

AGENDA

ARIZONA JUDICIAL COUNCIL
Phoenix Marriott Mesa
200 N. Centennial Way
Mesa, AZ 85201

October 23, 2014

Room: Starlight

9:00 a.m. Welcome Chief Justice Scott Bales

Tab No.

- (1) Approval of Minutes Chief Justice Scott Bales
- (2) Approval of 2015 Meeting Chief Justice Scott Bales
Dates

Study / Update Session: (Possible Adoption/Action of Various Reports)

9:10 a.m. (3) Arizona Commission on Access to Justice ... Judge Lawrence Winthrop

Action Items:

9:25 a.m. (4) Judicial Branch Legislative Package.....Mr. Jerry Landau
..... Ms. Amy Love

- 10:05 a.m. (5) Arizona Code of Judicial Administration
- 3-402: Superior Court Records Retention and Disposition
(Amendment)..... Judge Pamela Gates
 - 4-302: [Limited Jurisdiction Court] Records Retention and
Disposition (Amendment)Ms. Melinda Hardman
 - 6-105.01: Powers and Duties of Officers Evidence-Based
Practices (Amendment).....Ms. Kathy Waters

10:50 a.m. Break

11:05 a.m. (6) "Our Courts Arizona" Update Vice Chief Justice John Pelander

11:15 a.m. (7) Arizona Case Processing Time Standards . Mr. Marcus Reinkensmeyer

- 11:30 a.m. Long Guns for Fugitive Apprehension Unit Ms. Beth Streeter
..... Mr. Brian Armbruster and Mr. Lance Nickell
- 11:50 a.m. Call to the Public/Adjourn

*Please call Lorraine Smith
Staff to the Arizona Judicial Council
with any questions concerning this Agenda
(602) 452-3301*

ARIZONA JUDICIAL COUNCIL

Request for Council Action

**Date Action
Requested:**

October 23, 2014

**Type of Action
Requested:**

Formal Action/Request

Information Only

Other

Subject:

Approval of Minutes

FROM:

Lorraine Smith, Staff to the Arizona Judicial Council

DISCUSSION:

The minutes from the June 23, 2014 meeting of the Arizona Judicial Council are attached for your review.

RECOMMENDED COUNCIL ACTION:

Approve the minutes as written.

ARIZONA JUDICIAL COUNCIL

JW Marriott Starr Pass Resort
3800 W. Starr Pass Blvd.
Tucson Room G-J
Tucson, AZ 85745

June 23, 2014

DRAFT Meeting Minutes

Council Members Present:

Chief Justice Rebecca White Berch
Jim Bruner
David Byers
Judge Peter Cahill
Judge Norman Davis
Victor Flores
Athia Hardt
Mike Hellon
Judge Joseph Howard
Yvonne R. Hunter, J.D.
Michael Jeanes
Jack Jewett
Judge Diane Johnsen

Emily Johnston
Gary Krcmarik
Judge David Mackey
William J. Mangold, M.D., J.D.
Judge John Nelson
Richard Platt
Janet K. Regner
Judge Antonio Riojas, Jr.
Judge Sally Simmons
Judge Roxanne Song Ong
George Weisz
Judge David Widmaier

Council Members Absent (excused):

Judge Rachel Torres Carrillo

Administrative Office of the Courts (AOC) Staff Present:

Mike Baumstark
Karl Heckart
Susan Hunt
Ann Hunter
Kevin Kluge
Jerry Landau
Amy Love
Alicia Moffatt

Marcus Reinkensmeyer
Jeff Schrade
Patrick Scott
Lorraine Smith
Kathy Waters
Mark Wilson
David Withey

Presenters and Guests Present:

Vice Chief Justice Scott Bales
Justice Robert Brutinel
Susan Edwards
Michael Flanagan
Kris Jacober

Justice John Pelander
John Phelps
Jodi Rogers
Tamera Shanker

Chief Justice Rebecca White Berch, Chair, called the meeting to order at 11:30 a.m. in Tucson Room G-J at the JW Marriott Starr Pass Resort, 3800 W. Starr Pass Blvd., Tucson, Arizona. The Chair welcomed those in attendance including new Council member Richard Platt, Arizona State Bar President replacing the outgoing President, Whitney Cunningham.

Approval of Minutes

The Chair called for any omissions or corrections to the minutes from the March 20, 2014, meeting of the Arizona Judicial Council. There were none.

MOTION: To approve the minutes from the March 20, 2014, meeting of the Arizona Judicial Council, as presented. The motion was seconded and passed. AJC 2014-14.

Department of Child Safety Update

Mr. Michael Flanagan, Director of the new Department of Child Safety, showed a PowerPoint presentation outlining the following information on the new system: operational improvements, intake process improvements, operational “tracks,” staff hiring, staff culture changes, training, risk and needs assessment tool, major provisions of legislation, inactive case backlog (13,024 total cases as of June 2, 2014), backlog history and process, impact to courts, and call to action

Director Flanagan noted it will take 12-18 months to deal with all the capacity issues, but the cultural changes could take up to 4-6 years to resolve.

Director Flanagan addressed the backlog of cases. He stated they have learned a lot of lessons, and most of the cases are in some stage of investigation. Director Flanagan reported they have obtained specific funding for overtime and stipends to work these cases, with the goal to be able to assess and identify the riskiest and neediest and respond to those cases sooner. He reported that each of the 13,024 cases will be reactivated by the end of December.

Director Flanagan added that the new agency will publish outcomes and a report card, will keep the public in the know, and will resolve the situation when they do something wrong.

Arizona Code of Judicial Administration (ACJA)

Mr. Jeff Schrade, Director of the Education Services Division for the AOC, presented ACJA § 1-302: Education and Training (amendment) for the Council’s consideration. He noted there were no controversies regarding the proposed amendment.

MOTION: To approve ACJA § 1-302: Education and Training (amendment), as presented. The motion was seconded and passed. AJC 2014-15.

Ms. Ann Hunter, Manager for the Certification and Licensing Division of the AOC, presented ACJA § 7-201: General Requirements (amendment) for the Council’s consideration. Ms. Hunter noted there were no controversies regarding the proposed amendment.

MOTION: To approve ACJA § 7-201: General Requirements (amendment), as presented. The motion was seconded and passed. AJC 2014-16.

Commission on Technology (COT) Update

Vice Chief Justice Scott Bales presented information on the project prioritization from the recent COT annual meeting for the items contained in the Judicial Collections Enhancement Fund (JCEF) budget request. Justice Bales reported the vendor (AMCAD) for the limited jurisdiction and rural superior court CMS revisions is withdrawing from the justice software solutions business effective today. He noted this may have some impact down the road.

Mr. Kevin Kluge, Chief Financial Officer for the AOC, provided information on funding details. He spoke on the fiscal condition of JCEF, legislative fund sweeps, expenditures, revenue projections, and on-going budgets.

Mr. Kluge noted that there are ongoing commitments to both the general jurisdiction and limited jurisdiction automation projects, and changes will need to be made and funds redirected. He stated that revenues do sustain our ongoing commitments

Chief Justice Berch clarified that the motion would approve the JCEF operating budget without taking into account the situation with AMCAD, which we would deal with in the coming year.

Judge Mackey noted the limited jurisdiction rollout is critical and asked about adding contingency funding. Mr. Kluge noted there are no extra funds available.

Mr. Mike Hellon noted that based upon new information, we should have authority to move money from one source to another, if needed. Chief Justice Berch stated the need to approve the COT recommendation as a framework, but allow some flexibility within it. She asked that this language be included as part of the motion. The motion maker agreed.

Mr. Kluge stated we will adjust spending based on revenues.

MOTION: To approve the JCEF operating budget, including spending on previously approved technology projects, as recommended by the Commission on Technology, as a framework, but allow some flexibility within it. The motion was seconded and passed. AJC 2014-17.

eFiling Update

Mr. Marcus Reinkensmeyer, Director of the Court Services Division of the AOC, briefed the Council members on the status of eFiling, eAccess, and eBench and highlighted planning for the upcoming year.

ACJA § 5-206: Fee Deferrals and Waivers (amendment)

Mr. Patrick Scott, Court Management Specialist for the Court Services Division of the AOC, presented an amendment to ACJA § 5-206: Fee Deferrals and Waivers to correct a drafting error and remove the reference to § 12-284.

MOTION: To approve ACJA § 5-206: Fee Deferrals and Waivers (amendment), as presented. The motion was seconded and passed. AJC 2014-18.

Arizona Case Processing Time Standards

Justice Robert Brutinel, Chair of the Arizona Case Processing Time Standards Steering Committee, presented the Committee's recommendation that the provisional case processing time standards for 6 out of the 19 case types be adopted as final. He presented on each of the following 6 case types: superior court civil, felony, DUI misdemeanor, juvenile delinquency and status offense, juvenile neglect and abuse (permanency hearing only), and juvenile termination of parental rights.

Discussion took place regarding the issue of data cleanup. Judge Mackey stated the JOLTS system is not a good indicator of the judge's compliance, and it could be problematic if someone asked to see the JOLTS reports. Concerns were also raised regarding business practices, data entry, and the need for something to protect judges on dependency standards. It was noted that data needs to be appropriately entered and cleaned up. Judge Mackey asked that language be included in the motion or at least understood that a lot of work needs to be done on the data portion of the dependency standards.

Judge Mackey suggested using the words "Judge A, B, C," rather than using the judge's name. He stated the information should not be public until it comes back to the Committee and the data is accurate. Judge Mackey expressed great concern with the accuracy of the data, but stated he does not disagree with the standards.

Chief Justice Berch clarified that we are not dealing with how and to whom they get reported, we are only recommending the 6 case types at this time to the Supreme Court, and the Supreme Court will have to adopt/approve them.

Judge Davis spoke on public records requests and having no control with what goes out to the public, i.e., if documents exist, then the public and media can request them once they are approved as standards. He suggested calling them target guidelines while we clean up the data, and once cleaned up, they will become standards. Mr. Byers stated they would not be considered public records if they are draft, which they are.

Judge Mackey asked that language be included in the motion that recognizes that we are not currently in a position to accurately measure compliance with the juvenile neglect and

abuse (permanency hearing only) and juvenile termination of parental rights case types. Chief Justice Berch noted that the quality of data input will be a consideration.

MOTION: To recommend that the 6 case processing time standards be approved for final adoption by the Arizona Supreme Court, as presented. The motion was seconded and passed (2 opposed). AJC 2014-19.

Arizona Friends of Foster Care Foundation

Ms. Tamera Shanker and Ms. Kris Jacober from the Arizona Friends of Foster Care Foundation, provided information on the Foundation and its work, i.e., why they are in existence and what they do.

Ms. Shanker noted that there are 6,000 kids currently in foster care in Arizona

Ms. Jacober stated the Foundation provides children in foster care with athletic, educational, and social opportunities that are not covered by the State. She noted they want to get the message out that they are here, and they can help.

Ms. Jacober and Ms. Shanker asked for Council members to spread the word on the Foundation by being an ambassador, keeping cards on benches in courthouses, and sharing about their services, to include tax credit information. They noted that additional funding can make a real difference in the life of a child in foster care. They stated that they would be happy to come and speak in each of the member's communities if invited.

Judicial Performance Review Commission (JPR)

Ms. Susan Edwards, member of the Judicial Performance Review Commission, presented a PowerPoint designed to acquaint citizens with merit selection, the JPR process, JPR's quality improvement element, and the importance of "finishing the ballot." i.e., voting on judges standing for retention.

Ms. Edwards asked the Council members for their assistance in referring names of contacts at clubs and organizations they are involved in to set up speaking engagements for these groups and spread the word regarding JPR.

Ms. Edwards noted the Commission plays a very important role, and they are starting to see a correlation between JPR votes and the ballot results. She stated this election year will be very telling.

Judicial Branch Legislative Update

Mr. Jerry Landau, AOC Director of Government Affairs, and Legislative Liaison Amy Love updated the Council members on news and notes, hot topics, review of AJC bills (all passed) and other bills of interest, vetoed bills, retirement update, and the Special Session on the Department of Child Safety.

Mr. Dave Byers provided a brief budget update. He noted that during this past legislative session, no money was swept and there were no big cuts. He stated we are at status quo, and we continue to be in recovery mode.

Maricopa County Search Warrant Pilot Program

Judge Norman Davis provided an update on the Maricopa County search warrant pilot program to include: timeline on eSearch Warrant; affidavit/search warrant development process; timeline on eReturn, which was made possible from Governor's Office of Highway Safety grant; eReturn development process; participating law enforcement agencies; and the technology behind the program. He shared that the program is portable and web-based and can be used by anyone in the state, and he is happy to share it with everyone.

Judge Davis noted the program has resulted in a tremendous reduction in travel time and has sped up Maricopa County's processes. He stated the project is limited to DUI warrants at this time, but additional enhancements and other warrants are in the works. Judge Davis stated the project is no longer a pilot and will be made permanent at the end of May.

New Strategic Agenda Unveiling

Vice Chief Justice Scott Bales thanked all the staff and individuals who assisted in the creation of the new strategic agenda.

He walked the Council members through each of the 5 goals below and presented information on sub goals, strategies, and initiatives currently in the works.

- Goal 1: Promoting Access to Justice
- Goal 2: Protecting Children, Families, and Communities
- Goal 3: Improving Processes to Better Serve the Public
- Goal 4: Enhancing Professionalism within Arizona's Courts
- Goal 5: Improving Communications and Community Participation

Call to the public

The Chair made a call to the public; there was none.

The Chair noted that the terms for Council members Emily Johnston and Chief Judge Joseph Howard have ended. She thanked them for their service and presented a certificate of appreciation to each of them.

Justice Bales presented a certificate of appreciation to Chief Justice Berch for her service as Chair of the Council for the past 5 years.

The Chair announced the next meeting is scheduled for Thursday, October 23 at the Marriott in Mesa, Arizona.

Meeting adjourned at 4:55 p.m.

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
October 23, 2014	<input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Approval of Arizona Judicial Council Meeting Dates for the Year 2015

FROM:

Lorraine Smith, Staff

DISCUSSION:

The following are proposed meeting dates for the Arizona Judicial Council in 2015. The Council will be asked to approve the meeting schedule for the months of March, June, October, and December, as follows:

- Thursday, March 26, 2015 State Courts Building, Phoenix, Ste. 119
- Monday, June 15, 2015 Camelback Inn – in conjunction with the
Judicial Conference in Phoenix
- Thursday, October 22, 2015 Phoenix – location to be determined
- Thursday, December 10, 2015 State Courts Building, Phoenix, Ste. 119

RECOMMENDED COUNCIL ACTION:

Approve the proposed Arizona Judicial Council meeting dates for the year 2015.

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
October 23, 2014	<input type="checkbox"/> Formal Action/Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	Update on the First Arizona Commission on Access to Justice Meeting and Related Events

FROM:

The Honorable Lawrence Winthrop, Chair, Arizona Commission on Access to Justice

DISCUSSION:

Judge Winthrop will update the Council members on the Commission and related events and answer any questions they may have.

RECOMMENDED COUNCIL ACTION:

Information only

IT IS ORDERED establishing the Arizona Commission on Access to Justice (Commission), as follows:

1. **Purpose.** The Commission shall study and make recommendations on innovative ways of promoting access to justice for individuals who cannot afford legal counsel or who choose to represent themselves in civil cases. The Commission shall evaluate best practices within Arizona and in other states, identify possible changes in court rules or practices to reduce barriers to access, identify and encourage the adoption of best practices among legal service providers, and consider potential long-term funding options.

The Commission's work and priorities will be set by the Chief Justice in consultation with the Chair of the Commission.

The initial work of the Commission shall be to examine and make recommendations on the following:

- a) Assisting self-represented litigants and revising court rules and practices to facilitate access and the efficient processing of family court and eviction cases
- b) Encouraging lawyers and law firms to provide pro bono services or financial support for civil legal aid for those who cannot afford counsel.
- c) Developing an information campaign to inform lawyers and other citizens about the state tax credit for contributions to agencies that serve the working poor, including legal services agencies in Arizona.

2. **Membership and Terms.** The Commission will consist of standing and ad hoc members. Standing members will serve an initial staggered term of one to three years, and may be eligible for re-appointment. Ad hoc members shall be appointed for terms of sufficient length to accomplish the task assigned. The Chief Justice may appoint additional members as necessary.

- a) **Standing members.**
 - 1) One appellate court judge, who will also serve as Chair and may designate another member to serve as Vice-Chair;
 - 2) One clerk of the superior court;
 - 3) One court administrator from the superior court;
 - 4) Two superior court judges;
 - 5) Two limited jurisdiction court judges;
 - 6) Two Arizona lawyers in active law practice;
 - 7) One Arizona Judicial Council member;
 - 8) The Administrative Director of the Courts or designee;
 - 9) The Executive Director of the Arizona Foundation for Legal Services & Education, or designee;

- 10) The Executive Director of the State Bar of Arizona, or designee;
- 11) Two legal services representatives; and
- 12) Two public members.

b) **Ad hoc members.** In addition to the standing members of the Commission, the Chief Justice may appoint ad hoc members whose particular business, legal, judicial, or community experience is needed to undertake the work of the Commission.

c) **Work Groups.** The Commission Chair may establish or dissolve Work Groups which may be, but are not required to be, partially comprised of persons not members of the Commission.

3. **Meetings.** Commission meetings shall be scheduled at the discretion of the Chair. Pursuant to ACJA § 1-202, all meetings shall comply with the public meeting policy of the Arizona Judicial Branch.

4. **Staffing.** The Administrative Office of the Courts shall staff the Commission.

5. **Commission Reports.** The Commission shall submit its reports and recommendations, no less than annually, to the Arizona Judicial Council (AJC). The first report shall be submitted to the AJC for its March 2015 meeting.

IT IS FURTHER ORDERED that the individuals listed in Appendix A are appointed as members of the Access to Justice Commission for terms beginning upon signature of this order and ending on the dates shown by their respective names.

Dated this 20th day of August, 2014.

SCOTT BALES
Chief Justice

Attachment: Appendix A

Appendix A
ARIZONA COMMISSION ON ACCESS TO JUSTICE

Chair

Hon. Lawrence F. Winthrop
Arizona Court of Appeals, Division One
Term Expires: December 31, 2017

Members

Hon. Michael Jeanes
Superior Court Clerk
Term Expires: December 31, 2017

Mike Baumstark
Administrative Director of the Courts
or designee
Term Expires: December 31, 2017

Kip Anderson
Court Administrator
Term Expires: December 31, 2017

Kevin Ruegg
Executive Director, Arizona Foundation for
Legal Services & Education
Term Expires: December 31, 2017

Hon. Maria Elena Cruz
Superior Court Judge
Term Expires: December 31, 2016

John Phelps
Executive Director, State Bar of Arizona or
designee
Term Expires: December 31, 2017

Hon. Janet Barton
Superior Court Judge
Term Expires: December 31, 2015

Ellen Katz
Legal Aid Services, Maricopa
Term Expires: December 31, 2015

Hon. James Marner
Superior Court Judge
Term Expires: December 31, 2015

Anthony Young
Legal Aid Services, Southern Arizona
Term Expires: December 31, 2015

Hon. Thomas Berning
Limited Jurisdiction Court Judge
Term Expires: December 31, 2016

Steve Seleznow
Public Member
Term Expires: December 31, 2016

Hon. Rachel Torres Carrillo
Limited Jurisdiction Court Judge
Term Expires: December 31, 2016

Lisa Urias
Public Member
Term Expires: December 31, 2016

Barb Dawson

Attorney

Term Expires: December 31, 2015

Millie Cisneros

Attorney

Term Expires: December 31, 2016

Janet Regner

Arizona Judicial Council Liaison

Term Expires: December 31, 2015

Arizona Commission on Access to Justice

ACAJ

Chair

Honorable Lawrence F. Winthrop
Arizona Court of Appeals - Division I

Members

Mr. Kip Anderson
Superior Court in Mohave County

Honorable Janet Barton
Superior Court in Maricopa County

Mr. Mike Baumstark
Administrative Office of the Courts

Honorable Thomas Berning
Tucson City Court

Ms. Millie Cisneros, Esq.
Federal Public Defender's Office

Honorable Maria Elena Cruz
Superior Court in Yuma County

Ms. Barb Dawson, Esq.
Snell & Wilmer, LLP

Mr. Michael K. Jeanes
Superior Court in Maricopa County

Ms. Ellen Katz, Esq.
William E. Morris Institute for Justice

Honorable James Marner
Superior Court in Pima County

Mr. John Phelps, Esq.
State Bar of Arizona

Ms. Janet Regner
Coconino County Community Services

Ms. Kevin Ruegg, Ph.D.
Arizona Foundation for Legal Services & Education

Mr. Steve Seleznow
Arizona Community Foundation

Honorable Rachel Torres Carrillo
Maricopa County Justice Courts

Ms. Lisa Urias
Urias Communications

Mr. Anthony Young, Esq.
Southern Arizona Legal Aid

Staff

Ms. Theresa Barrett
AOC - Court Programs Unit

Ms. Julie Graber
AOC - Court Programs Unit

Mr. Nick Olm
AOC - Court Programs Unit

Ms. Kathy Sekardi
AOC - Court Programs Unit



THE ARIZONA SUPREME COURT
COMMISSION ON ACCESS TO JUSTICE



**Take Advantage of the Tax Credit for the Working Poor
and Help Legal Aid at the Same Time
October 9, 2014**

Agenda

- 8:00 a.m. Breakfast social with Chief Justice Bales and Court of Appeals Judge Winthrop
- 8:30 a.m. Welcome remarks and introductions
- 8:40 a.m. Access to Justice Commission and potential initiatives
- 8:50 a.m. Arizona State Income Tax Credit for the Working Poor; potential impact for legal service providers and Arizona residents
- 9:00 a.m. Timetable and how you can help

2013 Credit for Contributions To Qualifying Charitable Organizations

Arizona Form
321

Name Change - AZ Form 321

Arizona now allows you to also claim a credit for cash contributions made to qualifying foster care charitable organizations. As a result, the name of this credit form was changed from *Credit for Contributions to Charities That Provide Assistance to the Working Poor* to *Credit for Contributions to Qualifying Charitable Organizations*.

Phone Numbers

For information or help, call one of the numbers listed:

Phoenix (602) 255-3381
From area codes 520 and 928, toll-free (800) 352-4090

Tax forms, instructions, and other tax information

If you need tax forms, instructions, and other tax information, go to the department's Internet home page at www.azdor.gov.

Income Tax Procedures and Rulings

These instructions may refer to the department's income tax procedures and rulings for more information. To view or print these, go to our home page and click on *Legal Research* then click on *Procedures* or *Rulings* and select a tax type from the drop down menu.

Publications and Brochures

To view or print the department's publications and brochures, go to our home page and click on *Publications*.

General Instructions

NOTE: Beginning in 2013, you are no longer required to claim itemized deductions on your Arizona return filed for the year in which you claim a credit for contributions made to qualifying charitable organizations.

Arizona law provides a credit for cash contributions made to certain charities that provide help to the working poor. The maximum amount of credit for these donations is \$200 for single taxpayers or heads of household. For married taxpayers, the maximum credit is \$400.

Beginning in 2013, the maximum credit has been increased for cash contributions made to a qualified foster care charitable organization that is also a qualified charitable organization. If you made a contribution to a qualified foster care charitable organization, you can increase the maximum credit amount allowed from \$200 to \$400 (\$400 to \$800 for married filing joint).

If you made cash contributions to **both** types of charities during the taxable year, the **total maximum** credit allowed for the taxable year is \$400 for single taxpayers or heads of household. For married taxpayers, the **total maximum** credit allowed for the taxable year is \$800.

In most cases, for married taxpayers who file separate returns, each spouse may claim only one-half (1/2) of the total credit that would have been allowed on a joint return. If you are married filing a separate return, but you could have filed a joint return, you may take only 1/2 of the total credit that you and your spouse would have been allowed to take on a joint return.

If the allowable tax credit is more than your tax or if you have no tax, you may carry the unused credit forward for up to the next 5 consecutive taxable years' income tax liability.

This credit is available only to individuals. Corporations may not claim this credit. A partnership may not pass the credit through to its partners. An S corporation may not pass the credit through to its shareholders.

