

RECORDS RETENTION SCHEDULE FOR PROBATE COURTS

Original records of the Probate Court are deemed historical documents and shall not be destroyed except as permitted and codified by law or Administrative Order. The Probate Courts shall retain Decedent Estate, Guardianship, Committeeship, Conservatorship, Marriage, and Judicial Commitment records, including indices, in accordance with this policy.

For the purpose of this Records Retention Schedule, a document is "imaged" when it is preserved in digital form, on film or on microfilm.

GENERAL

1. Probate Court records must be protected from theft and unauthorized destruction. Each county shall provide safe and secure facilities for storage of Probate Court Records and files covered by this Order.
2. No original records which are still administratively active shall be removed from the custody of the Probate Courts except for reasons of space, security or as otherwise authorized by South Carolina Court Administration or the South Carolina Department of Archives & History.
3. Probate Court records covered by this policy, other than Commitment Records, retained in the custody of the court when all administrative activity has ceased shall be kept as records of permanent value according to standards approved for the storage and retrieval of such records by the South Carolina Department of Archives & History.
4. Records indices which become obsolete due to replacement (e.g., by electronic indices) will be treated as part of the record series that they index and will be evaluated for their reference value by the South Carolina Department of Archives & History before disposition can be made.
5.
 - a. If records are microfilmed, the film must meet microfilming and certification requirements issued by the South Carolina Department of Archives & History as "Standards for the Microfilming of Public Records." Records may be microfilmed while administratively active provided that the microfilm used is one which can be updated, such as microfilm jackets or microfiche. Erasable microfilm is not acceptable. Probate Courts microfilming records covered by the provisions of this policy shall deposit security microfilm copies of the filmed records with the South Carolina Department of Archives & History for safekeeping. Security copies (a) must meet the "Standards for the Microfilming of Public Records" and (b) remain the property of the Probate Court.
 - b. A Probate Court may choose to have its records imaged so that they can be viewed on a computer or other device, provided the standards set forth by the South Carolina Department of Archives and History are met (see Public Records Information Leaflet No 13 and any subsequent policy statements for details). Each county shall ensure that all imaged records are adequately protected and that back-up copies are created and stored safely.
 - c. If a Probate Court chooses to microfilm or image its records and make those images available in the Probate Court or from remote locations, then once the

imaged or microfilmed file is available, the Probate Court will not be required to keep paper records on the shelf after administrative activity on the file has ceased.

d. In accordance with specific timelines set forth in this policy, records and/or film may be removed or transferred from the Probate Court only to a storage facility acceptable to the South Carolina Department of Archives & History or at that department's discretion to its own custody for appropriate retention or disposition.

6. The retention requirements contained in this policy are the minimum, i.e., one may retain records longer than timelines stated herein.

DECEDENT ESTATES

7. Original records shall be retained within the main office of the Probate Court for not less than 75 years from case initiation and until all administrative action has been completed as specified in Paragraph 2 above. Original records are deemed permanent records by the Department of Archives, and even if they are imaged and removed offsite, they may not be destroyed. However, original records which have first been imaged and for which all administrative action has been completed may be removed to an off-site storage facility approved by the South Carolina Department of Archives. Imaged copies of the original records shall be retained permanently within the main office of the Probate Court for public access.

GUARDIANSHIPS / COMMITTEESHIPS / CONSERVATORSHIPS

8. Original records shall be retained within the main office of the Probate Court for not less than 75 years from case initiation and until all administrative action has been completed as specified in Paragraph 2 above. Original records are deemed permanent records by the Department of Archives, and even if they are imaged and removed offsite, they may not be destroyed. However, original records which have first been imaged and for which all administrative action has been completed may be removed to an off-site storage facility approved by the South Carolina Department of Archives. Imaged copies of the original records shall be retained permanently within the main office of the Probate Court for public access.

MARRIAGE RECORDS

9. Original marriage records, including indices, applications, and licenses, shall be retained within the main office of the Probate Court permanently, except that such records which have first been imaged shall be retained within the main office of the Probate Court for a period of no less than 3 years, after which they may be removed to an off-site storage facility approved by the South Carolina Department of Archives. Original records are deemed permanent records by the Department of Archives, and even if they are imaged and removed offsite, they may not be destroyed. Imaged copies of the original records shall be retained permanently within the main office of the Probate Court for public access.

10.
 - a. Original records pertaining to Mental Illness and/or Chemical Dependency Commitment proceedings shall be retained within the main office of the Probate Court for not less than 10 years from case initiation and until all administrative action has been completed as specified in Paragraph 2 above, after which they may be retained or destroyed, provided, however, that all files committing a person to involuntary treatment must be retained for at least 75 years.
 - b. Notwithstanding Paragraph 10.a., original records which have first been imaged and for which all administrative action has been completed may be either removed to an off-site storage facility approved by the South Carolina Department of Archives or destroyed. Imaged copies of the original records shall be retained within the main office of the Probate Court for not less than 10 years from case initiation, after which they may be retained or destroyed. Imaged files committing a person to involuntary treatment must be retained for at least 75 years.
 - c. Documents and filings which are received or produced by the Probate Court in electronic format need not be converted to paper format, but are subject to the retention requirements of Paragraphs 10.a. and 10.b.

DOCKET SHEETS

11. Decedent Estates & Guardianships/Committeeships/Conservatorships:
Original docket sheets related to Decedent Estates & Guardianships/Committeeships/Conservatorships may be destroyed, provided that all information contained on the docket sheets is in the case file.



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

PROBATE 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:

17478

9/20/17

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.

9/27/17

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.

10-4-17

Date

[Signature]

Director, Department of Archives and History



BERKELEY COUNTY

RECORD GROUP NUMBER: 8

PROBATE COURT

17478 INCOMPLETE REQUEST FOR GUARDIANSHIP

Description:

Defunct record series (1/1/2010 though 12/31/2015) documenting requests for acceptance as guardian in a Probate Court case. The associated filing fees were never collected so the case was never initiated. Information includes application for guardianship and doctor's affidavit.

Retention:

Destroy.