

## 218 – New Mexico Magistrate Courts File Plan

This file plan was developed to be a guide for New Mexico Magistrate Courts employees. This guidance document was created to ensure consistent records classification and to provide agencies with other relevant record information. The final disposition authority resides in the Functional Records Retention and Disposition Schedule (FRRDS), 1.21.2 NMAC.

This file plan only list records series of program's specific to the New Mexico Magistrate Courts. For records series of a general administrative nature, refer to the General Administrative Records File Plan. For records of a financial nature, refer to the General Financial Records File Plan. For records of a personnel or medical nature, refer to the General Personnel/Medical Records File Plan.

### **218-001 COURT AGENDA:**

**Division/unit:** General records

**Maintenance system:** Chronological by setting date

**Record series content:** Record by day of settings in the court. Record shows court date, judges, violation date, citation number, defendant name, docket number, etc.

**Classification:** 1.21.2.611 NMAC, Calendars

**File closure:** Scheduled court date

[New - 03/31/2021]

### **218-002 OATH OF OFFICE FILE:**

**Division/unit:** General records

**Maintenance system:** None

**Record series content:** Oaths of office administered by magistrate court judge to municipal judges, municipal officials, and school board members. Oaths show name of judge, name of clerk, court, date, oath and affirmation, signatures, seal, etc.

**Classification:** 1.21.2.453 NMAC, Oaths of Office

**File closure:** Date file created

[New - 03/31/2021]

### **218-003 JUROR DOCUMENT FILE:**

**Division/unit:** General records

**Maintenance system:** Chronological by date juror pool created

**Record series content:** Record concerning jury composition. File may contain court orders, statistical reports, juror summons, juror questioners, excusals, postponements, juror list, correspondence, etc.

**Classification:** 1.21.2.618 NMAC, Jury Management

**File closure:** Date file created

**Confidentiality:** Portions of this file may be confidential (e.g., juror address, juror telephone number, juror questionnaire).

[New - 03/31/2021]

### **218-004 MONTHLY TRANSACTION REPORT FILE:**

**Division/unit:** General records

**Maintenance system:** Chronological by fiscal year then by month

**Record series content:** Copy of monthly report prepared by the administrative office of the courts and sent to magistrate court for signature and verification. File also contains copies of those financial documents submitted to the AOC for creating the monthly transaction report. Those documents include Cash bond record; schedule of partial payments; outstanding check schedule, bank statements, etc.

**Classification:** 1.21.2.310 NMAC, Reports - Accounting

**File closure:** Close of fiscal year in which created  
[New - 03/31/2021]

**218-005 BOND FILES:**

**Division/unit:** General records

**Maintenance system:** Alphabetical by defendant name

**Record series content:** Record concerning the cash or surety posted to procure the release of a defendant and to ensure his or her future appearance in court, compelling him or her to remain in the jurisdiction of the court. File may contain appearance property bond and power of attorney, order setting conditions of release bail bond, agreement to comply with all conditions of release, etc.

**Classification:** 1.21.2.628 NMAC, Bonds

**File closure:** Date file created

[New - 03/31/2021]

**218-006 to 218-010**

**218-011 BOND BOOK:**

**Division/unit:** Financial

**Maintenance system:** Chronological by date posted

**Record series content:** Record of cash or surety to be posted for release of a defendant on bail. Record may show cashier, person posting cash or surety, cash or surety amount, defendant name, date posted, amount posted, check number, bond number, docket number, arrest number, fines, court costs, amount and date of bond returned, etc.

**Classification:** 1.21.2.309 NMAC, Ledgers

**File closure:** Close of fiscal year in which last bond contained is disposed

[New - 03/31/2021]

**218-012 to 218-020**

**218-021 CRIMINAL CASE FILE:**

**Division/unit:** Criminal matters

**Maintenance system:** Numerical by case number

**Record series content:** Record of criminal proceedings before the magistrate court. File may contain criminal complaint, arrest warrants, arraignment sheet, bonding documents, preliminary hearing papers, request for hearing, motions, disposition instruction sheet, citation, etc.

