

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ARIZONA CODE OF JUDICIAL)	Administrative Order
ADMINISTRATION § 3-402:)	No. 2016 - <u>114</u>
SUPERIOR COURT RECORDS)	(Affecting Administrative
RETENTION AND DISPOSITION)	Order No. 2014-117)
SCHEDULE)	
_____)	

An amendment to the above-captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on October 27, 2016, and having been approved and recommended for adoption,

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, as originally adopted, remain unchanged and in effect.

Dated this 2nd day of November , 2016.

SCOTT BALES
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 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	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	Remarks
CASE FILES HELD BY THE CLERK OF COURT					
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	<u>50 years from the year the case was filed.</u>	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	<u>50 years from the year the case was filed</u>	Clerks must transfer these case files to LAPR after 50 years.

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	Remarks
3.	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	<u>50 years from the year the case was filed.</u>	Clerks may transfer these case files to LAPR at any time.
4.	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	<u>50 years from the year the case was filed</u>	Clerks must transfer these case files to LAPR after 50 years.
5.	ORDER OF PROTECTION CASE FILES	50 years from the year the case was filed	N/A	<u>50 years from the year the case was filed</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.

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	Remarks
6.	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	<u>50 years from the year the case was filed.</u>	Clerks may transfer these case files to LAPR at any time.
7.	MENTAL HEALTH CASE FILES FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case was filed	Permanent	<u>50 years from the year the case was filed</u>	Clerks must transfer these case files to LAPR after 50 years.

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	Remarks
8.	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	<u>75 years from the year the case was filed.</u>	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 destruction may occur 5 years after the fiscal year received.

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	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 AFTER JANUARY 1, 1960	75 years from the year the case was filed	Permanent	<u>75 years from the year the case was filed</u>	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.
10.	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	<u>25 years from the year the case was filed or 5 years from the date of the final non-appealable order, whichever is later</u>	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	Remarks
11.	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	<u>50 years from the year the case was filed.</u>	Clerks may transfer these case files to LAPR at any time.
12.	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	<u>50 years from the year the case was filed</u>	Clerks must transfer these case files to LAPR after 50 years.
13.	CRIMINAL CAPITAL FELONY CASE FILES	On the death of the defendant	Permanent	<u>On the death of the defendant</u>	Clerks must transfer these case files to LAPR on the death of the defendant.
14.	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.
15.	JUVENILE DELINQUENCY CASE FILES	After satisfaction of A.R.S. § 8-349 or 25 years following the year the case was filed	N/A	<u>After satisfaction of A.R.S. § 8-349 or 25 years following the year the case was filed</u>	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	Remarks
16.	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 th birthday, whichever is later	N/A	<u>N/A</u>	
17.	JUVENILE TRAFFIC CASE FILES, when filed in the superior court	Until the minor reaches age 19	N/A	<u>Until the minor reaches age 19</u>	
18.	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	<u>5 years after the superior court issues its order disposing of the case</u>	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
FINANCIAL AND MISCELLANEOUS RECORDS HELD BY THE CLERK OF COURT				
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. 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	5 years after the fiscal year received or prepared	N/A	This retention period is established to satisfy the requirements of a contract between the Fines/Fees and Restitution Enforcement (FARE) program and an outside vendor.
	b. Expenditure records, including vouchers, invoices, purchase orders, authorizations, reimbursement requests, etc.	5 years after the fiscal year received or prepared	N/A	
	c. Periodic financial reports to federal, state, and local agencies	5 years after the fiscal year prepared	N/A	
	d. Triennial, external review report required by the minimum accounting standards	Retain until subsequent audit received	N/A	
	e. Procurement records			
	i. Solicitation canceled before vendor responses are opened	1 year after cancelation	N/A	
	ii. Solicitation canceled after vendor responses are opened	3 years after cancelation	N/A	
	iii. Documents related to successful vendor where contract executed	6 years after end of contract	N/A	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
	iv. Documents related to unsuccessful vendor where contract executed	3 years after contract or other agreement signed with competing vendor	N/A	
	v. Documents related to award made yet contract cannot be executed	3 years after contract negotiations end	N/A	
	vi. Protests, protest records, and court response	3 years after contract or other agreement signed with competing vendor	N/A	
20.	WILLS FILED for SAFEKEEPING	75 years from date received	Permanent	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.
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.	GRAND JURY RECORDS			
	a. Empanelment documents	5 years from the end of the term of empanelment	N/A	
	b. Minutes of grand jury votes	1 year from the date of the minutes	N/A	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
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.	Upon dismissal, disposition, or final appellate ruling, whichever comes later, and then 30 days after mailing notice to responsible parties to claim the evidence, all unless otherwise ordered by the court	N/A	Clerks are encouraged to identify historically significant and landmark cases prior to the expiration of the retention period for exhibits. 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.
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	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
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	

