



# County Technical Assistance Service

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## General Sessions Court Records Retention Schedule

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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## General Sessions Court Records Retention Schedule

**Reference Number:** CTAS-2054

**General Sessions Court Records.** The records included in this schedule are those for the offices of the General Sessions Courts. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules in this manual. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record or the frequency of its occurrence. This is particularly true of court records which may vary according to local rule and practice and especially confusing concerning the varying forms of docket books that courts may have utilized over the years. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

**Notes regarding General Sessions Court:**

The General Sessions Court is not usually a court of record (exceptions to this will be discussed below). Since it is not a court of record, the statutes found in Title 18 regarding retention of court records do not apply. The most important record for functional and historical purposes is the docket. For that reason, these are kept permanently. For other records, a period of 10 years has been designated as a reasonable period of time to allow parties who may need to revisit or research actions that were taken in General Sessions Court to have an opportunity to examine records. When General Sessions Courts function as a juvenile court, they ARE serving as a court of record. See the retention schedules elsewhere in this manual for Juvenile Records. Additionally, some General Sessions Courts were designated as courts of record by the private acts which created them. In those cases, the clerk should consult the retention schedules for courts of record to determine the proper retention period for a record.

Retention Schedule for General Sessions Court Clerks		
Description of Record	Retention Period	Legal Authority/Rationale
<b>06-001 Forcible Entry and Detainer Process—</b> Leading process in action to recover possession of land and tenements.	Retain 10 years, then destroy.	Keep for 10 years to allow parties to research actions in sessions court.
<b>06-002 General Sessions Docket Book, Civil—</b> Dockets showing date of trial, case number, names of plaintiff and defendant, decision of the court, amount of judgment, and bill of costs.	Permanent record.	Keep permanently as a basic record of the actions of the court.
<b>06-003 General Sessions Docket Book, Criminal (State)—</b> Dockets showing date of trial, case number, name of defendant, action of the court, name of returning officer, and list of witnesses claiming fees.	Permanent record.	Keep permanently as a basic record of the actions of the court.
<b>06-004 Reports (General Session)—</b> Duplicates of monthly reports to the county and the state of all revenue collected by the clerk, showing dates of quarter, from whom received or source of collection, costs, fees and mileage of witnesses, and fees, commissions and emoluments of the sheriff,	Retain 10 years after Clerk's tenure is broken, then destroy.	T.C.A. § 10-7-404(a). Keep for audit purposes.

<b>Retention Schedule for General Sessions Court Clerks</b>			
<b>Description of Record</b>	<b>Retention Period</b>	<b>Legal Rationale</b>	<b>Authority/Rationale</b>
his deputies, constables, game wardens, state highway patrolmen, and other officers for services to the court, the fines and forfeitures adjudged by the court, and all other funds coming into the hands of the clerk and judge.			
<b>06-005 Warrants</b> —Writs issued in both civil and criminal cases requiring an officer of the law to arrest the person named therein and bring him before the court to answer charges of some offense which he is alleged to have committed.	Retain 10 years after case settlement, then destroy.	Keep for 10 years to allow parties to research actions in sessions court.	
<b>06-006 Warrants and Orders, Miscellaneous</b> —These include all other warrants and orders not specifically listed in the General Sessions Court schedule.	Retain 10 years, then destroy.	Keep for 10 years to allow parties to research actions in sessions court.	
<b>OBSOLETE RECORDS</b>			
<b>06-007 Justice of the Peace Civil Dockets</b> —Dockets showing date of trial, case number, names of plaintiff and defendant, decision of the court, amount of judgment, and bill of costs. These records are now obsolete.	No longer generated but keep any existing records permanently.	Similar to execution docket (T.C.A. § 18-1-202(a)).	
<b>06-008 Justice of the Peace Criminal Dockets</b> —Dockets showing date of trial, case number, name of defendant, action of the court, name of returning officer, and list of witnesses claiming fees. These records are now obsolete.	No longer generated but keep any existing records permanently.	Similar to appearance docket (T.C.A. § 18-1-202(a)).	

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