You may qualify for this credit if you make cash contributions to a qualified charity through an umbrella type of charitable organization. In this case, you must designate your donation to a member charitable organization or member group fund that would qualify on a stand-alone basis.

NOTE: You may be able to make contributions to these charities through your payroll withholding. Contact your employer and ask if they can withhold contributions for this credit from your pay.

For more information about this credit, see the department's brochure, Pub 710, *Credit for Contributions to Qualifying Charitable Organizations*.

What is a Qualifying Charitable Organization?

A qualifying charitable organization (charity) is a charity that is exempt from federal income tax under Internal Revenue Code (IRC) § 501(c)(3). A qualifying charity is also a charity that is a designated community action agency that receives Community Services Block Grant Program money under the United States Code, Title 42, Section 9901. The charity must spend at least 50% of its budget on services to Arizona residents who receive Temporary Assistance for Needy Families benefits, who are low income Arizona residents, or who are chronically ill or physically disabled children.

For the purpose of this credit, qualifying services are services that meet the recipient's immediate basic needs. The services must be provided and used in Arizona. Services that meet these needs include cash assistance, medical care, childcare, food, clothing, shelter, job training, and job placement services.

A qualifying charitable organization also includes charities that are *qualifying foster care charitable organizations*. A qualifying foster care charitable organization is a qualifying charitable organization that each operating year provides services to at least two hundred foster children in Arizona. The charity must spend at least 50% of its budget on services to foster children in this state.

"Foster child" means a child placed in a foster home or child welfare agency. "Foster home" means a home maintained by any individual or individuals having the care or control of minor children, other than those related to each other by blood or marriage, or related to such individuals, or who are legal wards of such individuals.

How Can I Tell if a Charity Qualifies?

In order to qualify, a charity must provide the Department with written certification that it meets the criteria necessary to be considered a qualifying charity. To see if a particular charity qualifies, you should visit the Department's website and click on *Tax Credits* to see a list of the qualifying charities.

Line-by-Line Instructions

Part I - Current Year's Credit

Section A - Contributions to Qualifying Charitable Organizations

Complete Section A to claim a credit for cash contributions made to a qualified charitable organization *other* than a qualified foster care charitable organization.

If you made cash contributions to more than 3 qualifying charities, complete an additional schedule. The schedule should show the same information required for each of the additional charities to which you made contributions.

Note: Do not include donations to qualified foster care charitable organizations in Section A. List those cash contributions in Section B.

Lines 1a, 1b, and 1c -

Enter the name(s) and location of each qualifying charity to which you made cash contributions. Enter the amount donated to each charity in column (c).

If you donated to more than 3 qualifying charities, complete an additional schedule. The schedule should show the same information required for each of the additional charities to which you made contributions.

Line 1d -

Add the amount of cash contributions made to all qualifying charities listed in column (c) on lines 1a, 1b, 1c, and any additional schedule. Enter the total on line 1d.

Line 2 -

- Single taxpayers or heads of household, enter \$200.
- Married taxpayers, enter \$400.

Line 3 - Current Year's Credit

Enter the smaller of line 1d or line 2.

If you did not make any cash contributions to a qualified foster care charitable organization, and your filing status is:

- Single, head of household, or married filing joint
 - Enter the **total** amount from line 3 on line 15 in Part III.
 - Skip Section B and go to Part II.

- Married filing separate

- If you are married filing a separate return, but you could have filed a joint return, you may take only 1/2 of the total credit that you and your spouse would have been allowed to take on a joint return, up to a maximum of \$200 each. In this case, enter **one-half** (1/2) of the amount from line 3 on line 15 in Part III.
- Skip Section B and go to Part II.

If you made any cash contributions to a qualified foster care charitable organization, do the following:

- Enter the **total** amount from line 3 on line 5 in Section B.
- Complete Section B.

Section B - Contributions to Qualifying Foster Care Charitable Organizations

Complete Section B to claim a credit for cash contributions made to a qualified foster care charitable organization.

Lines 4a, 4b, and 4c -

Enter the name(s) and location of each qualifying foster care charity to which you made cash contributions. Enter the amount donated to each charity in column (c).

If you donated to more than 3 qualifying charities, complete an additional schedule. The schedule should show the same information required for each of the additional charities to which you made contributions.

Line 4d -

Add the amount of cash contributions made to all qualifying foster care charities listed in column (c) on lines 4a, 4b, 4c, and any additional schedule. Enter the total on line 4d.

Line 5 -

Enter the amount from Section A, line 3.

Line 6 -

Add line 4d and line 5; and enter the total.

Line 7 -

- Single taxpayers or heads of household, enter \$400.
- Married taxpayers, enter \$800.

Line 8 -

Enter the smaller of line 6 or line 7.

If you are married filing a separate return, but you could have filed a joint return, you may take only one-half of the total credit that you and your spouse would have been allowed to take on a joint return, up to a maximum of \$400 each.

In this case, enter one-half of the smaller of line 6 or 7.

Part II - Available Credit Carryover

Lines 9 through 14 -

Use lines 9 through 14 to figure your total available credit carryover from taxable years 2008 through 2012.

Complete lines 9 through 14 if you claimed this credit on a return for one of these years and the credit was more than your tax.

***NOTE:** You may carry over only that portion of the credit that you do not apply to tax. You cannot carry over any amount that you gave that was more than the maximum amount allowed as a credit.*

For example: During 2013, Mary, a single person, gave \$300 to a qualified charity that provides services to the working poor. Mary also gave \$200 to a qualified foster care charity. For 2013, Mary is allowed a maximum credit of \$400. Mary's 2013 tax is \$125. Mary can apply \$125 of the credit to her 2013 tax liability and may carryover \$275 of the unused \$400 credit to 2014.

Mary cannot claim any credit for the \$100 gift that was more than the allowable credit (\$300 minus allowable credit of \$200 for cash contributions made to the working poor).

- In column (b), enter the credit originally computed for that taxable year listed in column (a).
- In column (c), enter the amount of the credit from that taxable year which you have already used.
- Subtract the amount in column (c) from column (b) and enter the difference in column (d).
- Add the amounts entered on lines 9 through 13 in column (d).

Enter the total on line 14, column (d).

Part III - Total Available Credit

Lines 15 through 17-

Use lines 15 through 17 to figure your total available credit for the taxable year.

Line 15

- If you are **not** claiming a credit for donations made to qualified foster care charities, enter the amount from Part I, Section A, line 3.
- If you are claiming a credit for donations made to qualified foster care charities, enter the amount from Section B, line 8.

Line 16

Enter the amount of available carryover from Part II, line 14, column (d).

Line 17

Add line 15 and line 16. Enter the total on line 17. This is your total available credit.

If this is the only credit that you are claiming, and the credit shown on line 17 is equal to or less than your Arizona tax, enter the amount from Part III, line 17 on Form 140, page 1, line 25; or Form 140NR, page 1, line 27; or Form 140PY, page 1, line 28.

If you are claiming the family income tax credit or other credits from only Forms 310, 322, and/or 323, complete the following worksheet, **or** one of the credit worksheets in the Form 310, 322, or 323 instructions.

Credit Worksheet	
1. Enter your Arizona tax less the family income tax credit, if applicable.	.00
2. Enter the credit from Form 310, Part III, line 18.	.00
3. Enter the credit from Form 321, Part III, line 17.	.00
4. Enter the credit from Form 322, Part III, line 15.	.00
5. Enter the credit from Form 323, Part III, line 14.	.00
6. Add the amounts on lines 2, 3, 4, and 5. Enter the total.	.00
Compare the amount on line 6 to the amount on line 1. If the amount on line 6 is equal to or less than the amount on line 1, do one of the following:	
<ul style="list-style-type: none"> • If filing Form 140, enter the amount from line 6 on Form 140, page 1, line 25. • If filing Form 140NR, enter the amount from line 6 on Form 140NR, page 1, line 27. • If filing Form 140PY, enter the amount from line 6 on Form 140PY, page 1, line 28. 	
If the amount on line 6 is more than the amount on line 1, you must complete Form 301.	

If you are claiming nonrefundable credits from forms other than Form 310, 321, 322, and /or 323, you must complete Form 301.

If you have to complete AZ Form 301, enter the amount from Form 321, Part III, line 17 on Form 301, Part I, line 12.

**Credit for Contributions
to Qualifying Charitable Organizations**

For the calendar year 2013 or fiscal year beginning MM,DD,YYYY and ending MM,DD,YYYY.

Attach to your return.

Your Name as shown on Form 140, 140NR, 140PY or 140X	Your Social Security Number
Spouse's Name as shown on Form 140, 140NR, 140PY or 140X (if joint return)	Spouse's Social Security Number

Part I: Current Year's Credit

SECTION A – Contributions to Qualifying Charitable Organizations

Complete **Section A** if you made cash contributions to a qualifying charitable organization other than a qualifying foster care charitable organization. Do not include donations to a qualifying foster care charitable organization in Section A.

NOTE: If you made cash contributions to more than three qualifying charities, attach a separate schedule.

	(a) Name of Qualifying Charity to which you made cash contributions	(b) Location of Qualifying Charity (City, State)	(c) Cash Amount
1a			00
1b			00
1c			00
1d	Total Cash Contributions: Add the amounts in column (c) of lines 1a, 1b, and 1c. Also, add any amount included on a separate schedule		00
2	Single Taxpayers or heads of household, enter \$200. Married taxpayers, enter \$400		00
3	Enter the smaller of line 1d or line 2		00

- **If you did not make any cash contributions to a qualifying foster care organization, and your filing status is:**
 - Single, head of household, or married filing joint, do the following:
 - Enter the total amount from line 3 on line 15 in Part III.
 - Skip Section B, and go to Part II.
 - Married filing separate (see instructions)
 - In most cases, enter one-half (1/2) of the amount from line 3 on line 15 in Part III.
 - Skip Section B, and go to Part II
- **If you made any cash contributions to a qualifying foster care charitable organization, do the following:**
 - Enter amount from line 3 on line 5 in Section B.
 - Complete Section B.

SECTION B – Contributions to Qualifying Foster Care Charitable Organizations

Complete **Section B** to claim a credit for cash contributions made to a qualifying foster care charitable organization that provides foster care services to foster children in Arizona.

NOTE: If you made cash contributions to more than three qualifying foster care charities, attach a separate schedule.

	(a) Name of Qualifying Foster Care Charity to which you made cash contributions	(b) Location of Qualifying Charity (City, State)	(c) Cash Amount
4a			00
4b			00
4c			00
4d	Total Cash Contributions: Add the amounts in column (c) of lines 4a, 4b, and 4c. Also, add any amount included on a separate schedule		00
5	Enter the amount from Section A, line 3		00
6	Add line 4d and line 5, enter the total		00
7	Single Taxpayers or heads of household, enter \$400. Married taxpayers, enter \$800		00
8	Enter the smaller of line 6 or line 7. In most cases, if you are married filing a separate return, enter one-half (1/2) of the smaller of line 6 or line 7. See instructions		00

Your Name (as shown on page 1)	Your Social Security or Employer Identification Number
--------------------------------	--

Part II: Available Credit Carryover

	(a) Taxable Year from which you are carrying the credit	(b) Original Credit Amount	(c) Amount Previously Used	(d) Available Carryover: Subtract column (c) from column (b).
9	2008	.00	.00	.00
10	2009	.00	.00	.00
11	2010	.00	.00	.00
12	2011	.00	.00	.00
13	2012	.00	.00	.00
14	TOTAL AVAILABLE CARRYOVER00

Part III: Total Available Credit

15 Current year's credit: Enter the amount from Part I, Section A, line 3 or Section B, line 8.....	15		00
16 Enter the amount of available carryover from Part II, line 14, column (d).....	16		00
17 Total Available Credit: Add line 15 and line 16. Enter the total here and see the instructions.....	17		00

Print Form

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:

October 23, 2014

Type of Action Requested:

Formal Action/Request
 Information Only
 Other

Subject:

Legislative Proposals

FROM:

Jerry Landau and Amy Love

DISCUSSION:

Legislative Proposals – Cause/Effect and Implementations

RECOMMENDED COUNCIL ACTION:

Council may vote to include or not include in the Legislature a Judicial Branch proposal or to support, oppose or take no action on proposals from other entities presented to the Council.

Arizona Judicial Council

2015 Legislative Proposals

2015-01, 2015-10

Courts; transaction of business (Elizabeth Evans, AOC and Judge Jim Hazel, Apache Junction Municipal Court)

Permits a Justice of the Peace Court to transact business on the second Monday of October if approved by the Presiding Judge of the County and the County Board of Supervisors designates the Friday after the fourth Thursday in November as a legal holiday in place of the second Monday of October.

Permits a municipal court to transact business on the second Monday of October upon approval of the Presiding Judge if the City or Town Council designates the Friday after the fourth Thursday in November as a legal holiday in place of the second Monday of October.

Title 22

2014-2, 2014-3

Court ordered treatment; veterans (Gregg Maxon AOC)

Adds screening and treatment for alcohol, drugs, and domestic violence through a facility approved by the Department of Veterans Affairs to the list of programs the court may order in a DUI or domestic violence case. Currently the court may only order DUI and DV defendants into programs approved by DHS or probation.

Title 13 and 28

2015-04, 2015-09

Aggravated assault, judicial officers (Judge Gerald Williams, North Valley Justice of the Peace Court, Judge Norman Davis, Maricopa County Superior Court)

Classifies an assault on a judicial officer as an Aggravated Assault. Defies a judicial officer as an appointed or elected full tie judge, commissioner, justice of the peace, magistrate or hearing officer of a state, county or municipal court.

Title 13

2015-05

Justice of the Peace; residency (Judge Gerald Williams, North Valley Justice of the Peace Court)

Requires a candidate for the elected position of Justice of the Peace to be a resident of the precinct in which the candidate is seeking election for at least one year before the election.

Title 22

2015-06

Community restitution (Judge Gerald Williams, North Valley Justice of the Peace Court)

Deferred until December AJC meeting

2015-08

Juvenile court; hearings (Colleen McNally, Lori Ash Maricopa Superior Court)

Authorizes the juvenile court to schedule preliminary protective hearings up to five days later than the current timeframes outlined in statute. Requires the Department of Child Safety to provide notice of all periodic review hearings to any foster parent with whom a child resided with in the last six months, excluding receiving homes.

Title 8

**ARIZONA JUDICIAL COUNCIL
Legislative Request for Proposal
2015 Legislative Session**

- *Submit electronically to Brandi Ensign at bensign@courts.az.gov*
- *For questions contact Jerry Landau or Amy Love: 602-452-3361*

SUBJECT MATTER OF PROPOSAL:

DATE: June 12, 2014

The attached proposed legislation includes new language permitting justice and city courts to exchange the Columbus Day holiday for the day after Thanksgiving (22-126; 22-409).

PROPOSAL REQUESTED BY:

Name: Elizabeth Evans, Marcus Reikensmeyer

Title: Manager, Court Operations Unit, Administrative Offices of the Court

Address: 1501 West Washington, Suite 410, Phoenix, AZ 85007

Telephone: 602-452-3183

E-mail: eevans@courts.az.gov

SECTION I: PROPOSAL

A. Please summarize the proposal.

The attached new legislation adds sections to title 22, permitting justice of the peace court and municipal courts to remain open on Columbus Day if they are closed the day after Thanksgiving. The exchange is permitted if the County Board of Supervisors and the City have designated the day after Thanksgiving as a legal holiday in place of Columbus Day.

B. Why this proposal is being requested? Provide supporting information, e.g., benefit to court operations, budget, statistics on increased caseloads, reports, etc.

The justice of the peace courts and city courts wish to conform to the county and city holiday schedule to improve efficiency and customer service. The public defender, county attorney and other county and city agencies are closed the day after thanksgiving, limited the court's ability to hear and resolve cases. Synchronizing the holidays will permit the courts to conduct the full range of proceedings on days the courts are open for business.

- C. **Provide the contact information of any individuals with relevant expert knowledge on this subject.**
 Hon. James Hazel, Presiding Judge, Apache Junction Municipal Court, 480-982-8250
 Mr. Jerry Landau, Government Affairs Director, Arizona Supreme Court, 602-452-3361
- D. **Attach the recommended language of the legislation to this form. Please include the entire section of law, use UPPER CASE to designate new language and ~~striketrough~~ to designate stricken language. (The Government Affairs group will assist in final drafting as the proposal moves forward).**
 The proposed legislation is attached.
- E. **Can the requested change be achieved by another method? How?**
 No Court Rule Administrative Code
- F. **If adopted by the Arizona Legislature, would the regular effective date (90 days after adjournment of the legislative session) be acceptable, or is there a reason for an emergency effective date (effective immediately upon signature of the Governor) or a delayed effective date? If a delayed effective date is requested, what date is recommended?**
 The regular effective date of 90 days after adjournment is recommended.

SECTION II: IMPACTS

- A. **Check ALL courts that could be affected.**
 Supreme Appellate Superior Limited Jurisdiction
- B. **List the Arizona Revised Statute(s), Court Rule(s) or Administrative Code(s) affected by the proposed legislation.**
 Title 22 (new sections 126 and 409)
- C. **Describe anticipated impacts of proposed legislation on the administration of the courts, such as adoption or revision of court rule or code, shift of cases from one court level to another, added or revised reporting requirements, collection of statistics, automation requirements, etc.**
 The proposed legislation formalizes practices that are in place in many justice and city courts. The holiday exchange would not affect court rules or the administrative code. Automation, such as case management programs and statistic collection will need to be adjusted to reflect the holiday exchange.
- D. **Describe any anticipated fiscal impact of this legislation.**
 There is no anticipated fiscal impact.

E. Will this legislation impact other governmental agencies? How?

This legislation will result in the courts following the same schedule as their partner local agencies such as the public defender, city prosecutor, county attorney, and law enforcement.

F. Describe the consequences if the proposed legislation is not pursued or passed this year.

Without the proposed legislation, courts who remain open on Thanksgiving are limited in their ability to dispose of cases, creating inefficiency and increasing cost. The proposed legislation provides proper authority to courts who are currently exchanging the holidays.

SECTION III: SUPPORT OR OPPOSITION

A. Identify any agencies, groups, or legislators, etc. who may support or have expressed an interest in the proposed legislation and the reasons for the support or interest.

The League of Cities has expressed an interest in the proposed legislation.

B. Identify any agencies, groups, or legislators, etc. who may oppose the proposed legislation and the reasons for the opposition.

No opposition is anticipated.

5/29/14

**ARIZONA JUDICIAL COUNCIL
Legislative Request for Proposal
2015 Legislative Session**

- *Submit electronically to Brandi Ensign at bensign@courts.az.gov*
- *For questions contact Jerry Landau or Amy Love: 602-452-3361*

SUBJECT MATTER OF PROPOSAL: Columbus Day
7/23/14

DATE:

PROPOSAL REQUESTED BY:

Name: James Hazel
Title: Presiding Judge, Apache Junction Municipal Court
Address: 300 East Superstition, Apache Junction, AZ 85119
Telephone: 480-474-5099
E-mail: jhazel@ajcity.net

SECTION I: PROPOSAL

- A. Please summarize the proposal. Allow Municipal Court Judges or City Council's the authority to replace Columbus Day holiday with the Friday after Thanksgiving as a court holiday.
- B. Why this proposal is being requested? Provide supporting information, e.g., benefit to court operations, budget, statistics on increased caseloads, reports, etc.

Court is required by State law to be closed while City is open for business

- C. Provide the contact information of any individuals with relevant expert knowledge on this subject.

James Hazel 480-474-5099

- D. **Attach the recommended language of the legislation to this form. Please include the entire section of law, use UPPER CASE to designate new language and ~~strikethrough~~ to designate stricken language. (The Government Affairs group will assist in final drafting as the proposal moves forward).**

A.R.S.22-402. Establishment and jurisdiction

A. In each city or town incorporated under the general laws of this state, there shall be a municipal court.

B. Every court established pursuant to subsection A, and every court established in a city incorporated under the provisions of title 9, chapter 2, article 5 or incorporated under the provisions of a special act or charter, has jurisdiction of all cases arising under the ordinances of the city or town, and has jurisdiction concurrently with justices of the peace of precincts in which the city or town is located, of violations of laws of the state committed within the limits of the city or town.

C. Notwithstanding subsections A and B and in lieu of establishing or maintaining a municipal court, a city or town may enter into an intergovernmental agreement as authorized by title 11, chapter 7, article 3 to provide the services of a municipal court, including the jurisdiction of all cases arising under the ordinances of the city or town, with either:

1. A justice of the peace in whose jurisdiction the city or town is located and the county in which the city or town is located.

2. Another city or town located within the same county as the city or town.

D. THE GOVERNING BODY OF THE CITY OR TOWN SHALL SET HOURS OF OPERATIONS AND LEGAL HOLIDAYS OBSERVED BY THE MUNICIPAL COURT.

- E. **Can the requested change be achieved by another method? How?**
 Court Rule Administrative Code No

- F. **If adopted by the Arizona Legislature, would the regular effective date (90 days after adjournment of the legislative session) be acceptable, or is there a reason for an emergency effective date (effective immediately upon signature of the Governor) or a delayed effective date? If a delayed effective date is requested, what date is recommended?**

Yes

SECTION II: IMPACTS

- A. **Check ALL courts that could be affected.**

Supreme Appellate Superior Limited Jurisdiction

- B. List the Arizona Revised Statute(s), Court Rule(s) or Administrative Code(s) affected by the proposed legislation.

A.R.S.22-402.

- D. Describe anticipated impacts of proposed legislation on the administration of the courts, such as adoption or revision of court rule or code, shift of cases from one court level to another, added or revised reporting requirements, collection of statistics, automation requirements, etc.

None, but legal authority for city courts to operate on Columbus Day

- E. Describe any anticipated fiscal impact of this legislation.

None

- E. Will this legislation impact other governmental agencies? How?

None

- F. Describe the consequences if the proposed legislation is not pursued or passed this year.

Most city courts will be open in violation of state law, others will be closed which will lead to public confusion

SECTION III: SUPPORT OR OPPOSITION

- A. Identify any agencies, groups, or legislators, etc. who may support or have expressed an interest in the proposed legislation and the reasons for the support or interest.

Rep. Doug Coleman sponsored the bill last year

- B. Identify any agencies, groups, or legislators, etc. who may oppose the proposed legislation and the reasons for the opposition.

Unknown, but some may oppose city council's setting court hours

5/29/14

ARIZONA JUDICIAL COUNCIL
Legislative Request for Proposal
2015 Legislative Session

- *Submit electronically to Brandi Ensign at bensign@courts.az.gov*
- *For questions contact Jerry Landau or Amy Love: 602-452-3361*

SUBJECT MATTER OF PROPOSAL:

DATE: 8/6/14

Use of Department of Veterans Affairs and other federal agencies to provide screening and treatment for DUI cases.

PROPOSAL REQUESTED BY:

Name: Richard G. Maxon

Title: Veterans Court Advisor

Address: 1501 W. Washington, Suite 111, Phoenix, AZ 85007

Telephone: (602) 452-3141

E-mail: rmaxon@courts.az.gov

SECTION I: PROPOSAL

- A. Please summarize the proposal. Modify ARS §28-1387 to specifically authorize alcohol screening and treatment by the Department of Veterans Affairs and other federal agencies in DUI cases. The proposed language is adapted from ARS§ 36-548 concerning mental health treatment.
- B. Why this proposal is being requested? Provide supporting information, e.g., benefit to court operations, budget, statistics on increased caseloads, reports, etc.

The current statute requires screening be conducted by an agency approved by the Arizona Department of Health Services or a probation department. As more Veterans Treatment Courts are being considered, there is some concern by judges that the statutes may not be broad enough to permit the Department of Veterans Affairs to conduct the required screening and treatment to satisfy the DUI statutes. DHS is unlikely to attempt to approve a federal program and some courts are not serviced by probation departments. VA programs have proven to be very effective in substance abuse treatment and are generally free to the participant.

- C. Provide the contact information of any individuals with relevant expert knowledge on this subject. Richard G. Maxon
- D. Attach the recommended language of the legislation to this form. Please include the entire section of law, use UPPER CASE to designate new language and ~~strikethrough~~ to designate stricken language. (The Government Affairs group will assist in final drafting as the proposal moves forward).
- E. Can the requested change be achieved by another method? How? Not sure.
 Court Rule Administrative Code
- F. If adopted by the Arizona Legislature, would the regular effective date (90 days after adjournment of the legislative session) be acceptable, or is there a reason for an emergency effective date (effective immediately upon signature of the Governor) or a delayed effective date? If a delayed effective date is requested, what date is recommended?