MISCELLANEOUS RECORDS HELD BY THE CLERK OF COURT, THE COURT, OR COURT ADMINISTRATION

38.	THE VERBATIM RECORD, INCLUDING COURT REPORTER NOTES AND ELECTRONIC RECORDINGS OF A COURT PROCEEDING, HEARING, OR TRIAL			
	a. Criminal non-capital cases, including grand jury, writs of habeas corpus, trial, sentencing, and all other proceedings	20 years from the date of sentencing or other final order of the court, unless a transcript is prepared	N/A	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.
	b. Criminal capital cases, including grand jury, writs of habeas corpus, trial, sentencing and all other proceedings	50 years from the date of sentencing	N/A	
	c. Non-criminal	5 years from the date of the proceeding	N/A	
	d. Juvenile	10 years from the date of the proceeding	N/A	
39.	ADMINISTRATIVE REVIEW DOCUMENTS FOR ANY MATTER, such as a denial of access to records	Until reference value served	N/A	
40.	CONCILIATION COURT RECORDS	5 years or until reference value served, whichever is later	N/A	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
RECORDS HELD BY COURT ADMINISTRATION				
41.	COURT ADMINISTRATION FINANCIAL RECORDS			
	a. 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	5 years after the fiscal year received or prepared	N/A	
	b. Expenditure records, including vouchers, invoices, purchase orders, authorizations, reimbursement requests, etc.	5 years after the fiscal year received or prepared	N/A	
	c. Periodic summary budget reports	5 years after the fiscal year prepared	N/A	
	d. Periodic financial reports to state and local agencies	5 years after the fiscal year prepared	N/A	
	e. Triennial, external review report required by the minimum accounting standards	Until subsequent audit received	N/A	
	f. Applications, records, and reports for grants received	5 years after submission of final grant report, unless otherwise required by the granting authority	N/A	
	g. <u>Procurement records</u>			
	i. Solicitation canceled before vendor responses are opened	1 year after cancelation	N/A	
	ii. Solicitation canceled after vendor responses are opened	3 years after cancelation	N/A	
	iii. Documents related to successful vendor where contract executed	6 years after end of contract	N/A	
	iv. Documents related to unsuccessful vendor where contract executed	3 years after contract or other agreement signed with competing vendor	N/A	
	v. Documents related to award made yet contract cannot be executed	3 years after contract negotiations end	N/A	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
	vi. Protests, protest records, and court response	3 years after contract or other agreement signed with competing vendor	N/A	
42.	CONTRACTS AND OTHER AGREEMENTS	6 years after performance under the contract is completed or the contract is terminated	N/A	
43.	COURT CALENDAR	Until reference value served	N/A	
44.	FORMER PRESIDING JUDGE BUSINESS PAPERS 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.	Until term is completed	Permanent	The court administrator, if any, shall work with the presiding judge to determine whether the presiding judge desires to send these papers to LAPR.
45.	STATISTICAL REPORTS REQUIRED BY THE AOC	5 years from the year prepared	N/A	

