

Public Record Update

June 2017

Court News

Douglas County Nebraska Will no Longer Verify Charges or Dispositions on Court Cases

Here at BRB Publications we constantly verify the policies and procedures of government agencies regarding access to public records.

Recently we received a perplexing email communication from the office of the Clerk of the District Court in Douglas County Nebraska. According to Mr. Matthew Warta, Clerk of the District Court - Accounting:

"A significant change has occurred in our procedures regarding criminal cases. Due to changes in State Statues regarding what can and cannot be disseminated, the Clerk of the District Court will no longer provide record searches at any price, and cannot verify charges or dispositions on court cases. The public is still welcome to view the records on site or online and draw their own conclusions."

Mr. Warta went on to suggest that criminal searches can be done at the local level at the County Sheriff and the Omaha Police Department.

I responded by email to Mr. Warta that this is the first we have heard of a clerk not willing to verify questionable dispositions and asked him to please quote the specific statute or law change that mandates this new position. This was his reply:

"There isn't a specific statue prohibiting us from doing so, but the system provided to the courts in Nebraska does not provide the types of criminal background reports that the above mentioned entities have. Certain charges and dispositions cannot be disseminated if a certain amount of time has passed, others have to have certain documentation provided by a defendant to disseminate them.

When concerns were brought to the State Court Administrator about changes to the computer system to accommodate these changes, we were informed that no change was planned at this time, as in their view the court system is not designed for this purpose. A decision was made that since State Patrol, Omaha Police and the Sheriff have systems designed to filter out those items and we do not that they should be referred to them because of liability concerns.

An example of a recent change I have offhand is [Nebraska Revised Statute 29-3523](#)."

If you have any first hand experience on this matter at this court, I would love to hear from you. Mr Warta is apparently from the accounting section and it could very well be that the clerk staff will help the public. By the way, I did a quick review of the NE Statute and it seemingly deals with criminal records at

a criminal justice state repository, not necessarily public records at the court level.

The web page for Douglas County Clerk of Court is <https://clerk.dc4dc.com/>

[Mike Sankey](#)

Union County OH - New Online Access to Court Case Data

The Court of Common Pleas Court in Union County Ohio is switching to a public access system to view dockets and case images. The current online access to the Court of Common Pleas clerk's public records and index is at <https://www.co.union.oh.us/Public-Records-Search/> provides docket information going back to 01/1990 and case file images back to 01/2002.

Effective June 12, 2017, the Clerk's office is moving to a different online system. The new system will hold all the records currently in the current system since all records will be transferred. However, there are two conditions one needs to know:

- Any data on cases action from May 31st thru June 11 will not be displayed until June 12th.
- It will be at least until the end of June or longer before the document images will be available on the new system.

The Clerk's office will help with questions on cases filed or closed between May 31st and June 12.

Seven More WA Superior Courts Go Live on Odyssey

The Superior Courts in Cowlitz, Gray's Harbor, Klickitat, Mason, Pacific, Skamania, and Wahkiakum counties were recently added to the new public access online portal in Washington at <https://odysseyportal.courts.wa.gov/odyportal>.

The state is in transition regarding online access. Consider the following:

- For many years all Superior and District Courts have (and continue) to participate on the JIS-Link online system for public access.
- In 2015, the state Court Administration began implementation of a new case management software system purchased from Odyssey (Tyler Technologies).
- As part of Odyssey, a new online Public Access Portal was created - but only for Superior Court cases and not for District Court cases.
- As of June 1, 2017, there are 16 county Superior Courts now active on Odyssey's Public access Terminal. The District Courts in these counties remain on JIS-Link.
- The balance of the Superior Courts will migrate to Odyssey by the end of 2018. However, at this time King and Pierce counties are not planning to connect to the Record Access Portal of Odyssey.
- JIS-Link will continue to operate in all courts for the time being.
- There are also two lesser systems - DW Search Engine and ClerkePass with search capabilities.

For more information and to view a map of the participating Superior Courts on Odyssey, visit www.courts.wa.gov/subsite/sccms/docs/Odyssey_Portal_FAQ.pdf.

Los Angeles - Probate Filing

Effective June 5, 2017, the Los Angeles Superior Court will mandate electronic filing (efiling) of all documents filed in the Probate Division except for the following:

1. Peremptory challenges or challenges for cause of a judicial officer (CCP §170.6 or 170.1)
2. Original testamentary instruments (wills & codicils), letters, original trust documents, and bond or undertaking documents
3. Trial and hearing exhibits
4. Documents filed in civil cases that are related for handling in the probate division
5. Lodged documents

Motor Vehicle News

Oregon Increasing fee for Electronic Driving Records

Effective July 1, 2017, there will be a slight fee increase for obtaining an electronic driving record in Oregon. The current fee is \$9.55 and if there is a no record found the fee is slightly lower at \$9.05. The new fees will be \$10.00 for a driving record and \$9.50 for a no record found.

Oregon has a number of different types of driving records available manually for a much lower cost - for details see www.odot.state.or.us/forms/dmv/6691.pdf.

Details on Tennessee's Switch to New Online Access for Driver and Vehicle Records

The access for commercial online record services in Tennessee switched to a new online access system effective April 1, 2017. The processing of records is now under the Department of Finance & Administration and requesters must open an account at TN.gov.

New requesters must still be approved by the Department of Safety, complete a Network Registration Agreement, and be authorized per DPPA. The fee for a three-year driving record is \$7.50, an increase of \$.50. Subscribers may also verify driver license status (name, DOB, address and DL expire date) for \$1.25 per search, plus if approved, requesters may obtain vehicle title and registration records for \$2.00 per search.

The information about the new service is somewhat hard to find on the Tennessee web page, plus content regarding the former system is still showing live on web pages. For questions or more information on the new system, see <https://apps.tn.gov/paams/>, or call 888-890-8183, or email apps.support@tn.gov.

Recording Office News

Indiana Recording Fees Changing

Effective July 1, 2017, per passage of [Senate Bill 505](#) the recording fees performed by the local county recorders have been greatly simplified into a predictable fee structure. The new fees will essentially create a flat rate of \$55.00 per mortgage document and \$25.00 for deeds and all other instruments. Additional pages exceeding 8.5" x 14" will incur a \$5.00 fee page. The previous schedule was much more complicated and included a \$20.00 fee on any document exceeding 8.5 x 14. The cost to record a UCC will decrease by \$3.00.

Record copies, certification fees, and search fees essentially remain the same, but these fees have been known to be set by the local recorder. In general, the fee is \$1.00 for copies up to 11" x 17 and \$5.00 of larger than 11" x17." A record search fee is usually either \$5.00 or \$10.00 per name. The UCC search fee seems to also vary by county; some counties charge \$7.00 per name and others \$10.00 per name.

A copy of the new fee schedule as presented by Benton County is viewable [here](#).

We welcome your comments and observations about this newsletter. Please address your comments to Michael Sankey at mike@brbpublications.com or call 800-829-7475.

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