

Retention and Classification Report

Agency: District Court (First District : Cache County) (1686)

135 North 100 West
Logan, UT 84321
435-750-1300

Records Officer: _____

13838	Adoptions
05141	Civil case exhibits
17457	Civil case files
13841	Criminal case files
83859	Daily court filings
06176	Declarations of intention record books
13840	Mental health case files
01532	Probate case files
13839	Probated wills
25991	Water rights case files

AGENCY: District Court (First District : Cache County)

SERIES: 13838

3

TITLE: Adoptions

DATES: 1915-

ARRANGEMENT: Numerical by case number

DESCRIPTION:

These case files document all adoptions handled in the First District Court for Cache County.

RETENTION:

Permanent. Retain for 9 year(s)

DISPOSITION:

Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

APPROVED: 04/2016

FORMAT MANAGEMENT:

Paper: Retain in Office for 9 years and then transfer to State Archives with authority to weed.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

APPRAISAL:

These records have historical value(s).

Utah Code 78B-6-141 requires that these records are sealed for 100 years. Afterwards they become public. Adoption records have ongoing genealogical and historical value.

AGENCY: District Court (First District : Cache County)

SERIES: 13838

TITLE: Adoptions

(continued)

PRIMARY DESIGNATION:

Exempt

UCA 78-30-15 (2008). As of 1 July 1999, adoptions become public after 100 years; until then they are sealed and only obtainable through the court.

AGENCY: District Court (First District : Cache County)

SERIES: 5141

3

TITLE: Civil case exhibits

DATES: 1896-

ARRANGEMENT: alphanumerical

DESCRIPTION:

RETENTION:

Retain for 9 year(s) after case is closed

DISPOSITION:

Destroy.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in Office for 9 years after case is closed and then destroy.

APPRAISAL:

These records have administrative, and/or legal value(s).

RETENTION JUSTIFICATION:

Alice Dahling!?! finally got the scoop on transcripts used as exhibits. They are treated just like regular transcripts and can be tossed after nine years. Exhibits actually have a shorter retention time so if they are older than nine years toss them!?!<Sally Koch, 3rd District Court Records Officer>??>>> Alice Cone 02/20/01 10:43AM >>>??What's the current retention on exhibits for district court civil and criminal cases? We have some way old ones, but they seem to have been transferred separately from their cases--ie., they may have their case number on them, but they're stamped 'exhibit' and were not included in the case file.

AGENCY: District Court (First District : Cache County)

SERIES: 17457

4

TITLE: Civil case files

DATES: 1895-

ARRANGEMENT: Numerical by case number and generally chronological by complaint filing date.

DESCRIPTION:

Civil case files include the original complaint or summons, and all legal papers filed through disposition or dismissal of civil cases, the proceedings between parties wherein rights are enforced or protected, or wrongs are prevented or redressed, which cannot legally be called criminal cases, involving real property and incidents within the District. Some transcripts but no exhibits are included. Civil cases include petitions for divorce, to recover money, voluntary withdrawal or dissolution of corporations, and writs of habeas corpus.

RETENTION:

Retain permanently

DISPOSITION:

May Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in Office permanently or until microfilmed and then destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

APPRAISAL:

These records have administrative, historical, and/or legal value(s). Historic court records provide information about individuals and about legal processes. Civil cases include divorces and ownership issues. Civil judgments may be of longstanding relevance, particularly judgments on water rights issues.

AGENCY: District Court (First District : Cache County)

SERIES: 17457

TITLE: Civil case files

(continued)

PRIMARY DESIGNATION:

Public

AGENCY: District Court (First District : Cache County)

SERIES: 13841

3

TITLE: Criminal case files

DATES: 1896-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

Case files are made up of the various documents filed with the First District Court in Cache County pertaining to each specific case. The records usually contain information such as the case number, and the names of the defendants, counsel, jurors, and witnesses. The case file may include complaints, indictments, subpoenas, verdicts, warrants of arrest, execution or confinement, warrant returns, affidavits, orders, judgments, appeal notices. Files rarely include transcripts of testimony.

First, second, and third degree felony cases are the predominant case file type within this series (a major crime for which the maximum imprisonment is more than one year in a state correctional institution). This would include first degree offenses such as murder, rape, aggravated kidnapping, aggravated burglary and robbery, arson, and possession with intent to distribute drugs. Second degree offenses include: manslaughter, robbery, residential burglary, kidnapping, perjury, forgery, theft of property valued over \$1,000.00, forcible sexual abuse, and intentional child abuse. Third degree felonies include: burglary of non-dwellings, theft, aggravated assault, forgery, unlawful sexual intercourse, joyriding, possession with intent to distribute marijuana or cocaine, and false or forged prescriptions.

