



County Attorney

Records Retention Schedule

Prepared by the Local Records Branch
Archives and Records Management Division
Approved by the State Archives and Records Commission



County Attorney Records Retention Schedule

This retention schedule is to be used by all County Attorney offices in the Commonwealth. It lists records that are legally required for them to create and/or specific to the County Attorney's Office. The County Attorney Records Retention Schedule should be used along with the Local Government General Records Retention Schedule, which lists those records that are common to all local government agencies, i.e. financial, personnel, payroll etc. The records retention schedule is the foundation of an effective records management program and must be used on regular basis. All retention schedules have been approved by the State Archives and Records Commission in accordance with KRS 171.410 – 740. This approval provides the legal basis for all local agencies to apply the appropriate schedule to their records management needs.

GLOSSARY OF TERMS For Records Retention Schedules

- Permanent (P)** Denotes records appraised as having historical, informational or evidential value that warrants preserving them permanently (forever) beyond the time needed for their intended administrative, legal or fiscal functions. These records may be destroyed **only** after the written permission is given by the State Archivist and after they are microfilmed according to specifications published by the Department for Libraries and Archives.
- Confidential (C)** Records deemed unavailable for review by the public after applying the state’s Open Records Law (KRS 61.878) and other state and federal statutes and regulations with specific restrictions. The (C) is added to appropriate record series descriptions as a reminder to agency personnel and does not bear any legal status. **It is important to note that the local government head has the responsibility of knowing all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained in their office and to see that they are enforced.** Even though a record series may or may not be marked confidential on a records retention schedule, contradictory laws or regulations that are approved after the retention schedule has been completed may not be reflected but must be honored.
- Vital Record (V)** Records that are essential to the continued functioning of the local government during and after an emergency, as well as those records that are essential to the protection of the rights and interests of that local government and of the individuals for whose rights and interests it has a responsibility. Local Government should have a plan in place to identify those records and provide for their protection in case of a disaster (fire, flood, earthquake, etc.).
- Duplicates** Duplicate records that have not been assigned a retention period and function solely as reference and informational material may be destroyed when no longer useful. If the duplicate is considered the “copy of record”, it must be retained according to the retention period on the schedule.
- Destruction Certificate** A destruction certificate should be used to document the destruction of public records and may be found, along with the instructions at the Kentucky Department for Libraries and Archives website (www.kdla.ky.gov). It should be used when destroying records according to the appropriate records retention schedule. No record created or maintained by a local government agency may be destroyed unless it is listed on the retention schedule and a destruction certificate completed and the original copy sent to the Department for Libraries and Archives (Department).
- After Audit** A term used in the disposition instructions to denote a records series that shall only be destroyed after the retention period has expired and an official audit has been performed. Example: 3 years and audit: This means that the record series must be kept for 3 years after last activity or date in a file. The record must have gone through the annual audit before it can be destroyed.

RECORDS RETENTION SCHEDULE

Signature Page

County Attorney
Agency

March 11, 1993
Schedule Date

Unit

December 14, 2017
Change Date

December 14, 2017
Date Approved By Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

Agency Head

Date of Approval

Agency Records Officer

Date of Approval

[Handwritten signature]

12/14/17

State Archivist and Records Administrator
Director, Archives and Records Management Division

Date of Approval

[Handwritten signature]

12/14/17

Chairman, State Archives and Records Commission

Date of Approval

The undersigned Archives and Records Management Division staff have examined the record items and recommend the disposition as shown:

Records Analyst/Regional Administrator

Date of Approval

[Handwritten signature]

12/13/17

Appraisal Archivist

Date of Approval

[Handwritten signature]

December 13, 2017

State/Local Records Branch Manager

Date of Approval

The determination as set forth meets with my approval.

