

POKAGON BAND OF POTAWATOMI INDIANS TRIBAL COURT	ADMINISTRATIVE ORDER	19-008-TC
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Tribal Courts Records Maintenance and Retention Schedule

Section 1. Purpose and Scope.

- A. **Purpose.** This *Administrative Order* addresses the need for maintenance and retention of the Pokagon Band of Potawatomi Indians Tribal courts records.
- B. **Scope.** The provisions of this *Order* govern only the records of the Tribal courts and do not apply to records held by other entities.
 - 1. **Records of the Tribal Courts.** The Tribal Court is responsible for ensuring that its records and the records of the Court of Appeals are properly maintained and remain accessible during the entire retention period for a given record.
 - 2. **Non-Court Records.** Administrative and fiscal records held by other entities, including records necessary for the administration of the Tribal courts and enforcement of garnishment of Pokagon Band employee wages and citizen per capita and elder stipend payments, are not considered court records for purposes of this *Order*.

Section 2. Definitions. The following terms have the accompanying meanings:

- A. "Band" and "Tribe" are synonymous and mean the Pokagon Band of Potawatomi Indians, including its agents and enterprises.
- B. "Court" and "Tribal Court" are synonymous and mean the trial level court of the Band.
- C. "Court of Appeals" means the appellate level court of the Band.
- D. "Court Recordings" mean all recordings of court proceedings such as tapes, backup tapes, discs, and other medium used or created while recording court proceedings.
- E. "Court Case Records" means records created by the Tribal courts or filed with the Tribal courts which includes all pleadings, written opinions and findings, orders, and judgments filed in the action, and any other materials prescribed by court rule, statute, or court order to be filed with the Clerk of the Court. Court case records can exist in a wide variety of different media, including paper, photographs, digital images, email messages, databases, *etc.* Court case

records may be maintained in a case file, or separately from the file dependent on size and medium.

- F. "Non-Record Materials" means materials that have no administrative, legal, fiscal and archival value or may be easily recreated and are of no further reference value after its use and are not a part of a court record. These materials do not have a required retention period and may be disposed of at the Court's convenience.
- G. "Other Court Records" means records that are not part of a case but are ancillary to a case or court administration.
- H. "Original Record" means the original document filed and stamped or hand marked upon entry with the Tribal courts.
- I. "Suitable Duplicate" means any reproduction of an original court record in a format that clearly and accurately reproduces the original record.
- J. "Tribal courts" refers to both the trial level court of the Band and the Court of Appeals.

Section 3. Creation of Duplicate Records to Replace Original Records Because of Damage or for Long-Term Retention. Suitable duplicates, either paper or electronic, may be created to replace any original record and after the creation of a suitable duplicate, the original record may be destroyed.

- A. In creating a suitable duplicate, the Court Administrator must verify the accuracy and integrity of the duplicate record.
- B. A suitable duplicate record has the same legal authority as the original and shall be considered an official court record.
- C. Confidential documents or any documents containing confidential information within a case file must be electronically duplicated separately from the rest of the non-confidential case file.
- D. A retention period greater than 10 years is considered long-term retention. To ease storage conditions, the Tribal courts may create a suitable-duplicate record (digital image or microfilm) of any original record that has a long-term retention period. The original record can be destroyed after the Court Administrator verifies the accuracy and integrity of the duplicate record.

Section 4. Retention of Court Records. Any case record is to be retained for the retention period for the specified case type.

- A. The Court may retain records longer than the specified period provided in this *Order* unless a court rule or court order prescribes otherwise.
- B. Any record not addressed by this *Order* may not be disposed of without first securing a court order.

Section 5. Retention Periods. This *Order* provides the retention period for each record by designating a retention period in years to be calculated as specified. For example, "RETAIN UNTIL: Date filed, PLUS: 10 years, THEN: Destroy." Some records are to be retained permanently.

