS ADMINISTRATOR

Date



BERKELEY COUNTY

RECORD GROUP NUMBER: 8

CLERK OF COURT

13580 PASSPORT TRANSMITTALS

Description:

Records providing information for obtaining a passport through the State Department. Information includes passport transmittal, application, copy of birth certificate and copy of payment.

Retention:

3 years, then destroy.

Schedule Approved _____



South Carolina Department of Archives & History
Division of Archives and Records Management

APPROVAL OF RECORDS RETENTION SCHEDULE

In accordance with provisions of Title 30, *Code of Laws of South Carolina, 1976*, Sections 30-1-10 through 30-1-140, as amended, the attached Records Retention Schedule is submitted for approval. This schedule supersedes any previously approved schedule for these same records series.

PART I — Office or Department

BERKELEY COUNTY

Local Government Subdivision

CLERK OF COURT

Office or Department

8

Record Group Number

I certify that I am authorized to act for this agency in the disposition of its public records and hereby approve the attached Records Retention Schedule. The schedule meets all legal and audit requirements and the records have no further administrative, fiscal, or legal value to this agency after the expiration of the prescribed retention periods.

Records series included in this approval are numbered:

16575

2/6/2015

Date

Michelle Cook

Signature of Approving Authority

Records Retention Specialist

Title

PART II — Governing Body

I am authorized to act for the governing body of this local government subdivision and certify that the governing body has approved the Records Retention Schedule as described in Part I, above.

3-11-15

Date

[Signature]

Signature of Approving Authority

Supervisor

Title

PART III — Department of Archives and History

The records listed in the attached Records Retention Schedule have been evaluated by this department for their management, research, and permanent value and are approved for retention or disposal as described in the schedule.

7-7-15

Date

[Signature]

Director, Department of Archives and History



BERKELEY COUNTY

RECORD GROUP NUMBER: 8

CLERK OF COURT

16575 RECORD OF TRUST ACCOUNTS AND 10% CASH BONDS

Description:

Records documenting trust account transactions which are handled by the Clerk of Court for persons unable to discharge their responsibilities due to involvement in litigation and 10% cash bonds paid toward a person's release from jail. Information includes Trust Account Information: notice of certificate of maturity, interest statement, monthly account earnings, bank statements, money market certificates, certificates of deposit, check issued by Clerk of Court, order, summons, petitions, and affidavit; 10% Cash Bond Information: record of bond payment, notice to release refund of bond payment, monthly account earnings, bank statements, check issued by Clerk of Court, order, and affidavit.

Retention:

7 years after disposition of case, then destroy.

RULE 606
RETENTION AND DISPOSITION OF EXHIBITS IN THE CIRCUIT AND FAMILY
COURTS

(a) Duty of Clerk. Unless otherwise directed by the court or this rule, the clerk of court for the county shall retain possession of all exhibits admitted into evidence or marked for identification during a hearing or trial before the circuit or family court.

(b) Release of Exhibits. The clerk may temporarily release exhibits to the court reporter during the hearing or trial or when necessary to prepare the transcript, to a person designated by order of an appellate court when exhibits are needed for an appellate proceeding, or to any other person as may be ordered by the court.

(c) Retention Period by Clerk.

(1) Criminal Cases (Including Juvenile Delinquency Cases).

(A) Capital Cases. In any criminal case in which a sentence of death has been imposed, the exhibits shall be retained by the clerk and shall not be disposed of except upon order of the Supreme Court or upon the death of the defendant. In the event of the death of the defendant, the circuit court shall direct a disposition of the exhibits.

(B) Non-Capital Cases. The clerk of court shall retain the exhibits in non-capital cases (including juvenile delinquency cases) for at least eighteen (18) months after sentence is imposed or, if an appeal is taken, for eighteen (18) months after the remittitur is sent by the appellate court. For the purpose of this rule, the term "sentence" shall include commitment or other care and treatment imposed at the dispositional hearing in a juvenile delinquency case. After the expiration of this retention period, the clerk shall dispose of the exhibits as provided by (d)(1)(B) and (d)(1)(C) below. In the event the defendant should die during this retention period, the exhibits may be immediately disposed of as provided by (d)(1)(C) below even for offenses covered by the Preservation of Evidence Act (S.C. Code Ann. §§ 17-28-300 to -360).

(2) Civil Cases.

(A) Collateral Challenges Regarding Capital Cases. In any post-conviction relief case or other civil collateral proceeding challenging a criminal case involving a sentence of death, the exhibits shall be retained by the clerk and shall not be disposed of except upon order of the Supreme Court or upon the death of the criminal defendant. In the event of the death of the defendant, the circuit court shall direct a disposition of the exhibits.

(B) All Other Civil Cases. The clerk shall retain the exhibits in all other civil cases for sixty (60) days after the entry of the final judgment in the matter or, if an appeal is taken, sixty (60) days after the remittitur is sent by the appellate court. After the expiration of

this retention period, the clerk shall dispose of the exhibits as provided by (d)(2)(B) below.

(d) Disposition of Exhibits by Clerk.

(1) Criminal Cases (Including Juvenile Delinquency Cases).

(A) Capital Cases. As indicated by (c)(1)(A) above, the clerk shall not dispose of exhibits in a capital case except upon order of the Supreme Court or upon the death of the defendant. In the event of the death of the defendant, the circuit court shall direct a disposition of the exhibits.