[Handwritten signature]

12-14-17

Auditor of Public Accounts

Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

County Attorney
Administration

Record Group
Number

Series	Records Title and Description	Function and Use
L2864	Standard Billing Form for IV-D Coop Agreement File (V)	This record series includes monthly invoices and supporting documentation to CHR for either full or partial reimbursement of expenses paid for staff salaries and office expenses of the Child Support Division of the County Attorney's Office. The Cabinet for Human Resources, Division of Child Support Enforcement, provides this funding which supports the County Attorney's Child Support Division Program. (Program Administration Contract, IV-D Agency).
	Access Restrictions	None
	Contents	Standard Billing Form for IV-D, C3-20; Summary of Time Dist., CS-20; Monthly Time Dist., CS-21; Computation of IV-D Personnel Cost, CS-22; Insurance Recap and Paid Vendor Invoice; Telephone Usage Summary; Direct Cost Summary; Copy of Paid Vendor Invoice.
	Retention and Disposition	Retain for three (3) years, then destroy after audit.
L2865	Aid to Families with Dependent Children Service of Process Form	This form is used to obtain reimbursement from CHR for fees for service of legal papers by the Constable in Child Support cases: (Aid to Families with Dependant Children): AI, AFDC, Uresa - In-state fathers; AP, AFDC, Paternity (Actions taking place in Fayette Co.); AO, AFDC, Uresa - Out of state fathers; AN, AFDC, Non-Paternity (Separated, Divorced). The funding is a portion of that provided for Child Support Enforcement by the Cabinet for Human Resources under the Program Administration Contract (IV-D Agency). Attached to the Service of Process Form are supporting documents including: Vendor Invoice (Constable's list of Claims) for his service.
	Access Restrictions	None
	Contents	Date served, person served, address, responsible parent, IV-D#, case name, case #, Statutory charge.
	Retention and Disposition	Retain for three (3) years, then destroy after audit.
L2866	Accounts Payable - Vendor Invoice File	The Accounts Payable-Vendor Invoice File includes the vendor invoice and supporting documentation needed for paying obligations incurred by the County Attorney's Office. Invoices are bills received from vendors to obtain reimbursement for purchases of materials, supplies, and services. Checks are processed for payment either through the accounts payable system or manually.
	Access Restrictions	None
	Contents	Transmittal (To record # and Posting Breakdown to enter AP Journal); Vendor Invoice; Delivery Ticket; Purchase Order for Material
	Retention and Disposition	Retain for three (3) years, then destroy after audit.
L2872	Schedule of Tax Liability -- (Federal Form 4977)	This record series is used to report to the IRS the tax liability of unemployment insurance. However, being a public officer, the County Attorney is not required to deduct from employee wages or pay into the program. The form is required to be filed even though there is no participation by the County Attorney's Office.
	Access Restrictions	None
	Contents	Name and Address of Taxpayer (County Attorney), Federal ID number, Record of tax liability for wage periods reported by months and quarters, certification.
	Retention and Disposition	Retain for three (3) years, then destroy after audit.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

County Attorney
Administration

**Record Group
Number**

Series	Records Title and Description	Function and Use
L2873	County Employees Retirement System - Monthly Summary of Wages Earned	This summary reports to the County Employees Retirement System on a monthly basis, contributions to each employee's retirement accounts. This report is accompanied by the check. This is a voluntary participation program for Kentucky county governments. County government offices must elect to participate in the County Employees Retirement System.
	Access Restrictions	None
	Contents	Summary of wages earned for month; total wages reported; employees' contributions; employers' contributions; agency name, address, phone, certification signature, date, and title of reporting officer. For each employee: Social security number, name, gross wages previous month, gross wages current month, installment purchase previous and current month.
	Retention and Disposition	Retain for three (3) years, then destroy after audit.
L3046	Sheriff's Monthly Dance Hall and Roadhouse Inspection Report -- (KRS 70.160)	This series documents the County Sheriff's visit and inspection of dance halls and roadhouses in the county. KRS 70.160 requires that the sheriff or his deputies at least once each month visit and inspect each public place in the county where music is furnished or permitted or where public dancing is conducted or permitted as well as camps, restaurants, roadhouses or any place where intoxicating liquids are sold or furnished or permitted to be sold or furnished to the public. In addition, inspection includes furnished rooms for lodging by men or women either in the day or the night. For services furnished under this statute the sheriff shall be allowed \$3,600 annually from the State Treasury at the rate of \$300 per month. In some counties, may include a report on the patrolling of all public roads in the county as required by the provisions of KRS 70.150.
	Access Restrictions	None
	Contents	Name of Circuit Court Clerk, name of County Attorney, name of County Sheriff, month and year, report of activities, including name of establishment and violation, if any. Where applicable, may include statement regarding patrolling of highways. Certification statement signed by County Sheriff.
	Retention and Disposition	Retain one (1) year, then destroy.
L6927	Guardianship and Involuntary Treatment (Casey's Law) Petitions	This record series documents guardianship and involuntary treatment for alcohol and other drug abuse petitions where the County Attorney has assisted the petitioner, represented the interests of the Commonwealth and assisted the court in its inquiry by the presentation of evidence per KRS 387.560 and KRS 222.403-437.
	Access Restrictions	KRS 387.770, KRS 68.878 (1)(a) Personal Information. Agencies should consult legal counsel regarding open records matters.
	Contents	This record series may contain: Petitioner name and contact information, respondent information (contact, health, financial, etc.), relationship of petitioner and respondent, affidavits, attorney name and contact information and other related information.
	Retention and Disposition	Retain for one (1) year after final action, then destroy.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