90 days following the signature by the Governor is acceptable.

SECTION II: IMPACTS

- A. Check ALL courts that could be affected.
 Supreme Appellate Superior Limited Jurisdiction
- B. List the Arizona Revised Statute(s), Court Rule(s) or Administrative Code(s) affected by the proposed legislation. ARS§§ 28-1381, 28-1382, 28-1383 and 28-1387
- C. Describe anticipated impacts of proposed legislation on the administration of the courts, such as adoption or revision of court rule or code, shift of cases from one court level to another, added or revised reporting requirements, collection of statistics, automation requirements, etc.
 There should be limited impact on any court. This proposed statutory change simply authorizes the use of additional sources for alcohol screening and treatment already provided to veterans through the Department of Veterans Affairs or other government agencies.
- D. Describe any anticipated fiscal impact of this legislation. None
- E. Will this legislation impact other governmental agencies? How?

Motor Vehicle Department may be minimally impacted as defendants apply to have their drivers licenses reinstated.

- F. Describe the consequences if the proposed legislation is not pursued or passed this year. Confusion about the ability to use Department of Veterans Affairs treatment programs for DUI cases will continue.**

SECTION III: SUPPORT OR OPPOSITION

- A. Identify any agencies, groups, or legislators, etc. who may support or have expressed an interest in the proposed legislation and the reasons for the support or interest.**

Lower Jurisdiction Courts, Public Defenders, Prosecutors, Veterans Organizations.

- B. Identify any agencies, groups, or legislators, etc. who may oppose the proposed legislation and the reasons for the opposition.**

Commercial providers of alcohol screening and treatment services.

8/25/2014

ARIZONA JUDICIAL COUNCIL
Legislative Request for Proposal
2015 Legislative Session

- *Submit electronically to Brandi Ensign at bensign@courts.az.gov*
- *For questions contact Jerry Landau or Amy Love: 602-452-3361*

SUBJECT MATTER OF PROPOSAL:

DATE: 8/6/14

Use of Department of Veterans Affairs and other federal agencies to provide screening and treatment for DUI cases.

PROPOSAL REQUESTED BY:

Name: Richard G. Maxon

Title: Veterans Court Advisor

Address: 1501 W. Washington, Suite 111, Phoenix, AZ 85007

Telephone: (602) 452-3141

E-mail: rmaxon@courts.az.gov

SECTION I: PROPOSAL

- A. Please summarize the proposal. Modify ARS 13-3601.01 to specifically authorize the use of treatment programs of the Department of Veterans Affairs and other federal agencies in domestic violence cases. The proposed language is adapted from ARS§ 36-548 concerning mental health treatment.
- B. Why this proposal is being requested? Provide supporting information, e.g., benefit to court operations, budget, statistics on increased caseloads, reports, etc.

The current statute requires treatment be conducted by an agency approved by the Arizona Department of Health Services or a probation department. As more Veterans Treatment Courts are being considered, there is some concern by judges that the statutes may not be broad enough to permit the Department of Veterans Affairs to conduct the required screening and treatment to satisfy the requirements of this statute. DHS is unlikely to attempt to approve a federal program and some courts are not serviced by probation departments. VA programs have proven to be very effective in behavior treatment and are generally free to the participant.

- C. Provide the contact information of any individuals with relevant expert knowledge on this subject. Richard G. Maxon
- D. Attach the recommended language of the legislation to this form. Please include the entire section of law, use UPPER CASE to designate new language and ~~striketrough~~ to designate stricken language. (The Government Affairs group will assist in final drafting as the proposal moves forward).
- E. Can the requested change be achieved by another method? How? Not sure.
 Court Rule Administrative Code
- F. If adopted by the Arizona Legislature, would the regular effective date (90 days after adjournment of the legislative session) be acceptable, or is there a reason for an emergency effective date (effective immediately upon signature of the Governor) or a delayed effective date? If a delayed effective date is requested, what date is recommended?

90 days following the signature by the Governor is acceptable.

SECTION II: IMPACTS

- A. Check ALL courts that could be affected.
 Supreme Appellate Superior Limited Jurisdiction
- B. List the Arizona Revised Statute(s), Court Rule(s) or Administrative Code(s) affected by the proposed legislation. ARS§ 13-3601.01
- C. Describe anticipated impacts of proposed legislation on the administration of the courts, such as adoption or revision of court rule or code, shift of cases from one court level to another, added or revised reporting requirements, collection of statistics, automation requirements, etc.
There should be limited impact on any court. This proposed statutory change simply authorizes the use of additional sources for treatment already provided to veterans through the Department of Veterans Affairs or other government agencies.
- D. Describe any anticipated fiscal impact of this legislation. None
- E. Will this legislation impact other governmental agencies? How? No impact.

- F. Describe the consequences if the proposed legislation is not pursued or passed this year. Confusion about the ability to use Department of Veterans Affairs treatment programs for domestic violence cases will continue.

SECTION III: SUPPORT OR OPPOSITION

- A. Identify any agencies, groups, or legislators, etc. who may support or have expressed an interest in the proposed legislation and the reasons for the support or interest.

Lower Jurisdiction Courts, Public Defenders, Prosecutors, Veterans Organizations.

- B. Identify any agencies, groups, or legislators, etc. who may oppose the proposed legislation and the reasons for the opposition.

Commercial providers of domestic violence treatment services.

5/29/14

**ARIZONA JUDICIAL COUNCIL
Legislative Request for Proposal
2015 Legislative Session**

SUBJECT MATTER OF PROPOSAL: Makes an assault on a judge a felony

DATE: 14 August 2014

PROPOSAL REQUESTED BY: Arizona Justice of the Peace Association

Name: Gerald Williams

Title: North Valley Justice of the Peace (Maricopa County)

Address: 14264 West Tierra Buena Lane, Surprise, AZ 85374

Telephone: (602) 372-2564

E-mail: geraldwilliams@mcjc.maricopa.gov

SECTION I: PROPOSAL

A. Please summarize the proposal.

The proposed legislation would amend the current aggravated assault statute to add judges to the list of specifically protected potential victims. It would make an assault on a judge a Class 6 Felony.

B. Why this proposal is being requested?

Threats against judicial officers are increasing nationwide and this statute may give court security officials an additional tool as they perform their duties. As a practical matter, judicial officers were slated to be added to the list at the same time constables were, but that portion of the legislation did not move forward.

C. Contact information of any individuals with relevant expert knowledge on this subject.

See above.

D. Recommended language attached.

It is attached. (It is only eight words.).

E. Can the requested change be achieved by another method (e.g. court rule)?

No. An amendment to an existing statute is necessary.

F. If adopted, is either an emergency effective date or a delayed effective date needed?

No.

SECTION II: IMPACTS

A. Check ALL courts that could be affected.

Supreme Appellate Superior Limited Jurisdiction

B. List the statutes, court rules, and/or administrative code affected by the proposed legislation.

A.R.S. § 13-1204(A)(8).

C. Anticipated impacts of proposed legislation on the administration of the courts.

None.

D. Anticipated fiscal impact of proposed legislation.

None.

E. Anticipated impact of proposed legislation on other government agencies.

None

F. Consequences if proposed legislation is not pursued or passed this year.

Judges would continue to be omitted from a list that includes police officers, fireman, constables, teachers, doctors, nurses, paramedics, prosecutors, and public defenders.

SECTION III: SUPPORT OR OPPOSITION

A. Any agencies, groups, or legislators who support the proposed legislation and why.

Unknown

B. Any agencies, groups, or legislators who may be opposed to the proposed legislation and why.

Unknown

ARIZONA JUDICIAL COUNCIL
Legislative Request for Proposal
2015 Legislative Session

- *Submit electronically to Brandi Ensign at bensign@courts.az.gov*
- *For questions contact Jerry Landau or Amy Love: 602-452-3361*

SUBJECT MATTER OF PROPOSAL: Aggravated Assault

DATE: August 15, 2014

PROPOSAL REQUESTED BY: Superior Court in Maricopa County

Name: Hon. Norman J. Davis

Title: Presiding Judge

Address: Old Courthouse, 125 W. Washington, Phoenix, AZ

Telephone: 602.506.5262

E-mail: davisn001@superiorcourt.maricopa.gov

SECTION I: PROPOSAL

A. Please summarize the proposal.

The proposed legislation would add judicial officers to the list of individuals for aggravated assault.

B. Why this proposal is being requested? Provide supporting information, e.g., benefit to court operations, budget, statistics on increased caseloads, reports, etc.

The leadership judges of the Superior Court in Maricopa County believe this is important for the continued safety of our bench.

C. Provide the contact information of any individuals with relevant expert knowledge on this subject.

Hon. Norman Davis (506.5262); Lori Ash (506.5433)

- D. **Attach the recommended language of the legislation to this form. Please include the entire section of law, use UPPER CASE to designate new language and ~~strikethrough~~ to designate stricken language. (The Government Affairs group will assist in final drafting as the proposal moves forward).**

13-1204. Aggravated assault; classification; definition

A. A person commits aggravated assault if the person commits assault as prescribed by section 13-1203 under any of the following circumstances:

1. If the person causes serious physical injury to another.
2. If the person uses a deadly weapon or dangerous instrument.
3. If the person commits the assault by any means of force that causes temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part or a fracture of any body part.
4. If the person commits the assault while the victim is bound or otherwise physically restrained or while the victim's capacity to resist is substantially impaired.
5. If the person commits the assault after entering the private home of another with the intent to commit the assault.
6. If the person is eighteen years of age or older and commits the assault on a minor under fifteen years of age.
7. If the person commits assault as prescribed by section 13-1203, subsection A, paragraph 1 or 3 and the person is in violation of an order of protection issued against the person pursuant to section 13-3602 or 13-3624.
8. If the person commits the assault knowing or having reason to know that the victim is any of the following:
 - (a) A peace officer, or a person summoned and directed by the officer while engaged in the execution of any official duties.
 - (b) A constable, or a person summoned and directed by the constable while engaged in the execution of any official duties.
 - (c) A firefighter, fire investigator, fire inspector, emergency medical technician or paramedic engaged in the execution of any official duties, or a person summoned and directed by such individual while engaged in the execution of any official duties.
 - (d) A teacher or other person employed by any school and the teacher or other employee is on the grounds of a school or grounds adjacent to the school or is in any part of a building or vehicle used for school purposes, any teacher or school nurse visiting a private home in the course of the teacher's or nurse's professional duties or any teacher engaged in any authorized and organized classroom activity held on other than school grounds.
 - (e) A health care practitioner who is certified or licensed pursuant to title 32, chapter 13, 15, 17 or 25, or a person summoned and directed by the licensed health care practitioner while engaged in the person's professional duties. This subdivision does not apply if the person who commits the assault is seriously mentally ill, as defined in section 36-550, or is afflicted with alzheimer's disease or related dementia.
 - (f) A prosecutor.

(g) A code enforcement officer as defined in section 39-123.

(h) A state or municipal park ranger.

(i) A public defender.

(J) AN APPOINTED OR ELECTED FULL-TIME JUDGE, COMMISSIONER, JUSTICE OF THE PEACE, MAGISTRATE, OR HEARING OFFICER OF A STATE, COUNTY, OR MUNICIPAL COURT.

9. If the person knowingly takes or attempts to exercise control over any of the following:

(a) A peace officer's or other officer's firearm and the person knows or has reason to know that the victim is a peace officer or other officer employed by one of the agencies listed in paragraph 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection and is engaged in the execution of any official duties.

(b) Any weapon other than a firearm that is being used by a peace officer or other officer or that the officer is attempting to use, and the person knows or has reason to know that the victim is a peace officer or other officer employed by one of the agencies listed in paragraph 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection and is engaged in the execution of any official duties.

(c) Any implement that is being used by a peace officer or other officer or that the officer is attempting to use, and the person knows or has reason to know that the victim is a peace officer or other officer employed by one of the agencies listed in paragraph 10, subdivision (a), item (i), (ii), (iii), (iv) or (v) of this subsection and is engaged in the execution of any official duties. For the purposes of this subdivision, "implement" means an object that is designed for or that is capable of restraining or injuring an individual. Implement does not include handcuffs.

10. If the person meets both of the following conditions:

(a) Is imprisoned or otherwise subject to the custody of any of the following:

(i) The state department of corrections.

(ii) The department of juvenile corrections.

(iii) A law enforcement agency.

(iv) A county or city jail or an adult or juvenile detention facility of a city or county.

(v) Any other entity that is contracting with the state department of corrections, the department of juvenile corrections, a law enforcement agency, another state, any private correctional facility, a county, a city or the federal bureau of prisons or other federal agency that has responsibility for sentenced or unsentenced prisoners.

(b) Commits an assault knowing or having reason to know that the victim is acting in an official capacity as an employee of any of the entities listed in subdivision (a) of this paragraph.

B. A person commits aggravated assault if the person commits assault by either intentionally, knowingly or recklessly causing any physical injury to another person, intentionally placing another person in reasonable apprehension of imminent physical injury or knowingly touching another person with the intent to injure the person, and both of the following occur:

1. The person intentionally or knowingly impedes the normal breathing or circulation of blood of another person by applying pressure to the throat or neck or by obstructing the nose and mouth either manually or through the use of an instrument.

2. Any of the circumstances exists that are set forth in section 13-3601, subsection A, paragraph 1, 2, 3, 4, 5 or 6.

C. A person who is convicted of intentionally or knowingly committing aggravated assault on a peace officer while the officer is engaged in the execution of any official duties pursuant to subsection A, paragraph 1 or 2 of this section shall be sentenced to imprisonment for not less than the presumptive sentence authorized under chapter 7 of this title and is not eligible for suspension of sentence, commutation or release on any basis until the sentence imposed is served.

D. Except pursuant to subsections E and F of this section, aggravated assault pursuant to subsection A, paragraph 1 or 2 or paragraph 9, subdivision (a) of this section is a class 3 felony except if the victim is under fifteen years of age in which case it is a class 2 felony punishable pursuant to section 13-705.

Aggravated assault pursuant to subsection A, paragraph 3 or subsection B of this section is a class 4 felony. Aggravated assault pursuant to subsection A, paragraph 9, subdivision (b) or paragraph 10 of this section is a class 5 felony.

Aggravated assault pursuant to subsection A, paragraph 4, 5, 6, 7 or 8 or paragraph 9, subdivision (c) of this section is a class 6 felony.

E. Aggravated assault pursuant to subsection A, paragraph 1 or 2 of this section committed on a peace officer while the officer is engaged in the execution of any official duties is a class 2 felony. Aggravated assault pursuant to subsection A, paragraph 3 of this section committed on a peace officer while the officer is engaged in the execution of any official duties is a class 3 felony. Aggravated assault pursuant to subsection A, paragraph 8, subdivision (a) of this section committed on a peace officer while the officer is engaged in the execution of any official duties is a class 5 felony unless the assault results in any physical injury to the peace officer while the officer is engaged in the execution of any official duties, in which case it is a class 4 felony.

F. Aggravated assault pursuant to:

1. Subsection A, paragraph 1 or 2 of this section is a class 2 felony if committed on a prosecutor.

2. Subsection A, paragraph 3 of this section is a class 3 felony if committed on a prosecutor.

3. Subsection A, paragraph 8, subdivision (f) of this section is a class 5 felony if the assault results in physical injury to a prosecutor.

G. For the purposes of this section, "prosecutor" means a county attorney, a municipal prosecutor or the attorney general and includes an assistant or deputy county attorney, municipal prosecutor or attorney general.

E. Can the requested change be achieved by another method? No How?

Court Rule Administrative Code

- F. If adopted by the Arizona Legislature, would the regular effective date (90 days after adjournment of the legislative session) be acceptable, or is there a reason for an emergency effective date (effective immediately upon signature of the Governor) or a delayed effective date? If a delayed effective date is requested, what date is recommended? Regular effective date

SECTION II: IMPACTS

- A. Check ALL courts that could be affected.
- X Supreme X Appellate X Superior X Limited Jurisdiction
- B. List the Arizona Revised Statute(s), Court Rule(s) or Administrative Code(s) affected by the proposed legislation. A.R.S. § 13-1204
- C. Describe anticipated impacts of proposed legislation on the administration of the courts, such as adoption or revision of court rule or code, shift of cases from one court level to another, added or revised reporting requirements, collection of statistics, automation requirements, etc. No effects.
- D. Describe any anticipated fiscal impact of this legislation. No fiscal impact.
- E. Will this legislation impact other governmental agencies? No How?
- F. Describe the consequences if the proposed legislation is not pursued or passed this year.

An assault of a judicial officer would continue to be an assault rather than aggravated assault.

SECTION III: SUPPORT OR OPPOSITION

- A. Identify any agencies, groups, or legislators, etc. who may support or have expressed an interest in the proposed legislation and the reasons for the support or interest. Unknown at this time.
- B. Identify any agencies, groups, or legislators, etc. who may oppose the proposed legislation and the reasons for the opposition. Unknown at this time.

ARIZONA JUDICIAL COUNCIL
Legislative Request for Proposal
2015 Legislative Session

SUBJECT MATTER OF PROPOSAL: Residency requirement for JP

DATE: 14 August 2014

PROPOSAL REQUESTED BY: Arizona Justice of the Peace Association

Name: Gerald Williams

Title: North Valley Justice of the Peace (Maricopa County)

Address: 14264 West Tierra Buena Lane, Surprise, AZ 85374

Telephone: (602) 372-2564

E-mail: geraldwilliams@mcjc.maricopa.gov

SECTION I: PROPOSAL

A. Please summarize the proposal.

The bill would require that someone be a resident of a justice court precinct for at least one year prior to being able to serve as a justice of the peace.

B. Why this proposal is being requested?

The proposed requirement makes the residency standard to serve as a justice of the peace similar to the residency standard to serve as a legislator. To serve as a member of the legislature, someone “shall have been a resident of Arizona at least three years and of the county from which he is elected at least one year before his election.” Ariz. Const. Art. IV, Part 4, § 2.

Elected judges do not have constituents, at least not in the way that term is usually used in connection with an elected official in the legislative branch. However, justices of the peace run for election and for reelection from clearly defined judicial precincts. Part of the reason for doing so is to ensure that they reflect the values of those local communities. That goal cannot be accomplished if someone can move into an area at the last moment and run for justice of the peace. A one year residency requirement is not a significant hurdle to running for justice of the peace and is a reasonable threshold requirement.

C. Contact information of any individuals with relevant expert knowledge on this subject.

Justice of the Peace Clancy Jayne
Desert Ridge Justice Court
18380 North 40th Street
Phoenix, AZ 85032
(602) 372-7100

D. Recommended language attached.

It is attached.

E. Can the requested change be achieved by another method (e.g. court rule)?

No. An amendment to an existing statute is necessary.

F. If adopted, is either an emergency effective date or a delayed effective date needed?

No.

SECTION II: IMPACTS

A. Check ALL courts that could be affected.

Supreme Appellate Superior Limited Jurisdiction

B. List the statutes, court rules, and/or administrative code affected by the proposed legislation.

A.R.S. § 22-102

C. Anticipated impacts of proposed legislation on the administration of the courts.

None.

D. Anticipated fiscal impact of proposed legislation.

None.

E. Anticipated impact of proposed legislation on other government agencies.

None

F. Consequences if proposed legislation is not pursued or passed this year.

It would be arguably unfair to impose a one year residency requirement during the 2016 election cycle.

SECTION III: SUPPORT OR OPPOSITION

A. Any agencies, groups, or legislators who support the proposed legislation and why.

A similar bill was offered during the last legislative session and presumably the same members would support it this year as well.

B. Any agencies, groups, or legislators who may be opposed to the proposed legislation and why.

A similar bill was offered during the last legislative session; but it did not move forward in part because it also included a similar requirement for constables. Constables were not included in the initial planning process and felt bypassed. This proposed legislation does not impact constables. Some potential opposition could also come from any legislators who may be seeking a future justice of the peace position if they would not meet the proposed residency requirements.

Proposed Legislation

22-102. Officers and term of office

A. The officers of justice precincts shall be a justice of the peace and a constable, who shall be elected by the qualified electors of the precinct at the general election for state and county officers for terms of four years each.

B. A JUSTICE OF THE PEACE SHALL BE A RESIDENT OF THE PRECINCT FROM WHICH HE OR SHE IS ELECTED FOR AT LEAST ONE YEAR BEFORE HIS OR HER ELECTION.

ARIZONA JUDICIAL COUNCIL
Legislative Request for Proposal
2015 Legislative Session

- *Submit electronically to Brandi Ensign at bensign@courts.az.gov*
- *For questions contact Jerry Landau or Amy Love: 602-452-3361*

SUBJECT MATTER OF PROPOSAL: Juvenile Hearings

DATE: August 15, 2014

PROPOSAL REQUESTED BY: Superior Court in Maricopa County

Name: Hon. Colleen McNally

Title: Juvenile Presiding Judge

Address: 3131 W. Durango St. Phoenix, AZ

Telephone: 602.506.5961

E-mail: cmcnally@superiorcourt.maricopa.gov

SECTION I: PROPOSAL

A. Please summarize the proposal.

The proposal requests two changes to juvenile statutes. First, the proposal would allow the court schedule the preliminary protective hearing later on its own motion for good cause. Second, the proposal would have the Department provide notice to foster parents of the periodic review hearings because the Department has up-to-date contact information for foster parents and often the court does not.

B. Why this proposal is being requested? Provide supporting information, e.g., benefit to court operations, budget, statistics on increased caseloads, reports, etc.

These changes would improve juvenile court operations.

C. Provide the contact information of any individuals with relevant expert knowledge on this subject.

Hon. Colleen McNally (506.5961); Hon. Lisa Flores (372.0825);
Lori Ash (506-5433)

- D. Attach the recommended language of the legislation to this form. Please include the entire section of law, use UPPER CASE to designate new language and ~~strikethrough~~ to designate stricken language. (The Government Affairs group will assist in final drafting as the proposal moves forward).**

8-824. Preliminary protective hearing; probable cause; appointment of counsel

A. The court shall hold a preliminary protective hearing to review the taking into temporary custody of a child pursuant to section 8-821 not fewer than five days nor more than seven days after the child is taken into custody, excluding Saturdays, Sundays and holidays. ~~If clearly necessary to prevent abuse or neglect, to preserve the rights of a party or for other good cause shown, the court may grant one continuance that does not exceed five days.~~

THE COURT MAY ON ITS OWN MOTION OR AT THE REQUEST OF A PARTY SCHEDULE THE HEARING UP TO FIVE DAYS LATER OR GRANT ONE CONTINUANCE THAT DOES NOT EXCEED FIVE DAYS, IF CLEARLY NECESSARY TO PREVENT ABUSE OR NEGLECT, TO PRESERVE THE RIGHTS OF A PARTY, OR FOR OTHER GOOD CAUSE.

B. The following persons shall be present at the preliminary protective hearing:

1. The child's parents or guardian, unless they cannot be located or they fail to appear in response to the notice.
2. Counsel for the parents if one has been requested or retained.
3. The child's guardian ad litem or attorney.
4. The protective services worker.
5. Counsel for the protective services worker.

C. If the court finds that it is in the best interests of the child, the court may allow the following to be present at the preliminary protective hearing:

1. The child.
2. Any relative or other interested person with whom the child is or might be placed as described in section 8-845, subsection A.
3. Witnesses called by the parties.
4. An advocate or interested person as requested by the parent or guardian.
5. Other persons who have knowledge of or an interest in the welfare of the child.

D. At the hearing, the court shall advise the parent or guardian of the following rights:

1. The right to counsel, including appointed counsel if the parent or guardian is indigent.
2. The right to cross-examine all witnesses who are called to testify against the parent or guardian.
3. The right to trial by court on the allegations in the petition.
4. The right to use the process of the court to compel the attendance of witnesses.

