

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
AMENDING ARIZONA CODE OF	)	Administrative Order
JUDICIAL ADMINISTRATION	)	No. 2023 - <u>46</u>
§ 3-402: SUPERIOR COURT RECORDS	)	(Affecting Administrative
RETENTION AND DISPOSITION	)	Order No. 2021-111)
SCHEDULE	)	
	)	

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Pursuant to the Arizona Code of Judicial Administration (ACJA) § 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 the amendments to ACJA § 3-402 as indicated on the attached document are adopted. All other provisions of § 3-402 remain unchanged and in effect.

Dated this 15th day of March, 2023.

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ROBERT BRUTINEL  
Chief Justice

**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 Change]**

**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:

<b>Records Series #</b>	<b>Records Series Title</b>	<b>Retention Period with Court</b>	<b>LAPR Retention</b>	<b>Retention Period on Arizona Supreme Court and Local Court Public Websites</b>	<b>Remarks</b>
<b>CASE FILES HELD BY THE CLERK OF COURT</b>					
Record Series 1. and 2. [No Change]					
3.	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 and <u>PETITIONS TO SEAL CRIMINAL CASE RECORDS (A.R.S. § 13-911) that are assigned a civil case number,</u> because the petition seeks to expunge or seal an arrest record that did not lead to the filing of a complaint, information, or indictment.	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.
Record Series 4. through 8 [No Change]					

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Retention Period on Arizona Supreme Court and Local Court Public Websites	Remarks
9.	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.	<p>Clerks may transfer these case files to LAPR at any time.</p> <p>Pursuant to Rule 94(hf)(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.</p>

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Retention Period on Arizona Supreme Court and Local Court Public Websites	Remarks
10.	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	<p>Clerks must transfer these case files to LAPR after 75 years.</p> <p>Pursuant to Rule 94(hf)(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.</p>
Record Series 11. through 19. [No Change]					

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
<b>FINANCIAL AND MISCELLANEOUS RECORDS HELD BY THE CLERK OF COURT</b>				
Record Series 20. and 21. [No Change]				
22.	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 <del>222</del> 23, since these warrants and subpoenas can involve lengthy periods of investigation and require a longer period of retention.
Record Series 23. through 38. [No Change]				
<b>MISCELLANEOUS RECORDS HELD BY THE CLERK OF COURT, THE COURT, OR COURT ADMINISTRATION [No Change]</b>				
<b>RECORDS HELD BY COURT ADMINISTRATION [No Change]</b>				
<b>RECORDS HELD BY THE JURY COMMISSIONER [No Change]</b>				
<b>RECORDS HELD BY THE COURT HUMAN RESOURCES DEPARTMENT</b>				
Record Series 56. through 59. [No Change]				
60.	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	30 years after employment terminated	N/A	These records must be filed separately from the employee personnel file. (2029 CFR § 1910.1020)
Record Series 61. through 66. [No Change]				
67.	WORKERS COMPENSATION RECORDS			(29 C.F.R. § 1952.4 1952.19)
	a. Denied claims	3 years after denied	N/A	
	b. Reports of industrial injury	5 years after created or received	N/A	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
	c. Case records	75 years after case closed	N/A	
Record Series 68. through 77. [No Change]				
<b>CASE FILES HELD BY PRETRIAL SERVICES [No Change]</b>				

E. and F. [No Change]