County Attorney
 Child Support Enforcement

Record Group
Number

Records Title	
Series and Description	Function and Use
L2879 Child Support File (V)	This record series documents the County Attorney's efforts to collect delinquent child support. The process is initiated by 1) referral by Aid to Families with Dependent Children (AFDC) to prove paternity and to obtain order for child support, 2) private individuals who come in, pay \$25 fee, and apply for IV-D services. Cases are terminated when 1) Non-AFDC client opens case and later declines services or requests closure, 2) client moves out of Kentucky, 3) child turns age 18 with no support owed, 4) child marries. The file retains administrative value until all of the eventualities are met. As of October, 1992, all cases must be reviewed every 3 years to determine if modification is needed in the order.
Access Restrictions	KRS 61.878 (f)
Contents	application for services; client information form; case notes; worksheet for child support obligation; CS16; correspondence; legal documents: complaint, summons, answer, motions, and orders or denials; tax and wage information; depositions; interrogatories (legal questions must answer under oath); blood test results; etc.
Retention and Disposition	Retain until three (3) years after completion of final action.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

County Attorney
Cold Checks

Record Group
Number

Series	Records Title and Description	Function and Use
L2880	Criminal Complaint File (V)	This record series documents the County Attorney's efforts to prosecute and collect on cold checks on behalf of merchants who sign criminal complaints. The criminal complaint file includes copies of criminal complaints which have been processed. The merchant has signed the complaint requesting initiation of action, and the criminal complaint has been reviewed by the County Attorney's Office. The case either results in a mediation hearing (last chance before prosecution begins) or in a warrant of arrest or summons to appear in court. If a defendant fails mediation this results in a warrant or summons and court. This record may be maintained in two distinct files: 1) Mediation File and 2) Warrant/Summons File. This file is a copy of the original record on file at District Court for Warrants and Summons. KRS 500.050 provides a 1 year statute of limitation for prosecution (from date of complaint) of misdemeanor cases which include cold checks.
	Access Restrictions	KRS 61.878(f)
	Contents	Verified criminal complaint copy, copy of all cold checks, bad check mediation hearing disposition, notice to appear (mediation).
	Retention and Disposition	Retain for four (4) years, then destroy.
L2881	Criminal Complaint Rejection File	This record series consists of criminal complaints which did not meet warrant standards and could not be successfully processed by the County Attorney. A complaint does not meet warrant standards if: 1) Complaint has incomplete or incorrect information; 2) Forgery is involved; and, 3) Extenuating Circumstances. If information is subsequently corrected, the complaint would be removed from this file and be processed. This will occur quickly, however.
	Access Restrictions	KRS 61.878(f)
	Contents	Rejected criminal complaints and statement of reason for rejection.
	Retention and Disposition	Retain for four (4) months, then destroy.
L2882	Mediation Monthly Report From Division of Pre-Trial Services (AOC)	This report is a status/activity report received by the County Attorney on a monthly basis from the Division of Pre-Trial Services, AOC. The information is used to compile quarterly reports of mediation activities. The mediation process works as follows: When a criminal complaint is filed by a merchant, if the bad check writer has no previous court record, the case is referred by the County Attorney to the Division of Pre-Trial Services for possible mediation. This is a one chance only proposition for the bad check writer. It is the last chance for the merchant to get his money before initiating a court case, and the last chance for the check writer to pay the obligation without establishing a criminal record. Pre-Trial Services sends a letter to both parties -- the merchant and the bad check writer -- informing them of the date for the mediation hearing. If the check is paid before the hearing date, neither party needs to attend the hearing. If both parties appear for mediation, the mediation officer decides to either extend the date for restitution or issue a warrant. About 65-70% of cold checks are paid at this stage. If the check writer fails to attend the hearing, a warrant is issued.
	Access Restrictions	None
	Contents	Date of mediated checks, defendants, and dollar amount of checks; Successfully and unsuccessfully mediated checks, defendants, and dollar amount of checks; postage used.
	Retention and Disposition	Retain for four (4) months, then destroy.
L2883	County Attorney Mediation Report Cover Letter	This record series lists for the Division of Pre-Trial Services cases that have been reviewed by the County Attorney and have met the criteria for referral to Mediation Services. It is the cover letter that goes with the files being sent to Mediation Services. A copy is kept by the County Attorney for quick reference. Mediation is the last chance program of the County Attorney's Office for the bad check writer to meet his obligation before a warrant is issued against him.
	Access Restrictions	None
	Contents	List of criminal complaints sent to Pre-Trial Services for Mediation Hearings: Case number, issuer name, check number, amount, merchant name, referral date.
	Retention and Disposition	Retain for four (4) years, then destroy.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