This series also contains misdemeanor cases which are punishable by a county jail term of up to one year and/or a fine.

Misdemeanors include: negligent homicide, driving under the influence, theft, assault on a police officer, criminal mischief, resisting arrest, reckless driving, possession of marijuana, shoplifting, trespassing, and possession of a concealed weapon.

Juvenile cases tried prior to 1907 can also be found in this series. In 1907, a separate statewide juvenile court was established allowing juvenile court jurisdiction in all matters involving children 18 years of age and younger, including parents and guardians of juvenile delinquents.

Missing cases should not be found in appellate court records since the Supreme Court is required by law [Rule 76 (d)] to remit their decision to the District Court "together with such papers transmitted to the Supreme Court on appeal." Furthermore, Rule 75 (n) states that after the appeal has been disposed of, any

AGENCY: District Court (First District : Cache County)

SERIES: 13841

TITLE: Criminal case files

(continued)

original papers should be returned to the custody of the district court. Cases which are appealed to the District Court from lower courts will be found in this series.

RETENTION:

Retain permanently

DISPOSITION:

May Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in Office permanently or until microfilmed and then destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

APPRAISAL:

These records have historical value(s).

Disposition based on documentation about individuals, legal procedure, court history and functions. Case files have legal and administrative value to the court through dismissal or satisfaction of the final judgment. They enforce or protect private rights and prevent or redress private wrongs. The value of the judge's decrees and final judgments to parties in an action may well extend beyond their immediate administrative use.

AGENCY: District Court (First District : Cache County)

SERIES: 13841

TITLE: Criminal case files

(continued)

PRIMARY DESIGNATION:

Public

AGENCY: District Court (First District : Cache County)

SERIES: 83859

3

TITLE: Daily court filings

DATES: i 1989-

ARRANGEMENT: Chronological

ANNUAL ACCUMULATION: 20.00 cubic feet.

DESCRIPTION:

RETENTION:

Permanent. Retain for 9 year(s)

DISPOSITION:

Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series were specifically approved by the State Records Committee.

APPROVED: 06/1983

FORMAT MANAGEMENT:

Paper: Retain in Office for 9 years after being microfilmed and then destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

APPRAISAL:

These records have administrative value(s).

PRIMARY DESIGNATION:

Public

AGENCY: District Court (First District : Cache County)

SERIES: 6176

4

TITLE: Declarations of intention record books

DATES: i 1896-

ARRANGEMENT: Volumes and their entries are chronological. After 1906, the entries are also by case number in sequentially numbered

DESCRIPTION:

These volumes contain declarations of individuals' intentions of becoming U.S. citizens. They were filed at least two years prior to applying for naturalization.

The first volume contains blanks for the individual's name, sovereign, date, signature, and clerk's signature. More detailed federal forms were used beginning in 1906. The forms contain additional information including personal description, vital statistics, and emigration data. By 1916, information regarding any spouse's name and vital statistics data were added.

RETENTION:

Permanent. Retain until administrative need ends

DISPOSITION:

Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Microfilm master: For records beginning in 1896 through 1929.
Retain in State Archives permanently.

Microfilm duplicate: For records beginning in 1896 through 1929.
Retain in State Archives permanently.

APPRAISAL:

These records have historical value(s).

Disposition is based on the permanent genealogical value of these records.

AGENCY: District Court (First District : Cache County)

SERIES: 6176

TITLE: Declarations of intention record books

(continued)

PRIMARY DESIGNATION:

Public

REVIEW AND UPDATE STATUS:

This report was reviewed and updated on 06/2017.

AGENCY: District Court (First District : Cache County)

SERIES: 13840

3

TITLE: Mental health case files

DATES: 1981-

ARRANGEMENT: Numerical by case number

DESCRIPTION:

RETENTION:

Permanent. Retain for 9 year(s)

DISPOSITION:

Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in Office for 50 years and then transfer to State Archives with authority to weed.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

PRIMARY DESIGNATION:

Exempt UCA 62A-12-247 (2008)

AGENCY: District Court (First District : Cache County)

SERIES: 1532

4

TITLE: Probate case files

DATES: i 1864-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

A collection of all documents and actions filed with the court clerk in the course of probating wills of deceased persons make up the probate case files. Guardianships and adoptions may be included. Records and documents pertaining to a particular action are filed together by the court clerk, who is required by the Rules of Civil Procedure to file pleadings and other legal papers. Collectively they constitute the case file. Case numbers are assigned by the court when papers are initially filed with the clerk.

