

Summit County Clerk of Courts

Document Retention and Privacy
In Domestic Relations

Today's Agenda

- Welcome & Introductions
- Imaging Guidelines
- Protecting Confidentiality
- Document Retention Policies
- Electronic Filing Practices
 - In-Courthouse Filing
- New Notarial Service
- Q&A, Any Other Concerns or Issues

Welcome & Introductions

- Sandra Kurt – Summit County Clerk of Courts
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Imaging Guidelines

- All documents are public unless a request is filed to restrict specific documents.
- Exceptions:
 - Civil Protection Orders
 - Transcripts
- A Judge on a case can file an order to block a document or restrict the public access to a document or the file as a whole.
- An attorney would need to motion and order the court to block a document or restrict access.

Protecting Confidentiality

- Responsibility in ensuring documents that are filed are redacted falls on the filer.
 - SSN's, DOB's, account numbers, etc., need to be removed from a document prior to filing it.
 - The redacted information should be submitted to the court directly upon request.
 - Supreme Court Rule 45 (see next slide)
- If private information is required in a filing, include it in a separate attachment and that attachment will be blocked from view

Supreme Court Rule 45: Court Records – Public Access

(D) Omission of personal identifiers prior to submission or filing

- (1) When submitting a case document to a court or filing a case document with a clerk of court, a party to a judicial action or proceeding shall omit personal identifiers from the document.
- (2) When personal identifiers are omitted from a case document submitted to a court or filed with a clerk of court pursuant to division (D)(1) of this rule, the party shall submit or file that information on a separate form. The court or clerk may provide a standard form for parties to use. Redacted or omitted personal identifiers shall be provided to the court or clerk upon request or a party to the judicial action or proceeding upon motion.
- (3) The responsibility for omitting personal identifiers from a case document submitted to a court or filed with a clerk of court pursuant to division (D)(1) of this rule shall rest solely with the party. The court or clerk is not required to review the case document to confirm that the party has omitted personal identifiers, and shall not refuse to accept or file the document on that basis.

(E) Restricting public access to a case document

- (1) Any party to a judicial action or proceeding or other person who is the subject of information in a case document may, by written motion to the court, request that the court restrict public access to the information or, if necessary, the entire document. Additionally, the court may restrict public access to the information in the case document or, if necessary, the entire document upon its own order. The court shall give notice of the motion or order to all parties in the case. The court may schedule a hearing on the motion.
- (2) A court shall restrict public access to information in a case document or, if necessary, the entire document, if it finds by clear and convincing evidence that the presumption of allowing public access is outweighed by a higher interest after considering each of the following:
 - (a) Whether public policy is served by restricting public access;
 - (b) Whether any state, federal, or common law exempts the document or information from public access;
 - (c) Whether factors that support restriction of public access exist, including risk of injury to persons, individual privacy rights and interests, proprietary business information, public safety, and fairness of the adjudicatory process.

Clerk of Courts – Legal Division Retention Schedule

PERMANENT

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|-------------------------------|---|
| INDEX BOOKS | Index books used by the Public to locate party name and case number (1919-1990) |
| INDEX BOOKS | Search to locate party name and case number (1990-present) |
| CASE FILES | File contains original pleading & orders filed in a particular case (1800s-2001) |
| CASE FILES | Documents maintained electronically and associated to an electronic case record 2002-present |
| JOURNAL BOOKS | Books that contain copies of court orders filed in courts-prior to 2002 |
| DOCKET BOOKS | Books that contain official summary of proceedings regarding cases |
| JUDGMENT LIEN DOCKETS | Records that contain lien information that have been filed and released with the Common Pleas Court |
| ADMINISTRATIVE COURT JOURNALS | Court's Administrative orders pertaining to the operations of the Courts |

10 YEARS

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|----------------------------|--|
| EXPUNGEMENT RECORDS | Records that have been ordered expunged by the Common Pleas Court |
| EXPUNGEMENT INDEX | Book used to locate Expunged case number |
| GRAND JURY SUBPOENAS | Subpoena issued to witnesses who testified before Grand Jury on felony matters |
| GRAND JURY VOTE & SCHEDULE | The documents that provides the outcome of the Grand Jury on a case by case basis. |

5 YEARS

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|-----------------------------------|---|
| DEPUTY SHERIFF COMMISSION RECORDS | A copy of the deputy sheriff's oath of office under the current elected Sheriff |
| NOTARY COMMISSION RECORDS | Copy of the Notarial Commissions issued and renewed by the State |

Source: Ohio History Connection-State Archives of Ohio-Local Government Records Program

Clerk of Courts – Legal Division Retention Schedule

MAINTAINED IN FORMAT AS SUBMITTED TO COURT

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| CASE EXHIBITS, DEPOSITIONS & TRANSCRIPTS - CERTAIN CRIMINAL FELONY CASES | Documents, physical exhibits, Biological Exhibits filed during the proceedings of the case O.R. C. 2933.82 |
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AFTER CASE IS CLOSED AND ALL APPEALS ARE EXHAUSTED

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| CASE EXHIBITS, DEPOSITIONS & TRANSCRIPTS - OTHER THAN CERTAIN CRIMINAL FELONY CASES | Documents filed during the proceedings of a case Civil and Domestic case exhibits are returned to the Attorney of Record, if requested or destroyed. |
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Source: Ohio History Connection-State Archives of Ohio-Local Government Records Program

Electronic Filing Practices

- Motions / Proposed Orders
- In a post-decree motion, if one of the required documents is instruction for service AND you are doing your own service, you may upload certificate of service in place of instruction for service
- If you need to file while in the courthouse, you may utilize the Attorney's Lounge on the 2nd Floor
 - PC
 - Printer / Scanner
 - Charge \$1 / page

New Notarial Service

- Effective Monday, August 28, 2017, notary public services are available in all departments of the Summit County Clerk of Courts Legal Division
 - Only documents from our courts will be notarized
 - Fees range from \$1 to \$8



Question and Answer,
Any Other Concerns or
Issues