County Attorney
Cold Checks

Record Group
Number

Series	Records Title and Description	Function and Use
L2884	Check Copy File (V)	This is a photocopy of the cold checks, presented by the merchants, for processing. The County Attorney uses information from photo-copied checks to send 10-Day Warning letters informing the defendant that unless they pay the check and County Attorney fee a criminal complaint can be issued against them. Also the files are used for reference. Quarterly and annual reports are compiled from this information. This file includes all check copies presented to the County Attorney, those subsequently paid, and those that result in a criminal complaint. The information from the check is input into the County Attorney's data base from which the 10-Day letter and criminal complaint are generated.
	Access Restrictions	KRS 61.878f (until warrant is issued)
	Contents	Copy of original checks, date, person's name, address, bank, account number, check number, dollar amount, and the merchant the check was issued to.
	Retention and Disposition	Retain for two (2) years, then destroy.
L2885	Merchant Invoice (V)	The merchant invoice is used to collect County Attorney fee (required by KRS 514.040 (4b/c) from the merchant, for processing of collection of cold checks. By statute cited above, the defendant has paid this amount to the merchant. The invoice file is kept as a reference to merchant payments.
	Access Restrictions	None
	Contents	Invoice date, merchant name, address, and phone; file number; defendant name; check number and date; check amount; how many checks collected; amount of county attorney fee; total due; remittance information. Copy marked paid with check number and date received.
	Retention and Disposition	Retain for three (3) years, then destroy after audit.
L2932	Cold Check Ten-Day Letter (V)	The Kentucky Revised Statutes require (KRS 514.040) the County Attorney to send a Ten-Day Notice (cold check letter) to each bad check writer following a formal complaint being lodged by a merchant. This warning letter informs the check writer that if he/she does not make restitution within 10 days, at the expiration of 10 days, the merchant may return to the County Attorney's Office and have issued a criminal complaint which could lead either to a warrant (arrest) or summons (cited to appear in court) being issued by a judge. The County Attorney may not necessarily retain a copy of this letter. The office may simply retain a log of Ten-Day Letters sent, or, if it has an electronic database, it may contain a record of the letter being sent.
	Access Restrictions	KRS 61.878(f)
	Contents	Name and address of bad check writer and merchant, amount of check, bank check written on, date written, instructions.
	Retention and Disposition	Retain for four (4) years, then destroy after audit.
L2933	Cold Check Database (V)	This database is used to facilitate the cold check collection process and to print reports: cross reference lists, criminal complaints, Ten-Day Letters. Data is stored by file number composed of the date of the cold check Ten-Day Letter and three digits. A file is begun when a merchant brings in a cold check for collection assistance. As the collection process from the filing of a criminal complaint by a merchant to court judgment is accomplished within a 4-year period, this is the useful life of this electronic file. Any longer term information is in the District Court Case File.
	Access Restrictions	KRS 61.878f - See Attachment
	Contents	Name and address of bad check writer and merchant, amount of check, bank check written on, date written, instructions and other relevant data regarding the mediation, collection process.
	Retention and Disposition	Retain entries for four (4) years, then delete.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