**Classification:** 1.21.2.613 NMAC, Case Files - Lower Courts (Criminal)

**File closure:** Date case dismissed, entry of judgment or final order, provided audit report has been released, and provided all conditions of judgment have been met

[New - 03/31/2021]

**218-022 CRIMINAL PROCEEDINGS RECORDING:**

**Division/unit:** Criminal matters

**Maintenance system:** Numerical by docket number (tapes may be maintained chronological by court date)

**Record series content:** Verbatim record of court proceedings (e.g., tapes, court reporter notes, transcripts, etc.)

**Classification:** 1.21.2.613 NMAC, Case Files - Lower Courts (Criminal)

**File closure:** Judgment date

[New - 03/31/2021]

**218-023 CRIMINAL EXHIBITS:**

**Division/unit:** Criminal matters

**Maintenance system:** Numerical by docket number

**Record series content:** Materials introduced as evidence in court case. Materials include documents (e.g., depositions, interrogatives, requests for admission, reports, etc.), personal possessions, weapons, etc.

**Classification:** 1.21.2.617 NMAC, Exhibits

**File closure:** Judgment date

**Confidentiality:** Individual exhibits may be confidential by protective court order.

[New - 03/31/2021]

## **218-024 to 218-030**

### **218-031 CIVIL CASE FILE:**

**Division/unit:** Civil matters

**Maintenance system:** Numerical by case number

**Record series content:** Record of civil proceedings before the magistrate court. File may contain complaint, request for hearing, answer, counter-claims, motions, pretrial orders, entry of appearance, settings, tape control sheets, orders, judgments, notice of appeal, remands, writs, garnishments, executions, satisfaction judgments, correspondence, etc.

**Classification:** 1.21.2.612 NMAC, Case Files - Lower Courts (Civil)

**File closure:** Date case dismissed or date of satisfaction of judgment

[New - 03/31/2021]

### **218-032 CIVIL PROCEEDINGS RECORDING:**

**Division/unit:** Civil matters

**Maintenance system:** Numerical by docket number (tapes may be maintained chronological by court date)

**Record series content:** Verbatim record of court proceedings (e.g., tapes, court reporter notes, transcripts, etc.)

**Classification:** 1.21.2.612 NMAC, Case Files - Lower Courts (Civil)

**File closure:** Judgment date

[New - 03/31/2021]

### **218-033 CIVIL EXHIBITS:**

**Division/unit:** Civil matters

**Maintenance system:** Numerical by docket number

**Record series content:** Materials introduced as evidence in court case. Materials include documents (e.g., depositions, interrogatives, requests for admission, reports, etc.), personal possessions, etc.

**Classification:** 1.21.2.617 NMAC, Exhibits

**File closure:** Judgment date

[New - 03/31/2021]

## **218-034 to 218-040**

### **218-041 CHILDREN'S DETENTION HEARING FILE:**

**Division/unit:** Children's detention matters

**Maintenance system:** Numerical by docket number

**Record series content:** Record of children's detention proceedings before the magistrate court. Record of detention matters initiated by juvenile parole officers involving: Assault, battery and escape from a juvenile detention facility; malicious mischief; violation of probation conditions; etc. File may contain complaints, petitions, orders, motions, notices, *entry of appearance*, social services reports, *subpoenas*,

settings, tape control sheets, judgments, *notice of appeal*, *order for record proper*, disposition on appeal, correspondence, etc.

**Classification:** 1.21.2.614 NMAC, Case Files - Juvenile

**File closure:** Date case dismissed, entry of judgment or final order

**Confidentiality:** Confidential per 32A-2-32, NMSA 1978. Traffic Code and Motor Vehicle Code violations are exempted from confidentiality requirements per 32-1-48C, NMSA 1978.

[New - 03/31/2021]

#### **218-042 CHILDREN'S DETENTION PROCEEDINGS RECORDING:**

**Division/unit:** Children's detention matters

**Maintenance system:** Numerical by docket number (tapes may be maintained chronological by court date)

**Record series content:** Verbatim record of court proceedings (e.g., tapes, court reporter notes, transcripts, etc.)

**Classification:** 1.21.2.614 NMAC, Case Files - Juvenile

**File closure:** Date case dismissed, entry of judgment or final order

**Confidentiality:** Confidential per 32A-2-32, NMSA 1978. Traffic code and motor vehicle code violations are exempted from confidentiality requirements per 32-1-48C, NMSA 1978.

[New - 03/31/2021]

#### **218-043 CHILDREN'S DETENTION HEARING EXHIBITS:**

**Division/unit:** Children's detention matters

**Maintenance system:** Numerical by docket number

**Record series content:** Materials introduced as evidence in court hearing. Materials include documents (e.g., depositions, interrogatives, requests for admission, reports, etc.), personal possessions, weapons, etc.

**Classification:** 1.21.2.617 NMAC, Exhibits

**File closure:** Date case dismissed, entry of judgment or final order

[New - 03/31/2021]