E. At the hearing, the court:

1. Shall receive a report of any agreement reached pursuant to section 8-823, subsection D. The report may be made orally.
 2. Shall provide an opportunity for the child's parent or guardian, if present, and any other person who has relevant knowledge, to provide relevant testimony.
 3. May limit testimony and evidence that is beyond the scope of the removal of the child, the child's need for continued protection, placement, visitation and services to be provided to the child and family.
 4. May take into consideration as a mitigating factor the participation of the parent or guardian in the healthy families program established by section 8-701.
 5. Shall take into consideration as a mitigating factor the availability of reasonable services to the parent or guardian to prevent or eliminate the need for removal of the child and the effort of the parent or guardian to obtain and participate in these services.
 6. Shall inform the child's parent or guardian that the hearing may result in further proceedings to terminate parental rights.
 7. Shall order the parent or guardian to provide the court with the names, the type of relationship and all available information necessary to locate persons who are related to the child or who have a significant relationship with the child. If there is not sufficient information available to locate a relative or person with a significant relationship with the child, the parent or guardian shall inform the court of this fact. The court shall further order the parent or guardian to inform the department immediately if the parent or guardian becomes aware of information related to the existence or location of a relative or person with a significant relationship to the child.
 8. Shall inform the parent that substantially neglecting or wilfully refusing to remedy the circumstances that cause the child to be in an out-of-home placement, including refusing to participate in reunification services, is grounds for termination of parental rights to a child.
 9. Shall give paramount consideration to the health and safety of the child.
 10. Shall determine whether the department is attempting to identify and assess placement of the child with a grandparent or another member of the child's extended family including a person who has a significant relationship with the child.
 11. Shall inform a foster parent, a preadoptive parent or a member of the child's extended family with whom the department has placed the child of the right to be heard in any proceeding to be held with respect to the child.
- F. The petitioner has the burden of presenting evidence as to whether there is probable cause to believe that continued temporary custody is clearly necessary to prevent abuse or neglect pending the hearing on the dependency petition.
- G. The department must make reasonable efforts to place a child with siblings and, if that is not possible, to maintain frequent visitation or other ongoing contact between all siblings.
- H. If the child is in the temporary custody of the department, the department shall submit not later than the day before the hearing a written report to the court and the parties that states:
1. The reasons the child was removed from the parent's or guardian's custody.

2. Any services that have been provided to the child or the child's parent or guardian to prevent removal.
3. The need, if any, for continued temporary custody.
4. The types of service needed to facilitate the return of the child to the custody of the child's parents or guardian.
5. If the child is not placed with a grandparent, whether the child has any relatives or other interested parties as described in section 8-845, subsection A who may be able and willing to take temporary custody.
6. Any services that are requested by the parent or guardian but that are not provided and the reasons the services were not provided.
7. What efforts the department has made to place siblings together, and if they are not placed together, the specific reasons why this did not occur.
8. If the placement of siblings together was not possible for all or any of the siblings, efforts the department has made to facilitate communications among siblings and a proposal for frequent visitation or contact pursuant to subsection G of this section. If frequent visitation or contact with siblings is not recommended, the department shall state the reasons why this would be contrary to the child's or a sibling's safety or well-being.
9. A proposal for visitation with the child's parents or guardian and the results of any visitation that has occurred since the child was removed. The requirements of this paragraph do not apply to a specific parent or guardian if there is a court order relating to a criminal case that prohibits that parent or guardian from contact with the child. Before the department allows visitation it must first determine that there are no court orders relating to any superior court criminal case that prohibit the parent or guardian from contact with the child.
10. A proposed case plan for services to the family.
 - I. The parent or guardian shall state whether the parent or guardian admits or denies the allegations in the petition filed pursuant to section 8-841. If the parent or guardian admits or does not contest the allegations in the petition, the court shall determine that the parent or guardian understands the rights described in subsection D of this section and that the parent or guardian knowingly, intelligently and voluntarily waives these rights.
 - J. At the hearing, if the child is not returned to the parent or guardian, the court shall:
 1. Enter orders regarding the placement of the child pending the determination of the dependency petition and visitation, if any.
 2. If a relative is identified as a possible placement for the child, notify the relative of the right to be heard in any proceeding to be held with respect to the child.
 3. Determine if the tasks and services set forth in the case plan are reasonable and necessary to carry out the case plan.

8-847. Periodic review hearings

- A. After the disposition hearing, the court shall hold periodic review hearings at least once every six months as required by federal law.

B. At a proceeding to review the disposition orders of the court, the court shall provide the following persons notice of the review and the right to participate in the proceeding:

1. The authorized agency charged with the child's care and custody.
- ~~2. Any foster parents in whose home the child resided within the last six months or resides at present, except for those foster parents who maintain a receiving foster home where the child has resided for ten days or less. The petitioner shall provide the court with the names and addresses of all foster parents who are entitled to notice pursuant to statute.~~
3. A shelter care facility or receiving foster home where the child resides or has resided within the last six months for more than ten days. The petitioner shall provide the court with the names and addresses of all shelter care facilities and receiving foster homes that are entitled to notice pursuant to this paragraph.
4. The child's parent or guardian unless the parental rights of that parent or guardian have been terminated by court action or unless the parent has relinquished rights to the child to an agency or has consented to the adoption of the child as provided in section 8-107.
5. The child, if twelve years of age or older.
6. The child's relative, as defined in section 8-501, if that relative files a written notice of right of participation with the court.
7. A person permitted by the court to intervene as a party in the dependency proceeding.
8. A physical custodian of the child within the preceding six months.
9. Any person who has filed a petition to adopt or who has physical custody pursuant to a court order in a foster-adoptive placement.
10. Any other person as the court may direct.

C. THE DEPARTMENT SHALL PROVIDE NOTICE OF THE REVIEW HEARING AND THE RIGHT TO PARTICIPATE IN THE PROCEEDING TO ANY FOSTER PARENTS IN WHOSE HOME THE CHILD RESIDED WITHIN THE LAST SIX MONTHS OR RESIDES AT PRESENT, EXCEPT FOR THOSE FOSTER PARENTS WHO MAINTAIN A RECEIVING FOSTER HOME WHERE THE CHILD HAS RESIDED FOR TEN DAYS OR LESS.

D. At the first periodic review hearing, the court shall consider whether a parent of a child who is under three years of age has substantially neglected or wilfully refused to participate in reunification services offered by the department.

E. At any periodic review hearing, the court shall consider the health and safety of the child as a paramount concern.

F. At any periodic review hearing the court shall determine:

1. Whether the department has identified and assessed placement of the child with a relative or person who has a significant relationship with the child.
2. Whether the parent or guardian has complied with the court order pursuant to section 8-824, subsection D, paragraph 6 or section 8-842 subsection B, paragraph 1.

G. If the court finds that a child is no longer dependent, before it dismisses the proceeding the court shall provide notice of the sibling information exchange program established pursuant to section 8-543 to the following:

1. An adult who is the former dependent child in the proceeding for whom the periodic review hearing is held.
2. A parent or guardian with legal custody of the former dependent child for whom the periodic review hearing is held.

- E. **Can the requested change be achieved by another method? No How?**
 Court Rule Administrative Code
- F. **If adopted by the Arizona Legislature, would the regular effective date (90 days after adjournment of the legislative session) be acceptable, or is there a reason for an emergency effective date (effective immediately upon signature of the Governor) or a delayed effective date? If a delayed effective date is requested, what date is recommended? Regular effective date**

SECTION II: IMPACTS

- A. **Check ALL courts that could be affected.**
 Supreme Appellate Superior Limited Jurisdiction
- B. **List the Arizona Revised Statute(s), Court Rule(s) or Administrative Code(s) affected by the proposed legislation. A.R.S. §§ 8-824, 8-847**
- C. **Describe anticipated impacts of proposed legislation on the administration of the courts, such as adoption or revision of court rule or code, shift of cases from one court level to another, added or revised reporting requirements, collection of statistics, automation requirements, etc.**

 No impact to court operations anticipated.
- D. **Describe any anticipated fiscal impact of this legislation.**

 No fiscal impact to the court.
- E. **Will this legislation impact other governmental agencies? Yes How?**

 Department of Child Services would have the cost of notification of foster parents for review hearings.
- F. **Describe the consequences if the proposed legislation is not pursued or passed this year.**

 The scheduling of hearings and notifications will continue as they do now.

SECTION III: SUPPORT OR OPPOSITION

- A. Identify any agencies, groups, or legislators, etc. who may support or have expressed an interest in the proposed legislation and the reasons for the support or interest. Unknown at this time.**

- B. Identify any agencies, groups, or legislators, etc. who may oppose the proposed legislation and the reasons for the opposition. Unknown at this time.**

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
October 23, 2014	<input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Arizona Code of Judicial Administration

FROM:

Administrative Office of the Courts, Legal Services

DISCUSSION:

We continue to amend the Arizona Code of Judicial Administration to provide administrative direction to judicial officers and employees throughout the state.

Enclosed are three proposed code sections for consideration with their respective proposal cover sheets summarizing each of the proposals and comments received.

- 3-402: Superior Court Records Retention and Disposition (Amend)
- 4-302: [Limited Jurisdiction Court] Records Retention and Disposition (Amend)
- 6-105.01 Powers and Duties of Officers Evidence-Based Practices (Amend)

Superior Court Judge Pamela Gates will present the proposed amendments to code section 3-402. Melinda Hardman, Court Services, will present the proposed amendments to code section 4-302. Kathy Waters, Adult Probation Services Director, will present the proposed amendments to code section 6-105.01.

RECOMMENDED COUNCIL ACTION:

Recommend adoption of the proposed amendments to code sections 3-402, 4-302, and 6-105.01.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet
Part 3: Superior Court
Chapter 4: Administration
Section 3-402: Superior Court Records Retention and Disposition

1. Effect of the proposal:

Revises the General Jurisdiction Court Records Retention and Disposition Schedule (GJC RR&DS), ACJA § 3-402 to implement the adopted recommendations of the Advisory Committee to Develop Policies for Retention, Destruction, and Access to Electronic Court Records (Electronic Records) and to update the schedule. Additionally, as called for in the strategic agenda of the Arizona Judiciary, *Advancing Justice Together*, the GJC RR&DS is being restyled, simplified, and clarified.

2. Significant new or changed provisions:

- Adds a new section of *General Provisions*, and another column to the table in section D, titled *LAPR Retention*, to clarify the complete records retention and destruction process
- Removes probation records from the schedule, with the agreement that these records will be set out in a new probation records retention schedule covering both adult and juvenile probation records
- Explains why certain retention periods have been set as they are
- Increases the retention period for the verbatim record in criminal non-capital cases from 10 to 20 years, but clarifies that court reporter notes can be destroyed earlier if a transcript has been prepared
- Seeks to maintain consistency across court levels by providing parallel definitions, retention requirements, and general provisions between the general jurisdiction records retention schedule and the revised limited jurisdiction court records retention schedule wherever possible.

3. Committee actions and comments:

- Board of Certified Court Reporters; August 12, 2014; Approved unanimously
- Committee on Superior Court; September 5, 2014; Approved unanimously
- Committee on the Impact of Domestic Violence and the Courts; September 9, 2014; Approved unanimously
- Committee on Juvenile Courts; September 11, 2014; Approved unanimously
- Commission on Victims in the Courts; to be presented October 3, 2014

4. Controversial issues:

None

5. Recommendation: Recommend approval.

Committee to Revise Arizona Code of Judicial Administration (ACJA) § 3-402: Superior Court Records Retention and Disposition Schedule

Judge Pamela Gates, Chair
Judge, Superior Court in Maricopa County

Strategic Agenda of the Judicial Branch

The strategic agenda of the Arizona Judiciary, *Advancing Justice Together*, sets out the goal of restyling, simplifying, and clarifying court rules. Doing this for the superior court records retention and disposition schedule will

- make it is easier for users to classify content for retention by offering fewer, better-defined choices;
- make it is easier for technology tools to classify content for retention by offering fewer, better-defined choices;
- reduce the total cost of ownership of records, including training and periodic maintenance, with less complexity;
- mitigate the risk of retaining records too long by providing users confidence in classification; and
- make management more likely to approve disposition by having greater confidence that users are classifying content accurately and consistently.

History of the Superior Court Records Retention and Disposition Schedule

Rule 29, Rules of the Supreme Court provides that *The Supreme Court shall adopt . . . retention and disposition schedules identifying the length of time court records must be kept prior to destruction*

The current superior court records retention and disposition schedule became effective March 2006. It has not been updated since then.

However, last year, the Arizona Judicial Council adopted recommendations of the Advisory Committee to Develop Policies for Retention, Destruction, and Access to *Electronic* Court Records. These newly adopted policies primarily impacted *electronic* court records, but the new policies generated enough change that the entire superior court records retention and disposition schedule needed to be opened for review. Additionally, the clerks of court had previously asked the Administrative Office of the Courts to update the schedule, since it had not been reviewed for some time.

Charge of the Committee

Therefore, this past January, the chief justice established the Committee to Revise ACJA §3-402: Superior Court Records Retention and Disposition Schedule. The committee was charged with reviewing the schedule for compliance with approved policy and current law.

Work of the Committee

Membership on the Revision Committee included judges, clerks, attorneys, court administrators, and a representative of the Arizona State Library, Archives, and Public Records (LAPR). The committee held five meetings where it drafted revisions to the schedule, incorporated best practices from national and local records management organizations, including LAPR, ARMA International, the National Association of Government Archives and Records Administrators (NAGARA), and the National Archives and Records Administration (NARA), as well as the collective experience of committee members and AOC specialists, and addressed comments received from the court community after circulation of the draft.

Changes to the Schedule

New proposals to the schedule include:

- A section titled *General Provisions* that offers a more comprehensive view of the overall records retention process, for both paper and electronic records, as well as the complete life cycle of an individual record;
- An explanation of why certain retention periods are set as they are, as suggested by the Arizona Judicial Council (AJC);
- The addition of a new column in the retention table, identifying whether LAPR considers the particular record to be permanent;
- An increase in the retention period for the verbatim record in criminal non-capital cases (from 10 to 20 years), but clarifying that court reporter notes in these cases can be destroyed earlier if a transcript is prepared, to give court administration additional options when faced with transcription of court reporter notes – particularly when a defendant is tried in absentia;
- Removing adult and juvenile probation records from the schedule, with the agreement that these records will be set out in a new probation records retention schedule, since probation department records are managed much differently than court clerk and court administration records;
- Incorporating the AJC-adopted policy recommendation of the 2013 Advisory Committee to Develop Policies for Retention, Destruction, and Access to Electronic Court Records that a definite retention period of 25 years for juvenile delinquency records be adopted, since courts do not store these records according to the age of the juvenile, as the current retention period requires;
- An explanation of why certain provisions of the old schedule were removed, such as Purge Lists that were removed because clerks now indicate that the process of purging case files is resource intensive and is no longer optimal practice; and

- Parallel definitions, requirements, and general provisions between the superior court schedule and the limited jurisdiction court schedule, wherever possible, to avoid confusion and maintain consistency.

Review by Court Community

The draft document was delivered to the following court community committees, groups, and individuals:

- Board of Certified Court Reporters; August 12, 2014; Approved unanimously
- Committee on Superior Court; September 5, 2014; Approved unanimously
- Committee on the Impact of Domestic Violence and the Courts; September 9, 2014; Approved unanimously
- Committee on Juvenile Courts; September 11, 2014; Approved unanimously
- Commission on Victims in the Courts; October 3, 2014
- Superior Court Presiding Judges; August 15
- Superior Court Judges; August 15
- Clerks of Superior Court; August 15
- Kathryn Pollard, Jury Commissioner, Pima County; August 15
- Candace Atkinson, Jury Commissioner, Maricopa County; August 15
- Superior Court Administrators; August 15
- Elizabeth Ortiz, Executive Director, Arizona Prosecuting Attorneys' Advisory Council; August 15
- John F. Phelps, Executive Director, State Bar of Arizona; August 15
- Administrative Office of the Courts, Court Services Division; August 15
- Administrative Office of the Courts, Information Technology Division; August 15
- Administrative Office of the Courts, Directors; August 15

Additional Steps

The proposed schedule will be submitted to the AJC for approval on October 23.

If the proposed schedule is approved by the AJC, it will be submitted to the chief justice for adoption, with an effective date selected at his discretion.

Comments and Responses to Draft ACJA § 3-402: Superior Court Records Retention and Disposition Schedule

Date: September 18, 2014

ITEM	FROM	COMMENT	RESPONSE
Record Series 22	The Arizona Association of Superior Court Clerks (AASCC), by Virlynn Tinnell, President	<p>The AASCC supports the proposed changes and had participation on the committee that reviewed the provisions of the code. In reviewing the proposal, one scenario that directly impacts the Clerks was identified that the committee did not address, which is described below.</p> <p>The situation arises under "Financial and Miscellaneous Records Held by the Clerk of Court," Record Series #22, "Warrants and subpoenas that are not part of a case file." The proposal recommends a retention period of one year following the date served.</p> <p>The Clerks note that not all issued warrants and subpoenas of this type get served. Intervening events or decisions sometimes cause the requesting individual or agency to decide not to serve the documents and they allow the documents to expire. Some of the records that get issued are returned, but not to the court or jurisdiction of the Clerk where they were issued. Still other served documents do not get returned to the issuing court's Clerk for unknown reasons. In any of the circumstances above, the proposed retention period will never end because the issued documents are either not served or not returned to the issuing court's Clerk. The Clerks believe that the warrants and subpoenas in this record series must be served well within one year from the date of issuance to be valid.</p> <p>The AASCC recommends the retention period be one year following the date issued. In the alternative, the AASCC requests that the retention period be some other specific period of time, also tied to the date of issuance.</p>	Accepted and incorporated

		For the reasons stated above, the Arizona Association of Superior Court Clerks supports the proposed changes and recommends clarification to Record Series #22, "Warrants and subpoenas that are not part of a case file."	
Record Series 40	Director Pima County Conciliation Court	<ul style="list-style-type: none"> • Conciliation Court Files are working files. The referral information (requests for mediation and/or court orders for services) are all filed in the Superior Court Divorce or Paternity Court File. The final work product is also filed in the Superior Court file. This includes memorandums to the Court regarding Dismissals of Conciliation Petitions, memorandums to the Court indicating if there was a full, partial or no agreement reached in mediation. If a full or partial agreement is reached the original agreement is forwarded to the assigned Judge for review and order. If signed into an order, the order and mediation agreement are filed in the Superior Court file. For child interviews, the summary and digital recording are sent to the assigned Judge. The Judge seals the summary and the disk in the court file and determines to whom the summary will be distributed. For evaluations, the evaluation final report is sent to the assigned Judge, and attorneys or self-represented litigants. The report is also sealed in the Superior Court file. • By statute, Conciliation Court information is private and confidential. • Until 2012, we retained files for 3 years. In 2012 we began retaining files for 5 years in order to comply with a grant requirement. • If Conciliation Court is included in the retention schedule, preference is for 3 or 5 year retention period as determined by each conciliation Court based on their needs, i.e. grant requirements. • On page 36 of the proposed retention schedule, 38c has non-criminal files retained for 5 years from the date of the proceeding. The requirement for Conciliation Courts should not be greater than 5 years as they are non-criminal files. • Anything beyond a 5 year retention 	Accepted and incorporated, with a 5-year retention period for conciliation court files

		<p>requirement would create storage difficulties - both for paper and/or digital storage. When Conciliation Court went from 3 to 5 year retention in 2012, we ran out of room in our file room. We had to increase our purges to twice yearly. We used to be able to keep all of our files in one file room. Currently we need to store files in the file room and several other areas throughout the office. A 10 year retention schedule would create extreme storage difficulties. We have over 2250 case files opened in any given year. If required to keep files for 10 years we would have to keep over 22,500 files.</p> <ul style="list-style-type: none"> • Requests for archived files for conciliation services including mediation, child interviews and conciliation sessions are extremely rare due to the confidentiality of the services and because the final products become part of the Superior Court file. In the 24 years that I have worked at the Conciliation Court in Pima County I do not believe there has been a request for such records other than 1 time and that request came within 1 year of the service. Some evaluation files have been requested for in camera review by the Judge while a case was ongoing and within a 6-12 month period after the completion of the evaluation. 	
Record Series 16	Superior Court Judge	<p><i>Juvenile Delinquency Case Files</i> should be retained <i>indefinitely</i> instead of “After satisfaction of A.R.S. § 8-349 [application for destruction of juvenile records] or 25 years following the year the case is filed,” since, in capital cases, every record associated with a defendant may be needed to establish mitigating factors.</p>	<p>Not accepted. Although the committee understands the concern, this will impact only a small number of juvenile delinquency cases. Courts are unable to retain <i>all</i> juvenile case files indefinitely, when only a few might be needed for mitigation in a capital case. Additionally, it is likely that other records in the <i>private</i> realm will be unavailable for mitigation, such as employment and</p>

			education records, as these may not be retained for a long period of time. Finally, under A.R.S. § 8-349, a juvenile may request and receive an order of destruction of his or her juvenile case file, so these case files will no longer be available for mitigation, regardless of the retention requirements in the GJC records retention and destruction schedule.
Record Series 10	Superior Court Clerk	General Stream Adjudication Case Files need to be retained longer than “25 years from the year the case is filed,” because these cases often go on longer than 25 years. This issue only affects Maricopa and Apache Counties. One suggestion for revised language would be <i>25 years from the date of the final, non-appealable order in the case.</i>	Accepted and adjusted the proposed retention period to: <i>25 years from the year the case is filed or 5 years from the date of the final non-appealable order, whichever is later</i>
Record Series 18	COJC Member, Superior Court Judge	Yuma County – in addition to Santa Cruz County – receives juvenile cases in the superior court	Accepted. Deleted the remark that <i>Santa Cruz County is the only county that receives juvenile traffic cases in the superior court.</i>

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 3: Superior Court

Chapter 4: Administration

Section 3-402: Superior Court Records Retention and Disposition Schedule

A. **Definitions.** In this section the following definitions apply:

“Case data” means the electronic information about a case, but not images of documents, maintained by the clerk or the court, generally found in a case management system, and often posted to the or the court’s website.

“Case file” means the original all documents or and other material, regardless of physical form filed with the clerk of the court in an action or proceeding in a court, either in paper or electronic format, and includes items such as CDs, DVDs, or other material requiring the use of a computer to read, as well as oversized items that do not fit within a typical paper case file or that exceed the size permitted to be filed through the e-filing system, depositions and transcripts. Case file includes case management system data but does not include exhibits submitted at a hearing or a trial.

“Clerk of Superior Court” or “Clerk” means the person who is appointed or elected in each county for the purpose of keeping and disposing of all documents, records, instruments, books, papers, depositions, exhibits and transcripts in any action or proceeding in the superior court.

“Closed” means that the case is no longer subject to modification pursuant to Rule 94(h), Rules of the Supreme Court.

“Date received,” means the date records are received by the clerk or court.

“Destruction” or “destroyed” means to discard by burning, shredding, recycling, or by depositing in a public landfill.

“Dispose” means to destroy a record or transfer a record to archives, depending upon the context.

“File” or “filed” means the record was delivered to and file-stamped by the Clerk of Court.

“Historically significant case” means a case involving a unique legal issue or controversy, prominent party, or other high profile or newsworthy aspects, and that has been so designated pursuant to the process established in subsection (F) of this section.

“Landmark case” means a case that meets the requirements of Rule 111(b), Rules of the Supreme Court, has been the subject of a published appellate court opinion as that

~~term is defined by Rule 111(a)(1), and has been so designated pursuant to the process established in subsection (F) of this section.~~

~~“Microfilming” means the reproduction on microfilm of the original record in accordance with the minimum standards for microfilming as established by nationally accepted records and information management process standards.~~

~~“Purge” means to remove and destroy records in a case file pursuant to subsection (D) of this section.~~

~~“Records manager” means the person or persons responsible for keeping and disposing of any records held by the superior court or any department of the superior court, other than the records held by the clerk of superior court.~~

~~“Retention period” means the period of time during which records must be kept before they may be disposed of, usually a period of years and sometimes contingent upon an event, such as entry of judgment or after reference value served.~~

~~“State Library, Archives, and Public Records (LAPR)” means the division of the Arizona Secretary of State that is the archives for Arizona state government, which is mandated by law to collect, preserve and make available to the public and all branches of government, permanent public records, historical manuscripts, photographs and other materials that contribute to the understanding of Arizona history.~~

B. General Provisions.

1. Permanent records. At the end of the Retention Period with Court, set forth in the table in section D below, the clerk or the records manager must transfer to LAPR all records, regardless of format, that have a retention period designated as *permanent*, unless otherwise instructed by LAPR. The clerk and the records manager must work with LAPR to follow LAPR’s established requirements for transfer.
2. Early transfer of records to LAPR. Clerks and records managers at courts with insufficient records storage areas may transfer records to LAPR that are within 5 years of the end of their Retention Period with Court.
3. Electronic case files and case data. At the end of the Retention Period with Court, set forth in section D below, the clerk and the records manager must destroy electronic case files and case data not designated as having a retention period of *permanent*. Electronic case files designated as having a retention period of *permanent* must be transferred to LAPR at a time when LAPR has the capacity to accept electronic records.