(B) Disposition of Exhibits in Cases Involving Crimes Listed in the Preservation of Evidence Act. In any non-capital case involving one of the offenses listed in the Preservation of Evidence Act or accessory before the fact to one of those offenses, a custodian designated by the governing body of the county or, if such designation has not been made, the sheriff of the county, shall be responsible for obtaining the exhibits from the clerk after the expiration of the time period specified in (c)(1)(B) above. Unless otherwise ordered by the court under S.C. Code Ann. § 17-28-340, the designated custodian, or the sheriff if no other custodian has been designated, shall be responsible for retaining the exhibits for the periods specified by the Preservation of Evidence Act. After notice from the clerk, the designated custodian, or the sheriff if no other custodian has been designated, shall have thirty (30) days to take custody of the exhibits and provide the clerk with a receipt for the exhibits. Failure to do so may be treated as contempt of the circuit or family court.

(C) All Other Criminal Cases. Unless the court has ordered some other disposition of the exhibit, the party introducing an exhibit shall immediately reclaim the exhibit from the clerk after the expiration of the retention period specified in (c)(1)(B) above. The party shall sign a receipt for the exhibit. For exhibits that are not reclaimed, the clerk may dispose of an exhibit:

(i) Forty-five (45) days after the mailing of a notice to the party introducing the exhibit advising the party that the exhibit will be destroyed or disposed of if not reclaimed within thirty (30) days. This notice shall not be sent prior to the expiration of the retention period specified in (c)(1)(B) above. The notice shall be sent to the party's last counsel of record as shown by the case file or, if the party has no counsel of record, to the party at the party's last known address as shown by the case file; or

(ii) Regardless whether notice is given under (i) above, twenty-four (24) months after the sentence was imposed or, if an appeal was taken, twenty-four (24) months after the remittitur was issued.

(2) Civil Cases.

(A) Collateral Challenges Regarding Capital Cases. As indicated by (c)(2)(A) above, the clerk shall not dispose of exhibits in a post-conviction relief case or other civil collateral proceeding challenging a criminal case involving a sentence of death except upon order of the Supreme Court or upon the death of the criminal defendant. In the event of the death of the defendant, the circuit court shall direct a disposition of the exhibits.

(B) All Other Civil Cases. Unless the court has ordered some other disposition of the exhibit, the party introducing an exhibit shall immediately reclaim the exhibit from the clerk of court after the expiration of the retention period specified in (c)(2)(B). The party shall sign a receipt for the exhibit. For exhibits which are not reclaimed, the clerk may dispose of the exhibit:

(i) Forty-five (45) days after the mailing of a notice to the party introducing the exhibit advising the party that the exhibit will be destroyed or disposed of if not reclaimed within thirty (30) days. This notice shall not be sent prior to the expiration of the retention period specified in (c)(2)(B) above. The notice shall be sent to the party's last counsel of record as shown by the case file or, if the party has no counsel of record, to the party at the party's last known address as shown by the case file; or

(ii) Regardless whether notice is given under (i) above, six (6) months after the entry of final judgment in the matter or, if an appeal was taken, six months after the remittitur was issued.

(e) Effect of the Failure to Reclaim Exhibits; Liability of Clerk. The failure of a party to reclaim an exhibit within thirty (30) days after the time the party is authorized to do so under (d)(1)(C) or (d)(2)(B) shall be construed as the party's consent to destroy or otherwise dispose of the exhibit, and no cause of action shall lie against the clerk for the destruction or other disposition of the exhibit. Except as otherwise provided by law, this rule or order of the court, an exhibit which is not reclaimed under (d)(1)(C) or (d)(2)(B) shall become the property of the county and the clerk shall deliver the exhibit to the county; provided, however, if the exhibit has no value or de minimis value, the clerk may destroy the exhibit.

(f) Record of Disposition. A record of exhibits which have been disposed of by the clerk under (d) above shall be maintained. At a minimum, the case file should contain a description, copy or photograph of the exhibit; the date any notice under (d)(1)(C)(i) or (d)(2)(B)(i) was mailed; the date of the disposition of the exhibit; the nature of the disposition including the name of the party, person or agency to whom it was returned if applicable; and a copy of the receipt for the exhibit if the exhibit was returned.

(g) Illegal Items. This rule shall not authorize the return of an exhibit to any person when the exhibit is a weapon, controlled substance, poison, explosive or any other kind of property which the person may not lawfully possess. In such cases, the exhibit shall be disposed of in the manner provided by law or in a manner ordered by the court.

(h) Authority of Court. The court may, on motion by a party or its own motion, direct the release of an exhibit at any time, and may allow the substitution of a copy, photograph or description in place of the exhibit. If such substitution is allowed, the copy, photograph or description shall be admissible in any subsequent proceedings to the same extent that the exhibit would have been admissible. The court may, on motion by a party or its own motion, direct the retention of an exhibit beyond the period specified by this rule upon a showing of good cause. The court may, on motion by a party or someone having an interest in the exhibit, direct that an exhibit be returned to someone other than the party who introduced the exhibit. In cases involving one of the offenses listed in the Preservation of Evidence Act or accessory before the fact to one of those offenses, no substitution, return or other disposition of the exhibit shall be made unless the requirements of S.C. Code Ann. § 17-28-340 have been satisfied.

Amended by Order dated January 29, 2009, effective April 29, 2009, by Order of the same date.

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NOTE TO BERKELEY COUNTY RECORDS MANAGEMENT (PER SCDAAH):
THERE IS NO RETENTION SCHEDULE NEEDED FOR THESE RECORDS. THE RECORD OF THE EXHIBIT IS THE DESCRIPTION OF THE EXHIBIT THAT IS LOCATED IN THE CASE FILE. SINCE THERE IS NO RETENTION SCHEDULE NEEDED, THERE IS ALSO NO REPORTING REQUIREMENT.