

Supreme Court of Kentucky

2024-36

AMENDED 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.

This order hereby amends Supreme Court Order 2024-27, 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 Grave 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. These recovered court records are currently being stored at the Kentucky Department of Libraries and Archives (KDLA) in Frankfort, Kentucky due to space limitations at the temporary location of the Graves County Circuit Court Clerk's Office.

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 and to support the efficient use of the Kentucky Court of Justice's resources, the Supreme Court authorizes the Graves County Circuit Court Clerk to approve the destruction of damaged court records under the direction of the AOC and the Kentucky Court of Justice Records Officer and to use the electronic images of recovered court records as the official record as provided in this Order.

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 Paper 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, if those records would be eligible for destruction in the future in accordance with Supreme Court Administrative Order 2022-23.

Additionally, the Graves County Circuit Court Clerk in consultation with the KCOJ Records Officer, may authorize any third-party vendor to perform destruction of eligible 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.

Section 4. Electronic Images of Recovered Court Records

Whenever recovered court records are destroyed pursuant to Section 3 of this Order, the electronic image of the recovered court record shall constitute the official record for purposes of CR 79.05(1).

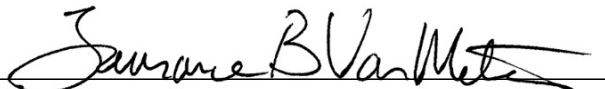
Whenever a recovered court record has been electronically scanned but not destroyed pursuant to Section 3 of this Order and is ineligible for destruction under Supreme Court Administrative Order 2022-23 or any subsequent amending order, the electronic image of the recovered court record shall constitute the official record for purposes of CR 79.05(1) in conjunction with the existing paper record, so long as there have been no new filings in the record since December 10, 2021.

Any electronic image of a recovered court record that is the official record pursuant to this Section shall be maintained by the Graves County Circuit Court Clerk in consultation with the KCOJ Records Officer until that record is

eligible for destruction in accordance with Supreme Court Administrative Order 2022-23 or any subsequent amending order, at which time the electronic image of the recovered court record shall be so destroyed.

Entered this 10th day of December 2024.

All sitting; all concur.


CHIEF JUSTICE