4. Paper case files and administrative records. At the end of the Retention Period with Court, set forth in section D below, the clerk may destroy case files that are primarily in paper format, and the clerk and the records manager may destroy other records, regardless of format, not designated as having a retention period of permanent. Paper case files and other records designated as having a retention period of permanent must be transferred to LAPR.
5. Microfilm. Until national standards for the long-term preservation of electronic records are in place, records transferred to LAPR pursuant to the provisions of this schedule shall be in either paper or microfilm format. For any records that are microfilmed, the film negative shall also be sent to LAPR.
6. No duty to migrate to new technology. The clerk and the records manager are not responsible for migrating to new technology any material filed in an action or proceeding that is recorded in a format, such as CD and DVD that must be read by a computer.
7. Conflicting authority. To the extent that the retention periods specified in this schedule vary from any statutory provision, the longer period of retention, whether in statute or the schedule, applies.
8. Sealed files. A case file or portions of a case file sealed by order of the court must remain sealed in perpetuity, unless otherwise ordered by the court that issued the order sealing the case file or portions of the case file.
9. Completeness of schedule. This records retention and disposition schedule is intended to cover all superior court records. If a record cannot be located in this schedule, the clerk or the records manager should use his or her best judgment to place a record within a category that is already identified.
10. LAPR Retention. The column titled LAPR Retention, set forth in the table in section D below, is intended to inform courts about what occurs with court records once the records leave the judicial branch. This code section does not set policy for the executive branch of the State of Arizona.
11. Destruction of non-permanent records. When a paper case file or other paper record is eligible for destruction, the clerk and the records manager shall take proper precautions to protect the privacy of the individuals identified in the case file or other record and destroy the complete case file or other record by shredding, burning, or pulverizing the physical case file or other record. Electronic images of case file documents, data, or other records shall be deleted from all electronic repositories in which they reside, including servers and hard drives. The court may keep a list, containing minimal information, such as case number, case type, party name, and date of destruction, capturing any case files or other records destroyed, so that the court will know that a case file or other record has been destroyed and has not been merely misplaced or never existed.

BC. Authority. Az. Const. Art. 6, §§ 3 and 23 authorize the supreme court to administer the courts of this state and to establish duties for the clerk of the superior court in each county by rule. A.R.S. § 41-1339~~151.09~~ requires superior court clerks to transfer all permanent files to the ~~Director of the Arizona State Library Archives and Public Records (ASLAPR)~~ LAPR at the end of their prescribed retention period, pursuant to court rules. Rule 29, Rules of the Supreme Court, requires the court to adopt retention and disposition schedules and ~~purge lists~~ for court records.

CD. Retention and ~~d~~Disposition ~~s~~Schedule. The ~~C~~clerks of superior court or the records manager shall retain and dispose of superior court records according to the following schedule:

ARIZONA SUPREME COURT Records Retention and Disposition Schedule FOR USE BY SUPERIOR COURT		
Type of Record	Retain (Yrs)	Remarks
1. COURT CASE FILES	-	<p>Case records designated for retention for a period of "50 years (for cases filed after 1959)" must be transferred to the state archivist for permanent storage and not destroyed at the end of the 50 year retention period. For example, in the year 2011, a civil malpractice case record filed in 1960 must be transferred to the state archivist.</p> <p style="text-align: center;">-</p> <p>Case records designated for retention for a period of "Permanent (for cases filed prior to 1960)" may be either retained in the custody of the clerk of court or transferred to the state archivist and not destroyed. For example in the year 2011, a civil malpractice case record filed in 1959 may be transferred to the state archivist or retained by the clerk at the clerk's discretion.</p>

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
<p>a. Civil—General</p> <p>Includes:</p> <ul style="list-style-type: none"> — Administrative review — Contract — Declaratory judgment — Department of Economic Security (DES) instant judgment — Eminent domain — Foreign judgment — Habeas corpus — Malpractice — Name change — Non-general stream adjudication water rights — Quiet title — Restoration of civil rights — Special action appeal — Tax appeal — Tort general (all non-motor vehicle) — Transcript of judgment — Other unspecified non-domestic relations civil case categories 	<p>50 (for cases filed after 1959)</p> <hr/> <p>Permanent (for cases filed prior to 1960)</p>	<p>Retention period begins following year filed.</p> <p>-</p> <p>As provided by Rule 29, Rules of the Supreme Court, at the end of the retention period required by this section, transfer these court records to ASLAPR for permanent retention.</p> <p>-</p> <p>Purging and microfilming are allowed at any point after the case is closed. (See subsection D).</p> <p>-</p> <hr/> <p>Purging and microfilming are allowed at any point after the case is closed. (See subsection D).</p>
<p>(1) Civil—Other</p> <ul style="list-style-type: none"> — Foreible detainer — Harassment — Seized vehicle — Tort— motor vehicle 	<p>10</p>	<p>Retention period begins following year filed.</p> <p>-</p> <p>Case file may be destroyed at end of retention period.</p> <p>-</p> <p>Microfilming and/or transfer to ASLAPR not required.</p> <p>-</p> <p>Applies to all records currently in custody, including pre-1960 records.</p>
<p>(2) Domestic Relations Cases— with children</p> <ul style="list-style-type: none"> — Civil paternity — Domestic custody 	<p>75 (for cases filed after 1959)</p> <p>-</p>	<p>Retention period begins following the year filed.</p> <p>-</p> <p>As provided by Rule 29, Rules of the</p>

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
<ul style="list-style-type: none"> — Domestic violence — Reciprocal divorce — Support enforcement 	<p style="text-align: center;">Permanent (for cases filed prior to 1960)</p>	<p>Supreme Court, at the end of the retention period required by this section, transfer these court records to ASLAPR for permanent retention.</p> <p>These files shall not be purged.</p> <p>Microfilming is allowed at any point after the case is closed. (See subsection D).</p> <hr/> <p>These files shall not be purged.</p> <p>Microfilming is allowed at any point after the case is closed. (See subsection D).</p>
<ul style="list-style-type: none"> (3) Domestic Relations Cases — without children <ul style="list-style-type: none"> — Dissolutions — All other unspecified domestic relations case categories 	<p style="text-align: center;">50 (for cases filed after 1959)</p> <hr/> <p style="text-align: center;">Permanent (for cases filed prior to 1960)</p>	<p>Retention period begins following the year filed.</p> <p>As provided by Rule 29, Rules of the Supreme Court, at the end of the retention period required by this section, transfer these court records to ASLAPR for permanent retention.</p> <p>These files shall not be purged.</p> <p>Microfilming is allowed at any point after the case is closed. (See subsection D).</p> <hr/> <p>These files shall not be purged.</p> <p>Microfilming is allowed at any point after the case is closed. (See subsection D).</p>
<ul style="list-style-type: none"> (4) Dismissed Domestic Relations Cases — with or without children 	<p style="text-align: center;">50 (for cases filed after 1959)</p>	<p>Retention period begins following the year filed.</p> <p>As provided by Rule 29, Rules of the Supreme Court, at the end of the retention</p>

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
	Permanent (for cases filed prior to 1960)	<p>period required by this section, transfer these court records to ASLAPR for permanent retention.</p> <p>Purging and microfilming are allowed at any point after the case is closed. (See subsection D).</p> <hr/> <p>Purging and microfilming are allowed at any point after the case is closed. (See subsection D).</p>
(5) Orders of Protection/Injunctions Against Harassment	5	<p>Retention period begins following the year filed.</p> <p>Case file may be destroyed.</p> <p>Microfilming and/or transfer to ASLAPR not required.</p>
(6) Demand for Notice (including non-case specific filings, i.e. Arizona Health Care Cost Containment System (AHCCCS) clients who have died)	2	<p>After date received.</p> <p>Document may be destroyed.</p>
(7) Mental Health	50 (for cases filed after 1959)	<p>Retention period begins following year filed.</p> <p>As provided by Rule 29, Rules of the Supreme Court, at the end of the retention period required by this section, clerks shall transfer these court records to ASLAPR for permanent retention.</p> <p>Not authorized for purging.</p> <p>Microfilming is allowed at any point after the case is closed. (See Subsection D).</p>

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
	Permanent (for cases filed prior to 1960)	Not authorized for purging. Microfilming is allowed at any point after the case is closed. (See subsection D).
<p>(8) Probate Includes:</p> <ul style="list-style-type: none"> — Conservatorship — Combination Conservatorship/Guardianship — Guardianship (adult and juvenile) — Adult adoptions — Non case specific filings 	<p>100 (for cases filed after 1959)</p> <hr/> <p>Permanent (for cases filed prior to 1960)</p>	<p>Retention period begins following the year filed.</p> <p>As provided by Rule 29, Rules of the Supreme Court, at the end of the retention period required by this section, clerks shall transfer these court records to ASLAPR for permanent retention.</p> <p>Not authorized for purging.</p> <p>Microfilming is allowed at any point after the case is closed. (See Subsection D).</p> <hr/> <p>Not authorized for purging.</p> <p>Microfilming is allowed at any point after the case is closed. (See subsection D).</p>
<p>— Probate vouchers and receipts</p>	5	<p>After fiscal year received or after final annual accounting.</p> <p>Destroy without microfilming. Refer to Rule 94(h)(2), Rules of the Supreme Court.</p>
<p>(9) Abortions</p>	-	<p>Retain and dispose in accordance with court order.</p>
<p>(10) General Stream Adjudication</p>		
<p>(a) Contents of the case file, including but not limited to:</p>	Permanent	Not authorized for purging.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
<ul style="list-style-type: none"> — statement of claimant — exhibits — written hearing transcripts 		<p>These records are to be permanently maintained by the clerk. Rule 94(h), Rules of the Supreme Court, allows the destruction of original permanent records after microfilming. Microfilming is allowed five years after the year filed.</p> <p>After microfilming, the clerk shall automatically transfer the original records to ASLAPR as historically significant records.</p>
(b) Office of the Special Master		<p>The office of the special master shall classify, label, and purge the following records before transferring them to the clerk.</p>
<ul style="list-style-type: none"> — Historical materials — Public information materials — Case management and procedures — Non-Rule 53 Special Master's reports 	Permanent	<p>Not authorized for purging by the clerk.</p> <p>These records are to be permanently maintained by the clerk. Rule 94(h), Rules of the Supreme Court, allows the destruction of original permanent records after microfilming. Microfilming is allowed five years after the date they are received by the clerk.</p> <p>After microfilming, the clerk shall automatically transfer the original records to ASLAPR as historically significant records.</p>
<ul style="list-style-type: none"> — Appellate proceedings — Legislative materials — Legal research materials — Special Master's rules 	25	<p>After the date they are received by the clerk.</p> <p>The records may be microfilmed five years after they are received by the clerk. Rule 94(h), Rules of the Supreme Court, allows the destruction of original permanent records after microfilming.</p> <p>Transfer to ASLAPR not required.</p>
<ul style="list-style-type: none"> — Administrative, financial, — human resource records 	-	<p>Retain and dispose in accordance with the applicable sections of this schedule.</p>

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
(3) Transcripts and depositions (all case categories)	-	These are part of the case file and accordingly follow the criminal case type retention time frame.
e. Juvenile (confidential, A.R.S. Title 8, Chapter 1)		
(1) Adoptions, including pre-adoption certifications, motions for birth parent expenses and sealed adoption materials	100	<p>Following the granting, denial, dismissal or expiration of the matter as to all children.</p> <p>The juvenile court may authorize the microfilming of these cases.</p> <p>At end of retention period, all files, records, reports and other documents in possession of the court relating to the adoption must be transferred to ASLAPR. Reference A.R.S. §§ 8-116 and 121.</p>
(2) Abortions	-	Microfilm and dispose in accordance with court order.
(3) Delinquencies (includes citations, juvenile orders of protection, injunctions against harassment, incorrigibility and sealed delinquency materials)	-	<p>After satisfaction of A.R.S. § 8-349 or following juvenile's 30th birthday, A.R.S. § 13-912.</p> <p>Microfilm and dispose in accordance with court order. The juvenile court may authorize the microfilming or destruction of these cases or orders of protection /injunctions against harassment issued pursuant to A.R.S. § 13-3602.</p>
(4) Dependency (includes Indian Child Welfare Act Cases. Also includes sealed dependency materials)	100 (for cases filed after 1959)	<p>From date of dismissal as to all children.</p> <p>As provided by Rule 29, Rules of the Supreme Court, at the end of the retention period required by this section, clerks shall transfer these records to ASLAPR for permanent retention.</p> <p>Microfilm and dispose in accordance with court order.</p>

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
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Type of Record	Retain (Yrs)	Remarks
		The Juvenile Court may authorize earlier destruction.
d. Lower Court Appeals—Civil or Criminal		
(1) Remanded civil cases	-	After satisfaction of Rule 12(e), Superior Court Rules of Appellate Procedure—Civil.
(2) Remanded criminal cases	-	After satisfaction of Rule 12, Superior Court Rules of Appellate Procedure—Criminal.
(3) Remanded case transfer index (and associated remand minute orders)	5	Following the date of the remand order. Case file may be destroyed.
(4) All other categories (including city court cases)	-	Refer to Rule 12, Superior Court Rules of Appellate Procedure—Civil and Criminal for disposition.
(5) Photocopies of remanded cases	-	After reference value served. Copies may be destroyed.
(6) Trial De Novo	-	See Rule 30, Rules of Criminal Procedure.
—Criminal traffic and eriminal non-traffic, civil traffic and civil non-traffic	5	After dismissal, final order, judgment or stipulation.
e. Grand Jury Records		
(1) Empanelment documents	5	After panel dismissed. Retention period starts at end of empanelment term. Empanelment documents may be destroyed.
(2) Minutes of grand jury votes	1	From date of minutes. Minutes may be destroyed.
(3) Court reporter notes —(a) Where a no true bill issued	10	From date of proceeding. These notes normally will not have been transcribed, since in these matters no indictment is issued.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
—(b) Where a true bill is issued	-	See section 2, Official Court Records (below). Court reporter notes must be transcribed in any grand jury proceeding from which an indictment is issued pursuant to A.R.S. § 21-411 and Rule 12.8(c), Rules of Criminal Procedure.
(4) No true bill/admonitions/readings/dismissed/miscellaneous documents	1	From date of document or dismissal. Document may be destroyed.
f. Miscellaneous Filings		
(1) Administrative orders	10	From date of issue. Provide copy to the current presiding judge for evaluation and re-issue, if contents of order are still valid. Transfer original or microfilm of these records to ASLAPR for permanent retention. (See section 6.d. Presiding Judge business papers, below)
(2) Landmark cases	Permanent	See subsection F, Historically Significant and Landmark Cases. Case file shall be maintained intact, if not already purged at time of designation. Microfilming is allowed, but original paper file shall be transferred to ASLAPR, if available, at end of retention period applicable to the case type.
(3) Historically Significant Cases	Permanent	See subsection F, Historically Significant and Landmark Cases. Case file shall be maintained intact, if not already purged at time of designation. Microfilming is allowed, but original paper file should be transferred to ASLAPR if available, at end of retention period

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
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Type of Record	Retain (Yrs)	Remarks
		applicable to the case type.
(4) "Sealed by Order of the Court" records	-	Retain and dispose in accordance with applicable case type.
(5) Special Warrants		
— Confidential Wire Taps	1	Retention period begins following year filed. Return to prosecutor. Confidential. See A.R.S. § 13-3918.
— Pen Registers	1	Retention period begins following year filed. Return to prosecutor or other responsible agency.
(6) Other (Search Warrants, Trap and Trace, Handwriting Exemplars)	1	Retention period begins following year filed. See A.R.S. § 13-3918.
2. OFFICIAL COURT RECORD (including electronic recordings of proceedings)		
a. Criminal — non-capital cases. These records include all verbatim records of proceedings held in a non-capital criminal case including grand jury, writs of habeas corpus and all other criminal matters.		In cases where defendant is tried in absentia or where defendant fails to appear for sentencing, court reporter notes must be transcribed.
(1) Court reporters' notes (paper or electronic)	10	The retention period begins after the date notes taken.
(2) Other electronic recordings of proceedings	10	After the date proceeding recorded.
b. Criminal — capital cases. These records include all verbatim records of proceedings held in a capital case, including grand jury and writs of habeas corpus		
(1) Court reporters' notes (paper or electronic)	50	The retention period begins after the date of sentencing.
(2) Other electronic recordings of	50	After the date of sentencing.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
proceedings		
e. Juvenile (confidential, A.R.S. § 8-120)		
(1) Court reporters' notes (paper or electronic)	10	After the date notes taken.
(2) Other electronic recordings of proceedings	10	After the date proceeding recorded.
d. Non-criminal		
(1) Court reporters' notes (paper or electronic)	5	After the date notes taken.
(2) Other electronic recordings of proceedings	5	After the date proceeding recorded. Rule 43(k), Rules of Civil Procedure, or local rule, whichever retention period is shorter.
3. EXHIBITS		
a. Civil (includes domestic relations, probate, mental health, arbitration and other civil case types)	-	Following dismissal, disposition or final appellate ruling. Retain, return, or destroy in accordance with court order.
— With ordered disposition	-	After satisfaction of court order.
— Without ordered disposition	30 days	After mailing notice to responsible parties to claim evidence. (Case must be 30 days post-adjudication and not on appeal.) Rule 94(h), Rules of the Supreme Court.
b. Criminal		
— With ordered disposition	-	After satisfaction of court order.
— Without ordered disposition	-	After satisfying Rule 28.1, Rules of Criminal Procedure.
4. RECORDS CREATED OR RECEIVED BY CLERK'S OFFICE		
a. Bail Bondsmen affidavits	3	After termination of privileges pursuant to Rule 7.1(f), Rules of Criminal Procedure.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
b. Dockets and computerized records created in compliance with Rules 94(c) and 94(g), Rules of the Supreme Court	-	After reference value served.
— Indices or dockets and registers of action (if used as indices)	Permanent	
e. Correspondence concerning copies of records and information	-	After reference value served.
d. Criminal or civil cash bonds	3	After exonerated.
e. Fingerprint cards (administrative purposes)	-	Return to prosecutor or other responsible agency.
f. Marriage affidavits	Permanent	Destroy after microfilming.
g. Marriage licenses/certificates	Permanent	Destroy or mail to couple after microfilming.
h. Notary affidavit applications and bonds	-	After expired.
i. Powers of attorney to write bonds	-	After expired or revoked.
j. Process server applications	4	After expired or new application received.
k. Process server investigations/sanctions	4	After completion.
l. Public officials financial disclosure statements	3	After filed. Refer to A.R.S. §§ 38-541 through 545.
m. Wills filed in accordance with A.R.S. § 14-2901(Laws 1973), repealed 1984	90	From the date of the will's creation.
5. COURT FINANCIAL RECORDS — (original and electronic records)		
a. Banking records— All	3	After fiscal year prepared or received.
b. Cash books and supporting records for non bond accounts (includes receipts and distribution recordings)	3	After fiscal year prepared or received.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
e. Cash books and receipts for bond trust accounts	5	After fiscal year prepared or received.
d. Child support payment records	5	After fiscal year of payment and satisfaction of arrearages.
e. Child support enforcement (including IV-D cases)		
— Computer program conversion data	3	After fiscal year conversion of hardware and software completed. 45 C.R.F. § 74.53
— Individual computerized files	3	After fiscal year of payment and satisfaction of arrearages. 45 C.F.R. § 74.53
f. Court payment orders (visiting judges, court reporters, law library, attorney fees, etc.)	3	After fiscal year paid.
g. Expense accounting records	3	After fiscal year paid.
h. Financial summary reports		
— Budget operational	3	After fiscal year prepared.
— Monthly budget reports	3	After fiscal year prepared.
— Quarterly or annual reports	5	After fiscal year prepared. Evaluate for further retention.
— Other financial reports	3	After fiscal year prepared.
i. Journal entries for restitutions, fines and reimbursements	3	After fiscal year of payment and satisfaction.
j. Juror vouchers	3	After fiscal year prepared.
k. Minimum accounting standards reports	3	After prepared.
6. COURT ADMINISTRATION		
a. Calendars	-	After reference value served.
b. Records of visiting judges	3	After fiscal year prepared.
e. Court visitor (investigator) files	10	After prepared. Reference A.R.S. § 14-5303
d. Former Chief Presiding Judge	-	After satisfaction of term. Arrange transfer to

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
business papers. This records series consists of records generated by presiding judges to provide guidance, direction and/or general information related to the administration or non-case related business operations of the court. Business papers include general correspondence and administrative orders.		ASLAPR. These records may be sent to ASLAPR at the discretion of the presiding judge, clerk of court, or court administrator.
7. ADMINISTRATIVE RECORDS		
a. General correspondence	-	After reference value served.
b. Employee time sheets (official copies at county finance)	-	After reference value served.
c. Statistical reports	5	After prepared. Evaluate for further retention.
8. JURY COMMISSIONER RECORDS		Lists generated in accordance with A. R. S. Title 21, Chapters 3 and 4.
a. Master jury list	-	Destroy after new list created in accordance A.R.S. § 21-301.
b. Master jury file	-	Destroy after new list created. Reference A.R.S. § 21-312.
c. Juror questionnaires	90 days	After receipt. Ref. A.R.S. § 21-314(B).
d. Other juror lists (panels, pools, and other records)		
— Juror records containing financial information	3 years	After fiscal year prepared.
— Non-financial juror records	-	After reference value served.
9. COJET RECORDS	As required by COJET	Reference Administrative Guidelines for Judicial Education in Arizona.
10. HUMAN RESOURCE RECORDS		
a. Applicant medical certification form	5	After termination for employees, or 2 years from date of application for non-employees.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
b.— Background investigations	5	After termination.
c.— Classification/re-class of positions	3	After request is acted on.
d.— Criminal history background checks		
— No finding	6 mos.	After fiscal year prepared.
— Finding	1	After fiscal year prepared.
e.— EEOC 4 including background information	2	After prepared.
f.— Employee medical files/ exposure records and pre-employment physicals	30	After termination (20 C.F.R. § 1910.20). These records must be retained separately from the employee personnel file.
g.— Official employee personnel files	5	After termination.
h.— Employee supervisor files	6 mos.	After termination/transfer.
i.— Employment eligibility verification form I-9 (proof of legal residency in U.S.A.)	3	After employee termination but not less than 3 yrs after date of hire (8 C.F.R. § 274a.2).
j.— Grievance/appeals and supporting documentation	3	After resolution.
k.— Hiring documents, including application, selection promotion and interview records	2	After calendar year received or prepared (29 C.F.R. § 1602.31).
l.— Judicial certifications	3	After filed.
m.— Layoff/reduction in force (RIF) documents, including computation documents and recap summary)	5	After layoff or RIF is complete.
n.— Occupational safety and health records, including workers' compensation accident reports and annual summaries	5	After calendar year reported. (29 C.F.R. § 1952.4).
o.— Payroll deduction records	3	After fiscal year created.
p.— Position descriptions	3	After superseded or abolished.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
q.— Psychological evaluations for applicants	5	After termination for employees, or 2 years from date of application for non-employees.
r.— Psychological evaluations for employees who are applying to carry firearms	5	After termination of employment.
11. PRETRIAL SERVICES RECORDS		
— Case supervision files	1	After case disposition.
12. ADULT PROBATION RECORDS		
a.— Case files	3	After expiration or termination of probation.
b.— Intensive Probation Supervision (IPS) financial records	3	After program completion or termination.
e.— Progress and activity reports	2	After fiscal year prepared.
d.— Work furlough records		
— Case management files	1	After program completion or termination.
— Financial records	3	After program completion or termination.
13. JUVENILE PROBATION RECORDS		
a.— Juvenile social files	18 th birthday	Rule 19(A)(2), Rules of Procedure for the Juvenile Court.
b.— Juvenile dependency files	18 th birthday	A.R.S. § 8-349 (For court case files see section (1)(e) of this schedule.)
e.— Reports and studies		
— Detention	5	After fiscal year prepared.
— Program Services	5	After fiscal year prepared.
— Probation	5	After fiscal year prepared.
— Admin. Services	5	After fiscal year prepared.
— Intake	5	After fiscal year prepared.
— Caseload Printout	5	After calendar year prepared.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
d. Juvenile Treatment Services Fund (JTSP) records (checking account with original copy retained by supreme court)	5	After fiscal year prepared.
e. Probation records (working files including psychiatric/psychological evaluations and probation officer reports)		After fiscal year prepared.
— Non-adjudicated juveniles	45 days	After 18th birthday.
— Remanded juveniles	45 days	After 25 th birthday.
— Adjudicated juveniles (without criminal records)	45 days	After 25 th birthday.
— Adjudicated juveniles (with criminal records)	45 days	After ordered by the court per A.R.S. § 8-349.

