

Supreme Court of Kentucky

2024-27

ORDER

In Re: Graves County Circuit and District Courts – Scanned copies of damaged files are to be considered official record and damaged files may be destroyed.

On December 10, 2021, extensive tornado damage occurred statewide, prompting the Governor of the Commonwealth of Kentucky to declare a State of Emergency and the President of the United States to declare a major disaster area for purposes of federal financial aid. The area in and around the city of Mayfield in Graves County, Kentucky, sustained significant damage, including extensive irreparable structural damage to the Graves County Courthouse, located at 100 East Broadway in Mayfield. The Graves County Circuit Court Clerk's office and storage room, which was located in the Graves County Courthouse, suffered extensive flood damage as a result of the aforementioned storms, damaging all of the court records in the custody of the Graves County Circuit Court Clerk.

Immediately after learning of the damage, the Administrative Office of the Courts (AOC) contracted for the removal of the court records from the destroyed building and for the professional drying and cleaning of the court records. The contractor has since returned the recovered court records to the custody of the AOC, and, with funding specifically earmarked by the Kentucky

General Assembly, the AOC had as many of the damaged court records electronically scanned as was feasible.

Accordingly, under Sections 110(5)(b) of the Kentucky Constitution and KRS 26A.200-220, and in consideration of the expenses associated with maintaining the recovered files and the conditions now existing in Graves County, Kentucky, it is HEREBY ORDERED as follows:

Section 1. Statement of Purpose

Due to the irreparable damage sustained by the Graves County Circuit Court Clerk's office and file storage room, the Graves County Circuit Court Clerk is authorized to approve the destruction of damaged court records under direction of the AOC and the Kentucky Court of Justice Records Officer.

Section 2. Statement of Authority

Under Sections 110(5)(b) of the Kentucky Constitution, and KRS 26a.200-.220, the Chief Justice and the Supreme Court has the authority to promulgate rules and issue orders regarding the records of the Kentucky Court of Justice.

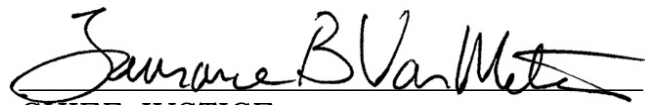
Section 3. Destruction of Files

The Graves County Circuit Court Clerk, by and through the Kentucky Court of Justice Records Officer, is authorized to approve the destruction of recovered court records, which have been electronically scanned under the direction of the AOC. Whenever such recovered court records are destroyed, the electronic image of the recovered court record shall constitute the official record for purposes of CR 79.05(1) and Supreme Court Administrative Order

2022-23.

The Graves County Circuit Court Clerk in consultation with the KCOJ Records Officer, may authorize any third-party vendor to perform destruction of court records, consistent with Supreme Court Administrative Order 2022-23, and may deviate from Supreme Court Administrative Order 2022-23 when deemed necessary and appropriate.

Entered this 16th day of August 2024.


CHIEF JUSTICE