

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
AMENDING ARIZONA CODE OF	)	
JUDICIAL ADMINISTRATION	)	Administrative Order
§ 3-402: SUPERIOR COURT RECORDS	)	No. 2021 - <u>111</u>
RETENTION AND DISPOSITION	)	(Affecting Administrative
SCHEDULE	)	Order No. 2021-10)
_____	)	

Pursuant to the Arizona Code of Judicial Administration § 1-201(E), the Chief Justice may adopt technical changes in existing administrative code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 3-402 is amended as indicated on the attached document. All other provisions of § 3-402 remain unchanged and in effect.

Dated this 14th day of July, 2021.

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ROBERT BRUTINEL  
Chief Justice

**DRAFT**  
**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 3: Superior Court**  
**Chapter 4: Administration**

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

**A. through C. [no changes]**

**D. Retention and Disposition Schedule.** The clerk of superior court or the records manager shall retain and dispose of superior court records according to the following schedule:

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Retention Period on Arizona Supreme Court and Local Court Public Websites	Remarks
<b>CASE FILES HELD BY THE CLERK OF COURT</b>					
1.	CIVIL CASE FILES, FILED ON OR BEFORE DECEMBER 31, 1959	50 years from the year the case was 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.	Permanent	50 years from the year the case was filed.	Clerks may transfer these case files to LAPR at any time.
2.	CIVIL CASE FILES, FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case was filed	Permanent	50 years from the year the case was filed	Clerks must transfer these case files to LAPR after 50 years.
3.	<u>PETITIONS TO EXPUNGE MARIJUANA OFFENSE RECORDS (A.R.S. § 36-2862) that are assigned a civil case number pursuant to Supreme Court Administrative Order No. 2021-82 because the petition seeks to expunge an arrest record that did not lead to the filing of a</u>	<u>50 years from the year the case was filed.</u>	Permanent	<u>50 years from the year the case was filed.</u>	<u>Clerks must transfer these case files to LAPR after 50 years.</u>

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Retention Period on Arizona Supreme Court and Local Court Public Websites	Remarks
	<u>complaint, information, or indictment.</u>				
34.	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	50 years from the year the case was 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.	Permanent	50 years from the year the case was filed.	Clerks may transfer these case files to LAPR at any time.
45.	FAMILY LAW CASE FILES, including paternity, and all other matters arising under Title 25, A.R.S., FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case was filed	Permanent	50 years from the year the case was filed	Clerks must transfer these case files to LAPR after 50 years.
56.	ORDER OF PROTECTION CASE FILES	50 years from the year the case was filed	N/A	50 years from the year the case was filed	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

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					to be treated as civil case files.
67.	MENTAL HEALTH CASE FILES FILED ON OR BEFORE DECEMBER 31, 1959	50 years from the year the case was 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.	Permanent	50 years from the year the case was filed.	Clerks may transfer these case files to LAPR at any time.
78.	MENTAL HEALTH CASE FILES FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case was filed	Permanent	50 years from the year the case was filed	Clerks must transfer these case files to LAPR after 50 years.
89.	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	75 years from the year the case was 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.	Permanent	75 years from the year the case was filed.	Clerks may transfer these case files to LAPR at any time.  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

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					destruction may occur 5 years after the fiscal year received.
910.	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	75 years from the year the case was filed	Permanent	75 years from the year the case was filed	Clerks must transfer these case files to LAPR after 75 years.  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.
1011.	GENERAL STREAM ADJUDICATION CASE FILES	25 years from the year the case was filed or 5 years from the date of the final non-appealable order, whichever is later	Permanent	25 years from the year the case was filed or 5 years from the date of	

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				the final non-appealable order, whichever is later	
<del>12</del> 12.	CRIMINAL CASE FILES, except capital felony case files, FILED ON OR BEFORE DECEMBER 31, 1959	50 years from the year the case was 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.	Permanent	50 years from the year the case was filed.	Clerks may transfer these case files to LAPR at any time.
<del>13</del> 13.	CRIMINAL CASE FILES, except capital felony case files, FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case was filed	Permanent	50 years from the year the case was filed	Clerks must transfer these case files to LAPR after 50 years.
<del>13</del> 14.	CRIMINAL CAPITAL FELONY CASE FILES	On the death of the defendant	Permanent	On the death of the defendant	Clerks must transfer these case files to LAPR on the death of the defendant.
<del>14</del> 15.	JUVENILE ADOPTION, SEVERANCE, AND DEPENDENCY CASE FILES	100 years from the granting, denial, dismissal, or expiration of the matter as to all children	Permanent	N/A	Clerks must transfer these case files to LAPR after 100 years.
<del>15</del> 16.	JUVENILE DELINQUENCY CASE FILES	After satisfaction of A.R.S. § 8-349 or 25 years following the year the case was filed	N/A	After satisfaction of A.R.S. § 8-349 or 25 years following the	

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				year the case was filed	
<del>16</del> 17.	JUVENILE ABORTION CASE FILES	7 years after the ruling on the petition, motion, or final appeal, or 5 years after the date of the minor's 18 <sup>th</sup> birthday, whichever is later	N/A	N/A	
<del>17</del> 18.	JUVENILE TRAFFIC CASE FILES, when filed in the superior court	Until the minor reaches age 19	N/A	Until the minor reaches age 19	
<del>18</del> 19.	APPEAL FROM A LOWER COURT CASE FILES, both civil and criminal	5 years after the superior court issues its order disposing of the case	N/A	5 years after the superior court issues its order disposing of the case	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
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**FINANCIAL AND MISCELLANEOUS RECORDS HELD BY THE CLERK OF COURT [renumber]**

**MISCELLANEOUS RECORDS HELD BY THE CLERK OF COURT, THE COURT, OR COURT ADMINISTRATION [renumber]**

**RECORDS HELD BY COURT ADMINISTRATION [renumber]**

**RECORDS HELD BY THE JURY COMMISSIONER [renumber]**

**RECORDS HELD BY THE COURT HUMAN RESOURCES DEPARTMENT [renumber]**

<b>CASE FILES HELD BY PRETRIAL SERVICES [renumber]</b>

**E. and F. [no changes]**