D. Case File Purge Procedures. This list identifies records that can be removed and destroyed from civil, domestic relations, and criminal case files before microfilming. For other types of case files, the determination of what to retain and what to purge after microfilming is left to the discretion of the local court. Destruction of original records is subject to notification requirements of ASLAPR. The method used to destroy records is at local court discretion, however, confidential and sealed records shall be destroyed by shredding, burning, or other means that will obliterate the records.

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
<p>For the purposes of this purge list, civil cases are defined as case files that are not domestic relations, probate, mental health, tax appeals, criminal, or juvenile.</p> <p>When a civil case is closed, whether by judgment, dismissal or settlement, and all appeals deadlines have passed, the case is “no longer subject to modification,” pursuant to Arizona Supreme Court Rule 94(h), and is eligible for purging. The documents listed herein can be purged (removed) from the file and destroyed before microfilming the file content.</p>	

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
All tagged exhibits must be processed in accordance with the Rules of Civil Procedure.	
AFFIDAVIT	COMPLAINT
◆ Relating to discovery matters	◆ Initial
NOTICE OF:	◆ amended
◆ Appointment of auditor/receiver	SUMMONS
◆ Appearance	ACCEPTANCE AND RETURN OF SERVICE
◆ Appointment of special process server	CROSS CLAIMS
◆ Association of counsel	COUNTER CLAIMS
◆ Change of judge	INTERVENORS
◆ Delinquent briefs	JOINDER OF ADDITIONAL PARTIES
◆ Deposition	INTERPLEADER
◆ Disclosure	AFFIDAVITS
◆ Filing foreign judgment and affidavit	◆ Keep all affidavits except those relating to discovery matters
◆ Filing of reporter=s transcript of evidence	NOTICES
◆ List of witnesses and exhibits	◆ Of appeal
◆ Sheriff=s sale	◆ Of voluntary discovery
◆ Trial date	◆ Of filing of bankruptcy
◆ Witnesses	◆ Of publication
◆ Receipts (unless return of service of process is indicated)	◆ Of seizure of vehicles
◆ Acceptance of offer of judgment	REQUEST/PETITIONS/DEMANDS
◆ Offer of judgment	◆ for writ of assistance and order
◆ Settlement	◆ intervenor
◆ Withdrawal of answer	ANSWERS/RESPONSES
◆ Appointment of guardian ad litem	◆ to complaint, initiating action
◆ Dismissal	REPLIES TO COUNTER CLAIMS
MOTIONS FOR:	THIRD PARTY ACTIONS
◆ Accelerated hearing/trial date	STIPULATIONS/CONSENT

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
◆ Change of venue	◆ of dismissal
◆ Leave to exceed page limitation	◆ keep all judgments and orders even if they are attached to documents that are on the discard list
◆ Pretrial discovery/disclosure	Some examples of judgments and orders follow
◆ Summary judgment	◆ declaratory judgment
◆ Directed verdict	◆ default judgments
◆ New trial	◆ dismissals
◆ Additional disclosure	◆ final order in condemnation
◆ Failure to join party	◆ release of judgment
◆ More definite statement	◆ relief from judgment or order
◆ Reargument	◆ special verdicts
◆ Voir dire examination	◆ findings of fact, conclusions of law
◆ Judgment	◆ judgments against garnishee
◆ Sanctions	◆ in foreible detainer
MOTIONS TO:	◆ arbitration award
◆ Dismiss (i.e., for lack of jurisdiction, insufficiency of process, failure to state claim, etc.)	◆ order for name change
◆ File delayed appeal	◆ judgments
◆ Quash/prevent issuance of subpoena	◆ verdicts
◆ Stay proceedings	◆ order for joinder
◆ Transfer	◆ minute entries that contain the words "ORDER" or "IT IS ORDERED" or similar statements
◆ Waive applicable time limits	WRITS
◆ In limine	RETURN OF
◆ Consolidate	◆ receipts for exhibits or evidence
◆ Enlarge time for answer	◆ registered mail receipt cards or letters
◆ Quash warrant/writ	SATISFACTION OF
◆ Withdraw default/default judgment	◆ judgment
◆ Compel discovery	◆ judgment against garnishee

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
◆ Extended time limits within which to file pre-trial motions	◆ partial satisfaction of amended judgment
◆ Release bond	BOND/DEPOSITS
◆ Set trial	◆ except if there is an indication that the bond is exonerated
◆ Suppress	APPELLATE MANDATE
◆ Vacate conference/hearing	ACCEPTANCE OF SERVICE
◆ Demurrer to complaint	SUPREME COURT MANDATES
◆ Amend complaint	MINUTE ENTRIES THAT INCLUDE COURT ORDERS
◆ Continue	EXHIBITS DISPOSAL PROCEDURES
◆ Exonerate bond	
◆ Strike	
◆ Withdraw counsel	
REQUEST/PETITIONS FOR:	
◆ Jury trial	
◆ Production	
◆ Trial	
◆ Intervenor	
◆ Writ of assistance and order	
◆ Leave to file cross-claim	
◆ Appointment of private process server	
◆ Pre-trial conference	
◆ Transcript	
◆ Admit	
◆ Admission	
◆ Relief for judgment or order	
APPLICATIONS FOR:	
◆ Attorney fees	
◆ Certification of interlocutory appeal	
◆ Confirmation of arbitration award	

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
◆ Continuing lien on non-exempt earning	
◆ Special juries	
◆ Supplemental proceeding and order	
◆ Garnishment	
ANSWERS/RESPONSES TO:	
◆ Demand for early trial date	
◆ Motion to continue	
◆ Motion to demand jury trial	
◆ Motion to extend time to file motions	
◆ Motion to file delayed appeal	
◆ Motion to preserve evidence	
◆ Motion to suppress	
◆ Notice of change of judge	
◆ Request for production	
◆ Motion for sanctions	
◆ Motion to dismiss	
◆ Application for certification of interlocutory — appeal	
◆ Garnishment	
◆ Interrogatories	
◆ Motion for new trial	
REPLIES TO:	
◆ Responses to demand early trial date	
◆ Responses to motion to demand jury trial	
CERTIFICATES:	
◆ Controverting certificates	
◆ Of appointment	
◆ Of readiness	
◆ Of discharge of notice of lis pendens	
STIPULATION/CONSENT:	

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
◆ Settlement agreement	
◆ To extend time	
◆ For substitution of counsel	
◆ To substitution of parties	
JUDGMENTS/ORDERS:	
◆ Executed or quashed body attachments/civil arrest warrants	
RETURNS:	
◆ Sheriff=s return on execution	
◆ Of writs	
◆ Of sale of personal property under Special Execution and Order of Sale	
BONDS/DEPOSITS:	
◆ Bond attachment	
◆ Exonerated bond	
STATEMENTS OF FACT/BRIEFS:	
◆ Statement of Fact	
◆ Brief schedule	
◆ Briefs	
FINANCIAL RECORDS:	
◆ Bookkeeping record	
◆ Credit memo (e.g., paid answer, appellee fee, cost bond, etc.)	
CLERK OF COURT WORK SHEETS:	
(E.g., for arguments, office/pre-trial conference, trials, evidentiary hearings, etc.)	
CORRESPONDENCE:	
(E.g., letters of transmittal, confirmation of dates, rescheduling problems, etc.)	
Depositions	
Disclaimer of Process Server	

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
Documents	
Impeachment Envelopes and Contents	
Interrogatories	
Medical Records	
Letters/Memoranda	
Proposed Jury Instructions/Prayers	
Statement of Costs and Notice of Taxation of Costs	
Subpoenas	
Transcripts:	
–(Except default hearing transcripts)	
Justice Court Docket Page	
Superior Court Appeals Index	
Minute Entries That Are Not Orders:	
–(i.e., that do not contain wording "It is ORDERED." ")	
Satisfaction of Judgment for Jury Fees	

DOMESTIC RELATIONS CASE FILE PURGE LIST

Domestic Relations cases include Civil Paternity, Dissolutions, Divorce, Domestic Custody, Domestic Relations, Domestic Violence, Reciprocal Divorce, Support Enforcement, and other Unspecified Domestic Relations cases.

Case Disposition Type	Documents to be Retained
(a) Dismissed cases (of all documents except those listed here are eligible for purging)	–Initial petition –Final order of dismissal
(b) Domestic Relations cases that did not end in dismissal	Retain file contents intact, do not purge

CRIMINAL CASE FILE PURGE LIST

Case Disposition Type	Documents to be Retained
(a) Cases ending in acquittal of all defendants or dismissal of all defendants (all documents except those listed here are eligible for purging)	<ul style="list-style-type: none"> —Initiating document (i.e. initial indictment, complaint and information sheets) —Verdict (for acquittals) —Judgment/order or minute entry of dismissal/acquittal
(b) Cases not ending in acquittal or dismissal of all defendants	Retain file contents intact, do not purge

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
<u>CASE FILES HELD BY THE CLERK OF COURT</u>				
1.	<u>CIVIL CASE FILES, FILED ON OR BEFORE DECEMBER 31, 1959</u>	<u>50 years from the year the case is filed. However, clerks who wish to retain these files in their local office permanently and make them available to the public may retain these files.</u>	Permanent	<u>Clerks may transfer these case files to LAPR at any time.</u>
2.	<u>CIVIL CASE FILES, FILED ON OR AFTER JANUARY 1, 1960</u>	<u>50 years from the year the case is filed</u>	Permanent	<u>Clerks must transfer these case files to LAPR after 50 years.</u>
3.	<u>FAMILY LAW CASE FILES, including paternity, and all other matters arising out of Title 25, A.R.S., FILED ON OR BEFORE DECEMBER 31, 1959</u>	<u>50 years from the year the case is filed. However, clerks who wish to retain these files in their local office permanently and make them available to the public may retain these files.</u>	Permanent	<u>Clerks may transfer these case files to LAPR at any time.</u>

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
4.	<u>FAMILY LAW CASE FILES, including paternity, and all other matters arising under Title 25, A.R.S., FILED ON OR AFTER JANUARY 1, 1960</u>	<u>50 years from the year the case is filed</u>	Permanent	<u>Clerks must transfer these case files to LAPR after 50 years.</u>
5.	<u>ORDER OF PROTECTION CASE FILES</u>	<u>50 years from the year the case is filed</u>	N/A	<u>Clerks of court wish to separate order of protection case files from injunction against harassment and injunction against workplace harassment case files. Injunction against harassment and injunction against workplace harassment case files are to be treated as civil case files.</u>
6.	<u>MENTAL HEALTH CASE FILES FILED ON OR BEFORE DECEMBER 31, 1959</u>	<u>50 years from the year the case is filed. However, clerks who wish to retain these files in their local office permanently and make them available to the public may retain these files.</u>	Permanent	<u>Clerks may transfer these case files to LAPR at any time.</u>
7.	<u>MENTAL HEALTH CASE FILES FILED ON OR AFTER JANUARY 1, 1960</u>	<u>50 years from the year the case is filed</u>	Permanent	<u>Clerks must transfer these case files to LAPR after 50 years.</u>

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
8.	<u>PROBATE CASE FILES, including guardianships, conservatorships, decedents' estates, trusts, and related matters, as well as proceedings to challenge or enforce the decision of one authorized to make health care decisions for a patient, FILED ON OR BEFORE DECEMBER 31, 1959</u>	<u>75 years from the year the case is filed. However, clerks who wish to retain these files in their local office permanently and make them available to the public may retain these files.</u>	<u>Permanent</u>	<u>Clerks may transfer these case files to LAPR at any time.</u> <u>Pursuant to Rule 94(h)(2), Rules of the Supreme Court, the clerk may destroy any voucher filed in support of an account by a trustee, personal representative, or any litigant. Under this rule, the destruction may occur 5 years after the fiscal year received.</u>
9.	<u>PROBATE CASE FILES, including guardianships, conservatorships, decedents' estates, trusts, and related matters, as well as proceedings to challenge or enforce the decision of one authorized to make health care decisions for a patient, FILED ON OR AFTER JANUARY 1, 1960</u>	<u>75 years from the year the case is filed</u>	<u>Permanent</u>	<u>Clerks must transfer these case files to LAPR after 75 years.</u> <u>Pursuant to Rule 94(h)(2), Rules of the Supreme Court, the clerk may destroy any voucher filed in support of an account by a trustee, personal representative, or any litigant. Under this rule, the destruction may occur 5 years after the fiscal year received.</u>
10.	<u>GENERAL STREAM ADJUDICATION CASE FILES</u>	<u>25 years from the year the case is filed or 5 years from the date of the final non-appealable order, whichever is later</u>	<u>Permanent</u>	

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
11.	<u>CRIMINAL CASE FILES, except capital felony case files, FILED ON OR BEFORE DECEMBER 31, 1959</u>	<u>50 years from the year the case is filed. However, who wish to retain these files in their local office permanently and make them available to the public may retain these files.</u>	<u>Permanent</u>	<u>Clerks may transfer these case files to LAPR at any time.</u>
12.	<u>CRIMINAL CASE FILES, except capital felony case files, FILED ON OR AFTER JANUARY 1, 1960</u>	<u>50 years from the year the case is filed</u>	<u>Permanent</u>	<u>Clerks must transfer these case files to LAPR after 50 years.</u>
13.	<u>CRIMINAL CAPITAL FELONY CASE FILES</u>	<u>On the death of the defendant</u>	<u>Permanent</u>	<u>Clerks must transfer these case files to LAPR on the death of the defendant.</u>
14.	<u>JUVENILE ADOPTION, SEVERANCE, AND DEPENDENCY CASE FILES</u>	<u>100 years from the granting, denial, dismissal, or expiration of the matter as to all children</u>	<u>Permanent</u>	<u>Clerks must transfer these case files to LAPR after 100 years.</u>
15.	<u>JUVENILE DELINQUENCY CASE FILES</u>	<u>After satisfaction of A.R.S. § 8-349 or 25 years following the year the case is filed</u>	<u>N/A</u>	
16.	<u>JUVENILE ABORTION CASE FILES</u>	<u>7 years after the ruling on the petition, motion, or final appeal, or 5 years after the date of the minor's 18th birthday, whichever is later</u>	<u>N/A</u>	
17.	<u>JUVENILE TRAFFIC CASE FILES, when filed in the superior court</u>	<u>Until the minor reaches age 19</u>	<u>N/A</u>	
18.	<u>APPEAL FROM A LOWER COURT CASE FILES, both civil and criminal</u>	<u>5 years after the superior court issues its order disposing of the case</u>	<u>N/A</u>	

FINANCIAL AND MISCELLANEOUS RECORDS HELD BY THE CLERK OF COURT

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
19.	CASE FINANCIAL RECORDS, not part of a case file			Any records of receipt and disbursement of child support, fines, fees, restitution, and reimbursement payments that are not part of a case file are working files of the clerk and are, therefore, not covered by this schedule. The clerk may destroy such files when the reference value has been served.
	a. <u>Bank account reconciliations, record of outstanding checks, record of deposits in transit, bank statements, canceled checks, canceled deposit slips, bank issued debit and credit memos, and any documentation that requests the adjustment or void of a case financial record</u>	<u>5 years after the fiscal year received or prepared</u>	N/A	This retention period is established to satisfy the requirements of a contract between the <u>Fines/Fees and Restitution Enforcement (FARE) program and an outside vendor.</u>
	b. <u>Expenditure records, including vouchers, invoices, purchase orders, authorizations, reimbursement requests, etc.</u>	<u>5 years after the fiscal year received or prepared</u>	N/A	
	c. <u>Periodic financial reports to federal, state, and local agencies</u>	<u>5 years after the fiscal year prepared</u>	N/A	
	d. <u>Triennial, external review report required by the minimum accounting standards</u>	<u>Retain until subsequent audit received</u>	N/A	
	e. <u>Procurement records</u>			
	i. <u>Solicitation canceled before vendor responses are opened</u>	<u>1 year after cancelation</u>	N/A	

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
	ii. <u>Solicitation canceled after vendor responses are opened</u>	<u>3 years after cancelation</u>	<u>N/A</u>	
	iii. <u>Documents related to successful vendor where contract executed</u>	<u>6 years after end of contract</u>	<u>N/A</u>	
	iv. <u>Documents related to unsuccessful vendor where contract executed</u>	<u>3 years after contract or other agreement signed with competing vendor</u>	<u>N/A</u>	
	v. <u>Documents related to award made yet contract cannot be executed</u>	<u>3 years after contract negotiations end</u>	<u>N/A</u>	
	vi. <u>Protests, protest records, and court response</u>	<u>3 years after contract or other agreement signed with competing vendor</u>	<u>N/A</u>	
20.	<u>WILLS FILED for SAFEKEEPING</u>	<u>75 years from date received</u>	<u>Permanent</u>	<u>Former A.R.S. § 14-2901, as added by Laws 1973, Ch. 75, § 4, which authorized a testator to deposit his or her will with a court for safekeeping, was repealed by Laws 1984, Ch. 368, § 6. The minimum age to prepare a will is 18 years, and an additional 75 years encompasses a typical life span. Clerks must transfer these wills to LAPR after 75 years.</u>

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
21.	WARRANTS AND SUBPOENAS THAT ARE NOT PART OF A CASE FILE, such as pen register, search warrant, trap and trace, handwriting exemplar, and nursing subpoena	1 year following the date served or issued, whichever is later	N/A	Confidential wiretap warrants and subpoenas are addressed separately in record series 22, since these warrants and subpoenas can involve lengthy periods of investigation and require a longer period of retention.
22.	CONFIDENTIAL WIRETAP WARRANTS AND SUBPOENAS THAT ARE NOT PART OF A CASE FILE	5 years following the date served or issued, whichever is later	N/A	
23.	<u>GRAND JURY RECORDS</u>			
	a. <u>Empanelment documents</u>	5 years from the end of the term of empanelment	N/A	
	b. <u>Minutes of grand jury votes</u>	1 year from the date of the minutes	N/A	
24.	EXHIBITS SUBMITTED at TRIAL or HEARING in any case type, other than in historically significant and landmark cases, which are governed by section E, herein.	After mailing notice to the responsible parties to claim exhibits, retain unretrieved exhibits for the same period of time as the underlying case, unless otherwise ordered by the court	Permanent	LAPR will accept diagrams, maps, photographs, and any other paper-based materials. LAPR will not accept three dimensional objects, clothing, or security-sensitive exhibits such as weapons, drugs, money, and bio-hazardous materials, so these exhibits should be destroyed.
25.	CASE DOCKET OR REGISTER OF ACTIONS	Retain for the same period of time as the underlying case, pursuant to this schedule	Permanent	Clerks may transfer the case docket or register of actions to LAPR with the corresponding case file.

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
26.	BAIL BONDSMEN ANNUAL, WRITTEN CERTIFICATION REQUIRED BY RULE 7.1(f), RULES OF CRIM PRO.	3 years from the date filed	N/A	
27.	CORRESPONDENCE OR EMAIL SENT OR RECEIVED CONCERNING REQUESTED RECORDS OR INFORMATION	Until reference value served	N/A	
28.	MARRIAGE AFFIDAVITS	Permanent; however clerks may transfer these records to LAPR at any time.	Permanent	These records are permanent records regardless of where they are located.
29.	MARRIAGE CERTIFICATES OR LICENSES	Permanent; however clerks may transfer these records to LAPR at any time.	Permanent	These records are permanent records regardless of where they are located.
30.	NOTARY AFFIDAVIT APPLICATIONS AND BONDS	Until expired or revoked	N/A	
31.	POWER OF ATTORNEY TO WRITE BONDS	Until expired or revoked	N/A	
32.	PROCESS SERVER APPLICATIONS	4 years from the date filed	N/A	
33.	PROCESS SERVER INVESTIGATION CASE FILE	4 years from the date closed	N/A	
34.	PUBLIC OFFICIAL FINANCIAL DISCLOSURE STATEMENT	10 years from the date filed	N/A	
35.	RETURNED MAIL OR EMAIL, not associated with a particular case	1 year from the date returned	N/A	
36.	SPECIAL APPOINTMENT APPLICATIONS	Until reference value served	N/A	
37.	ADMINISTRATIVE ORDERS	10 years from the year filed	Permanent	
<u>MISCELLANEOUS RECORDS HELD BY THE CLERK OF COURT, THE COURT, OR COURT ADMINISTRATION</u>				

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
38.	THE VERBATIM RECORD, INCLUDING COURT REPORTER NOTES AND ELECTRONIC RECORDINGS OF A COURT PROCEEDING, HEARING, OR TRIAL			
	a. <u>Criminal non-capital cases, including grand jury, writs of habeas corpus, trial, sentencing, and all other proceedings</u>	<u>20 years from the date of sentencing or other final order of the court, unless a transcript is prepared</u>	N/A	<u>Court reporter notes must be retained for 20 years from the date of sentencing or other order of the court, unless a transcript is prepared.</u>
	b. <u>Criminal capital cases, including grand jury, writs of habeas corpus, trial, sentencing and all other proceedings</u>	<u>50 years from the date of sentencing</u>	N/A	
	c. <u>Non-criminal</u>	<u>5 years from the date of the proceeding</u>	N/A	
	d. <u>Juvenile</u>	<u>10 years from the date of the proceeding</u>	N/A	
39.	<u>ADMINISTRATIVE REVIEW DOCUMENTS FOR ANY MATTER, such as a denial of access to records</u>	<u>Until reference value served</u>	N/A	
40.	<u>CONCILIATION COURT RECORDS</u>	<u>5 years or until reference value served, whichever is later</u>	N/A	
<u>RECORDS HELD BY COURT ADMINISTRATION</u>				
41.	<u>COURT ADMINISTRATION FINANCIAL RECORDS</u>			

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
	a. <u>Bank account reconciliations, record of outstanding checks, record of deposits in transit, bank statements, canceled checks, canceled deposit slips, bank issued debit and credit memos, and any documentation that requests the adjustment or void of a court financial record</u>	<u>5 years after the fiscal year received or prepared</u>	<u>N/A</u>	
	b. <u>Expenditure records, including vouchers, invoices, purchase orders, authorizations, reimbursement requests, etc.</u>	<u>5 years after the fiscal year received or prepared</u>	<u>N/A</u>	
	c. <u>Periodic summary budget reports</u>	<u>5 years after the fiscal year prepared</u>	<u>N/A</u>	
	d. <u>Periodic financial reports to state and local agencies</u>	<u>5 years after the fiscal year prepared</u>	<u>N/A</u>	
	e. <u>Triennial, external review report required by the minimum accounting standards</u>	<u>Until subsequent audit received</u>	<u>N/A</u>	
	f. <u>Applications, records, and reports for grants received</u>	<u>5 years after submission of final grant report, unless otherwise required by the granting authority</u>	<u>N/A</u>	
	g. <u>Procurement records</u>			
	i. <u>Solicitation canceled before vendor responses are opened</u>	<u>1 year after cancelation</u>	<u>N/A</u>	
	ii. <u>Solicitation canceled after vendor responses are opened</u>	<u>3 years after cancelation</u>	<u>N/A</u>	
	iii. <u>Documents related to successful vendor where contract executed</u>	<u>6 years after end of contract</u>	<u>N/A</u>	
	iv. <u>Documents related to unsuccessful vendor where contract executed</u>	<u>3 years after contract or other agreement signed with competing vendor</u>	<u>N/A</u>	