County Attorney
 Delinquent Tax Collection

Record Group
Number

Series	Records Title and Description	Function and Use
L2886	Property Tax Roll Assessment - Delinquent Tangible -- (Assessment and collection record) (V)	The Property Tax Roll Assessment for Delinquent Tangible Taxes is the record of individuals, assessed value, and of taxes due for tangible property (tools, fixtures, inventory, raw materials, stocks, bonds, annuities). The tax roll also functions as a collection record. The individual files a tangible income tax return with the PVA by April 15 each year for assessments as of January 1. The PVA produces the Property Tax Roll of all property subject to tax in the county. The individual tax bills are produced by the County Clerk from the property tax roll and provided to the Sheriff for collection. If the bill is not paid by the end of the year, it is delinquent. The delinquent tax roll is then sent by the County Sheriff to the County Attorney for collection. Delinquent tangible taxes are payable to the County Attorney. KRS 135.040 allows 5 years for collection of delinquent tangible taxes, marked from the date of return by the Sheriff or Collector. Generally speaking, if the County Attorney receives no response from a delinquent taxpayer after 3 years, the bill is considered uncollectable. Most delinquent tangible collections are accomplished within 1 year from the time the bill was issued. After that time, many businesses will have either gone under, sold the goods, moved, etc.
	Access Restrictions	None
	Contents	Taxpayer name, address, property description, itemized and total assessments, account number, tax bill number and total tax due.
	Retention and Disposition	Retain for six (6) years, then destroy after audit.
L2887	Notice of Sale of Tax Bill	This notice is sent to the delinquent taxpayer by the county attorney pursuant to KRS 134.500(1) to notify the taxpayer that the sheriff has purchased his/her tax bill and he/she is delinquent and to advise him/her that a lien has been placed on the property by the filing of a Certificate of Delinquency in the county clerk's office. The notice advises him/her to promptly pay the tax due at the county clerk's office. The notice is sent by certified mail to insure delivery. In the Urban County System, the Urban County Govt. prepares this notice for the county attorney from data supplied by the county clerk. If the taxpayer fails to pay his/her delinquent taxes and the county attorney files suit, this notice becomes part of the delinquent taxpayer suit file.
	Access Restrictions	None
	Contents	Taxpayer name and address, address of property, tax bill number, year, amount, account number, advice of where to call and make payment.
	Retention and Disposition	Retain for one (1) year, then destroy.
L2888	Notice of Intent to Enforce Liens	This notice advises the property owner that a certificate (s) of delinquency must be paid by a specified date or face foreclosure of the property by the county attorney. This delinquent tax letter advises the taxpayer to obtain the exact payoff amount by calling the county clerk and that payment must be made to the county clerk's office. In the Urban County Government, the Urban County Govt. Computer Department prepares the notice and listing for the county attorney from data supplied by the county clerk. In the typical county, the letter may be prepared by the county attorney from data supplied by the county clerk. If the taxpayer fails to pay his/her delinquent taxes and the county attorney files suit, this letter becomes part of the Delinquent Taxpayer Suit File.
	Access Restrictions	None
	Contents	Delinquent tax letters: name, address of property, tax bill number, due date.
	Retention and Disposition	Retain for one (1) year, then destroy.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