Section 6. Disposal of Court Records After Retention Period Has Run. Records disposal may only be carried out by authorized personnel. Disposal of records must ensure that record contents cannot later be recovered and in a manner that ensures adequate protection of any confidential information.

- A. Physical files may be destroyed by shredding, burning, or pulverization.
- B. Electronic records must be disposed in any manner that prevents their recovery by regular or forensic recovery mechanisms.

Section 7. Retention and Disposal Schedule.

Item #	Record Type	Record Description	Retention Period	Approval Date
1	Recognition and Entitlement of Foreign Judgments Cases			
1.1	Final Judgments and Orders	These records include all final judgments and orders for recognition of foreign judgments and orders. These records do not include post-judgment documents.	RETAIN UNTIL: Date entered PLUS: 10 Years THEN: Destroy	
1.2	All Other Judgments, Orders, Notices, Subpoenas, and Documents	These records include judgments, orders, notices, subpoenas and documents filed or created.	RETAIN UNTIL: Date of latest dispositive order PLUS: 2 years THEN: Destroy	
1.3	Untranscribed Tapes, Recordings, and Logs	All records pertaining to recordings of cases for recognition and entitlement of enforcement of a foreign judgment, order, or subpoena by the Tribal courts.	RETAIN UNTIL: Entry of a finding in the action PLUS: 1 year THEN: Destroy	
1.4	Post-Judgment Documents	These records include all post-judgment documents filed or created for purposes of post-recognition collection efforts, including requests, orders, proofs of service, and other similar documents relevant to garnishments, seizures of property, and liens.	RETAIN UNTIL: Final dispositive order, or final statement on collection effort, whichever is later PLUS: 10 years THEN: Destroy	

2	Recognition of Foreign Court Child Support and Medical Enforcement Orders as Mandated by Federal Law			
2.1	All Judgments, Orders, Notices, Subpoenas, and documents	These records include judgments, orders, notices, subpoenas and documents filed or created for purposes of Federal Mandate recognition of foreign court child support and medial enforcement cases.	RETAIN UNTIL: Date of latest dispositive order PLUS: 2 years THEN: Destroy	
2.2	Untranscribed Tapes, Recordings, and Logs	All records pertaining to recordings of all cases for Federal Mandate recognition of foreign court child support cases and medial enforcement cases.	RETAIN UNTIL: Entry of a finding in the action PLUS: 1 year THEN: Destroy	
3	Civil Infraction and Traffic Offense Cases			
3.1	Final Judgments and Orders	These records include all final judgments for civil Infraction and traffic offense cases. These records do not include post-judgment documents.	RETAIN UNTIL: Date closed. Closed means paid, dismissed, waived, or purged PLUS: 3 years THEN: Destroy	
3.2	All other Judgments, Orders, Notices, Subpoenas, and documents	These records include judgments, orders, notices, subpoenas and documents filed or created.	RETAIN UNTIL: Date closed. Closed means paid, dismissed, waived, or purged PLUS: 3 years THEN: Destroy	
3.3	Post-Judgment Documents	These records include all post-judgment documents filed or created for purposes of post-judgment collection efforts, including requests, orders, bench warrants, proofs of service, and other similar documents relevant to post-judgment collection efforts.	RETAIN UNTIL: Date closed. Closed means paid, dismissed, waived, or purged PLUS: 3 years THEN: Destroy	
3.4	Untranscribed Tapes, Recordings, and Logs	All records pertaining to recordings of all cases for civil offenses and traffic offenses.	RETAIN UNTIL: Entry of a finding in the action PLUS: 1 year THEN: Destroy	
3.5	Exhibits Offered Into Evidence	Exhibits received and accepted into evidence are not court records. Note: The original of an exhibit log is placed in the case file and is maintained in accordance with the retention period for that case file.	RETAIN UNTIL: 56 days after conclusion of the trial or hearing if not retrieved by the parties as directed, except that any weapons and drugs shall be returned to the confiscating agency for proper disposition, THEN: Destroy	

04/24/19

Date



Michael Petoskey
Chief Judge