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
	v. <u>Documents related to award made yet contract cannot be executed</u>	<u>3 years after contract negotiations end</u>	<u>N/A</u>	
	vi. <u>Protests, protest records, and court response</u>	<u>3 years after contract or other agreement signed with competing vendor</u>	<u>N/A</u>	
42.	<u>CONTRACTS AND OTHER AGREEMENTS</u>	<u>6 years after performance under the contract is completed or the contract is terminated</u>	<u>N/A</u>	
43.	<u>COURT CALENDAR</u>	<u>Until reference value served</u>	<u>N/A</u>	
44.	<u>FORMER PRESIDING JUDGE BUSINESS PAPERS</u> <u>This records series consists of records generated by presiding judges to provide guidance, direction, or general information related to the administration or non-case related business operations of the court.</u>	<u>Until term is completed</u>	<u>Permanent</u>	<u>The court administrator, if any, shall work with the presiding judge to determine whether the presiding judge desires to send these papers to LAPR.</u>
45.	<u>STATISTICAL REPORTS REQUIRED BY THE AOC</u>	<u>5 years from the year prepared</u>	<u>N/A</u>	

RECORDS HELD BY THE JURY COMMISSIONER

46.	<u>MASTER JURY LIST</u>	<u>Until new list created</u>	<u>N/A</u>	
47.	<u>MASTER JURY FILE</u>	<u>Until new list created</u>	<u>N/A</u>	
48.	<u>COMPLETED TRIAL JUROR QUESTIONNAIRES</u>			
	a. <u>When jury commissioners include the juror questionnaire with the summons</u>	<u>90 days from the date received, unless otherwise ordered by the court</u>	<u>N/A</u>	
	b. <u>When jury commissioners send the juror questionnaire separate from the summons</u>	<u>1 year from the date received, unless otherwise ordered by the court</u>	<u>N/A</u>	

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
49.	COMPLETED GRAND JUROR QUESTIONNAIRES	Until reference value served or 1 year from date received, whichever occurs first	N/A	
50.	JUROR DATA, being the electronic information about a juror maintained in the jury management software	3 years from the date entered	N/A	
51.	COMPLETED JUROR BIOGRAPHICAL FORMS	Until completion of trial or completion of jury service, whichever occurs later	N/A	
52.	OTHER NON-FINANCIAL JUROR RECORDS	Until reference value served	N/A	
53.	FINANCIAL JUROR RECORDS NOT HELD BY ANOTHER RECORDS CUSTODIAN	3 years after fiscal year prepared	N/A	

RECORDS HELD BY THE COURT HUMAN RESOURCES DEPARTMENT

54.	ALCOHOL and DRUG TESTING PROGRAM RECORDS			
	a. <u>Canceled or negative results</u>	5 years after results received or until reference value served, whichever occurs first	N/A	
	b. <u>Positive results</u>	5 years after action taken in response to results is resolved or until reference value served, whichever occurs first	N/A	
	c. <u>Records related to specimen collection</u>	5 years after test given or until reference value served, whichever occurs first	N/A	

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
	d. <u>Records received from previous employers</u>	<u>3 years after received or until reference value served, whichever occurs first</u>	<u>N/A</u>	
55.	<u>EMPLOYEE, PERSONNEL RECORDS FOR FULL-TIME, PART-TIME, CONTRACT, SEASONAL, INTERN, VOLUNTEER, APPOINTED, OR ELECTED POSITIONS, including applications, resumes, performance reviews, disciplinary records, records documenting employee pay decisions, loyalty oaths and oaths of office, conflict of interest and personal interest disclosure records, confidentiality agreements, policy acknowledgements, exit interviews, drivers' qualifications, and pre-employment background investigation records</u>	<u>5 years after employment terminated, term of office ended, or contract expired, canceled, or revoked</u>	<u>N/A</u>	
56.	<u>REQUEST FOR CLASSIFICATION OF NEW POSITION OR RECLASSIFICATION OF EXISTING POSITION, including records of salary advancement</u>	<u>1 year after request acted upon</u>	<u>N/A</u>	
57.	<u>EEO-4 Survey report of workforce composition</u>	<u>1 year after subsequent report submitted</u>	<u>N/A</u>	
58.	<u>EMPLOYEE MEDICAL AND EXPOSURE RECORDS, including exposure reports and waivers, pre-employment physicals, results of exams, medical opinions, diagnoses, employee medical complaints and other related records</u>	<u>30 years after employment terminated</u>	<u>N/A</u>	<u>These records must be filed separately from the employee personnel file. (20 CFR § 1910.20)</u>

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
59.	<u>EMPLOYMENT ELIGIBILITY VERIFICATION RECORDS, including I-9 proof of legal residency in U.S.A., and Social Security verification</u>	<u>1 year after employment terminated but not less than 3 years after date of hire</u>	N/A	(8 C.F.R. § 274a.2)
60.	<u>GRIEVANCE and COMPLAINT RECORDS</u>	<u>3 years after resolved</u>	N/A	<u>These records are for matters that do not require formal investigation.</u>
61.	<u>INVESTIGATIONS OF PERSONNEL MATTERS</u>	<u>5 years after employment terminated or investigation resolved or closed, whichever is later</u>	N/A	
62.	<u>HIRING and SELECTION RECORDS, including job announcements, applications, selection, test scores, interview records, pre-employment background check records, affirmative action questionnaires and other related records for individuals not hired</u>	<u>3 years after position filled or abandoned</u>	N/A	(29 C.F.R. § 1602.31)
63.	<u>INDIVIDUAL EMPLOYEE TRAINING RECORDS</u>	<u>5 years after training received</u>	N/A	(ACJA § 1-302(E) (1)(h))
64.	<u>LAYOFF and REDUCTION IN FORCE RECORDS</u>	<u>5 years after reduction in force completed or abandoned</u>	N/A	
65.	<u>WORKERS COMPENSATION RECORDS</u>			(29 C.F.R. § 1952.4)
	<u>a. Denied claims</u>	<u>3 years after denied</u>	N/A	
	<u>b. Reports of industrial injury</u>	<u>5 years after created or received</u>	N/A	
	<u>c. Case records</u>	<u>75 years after case closed</u>	N/A	

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
66.	<u>BENEFIT ENROLLMENT RECORDS, including employee enrollment in medical, dental, life insurance, prepaid legal, beneficiary designation, and other benefit options</u>	<u>5 years after employment terminated</u>	<u>N/A</u>	
67.	<u>RECORDS DESCRIBING ESTABLISHED POSITIONS, including information on title, series, grade, duties, and responsibilities</u>	<u>3 years after superseded or position abolished, whichever is first</u>	<u>N/A</u>	
68.	<u>AMERICANS with DISABILITIES ACT (ADA) RECORDS, including requests for accommodation</u>	<u>3 years after completion of accommodation</u>	<u>N/A</u>	
69.	<u>INDIVIDUAL DISABILITY CLAIM RECORDS, both short-term and long-term</u>	<u>6 years after claim closed</u>	<u>N/A</u>	
70.	<u>EMPLOYEE CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA) RECORDS</u>			
	a. <u>Decline Notice Records, including returned undeliverable notices</u>	<u>2 years after employment terminated</u>	<u>N/A</u>	
	b. <u>All others</u>	<u>3 years after benefits terminated or coverage rejected</u>	<u>N/A</u>	
71.	<u>FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS, including employee leave request forms, supporting documentation, and other non-medical related records</u>	<u>3 years after created, received or leave expired, whichever is later</u>	<u>N/A</u>	<u>Employee certification and health records must be retained separately from the personnel file with the employee health and exposure records.</u>
72.	<u>FINGERPRINT CARDS</u>	<u>6 months after created or received</u>	<u>N/A</u>	
73.	<u>LEAVE RECORDS</u>	<u>3 years after fiscal year created or received</u>	<u>N/A</u>	
74.	<u>MERIT-BASED FUNDING RECORDS</u>	<u>2 years after created or received</u>	<u>N/A</u>	

<u>Records Series #</u>	<u>Records Series Title</u>	<u>Retention Period with Court</u>	<u>LAPR Retention</u>	<u>Remarks</u>
75.	UNEMPLOYMENT CLAIMS AND APPEALS RECORDS	2 years after action taken	N/A	
<u>CASE FILES HELD BY PRETRIAL SERVICES</u>				
76.	CASE SUPERVISION FILES	1 year after the retention period of the underlying case file held by the clerk	N/A	

E. Purge Lists. Pursuant to Rule 29(A), Rules of the Supreme Court, purge lists have been set forth in prior versions of this records retention and disposition schedule. Historically, purge lists identified documents to be removed from case files before storage or replication of the case file. The clerks now indicate that the process of purging case files is resource intensive and is no longer optimal practice. Additionally, LAPR indicates that it does not object to receiving permanent case files that are not purged of certain documents. Therefore, purge lists no longer appear in this records retention and disposition schedule, and purging need no longer be carried out.

E. Transfer of Records to Arizona State Library, Archives and Public Records. Clerks shall comply with the following procedures for transfer of records to ASLAPR:

1. Records to be archived. For purposes of this schedule, all superior court records that have a retention period of fifty or more years shall be transferred from the clerk of court to the Archives Division of the Arizona State Library, Archives, and Public Records (ASLAPR) for permanent storage at the end of the retention period. To assist courts with inadequate file storage facilities, ASLAPR will accept records for archiving that are within five years of the end of their retention period.
2. Format of records. Until national standards for the long term preservation of electronic records are in place, records transferred shall be in either paper or microfilm format. The film negatives of microfilmed records, if available, shall be sent to ASLAPR. If not available, ASLAPR will accept the use/diazo copy. If a film negative is transferred, the clerk may request a copy from ASLAPR in the event the clerk has retained a use/diazo copy that has become unusable due to physical deterioration. Prior to microfilming and purging paper records, the clerk shall notify the ASLAPR as required by Rule 29(E), Rules of the Supreme Court (“destruction notice”).
3. Indexing and packaging. Each record transfer shall be accompanied by a master index that identifies the cases being transferred by case number, initial caption,

filing date, case type, and county. Identification of any historic or landmark cases shall also be noted on the index. The recommended means of packaging records for transfer to ASLAPR is:

- ~~an acid-free cardboard carton with the following dimensions: 18x15x12, although other types and sizes of cartons will be accepted.~~
- ~~records boxed in an upright position with file tabs easily visible.~~

4. ~~Transfer notice and scheduling delivery. Each time records are transferred for permanent archiving, the record custodian shall complete the "Agreement to Transfer Records" form available on the ASLAPR website. Delivery and transfer of legal custody of records to the ASLAPR shall be done in accordance with processes established by ASLAPR. ASLAPR will charge no fees in connection with pickup, delivery and maintenance of permanently archived court records.~~
5. ~~Frequency of transfer ASLAPR will accept records from the same county up to four times a year.~~

F. Historically Significant and Landmark Cases. Clerks shall comply with the following procedures for designating and archiving transferring cases to be historically significant and or landmark cases:

1. Designation of a case as historically significant cases

- a. Purpose. Certain cases filed in Arizona courts may be identified as historically significant because of the unique legal issue or controversy involved, the prominence of one or more of the parties to the action, or because of other high-profile or newsworthy reasons. When there is reason to believe that a case falls into this category, the following procedures shall be followed ~~observed to ensure these records are maintained for historical purposes, rather than destroyed under the term found in the records retention schedule.~~
- b. Procedure for designating an case as historically significant case. A motion to request that a case be designated a case as historically significant shall be filed either by a member of the public or on the court's own motion. The motion shall identify one or more reasons the case should be for designating the case as historically significant. The presiding judge shall decide the motion. If the motion is denied, the presiding judge shall identify the reason for the denial. The clerk shall file the order granting or denying the motion for historically significant designation with the case.
- c. Processing and archiving transferring. If the motion is granted, the clerk shall, within 90 days of final disposition, transfer the case, a print-out of the register of actions or docket from the case management system, any exhibits not previously retrieved or destroyed, and any requesting historical case designation shall be filed prior to the transfer of the case file to ASLAPR. The

~~clerk shall file the original order granting or denying the motion for historical case designation in the case file. The presiding judge or justice of the peace shall decide the motion. If the motion is granted, the clerk shall transfer the original intact case file, if any, and the microfilm, if any, to ASLAPR for permanent retention in accordance with the applicable schedule. LAPR will accept diagrams, maps, photographs, and any other paper-based materials. LAPR will not accept three dimensional objects, clothing, or security-sensitive exhibits such as weapons, drugs, money, and bio-hazardous materials. Identification of the case as historically significant shall be prominently noted on the print-out of the register of actions or docket from the case management system master index transferred along with the case file to the ASLAPR.~~

2. Designation of a case as landmark cases

~~a. Identifying landmark cases~~

~~(1) The following factors shall be considered in deciding whether a case is a landmark case:~~

a. The following factors shall be considered in deciding whether a case is a landmark case:

- ~~(a1) The frequency with which the case has been cited;~~
- ~~(b2) Whether the case has been designated as historically significant;~~
- ~~(e3) Whether the case caused a change in policies or laws;~~
- ~~(d4) Whether the case affected a large portion of the community and or was controversial;~~
- ~~(e5) Whether the case is generally viewed by the community as important;~~
- ~~(f6) Whether the case involved a famous or notorious individual or was the subject of a well-known book or feature film; and~~
- ~~(g7) Any other factor considered relevant factor.~~
- (8) Any case that has been the subject of a published opinion of the United States Supreme Court and has statewide or national impact shall be designated as a landmark case.

~~(2) Any case that has been the subject of a published opinion of the United States Supreme Court shall be designated as a landmark case.~~

b. Procedure for designating a case as landmark case:

- (1) The Arizona Historical Records Advisory Board shall designate a case as landmark cases ~~eligible under section (F)(2)(a)(1) (E)(2)(a)(1)-(8), above,~~ in consultation with a committee convened by the Board for this purpose. The committee shall consist of Board members, retired appellate court judges or justices, law professors, historians, or other like persons who

have objective, informed views about the long-term significance and effect of eligible published appellate opinions. The committee shall meet periodically to review all published appellate opinions no less than five years and no more than nine years after they are issued, to determine whether any of these which cases should be designated as landmark cases.

- (2) No more than ten years after ~~the~~ an appellate opinion was is issued, and with the Board's approval, the ~~D~~Director of the Division of Arizona History and Archives shall provide written notice of landmark designation to the clerk of the superior court in the county of origin, the clerk of the appropriate division of the court of appeals, and the clerk of the supreme court who shall apply the process for ~~landmark case file processing contained in retention and disposition schedules applicable to their respective courts~~ transferring the case to LAPR pursuant to (E)(2)(c).
- (3) ~~Landmark designation under subsection (1)(B) herein shall be made by the clerk of the superior court in the county of origin.~~

- c. ~~Processing and archiving~~ transferring. ~~The landmark~~ When a case has been designated as landmark, the clerk shall file notice of this designation in the case. ~~shall be made prior to the transfer of the case file to the Arizona State Library and Archives. The clerk shall file the original notice of designation in the case file. If the case file has not yet been purged, †The clerk shall immediately transfer the original intact case, a print-out of the register of actions or docket from the case management system, any exhibits not previously retrieved or destroyed, file and any microfilm, if any, to the Arizona State Library, Archives and Public Records to LAPR for permanent retention in accordance with the applicable schedule. LAPR will accept diagrams, maps, photographs, and any other paper-based materials. LAPR will not accept three dimensional objects, clothing, or security-sensitive exhibits such as weapons, drugs, money, and bio-hazardous materials. Identification of the case as a landmark case shall be prominently noted on the master index print-out of the register of actions or docket from the case management system transferred along with the case file to the ASLAPR.~~

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet
Part 4: Limited Jurisdiction Courts
Chapter 3: Administration
Section 4-302: Records Retention and Disposition Schedule

1. Effect of the proposal:

Revises the Limited Jurisdiction Courts Records Retention and Disposition Schedule (LJC RR&DS), ACJA § 4-302 to implement the adopted recommendations of the Advisory Committee to Develop Policies for Retention, Destruction, and Access to Electronic Court Records (Electronic Records) and to update the schedule. Additionally, as called for in the strategic agenda of the Arizona Judiciary, *Advancing Justice Together*, the LJC RR&DS is being restyled, simplified, and clarified.

2. Significant new or changed provisions:

- As proposed by the Electronic Records Committee, two columns have been added to directly address *electronic* case records,
- A new section of *General Provisions* has been added to clarify the complete records retention and destruction process.
- As proposed by the Electronic Records Committee, a definition of *Completion of Sentence* and *Satisfaction of Sanctions* has been added.
- As proposed by the Electronic Records Committee, a new section on *Historically Significant & Landmark Cases* has been added.

3. Committee actions and comments:

- Committee on Limited Jurisdiction Courts; April 30 and August 27, 2014; Approved unanimously
- Limited Jurisdiction Court Administrators Association; May 1 and August 28; non-voting association
- See comments, attached.

4. Controversial issues:

None

5. Recommendation: Recommend approval.

Comments and Responses to ACJA Section 4-302: LJC Records Retention and Disposition Schedule

Date: September 16, 2014

ITEM	FROM	COMMENT	RESPONSE
Record Series 11	Justice Court Manager	For general civil cases, the “retention period with court” is 6 years after final judgment or the filing of an affidavit of renewal or the filing of a satisfaction of judgment, whichever is later, or 1 year after voluntary dismissal. It makes sense to retain records for another year after the judgment has expired because we need the buffer time. However, it does not make sense that the court retains records for another 6 years after the judgment has been satisfied. To prolong the retention period for a case which has a satisfied judgment does not serve any purpose except for using up more storage space, either in paper or electronic form.	Accepted and incorporated
Record Series 15	Justice Court Manager	For domestic violence offense, the “retention period with court” is 8 years, the same as DUI & OUI offenses. However, for the “retention period in case and document management systems”, it is two years shorter than misdemeanor, criminal traffic, DUI & OUI offenses. Why is the “retention period with court” of domestic violence offense longer than the misdemeanor and criminal traffic offenses; however for the “retention period in case and document management systems” the domestic violence offense is shorter? Simplified time schedule is easier to comprehend and therefore achieve better compliance from the courts. Furthermore, it promotes higher efficiency and therefore reduces costs for court operation.	Domestic violence offenses are subject to a 7-yr. look-back period in statute that may result in an increased charge for a repeat offense. Therefore, these cases must be retained longer than misdemeanor and criminal traffic cases. For consistency, the retention periods in the CMS and EDMS for these cases will all be set at 10 yrs.
Record Series 17	LJC Committee	Because courts retain verbatim recordings of multiple cases over multiple days on 1 tape in their recording system, it would be better for courts if the <i>verbal record, including court reporter notes and electronic recordings of a court proceeding, hearing, or</i>	Accepted and incorporated

		<p><i>trial</i> category retention period is revised from “30 days after entry of final order, ruling, judgment, or sentence, including completion of appeal” to “no more than 3 years from completion of the case.”</p>		
Table	LJC Committee	<p>It would be clearer to courts if the heading of the middle retention column is changed from “Retention Period on Court Website” to “Retention Period on Arizona Supreme Court and Local Court Public Website”</p>	Accepted and incorporated	
Record Series 13 - 15	LJCAA	<p>It would be easier for courts to understand, electronically program, and follow the proposed retention periods in the third column if record series 13 – 15 (misdemeanor and criminal traffic cases) all have the same retention period in the CMS and EDMS, instead of misdemeanor, criminal traffic, DUI, and OUI cases having a retention period of 10 yrs. and domestic violence offenses having a retention period of 8 yrs. All of these cases should have a uniform retention period in the CMS and EDMS of 10 yrs.</p>	Accepted and incorporated	
Record Series 25	AOC Financial Specialist	<p>I believe the LJ schedule would be clearer if it uses the same language that the GJ schedule does since the definition of financial court records is being removed. I think the LJ language is vague without further explanation of what is intended to be retained regarding financial records.</p> <p>I suggest adding the below to the LJ schedule – Changing it from “court financial records” to “financial records of court operations”.</p> <table border="1" data-bbox="516 1438 917 1900"> <tr> <td> <p>COURT ADMINISTRATION</p> <p>FINANCIAL RECORDS</p> <p>a. <u>Bank account reconciliations, record of outstanding checks, record of deposits in transit, bank statements, canceled checks, canceled deposit slips, bank issued debit and credit memos, and any documentation that requests the adjustment or void of a court financial record</u></p> </td> </tr> </table>	<p>COURT ADMINISTRATION</p> <p>FINANCIAL RECORDS</p> <p>a. <u>Bank account reconciliations, record of outstanding checks, record of deposits in transit, bank statements, canceled checks, canceled deposit slips, bank issued debit and credit memos, and any documentation that requests the adjustment or void of a court financial record</u></p>	Accepted and incorporated
<p>COURT ADMINISTRATION</p> <p>FINANCIAL RECORDS</p> <p>a. <u>Bank account reconciliations, record of outstanding checks, record of deposits in transit, bank statements, canceled checks, canceled deposit slips, bank issued debit and credit memos, and any documentation that requests the adjustment or void of a court financial record</u></p>				

		<u>b. Expenditure records, including vouchers, invoices, purchase orders, authorizations, reimbursement requests, etc.</u> <u>c. Periodic summary budget reports</u> <u>d. Periodic financial reports to state and local agencies</u> <u>e. Triennial, external review report required by the minimum accounting standards</u> <u>f. Applications, records, and reports for grants received</u>	
Record Series 10	LJCAA	Unless the term <i>chief presiding judge</i> is used in a court within this state, the word <i>chief</i> should be removed.	Not incorporated. The term <i>chief presiding judge</i> is used by Phoenix Municipal Court, and possibly others.

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 4: Limited Jurisdiction Courts

Chapter 3: Administration

Section 4-302: Limited Jurisdiction Court Records Retention and Disposition Schedule

A. **Definitions.** In this section, the following definitions apply:

~~“Administrative records” means records that are not part of an official case file and includes records that relate to the conduct of business by the court, such as personnel, and Committee on Judicial Education and Training (COJET) records.~~

“Case file” means all documents and other material filed with the clerk in an action or proceeding, either in paper or electronic format, including depositions, transcripts, and case financial records. Case file also includes case management system data but does not include exhibits submitted at a hearing or trial.

~~“Case record” means pleadings, documents and other information that have legal relevance to the adjudication of any aspect of a case and includes all documents and financial records related to the case.~~

“Completion of Sentence” and “Satisfaction of Sanctions” mean payment of all fines, fees, and restitution along with compliance with all requirements of the court’s order or law.

~~“Final adjudication” means the point when a case is no longer subject to modification, as defined in Rule 28.1, Rules of Criminal Procedure and Rule 94(h), Rules of the Supreme Court.~~

~~“Financial court records” means administrative records relating to financial activity of the court including statements, reconciliations, canceled checks, check stubs, cash receipts, cash books, any revenue records, financial/budgetary reports, payment records (including jury payment records), and constable logs.~~

~~“Non filed records” means documents relating to court action where no case is filed including arrest records, jail records, and other documents received by or prepared by the court for purposes of conducting an initial appearance but where no complaint is subsequently filed.~~

~~“Record” means any documentary material, regardless of physical form or characteristic, such as information maintained in a case management system that may be used to reproduce a document and any other case related data, including a photographic or electronic reproduction or image substituted for the original pursuant to Rules 29(D) and 94(g), Rules of the Supreme Court.~~

“Records Manager” means the person or persons responsible for keeping and disposing of any records held by the court or any department of the court.

