



Hidalgo County District Clerk Office

District Court Records Archive Preservation & Restoration Plan

Texas Government Code § 51.305

Revised: January 21, 2021

Executive Summary

Past legislation made it possible for temporary increases in the records archive fees and the records management and preservation fees charged by the district clerk for enhanced record management efforts, including the restoration and preservation of archived records which may include but is not limited to all case papers that are a part of:

- Civil and Family Law Cases
- Criminal Cases
- Juvenile Cases
- Historic Court Records (dated 1950 or earlier)
- Case papers in a case from any period that, because of its notoriety or significance, might possess enduring value
- Exhibits

Most recent legislation, however, will make the temporary fees permanent (HB 658) effective September 1, 2019, and provides for a fee not to exceed \$10 to be imposed for filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in a district court in the county.

The purpose of this document is to provide a plan for the deterioration, restoration and preservation, digital capture, storage, retention and management of archived court documents maintained by the district clerk. This plan is a work in progress and will be updated as new products and procedures evolve.

The district clerk office is committed to complying with guidelines issued by the Texas State Library and Archives Commission Offices and those set forth by this plan (refer to the Texas State Library & Archives Commission, Local Government Bulletin B at: <http://www.tsl.state.tx.us/slrms/recordspubs/lgbullb.html>).

Government Code § 51.305 defines the above mentioned as follows:

- Court document – refers to any instrument, document, paper, or other record that the district clerk is authorized to accept for filing or maintenance.
- Deterioration – refers to any naturally occurring process or a natural disaster that result in the destruction or partial destruction of a court document.
- Preservation – refers to any process that:
 - suspends or reduces the deterioration of a court document; or
 - provides public access to a court document in a manner that reduces the risk of deterioration.

- Restoration – refers to any process that permits the visual enhancement of a court document, including making the document more legible.

Current state and inventory of Records Archive

Historically, district clerk office records have not been preserved, imaged or destroyed as per State record standards and procedures. As recent as 2005, scanning equipment was procured and utilized for imaging documents. Since 2007, during the new administration, huge efforts and progress has been made in procuring additional tools and equipment to ensure all documents filed are imaged in “real time.” The challenge, however, lies in the imaging, restoration and preservation of the estimated 20,000 boxes of documents housed in an authorized storage facility in Edinburg, Texas. Records include record books and cases which consist of civil, family and criminal matters. This inventory includes cases of a historical nature and value.

Goal

Goals consist of imaging and archiving of all documents, regardless of type, as efficiently as possible. This also pertains to the historical hand-written records, which through preservation, will suspend their deterioration as well as improving their public access.

By transitioning to a digitized/electronic format we foresee:

- Easier access to court records by electronic means
- Cost and space savings (ie. purchase of paper and its storage)

Scope

The scope of this document includes the following:

- All district clerk records filed
- Plans to capture records electronically to improve public access
- Plans to restore and preserve records with significant historical value
- Future plans are to improve public and governmental access

This document addresses the restoration and preservation needs of the district clerk records archive only. No other departments are addressed.

Restoration & Preservation Plan

Our current policy and procedure requires all criminal cases and filed documents to be scanned on “real time” if not efiled in accordance with the Texas Supreme Court’s “Order Requiring Electronic Filing in Certain Courts (Misc. Docket No. 12-

9208).” The district clerk office proposes as a part of this plan to hire additional support staff (scanning clerks) and procure additional equipment (scanners) to address the documents/cases prior to 2005 that have yet to be imaged.

The proposed procedure is as follows:

- Active case documents are efiled or scanned into the Judicial Case Management System for Record Storage and retrieval convenience.
- Old or disposed case files will be requested from storage
- Once received, files will be placed in the designated scanning room/area
- All scanning clerks will verify event entries in the Judicial Case Management System prior to scanning documents
- Once scanned, the file is returned to our storage facility and filed/indexed by case number
- All cases deemed obsolete or electronically imaged, in accordance with the retention schedule issued by the Texas State Library and Archive Commission, may be destroyed (shredded)

Note: According to the Texas State Library and Archive Rules there are some exceptions from destruction such as criminal judgments or docket sheets (with defendant’s finger prints) which are permanently retained.

The district clerk office may consider requesting the county go out for bids for restoration and preservation services to help address court records with a significant historical value. The restoration process will ensure legibility of these public documents for future generations.

Expenditures may include but are not limited to:

- All necessary computer hardware and peripherals,
- Computer software,
- Computer and peripheral repair as well as technical support
- Service provider and other outsourcing services.
- Support staff salaries
- Data storage supplies
- Award bids in accordance to county policy