County Attorney
 Delinquent Tax Collection

Record Group
Number

Series	Records Title and Description	Function and Use
L2889	Delinquent Taxpayer Suit File (V)	The County Attorney's Delinquent Tax Collection Office is responsible for follow through on tax collection. The Delinquent Taxpayer Suit File contains the primary documentation of that function. The County Attorney prepares the delinquent tax letter which notifies the taxpayer of his/her delinquency and sets a payment due date. (In the Urban County Government system, the Urban County Government prepares the notice and delinquent list for the County Attorney). If the tax is paid, the file is closed. If not paid, the case proceeds through the court system. Delinquent taxes are payable to the County Clerk. The individual's file remains open until all court cost and taxes are paid. Once court cost and taxes are paid, Order of Dismissal, Release of Lis Pendens is filed, case file is ready to be closed.
	Access Restrictions	None
	Contents	Delinquent Tax Letter, Notices, Correspondence, Certified Mail Receipts, Approval Letter, Title Search Documents, Motions, Orders, Taxpayer name, Address of Taxpayer, Address of Property, Years of Delinquency and Tax Bill Number.
	Retention and Disposition	Retain until taxes and court costs have been paid and orders of dismissal/release of lis pendens have been issued, then destroy.
L2890	Delinquent Tax Collector's Monthly Collections Report -- (Monthly Tangible Report)	This report documents all delinquent tangible tax funds collected for the month. The report is prepared in an original and three copies. It shows proportional part of collections for state, county, and school districts. The original is submitted to the Revenue Cabinet, a copy to the county clerk, a copy to the school district, and a copy is retained. The report is submitted even if there were no collections. A tangible tax includes: Tools, fixtures, inventory, raw materials, stocks, bonds, annuities.
	Access Restrictions	None
	Contents	Tax bill number, year, state, county, school tax, total tax, penalty, interest, clerk's fee, total amount collected, certification of county attorney.
	Retention and Disposition	Retain for three (3) years, then destroy after audit.
L2891	Tax Saver Program Application (V)	The Tax Saver Program assists taxpayers in saving money toward paying their delinquent taxes. The delinquent taxpayer by written agreement with the County Attorney's Office, make monthly deposits in the tax saver account at a local bank. When sufficient funds accumulate, the taxpayer withdraws the funds and pays the tax due at the County Clerk's. Sometimes attached to the application are memos or pertinent documents. This program is open to assist any citizen having difficulty in paying taxes.
	Access Restrictions	None
	Contents	Taxpayer name and address, social security number, phone number, agreement, signature and date, payment schedule, taxsavers account number, approvals.
	Retention and Disposition	Retain until taxes are paid, then destroy.
L2892	Individual Account Tax Escrow Ledger Sheets (V)	This Individual Accounts Ledger is used to account for individuals' deposits into the Tax Escrow Account. When sufficient funds accumulate, the County Attorney obtains payoff amount from county clerk and issues a check to the county clerk to pay the taxes. The ledger also serves as a reference to determine if payments are being made pursuant to the taxpayer's Tax Escrow Account Agreement. Once the taxpayer's obligations have been met, his/her sheet is removed to the Delinquent Taxpayer Suit File.
	Access Restrictions	None
	Contents	Name, Date of Payment, Amount (cash or check), Who Paid.
	Retention and Disposition	Retain until taxes and court costs have been paid, after order of dismissal has been issued, and after audit and three (3) years have elapsed, then destroy.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

County Attorney
 Prosecution

Record Group
Number

Series	Records Title and Description	Function and Use
L2893	Criminal Prosecution Case Files (V)	This record documents the County Attorney's activity in prosecuting criminal cases. If a defendant, after being arrested, requests a jury trial the prosecutor requests that this file be opened. The documents which compose the file are those created along the judicial process of prosecuting the case. This file is a work product for the purposes of prosecuting the case.
	Access Restrictions	KRS 61.878(f) (Open Records Law)
	Contents	File may include: County Attorney case summary, copy of Dist. Ct. case jacket, copy of Police Dept. uniform citation, DUI reports, Intoxilyzer results printout, offender index (booking sheet), driver license report (DOT), pre-trial orders, domestic violence case history, adult case summary, child/adult/domestic abuse report, copy of criminal history, police general investigative report, prosecution action request, correspondence, domestic violence program referral form, diversion program agreement form, prosecutor's handwritten notes, copies of pleadings.
	Retention and Disposition	Retain until two (2) years after case closed, then destroy. If case is appealed, retain until appeals process exhausted, then destroy.
L2894	Criminal Prosecution Case Issue Warrant Files (V)	This record documents the County Attorney's activity in prosecuting criminal cases. If a defendant, after being arrested, requests a jury trial the prosecutor requests that this file be opened. The documents which compose the file are those created along the judicial process of prosecuting the case. This file is a work product for the purposes of prosecuting the case. If the defendant fails to appear for the court date, a warrant is issued and the file is placed in the Issue Warrant file. Here it remains until the case can be prosecuted and disposed of.
	Access Restrictions	KRS 61.878(f) (Open Records Law)
	Contents	File may include: County Attorney case summary, copy of Dist. Ct. case jacket, copy of Police Dept. uniform citation, DUI reports, Intoxilyzer results printout, offender index (booking sheet), driver license report (DOT), pre-trial orders, domestic violence case history, adult case summary, child/adult/domestic abuse report, copy of criminal history, police general investigative report, prosecution action request, correspondence, domestic violence program referral form, diversion program agreement form, prosecutor's handwritten notes, copies of pleadings.
	Retention and Disposition	Retain until two (2) years after case closed, then destroy. If case is appealed, retain until appeals process exhausted, then destroy.
L2895	Criminal Prosecution Appellate Files (V)	This file contains all appellate pleadings, etc., and is used by the prosecutor to prepare his/her brief to be submitted to the Circuit Court. There the circuit judge will either affirm the lower court decision or reverse it and remand it back to District Court for further prosecution.
	Access Restrictions	KRS 61.878(f) (Open Records Law)
	Contents	May include: case notes, case reference notes, all appellate pleadings (i.e. notice of appeal, statement of appeal, counter statement of appeal, motions, orders, opinions).
	Retention and Disposition	Retain until five (5) years from date of appeal, or until appeals process is exhausted if longer, then destroy.
L2896	Juvenile Prosecution Case Files (V)	The file documents the county attorney's prosecution of juvenile cases. The process begins when a complaint is filed with local juvenile authority. The county attorney decides which cases are prosecuted. A person is considered a juvenile until age 18.
	Access Restrictions	KRS 610.340
	Contents	May include: copy of complaint, police dept. juvenile case summary, copy of uniform citation, pre-adjudicative detention criteria form, detention notification form to notify parents, copy of court calendar, copy of court summary, incident reports, preliminary inquiry and recommendation form, etc.
	Retention and Disposition	Retain until child reaches age eighteen, then destroy.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