Files for probate cases include such documents as wills, decrees, continuations of hearings, discharges, petitions, notices, bonds, letters testamentary, testimonies, findings of fact and conclusions of law, commitments, affidavits, proof of publication, appraisals , reports, orders, depositions, property inventories, etc.

RETENTION:

Retain permanently

DISPOSITION:

May Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: For records beginning in 1864 through 1898. Retain in State Archives permanently with authority to weed.

Paper: For records beginning in 1970 and continuing to the present. Retain in Office permanently or until microfilmed and then destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

Microfilm duplicate: Retain in State Archives permanently with

AGENCY: District Court (First District : Cache County)

SERIES: 1532

TITLE: Probate case files

(continued)

authority to weed.

APPRAISAL:

These records have historical value(s).

Disposition based on documentation about individuals, legal procedure, court history and functions. Case files have legal and administrative value to the court through dismissal or satisfaction of the final judgment. Because they enforce or protect private rights and prevent or redress private wrongs, the value of the judge's decrees and final judgments to parties in the action may well extend indefinitely.

PRIMARY DESIGNATION:

Public

SECONDARY DESIGNATION(S):

Exempt. UCA 78-30-15 (2008). As of 1 July 1999, adoptions become public after 100 years; until then they are sealed and only obtainable through the court. This series includes adoption case files.

REVIEW AND UPDATE STATUS:

This report was reviewed and updated on 06/2017.

AGENCY: District Court (First District : Cache County)

SERIES: 13839

4

TITLE: Probated wills

DATES: 1913, 1915, 1938, 1939-

ARRANGEMENT: Numerical by estate number.

DESCRIPTION:

Probated copies of the last will and testament (including any codicil) of Cache County testators submitted to the First District Court for probate make up this series. The structure of individual wills may vary greatly, from a simple manuscript with a single substantive provision to a complex document with multiple sections which cover a variety of topics concerning the estate. Basic information includes the testator's name, county of residence, and in some cases occupation or trade, plus directions, requests, and bequests. Bequests to heirs may cite relationship to the deceased and include specific items or properties bequeathed. The name of the person(s) appointed executor(s) is usually cited. A certificate of proof of will was included until September 1942. Collectively the series is composed of loose papers from individual cases (both holographic and typewritten); it is not a compilation of documents from multiple matters transcribed in record books.

RETENTION:

Retain permanently

DISPOSITION:

May Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in Office until microfilmed and then destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

AGENCY: District Court (First District : Cache County)

SERIES: 13839

TITLE: Probated wills

(continued)

APPRAISAL:

These records have historical, and/or legal value(s).

Disposition based on the historical and legal value of wills and codicils, which are designated as permanent by the Utah State Courts Records Retention Schedule.

PRIMARY DESIGNATION:

Public UCA 75-2-901 (1975)

REVIEW AND UPDATE STATUS:

This report was reviewed and updated on 06/2017.

AGENCY: District Court (First District : Cache County)

SERIES: 25991

1

TITLE: Water rights case files

DATES: 1917-

ARRANGEMENT: Numerically by case file number.

DESCRIPTION:

In civil actions the court acts to enforce rights and prevent or redress wrongs in matters not criminal. Civil case files include all legal documents pertaining to a particular case from the receipt of a petition to the resolution of the case. First District Court (Cache County) has separated civil cases dealing with water rights from the general run of civil case files. Water rights cases are frequently accessed and referenced as well as frequently reactivated.

RETENTION:

Permanent. Retain until administrative need ends

DISPOSITION:

Transfer to Archives.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series is proposed and has not yet been approved.

FORMAT MANAGEMENT:

Paper: Retain in Office permanently.

Compact disc: Retain in Office until administrative need ends and then transfer to State Archives with authority to weed.

APPRAISAL:

These records have historical, and/or legal value(s).

Court actions relating to water rights define legal ownership of those rights. Water case files provide information about the history of specific rights.

AGENCY: District Court (First District : Cache County)

SERIES: 25991

TITLE: Water rights case files

(continued)

PRIMARY DESIGNATION:

Public