~~“Retention period” means the period of time during which records must be kept before they may be disposed of, usually a period of years and sometimes contingent upon an event.~~

B. General Provisions

1. Electronic Case Files and Case Data. At the end of the retention period set forth in section E below, a records manager must destroy electronic case files and case data.
2. Paper Case Files and Administrative Records. At the end of the retention period set forth in section E below, a records manager may destroy case files that are primarily paper in format and all other records, regardless of format.
3. The State Library, Archives, and Public Records (LAPR) is the division of the Arizona Secretary of State that is the archives for Arizona state government. LAPR has decided not to collect limited jurisdiction court records except for case files that have been designated as historically significant or landmark and presiding judge business papers. A presiding judge, upon the completion of the presiding judge’s term may offer his or her business papers to LAPR. Other than with the exceptions set forth in this paragraph, a municipal or justice court need not notify LAPR prior to destruction of records.
4. Conflicting Legal Authority. To the extent that the retention periods specified in this schedule vary from any statutory provision, the longer period of retention, whether in the statute or in the schedule, applies.
5. Destruction. When a paper case file or other paper record is eligible for destruction, the records manager shall take proper precautions to protect the privacy of the individuals identified in the case file or other record and destroy the complete case file or other record by shredding, burning, or pulverizing the physical case file or other record. Electronic images of case file documents or other records and case or other records data shall be deleted from all places in which they or it reside(s), including servers and hard drives. The court may keep a list, containing minimal information, such as case number, case type, party name, and date of destruction, capturing any case files or other records destroyed, so that the court will know that a case file or other record has been destroyed and has not been merely misplaced or never existed.

C. Historically Significant and Landmark Cases. Records managers shall comply with the following procedures for designating and transferring cases determined to be historically significant or landmark:

1. Designation of a case as historically significant
 - a. Purpose. Certain cases filed in Arizona courts may be identified as historically significant because of the unique legal issue or controversy involved, the prominence of one or more of the parties to the action, or because of other high profile or newsworthy reasons. When there is reason to believe that a case falls into this category, the following procedures shall be followed.

- b. Procedure for designating a case as historically significant. A motion to request that a case be designated historically significant shall be filed either by a member of the public or on the court's own motion. The motion shall identify one or more reasons the case should be designated historically significant. The presiding judge shall decide the motion. If the motion is denied, the presiding judge shall identify the reason for the denial. The clerk shall file the order granting or denying the motion for historically significant designation with the case.

- c. Processing and transferring. If the motion is granted, the records manager shall, within 90 days of final disposition, transfer the case, a print-out of the register of actions or docket from the case management system, any exhibits not previously retrieved or destroyed, and any microfilm to LAPR for permanent retention. LAPR will accept diagrams, maps, photographs, and any other paper-based materials. LAPR will not accept three dimensional objects, clothing, or security-sensitive exhibits such as weapons, drugs, money, and bio-hazardous materials. Identification of the case as historically significant shall be prominently noted on the print-out of the register of actions or docket from the case management system transferred with the case to LAPR.

2. Designation of a case as landmark

- a. The following factors shall be considered in deciding whether a case is landmark:
 - (1) The frequency with which the case has been cited;
 - (2) Whether the case has been designated as historically significant;
 - (3) Whether the case caused a change in policies or laws;
 - (4) Whether the case affected a large portion of the community and was controversial;
 - (5) Whether the case is generally viewed by the community as important;
 - (6) Whether the case involved a famous or notorious individual or was the subject of a well-known book or film; and
 - (7) Any other relevant factor.
 - (8) Any case that has been the subject of a published opinion of the United States Supreme Court and has statewide or national impact shall be designated as a landmark case.

- b. Procedure for designating a case as landmark
 - (1) The Arizona Historical Records Advisory Board shall designate a case as landmark under section (E)(2)(a)(1) and (3)–(8), above, in consultation with a committee convened by the Board for this purpose. The committee shall consist of Board members, retired appellate court judges or justices, law professors, historians, or other like persons who have objective, informed views about the long-term significance and effect of eligible published appellate opinions. The committee shall meet periodically to review all published appellate opinions no

less than five years and no more than nine years after issued to determine whether any of these cases should be designated as landmark.

- (2) No more than ten years after an appellate opinion is issued, and with the Board's approval, the Director of the Division of Arizona History and Archives shall provide written notice of landmark designation to the records manager of the court of origin, the clerk of the appropriate division of the court of appeals, and the clerk of the supreme court who shall apply the process for transferring the case to LAPR pursuant to (E)(2)(c), below.
- (3) Landmark designation under subsection (E)(2)(a)(2) above shall be made by the clerk of the superior court in the county of origin.

c. Processing and transferring. When a case has been designated as landmark, the clerk shall file the notice of this designation in the case. The records manager shall immediately transfer the case, a print-out of the register of actions or docket from the case management system, any exhibits not previously retrieved or destroyed, and any microfilm to LAPR for permanent retention. LAPR will accept diagrams, maps, photographs, and any other paper-based materials. LAPR will not accept three dimensional objects, clothing, or security-sensitive exhibits such as weapons, drugs, money, and bio-hazardous materials. Identification of the case as landmark shall be prominently noted on the print-out of the register of actions or docket from the case management system transferred with the case to LAPR.

BD. Authority. Az. Const., Art. 6, §§ 3 and 23 authorize the supreme court to administer the courts of this state. Rule 29, Rules of the Supreme Court, requires the supreme court to adopt retention and disposition schedules for court records. A.R.S. §§ 22-124 and -428 authorize the municipal and justice courts to maintain and destroy records pursuant to rules established by the supreme court.

CE. Retention and Disposition Schedule. Justice and municipal courts shall retain records according to the following schedule:

ARIZONA SUPREME COURT Records Retention and Disposition Schedule FOR USE BY LIMITED JURISDICTION COURTS			
No.	Record Series	Retention Period	Remarks
1.	CASE RECORDS		
	A. Civil case records		
	— i. Civil traffic	1 year	After final adjudication and satisfaction of sanctions.
	— ii. Civil traffic defaults	1 year	After satisfaction of sanctions.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY LIMITED JURISDICTION COURTS

No.	Record Series	Retention Period	Remarks
	— iii. Parking violations (including statute and local ordinance)	6 months	After final adjudication and satisfaction of sanctions.
	— iv. Parking defaults	6 months	After satisfaction of sanctions.
	— v. Civil other than traffic		
	i. Order of protection, injunction against harassment, and workplace injunction against harassment filings		
	i. Petitions not granted, and orders dismissed	1 year	After denial or dismissal.
	ii. Orders granted	3 years	After expiration of the order.
	b. Local ordinances (other than parking)	1 year	After final adjudication and satisfaction of judgment.
	e. Detainers (forcible & special)	5 years	After final judgment.
	d. Small claims	5 years	After final judgment.
	e. Other civil cases	5 years	After final judgment.
	B. Criminal case records		
	i. Felony filings	6 months	After discharge or transmittal to superior court.
	ii. Misdemeanors and criminal traffic	5 years	After final adjudication and completion of sentence.
	a. DUI and OUI	7 years	After final adjudication and completion of sentence.
	b. Domestic violence offenses	7 years	After final adjudication and completion of sentence.
	e. Petty offenses	1 year	After final adjudication and completion of sentence.

ARIZONA SUPREME COURT
Records Retention and Disposition Schedule
FOR USE BY LIMITED JURISDICTION COURTS

No.	Record Series	Retention Period	Remarks
	C. Audio/video/stenographic recordings of court proceedings	6 months	After final adjudication.
	D. Non-filed records	6 months	After created.
	E. Exhibits	90 days	After final adjudication.
2.	ADMINISTRATIVE RECORDS		
	A. Personnel records maintained by the court		As determined by local policy.
	B. COJET records	As required by COJET	Reference Administrative Guidelines for Judicial Education in Arizona – reporting requirements.
	C. Non-financial jury records	90 days	After receipt by the court or expiration of the jury list.
	D. Statistical reports (to supreme court)	1 year	After applicable fiscal year.
	E. Financial court records	3 years	After fiscal year created or received.
	F. Administrative records not otherwise specified above, such as citation logs, defensive driving reconciliation logs	1 year	From date prepared.
	G. Search warrants	1 year	From date of return. If not returned, may be destroyed immediately upon expiration.
	H. Administrative orders and directives	Permanent	
	I. Report/certificate of records destruction	Permanent	

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
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CASE FILES

<u>A. Civil traffic</u>				
1.	i. <u>Civil traffic, non-default</u>	<u>1 year after final adjudication and satisfaction of sanctions</u>	<u>1 year after final adjudication and satisfaction of sanctions</u>	<u>5 years after final adjudication and satisfaction of sanctions</u>
2.	ii. <u>Civil traffic default</u>	<u>1 year after satisfaction of sanctions</u>	<u>1 year after final adjudication and satisfaction of sanctions</u>	<u>5 years after final adjudication and satisfaction of sanctions</u>
3.	iii. <u>Parking violation, non-default, both statute and local ordinance</u>	<u>6 months after final adjudication and satisfaction of sanctions</u>	<u>6 months after final adjudication and satisfaction of sanctions</u>	<u>1 year after final adjudication and satisfaction of sanctions</u>
4.	iv. <u>Parking violation, default, both statute and local ordinance</u>	<u>6 months after satisfaction of sanctions</u>	<u>6 months after satisfaction of sanctions</u>	<u>1 year after satisfaction of sanctions</u>
<u>B. Civil, other than traffic</u>				

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
5.	i. <u>Order of protection, injunction against harassment, and injunction against workplace harassment – petitions granted</u>	<u>3 years after expiration of the order</u>	<u>3 years after expiration of the order. Only information regarding orders that have been served on the defendant can appear on court websites. See ARPOP 1(C)(6). No information about the plaintiff may appear. See 18 USC § 2265(d)(3).</u>	<u>3 years after expiration of the order</u>
6.	ii. <u>Order of protection, injunction against harassment, and injunction against workplace harassment – petitions not granted</u>	<u>1 year after denial or dismissal</u>	<u>N/A. Petitions not granted cannot appear on any court websites. See ARPOP 1(C)(6)</u>	<u>1 year after denial</u>

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
7.	iii. <u>Orders dismissed</u>	<u>3 years after dismissal of the order</u>	<u>3 years after dismissal of the order. Only information regarding orders that have been served on the defendant can appear on court websites. See ARPOP 1(C)(6). No information about the plaintiff may appear. See 18 USC § 2265(d)(3).</u>	<u>3 years after dismissal of the order</u>
8.	iv. <u>Local ordinance violation, other than parking (See A. iii. and A. iv., above, for parking violations)</u>	<u>1 year after final adjudication and satisfaction of judgment</u>	<u>Not available on Arizona Judicial Branch Public Access to Case Information website. May be available on local court website for 1 year after final adjudication and satisfaction of judgment</u>	<u>5 years after final adjudication and satisfaction of judgment</u>

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
9.	v. <u>Eviction</u>	6 years after <u>final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal or filing of a satisfaction of judgment</u>	6 years after <u>final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal or filing of a satisfaction of judgment</u>	6 years after <u>final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal or filing of a satisfaction of judgment</u>
10.	vi. <u>Small claims</u>	6 years after <u>final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal or filing of a satisfaction of judgment</u>	6 years after <u>final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal or filing of a satisfaction of judgment</u>	6 years after <u>final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal or filing of a satisfaction of judgment</u>
11.	vii. <u>General civil case, other than small claims</u>	6 years after <u>final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal or the filing of a satisfaction of judgment</u>	6 years after <u>final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal or the filing of a satisfaction of judgment</u>	6 years after <u>final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal or the filing of a satisfaction of judgment</u>

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
<u>C. Criminal</u>				
<u>12.</u>	<u>i. Felony</u>	<u>6 months after discharge or transmittal to superior court</u>	<u>6 months after discharge or transmittal to superior court</u>	<u>6 months after discharge or transmittal to superior court</u>
<u>13.</u>	<u>ii. Misdemeanor and criminal traffic</u>	<u>5 years after final adjudication and completion of sentence</u>	<u>5 years after final adjudication and completion of sentence</u>	<u>10 years after final adjudication and completion of sentence</u>
<u>14.</u>	<u>iii. DUI and OUI</u>	<u>8 years after final adjudication and completion of sentence</u>	<u>8 years after final adjudication and completion of sentence</u>	<u>10 years after final adjudication and completion of sentence</u>
<u>15.</u>	<u>iv. Domestic violence offense</u>	<u>8 years after final adjudication and completion of sentence</u>	<u>8 years after final adjudication and completion of sentence</u>	<u>10 years after final adjudication and completion of sentence</u>
<u>16.</u>	<u>v. Petty offense</u>	<u>1 year after final adjudication and completion of sentence</u>	<u>1 year after final adjudication and completion of sentence</u>	<u>1 year after final adjudication and completion of sentence</u>
<u>RECORD OF COURT PROCEEDING</u>				

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
17.	A. <u>The verbal record, including court reporter notes and electronic recordings of a court proceeding, hearing, or trial</u>	<u>No more than 3 years from completion of the case</u>	N/A	N/A

MISCELLANEOUS RECORDS

18.	A. <u>Records created or received by the court, but not filed</u>	<u>6 months after created or received, whichever is later</u>	N/A	N/A
19.	B. <u>Exhibits submitted at trial or hearing in any case type</u>	<u>Upon dismissal, disposition, or final appellate ruling, whichever comes later, and then 60 days after mailing notice to responsible persons to claim all evidence, all unless otherwise ordered by the court</u>	N/A	N/A

ADMINISTRATIVE RECORDS

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
<u>20.</u>	<u>A. Chief presiding judge business papers</u>	<u>Until term is completed. The presiding judge may then contact LAPR to determine whether they wish to receive these papers.</u>	<u>N/A</u>	<u>N/A</u>
<u>21.</u>	<u>B. Records held by a court human resources department</u>	<u>As required by law or local policy, whichever is later</u>	<u>N/A</u>	<u>N/A</u>
<u>22.</u>	<u>C. COJET records</u>	<u>After reference value served</u>	<u>N/A</u>	<u>N/A</u>
<u>23.</u>	<u>D. Jury records, non-financial</u>	<u>90 days from the date received by the court</u>	<u>N/A</u>	<u>N/A</u>
<u>24.</u>	<u>E. Statistical reports required by the AOC</u>	<u>1 year after the fiscal year prepared</u>	<u>N/A</u>	<u>N/A</u>
	<u>F. Court administration financial records</u>			
<u>25.</u>	<u>i. Bank account reconciliations, record of outstanding checks, record of deposits in transit, bank statements, canceled checks, canceled deposit slips, bank issued debit and credit memos, and any documentation that requests the adjustment or void of a court financial record</u>	<u>3 years after the fiscal year created or received</u>	<u>N/A</u>	<u>N/A</u>

<u>Record Series No.</u>	<u>Record Series Title</u>	<u>Retention Period with Court</u>	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	<u>Retention Period in Case and Document Management Systems</u>
26.	ii. <u>Expenditure records, including vouchers</u>	3 years after the fiscal year prepared	N/A	N/A
27.	iii. <u>Periodic summary budget reports</u>	3 years after the fiscal year prepared	N/A	N/A
28.	iv. <u>Periodic financial reports to state and local agencies</u>	3 years after the fiscal year prepared	N/A	N/A
29.	v. <u>Triennial external review report required by the minimum accounting standards</u>	Until subsequent audit received	N/A	N/A
30.	vi. <u>Applications, records, and reports for grants received</u>	3 years after submission of final grant report, unless otherwise required by the granting authority	N/A	N/A
31.	G. <u>Administrative records not otherwise specified above.</u>	1 year from date prepared or received, or until reference value served, whichever is earlier	N/A	N/A
32.	H. <u>Warrants that are not part of a case file</u>	1 year from date of return; If not returned, destroy upon expiration	N/A	N/A
33.	I. <u>Administrative orders and directives</u>	Permanent	N/A	N/A

~~**D. Extended Retention Policies.** The retention periods are minimums and in certain circumstances courts may need to keep some records for longer periods. However, it is recommended that courts make an effort to follow the schedule and establish a routine to destroy records after retention periods expire. Each court shall establish and maintain a written policy to apply to any records retained beyond these minimum standards.~~

~~**E. Destruction of Records.** When records are eligible for destruction, courts shall take precautions to protect the privacy of individuals by insuring that appropriate destruction arrangements are made.~~

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:

October 23, 2014

Type of Action Requested:

- Formal Action/Request
 Information Only
 Other

Subject:

SECTION 6-105.01:
POWERS AND DUTIES OF
OFFICERS EVIDENCE-
BASED PRACTICES

FROM: Adult Probation Services Division

DISCUSSION:

1. Effect of the proposal:

This code section change will provide the powers and duties of probation officers related to the arrest of defendants placed under pretrial supervision pursuant to A.R.S. § 12-256.

2. Significant new or changed provisions:

This change is necessary as a result of a legislative change to A.R.S. § 12-256 which expanded this arrest authority to all counties. Previously A.R.S. § 12-256 applied only in counties with a population of more than two million persons.

3. Committee actions and comments:

Committee on Probation voted and adopted this code section change on August 15, 2014.

Committee on Superior Court voted and adopted on September 5, 2014.

No public comments posted.

4. Controversial issues:

None known.

RECOMMENDED COUNCIL ACTION: Support

**ARIZONA CODE OF JUDICIAL ADMINISTRATION
Proposal Cover Sheet**

Section 6-105.01: Powers and Duties of Officers Evidence-Based Practices

1. Effect of the proposal:

This code section change will provide the powers and duties of probation officers related to the arrest of defendants placed under pretrial supervision pursuant to A.R.S. § 12-256.

2. Significant new or changed provisions:

This change is necessary as a result of a legislative change to A.R.S. § 12-256 which expanded this arrest authority to all counties. Previously A.R.S. § 12-256 applied only in counties with a population of more than two million persons.

3. Committee actions and comments:

Committee on Probation voted and adopted this code section change on August 15, 2014.

Committee on Superior Court voted and adopted on September 5, 2014.

A public comment was submitted, however, resulted in no change to the proposed code section revision. The comments table is provided.

4. Controversial issues:

None known.

5. Recommendation:

It is recommended that this code section be adopted as written.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 6: Probation
Chapter 1: General Administration
Section 6-105.01: Powers and Duties of Officers Evidence-Based Practices

Courts shall be governed by section 6-105, except and until approved by the Administrative Director to be governed by section 6-105.01.

A. thru D. [No change]

E. Duties of Probation Officers.

1. [No change]

2. Adult probation officers shall also:

a. thru g. [No change]

h. As provided by A.R.S. § 12-256, “An adult probation officer may serve warrants, make arrests and bring persons who are subject to the supervision of pretrial services and who are alleged to have violated a condition of pretrial release before the court. A probation officer enforcing pretrial release conditions has the authority of a peace officer in the performance of the officer’s duties.”

(1) Upon the court’s issuance of a warrant for violations of conditions of pretrial release, an adult probation officer assigned to enforce pretrial release may serve the warrant and arrest a defendant placed under the supervision of pretrial services.

(2) Without issuance of a warrant, an adult probation officer assigned to enforce pretrial release conditions may arrest the defendant and take the defendant forthwith before the court, when securing a warrant is impracticable, and there is probable cause to believe:

(a) The defendant has violated the conditions of release and,

(b) The defendant’s continued release or noncompliance poses an imminent risk of flight or a substantial danger to any person or the community.

hi. Monitor the payment of restitution.

3. [No change]

F. [No change]

ARIZONA JUDICIAL COUNCIL

Request for Council Action

**Date Action
Requested:**

October 23, 2014

**Type of Action
Requested:**

Formal Action/Request
 Information Only
 Other

Subject:

"Our Courts Arizona"

FROM:

Vice Chief Justice John Pelander

DISCUSSION:

None

RECOMMENDED COUNCIL ACTION:

Information Only

To: Presiding Judges and Court Administrators

From: Justice John Pelander

Date: June 10, 2014

Re: June 24 PR Meeting - "Our Courts Arizona"

I write to provide some advance information on an agenda item for your upcoming meeting on June 24 in Tucson. That morning, two other speakers and I will discuss a program called "Our Courts America," which focuses on educating adults about the role and importance of fair, impartial and accessible court and the rule of law. This is the link for the OCA website: <http://ourcourts.org/>

Here in Arizona, we are currently developing and plan to implement a similar statewide program called "Our Courts Arizona." At your June 24 meeting, we will share briefly the background, objectives, and roadmap for this initiative and then ask for your help.

It is important that Arizonans have a basic understanding and appreciation of our government structures and functions, including our courts and the rule of law. Lack of knowledge can lead to misperceptions, disillusionment, disengagement, and decreased public trust and confidence. Judges have a unique opportunity and obligation to help fill this knowledge gap. Through interactive, participatory programs that engage the audience, judicial officers can inform adults about the importance of fair, impartial and accessible courts and the rule of law in protecting and preserving our legal rights and liberties.

The objectives of Our Courts Arizona are a work in progress. To date, however, we have identified the following:

- A. Increase public awareness, knowledge, and understanding of the courts, the role of judges, the Constitution and rule of law, and the importance of fair, impartial and accessible courts

- B. Improve public trust and confidence in the judicial branch and the legal system
- C. Engender public knowledge of and support for the judiciary, emphasizing that all citizens, not just judges or lawyers, have important interests at stake in preserving fair, impartial and accessible courts
- D. Encourage judges to interact with the public by engaging with various adult groups in their communities

As Arizona's judicial and court administrative leaders, you are uniquely positioned and equipped to help make this statewide project successful. Drawing upon adult education programs created and successfully implemented in other states, Our Courts Arizona is developing interactive, easy to use educational tools for use with adult groups in Arizona. The existing county court systems are tailor made to recruit, train, and equip judges to facilitate the programs. Your insights, suggestions, guidance, and assistance will be invaluable, including identifying and helping to recruit active and retired judicial officers who will be effective presenters; and identifying various adult groups in your communities as audiences to whom presentations may be made.

Thank you, in advance, for considering this initiative and ways in which we all can help it succeed. We look forward to discussing the program with you, to solicit your input on how best to proceed, and to obtain your support and participation.

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
October 23, 2014	<input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	ARIZONA CASE PROCESSING TIME STANDARDS

FROM:

Mr. Marcus Reinkensmeyer, Director, Court Services Division of the AOC

DISCUSSION:

Mr. Marcus Reinkensmeyer is presenting on behalf of Justice Brutinel who is the Chair of the Arizona Case Processing Standards Steering Committee. Mr. Reinkensmeyer will discuss the Committee's recommendation that the case processing time standards for three case types be adopted as final.

RECOMMENDED COUNCIL ACTION:

Recommend that the Arizona Supreme Court adopt final case processing time standards for the following case types:

- ❖ Juvenile Dependency Adjudication Hearings
- ❖ Family Law Dissolution and Allocation of Parental Responsibilities
- ❖ Civil Traffic

ARIZONA CASE PROCESSING TIME STANDARDS SUMMARY CHART

SUPERIOR COURTS			
CASE TYPE	STANDARD	CALCULATION OF TIME	EXCLUDED TIME ¹
FAMILY LAW DISSOLUTION AND ALLOCATION OF PARENTAL RESPONSIBILITY	75% w/in 180 days 90% w/in 270 days 98% w/in 365 days ✓ All pre-adjudication family law cases such as: establishment of child support, parenting time, and legal decision-making; paternity; annulment; dissolution; legal separation... are included.	The date of filing to the date of disposition by entry of judgment/decree or order.	<ul style="list-style-type: none"> • Pre-adjudication special actions/ appeals • Bankruptcy • Servicemembers Civil Relief Act • Conciliation Court • Pending juvenile
JUVENILE CASES			
CASE TYPE	STANDARD	CALCULATION OF TIME	EXCLUDED TIME ¹
NEGLECT AND ABUSE (DEPENDENCY) (Report created in JOLTS)	<u>Adjudication Hearing:</u> 98% within 100 days	<u>Adjudication Hearing:</u> Date of filing through a finding of dependency.	No excluded time
JUSTICE AND MUNICIPAL COURTS			
CASE TYPE	PROVISIONAL STANDARD	CALCULATION OF TIME	EXCLUDED TIME ¹
CIVIL TRAFFIC	65% within 30 days 80% within 60 days 95% within 90 days ✓ Civil local ordinance cases are excluded. ✓ Photo-Radar tickets are excluded. ✓ Parking tickets are excluded.	Filing of Arizona Traffic Ticket and Complaint (ATTC) or by long-form complaint through disposition (e.g., dismissal, judgment).	<ul style="list-style-type: none"> • Pre-adjudication special actions/appeals • Pre-adjudication diversions • Servicemembers Civil Relief Act

¹ Periods of case inactivity beyond the court's control, known as excludable time, may be subtracted from the time to disposition calculations.