

District Court Clerk Duties Relating to the Mental Health and Sex Offender Commitment Act

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Clerk's Duties

Neb. Rev. Stat. 71-917

- Sign and issue all notices, appointments, warrants, subpoenas, or other process required to be issued and affix seal.
- File and preserve all papers connected with any proceedings of the mental health board and all related notices, reports, and other communications.
- Keep minutes of all proceedings of the board.
- Required notices, reports, and communications may be sent by mail unless otherwise provided in the Acts. The fact and date that the notices, reports, and communications have been sent and received shall be noted on the appropriate record.

Firearm Disability Removal

Neb. Rev. Stat. 71-904.1

A firearm related disability is that a person is not permitted to:

- (1) purchase, possess, ship, transport, or receive a firearm under state or federal law,
- (2) obtain a certificate to purchase, lease, rent, or receive transfer of a handgun under section 69-2404, or
- (3) obtain a permit to carry a concealed handgun under the Concealed Handgun Permit Act.

Neb. Rev. Stat. 71-963

- The subject of the firearm related disability can file a petition to request their firearm related disability be removed.
- The subject may request a hearing. If a hearing is requested a review hearing should be held before the mental health board.
- An order by the mental health board to remove the firearm related disability should be sent by the clerks to DHHS and NSP as soon practicable, but within 30 days of the date of the order.
- DHHS does not have a petition template, but does have an order template that was approved by the NSP and ATF.

Records Retention

- Schedule 8 contains the records retention schedule for the District Court Clerks. It can be found at: <http://www.sos.ne.gov/records-management/pdf/8%20-%20District%20Court%20WEBSITE%208-4-10.pdf>.
- 8-16 contains the retention schedule for Mental Health Board proceedings.
- 8-16-1 – The mental health case files which includes affidavits of mental illness, commission of physician, warrant of arrest, certificate of acceptance for treatment and warrant of admission can be disposed of after 20 years.

Records Retention

- 8-16-2 The mental health docket also known as mental hearing record which includes board minutes, name of individual committed, name of examining physician, attorney's name, name of the clerk of the court, witness' testimony, and testimony of state hospital
 - Original record – retain permanently or microfilm and destroy originals.
 - Prior to 1920 - records not microfilmed may be transferred to the State Archives.
 - Security microfilm – transfer to State Archives.
 - Microfilm work copy – retain permanently.
- 18-16-3 – Voluntary committal records which includes the notices of dismissal of voluntary patients dispose of two years after dismissal.