County Attorney
 Prosecution

Record Group
Number

Series	Records Title and Description	Function and Use
L2897	Juvenile Dependency, Abuse, and Neglect Case File (V)	This file documents the county attorney's prosecution of the issues of dependency, abuse, or neglect of children. This file is initiated after a petition is filed in District Court by the social worker at the Cabinet for Human Resources when he/she feels prosecution is warranted. Documents are added to the file as the case proceeds.
	Access Restrictions	KRS 610.340
	Contents	May include: copy of the petition, copy of court calendar, temporary removal order (to remove child from home to safe place until hearing), emergency custody order, affidavit of efforts by social worker, witness sheet.
	Retention and Disposition	Retain until child reaches age eighteen, then destroy.
L2899	County Attorney Defendant Data Base (V)	This data base is used to track the case throughout the prosecution process and to print pre-trial and jury trial reports: lists cases set for pre-trial conference/trial on a given day by division. Data base will be used in the future to compile statistics on domestic violence cases, DUI cases, etc. Data may be manipulated in various ways, however all data is related to one file number for each case.
	Access Restrictions	KRS 61.878(f) (Open Records Law)
	Contents	personal information, court dates, court division, prosecution team, specific charges, file number, dist. court case numbers, case history, witness/arresting officer, dispositions, probation information, defense attorney, blood alcohol results, domestic violence program.
	Retention and Disposition	Retain entries for five (5) years, then delete.
L6388	Domestic Violence Prosecution Case File (V)	This record series is used to document the County Attorney's activity in prosecuting domestic violence cases. These are used to reference over time for the purpose of tracking repeat offenders. The file documents the level of violence and the evidence in the case. The documents that compose the file are those created along the judicial process of prosecuting the case. This file is a work product for the purposes of prosecuting the case.
	Access Restrictions	KRS 61.878 (1)(h)
	Contents	This record series may contain all evidence in the case, including name of offender along with directory information about the offender. The evidence includes notes taken from victims, photos of physical abuse and other information obtained from victims and witnesses.
	Retention and Disposition	Retain until seven (7) years after last activity, then destroy. If appealed, retain until appeals process exhausted, then destroy.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

County Attorney
 Prosecution

Record Group
Number

Series	Records Title and Description	Function and Use
		Diversion Program
L2898	Diversion Program Case File (V)	The Diversion Program provides first offenders with a second chance. The offender may enter the program after signing a guilty plea. The offender's record is cleared if he/she completes the diversion program within three months: 60 hours of volunteer service, 8 hours of counseling at Comprehensive Care Center, and payment of \$140 fee. The individuals have committed the following two types of misdemeanor crimes: 1) theft by unlawful taking-shoplifting, and 2) theft by deception-cold checks. Charges are dismissed after completion of this program. If the program is not completed, the defendant must appear in District Court for sentencing. The Diversion Program Case File documents activity of the individual in the program.
	Access Restrictions	KRS 61.878(f) (Open Records Law)
	Contents	ACTIVE FILE: diversion agreement, interview form, notes. CLOSED FILE: Also contains- diversion report card (completed or failed), volunteer sheet, comp care sheet, and letter stating counseling was completed. The closed file is confirmation that individual either completed or failed the program.
	Retention and Disposition	Retain for two (2) years, then destroy.