RECORDS HELD BY THE JURY COMMISSIONER

46.	MASTER JURY LIST	Until new list created	N/A	
47.	MASTER JURY FILE	Until new list created	N/A	
48.	COMPLETED TRIAL JUROR QUESTIONNAIRES			
	a. When jury commissioners include the juror questionnaire with the summons	90 days from the date received, unless otherwise ordered by the court	N/A	
	b. When jury commissioners send the juror questionnaire separate from the summons	1 year from the date received, unless otherwise ordered by the court	N/A	
49.	COMPLETED GRAND JUROR QUESTIONNAIRES	Until reference value served or 1 year from date received, whichever occurs first	N/A	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
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. Canceled or negative results	5 years after results received or until reference value served, whichever occurs first	N/A	
	b. Positive results	5 years after action taken in response to results is resolved or until reference value served, whichever occurs first	N/A	
	c. Records related to specimen collection	5 years after test given or until reference value served, whichever occurs first	N/A	
	d. Records received from previous employers	3 years after received or until reference value served, whichever occurs first	N/A	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
55.	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	5 years after employment terminated, term of office ended, or contract expired, canceled, or revoked	N/A	
56.	REQUEST FOR CLASSIFICATION OF NEW POSITION OR RECLASSIFICATION OF EXISTING POSITION, including records of salary advancement	1 year after request acted upon	N/A	
57.	EEO-4 Survey report of workforce composition	1 year after subsequent report submitted	N/A	
58.	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. (20 CFR § 1910.20)
59.	EMPLOYMENT ELIGIBILITY VERIFICATION RECORDS, including I-9 proof of legal residency in U.S.A., and Social Security verification	1 year after employment terminated but not less than 3 years after date of hire	N/A	(8 C.F.R. § 274a.2)
60.	GRIEVANCE and COMPLAINT RECORDS	3 years after resolved	N/A	These records are for matters that do not require formal investigation.

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
61.	INVESTIGATIONS OF PERSONNEL MATTERS	5 years after employment terminated or investigation resolved or closed, whichever is later	N/A	
62.	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 <i>not</i> hired	3 years after position filled or abandoned	N/A	(29 C.F.R. § 1602.31)
63.	INDIVIDUAL EMPLOYEE TRAINING RECORDS	5 years after training received	N/A	(ACJA § 1-302(E) (1)(h))
64.	LAYOFF and REDUCTION IN FORCE RECORDS	5 years after reduction in force completed or abandoned	N/A	
65.	WORKERS COMPENSATION RECORDS			(29 C.F.R. § 1952.4)
	a. Denied claims	3 years after denied	N/A	
	b. Reports of industrial injury	5 years after created or received	N/A	
	c. Case records	75 years after case closed	N/A	
66.	BENEFIT ENROLLMENT RECORDS, including employee enrollment in medical, dental, life insurance, prepaid legal, beneficiary designation, and other benefit options	5 years after employment terminated	N/A	
67.	RECORDS DESCRIBING ESTABLISHED POSITIONS, including information on title, series, grade, duties, and responsibilities	3 years after superseded or position abolished, whichever is first	N/A	
68.	AMERICANS with DISABILITIES ACT (ADA) RECORDS, including requests for accommodation	3 years after completion of accommodation	N/A	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
69.	INDIVIDUAL DISABILITY CLAIM RECORDS, both short-term and long-term	6 years after claim closed	N/A	
70.	EMPLOYEE CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA) RECORDS			
	a. Decline Notice Records, including returned undeliverable notices	2 years after employment terminated	N/A	
	b. All others	3 years after benefits terminated or coverage rejected	N/A	
71.	FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS, including employee leave request forms, supporting documentation, and other non-medical related records	3 years after created, received or leave expired, whichever is later	N/A	Employee certification and health records must be retained separately from the personnel file with the employee health and exposure records.
72.	FINGERPRINT CARDS	6 months after created or received	N/A	
73.	LEAVE RECORDS	3 years after fiscal year created or received	N/A	
74.	MERIT-BASED FUNDING RECORDS	2 years after created or received	N/A	
75.	UNEMPLOYMENT CLAIMS AND APPEALS RECORDS	2 years after action taken	N/A	
CASE FILES HELD BY PRETRIAL SERVICES				
76.	CASE SUPERVISION FILES	1 year after the retention period of the underlying case file held by the clerk	N/A	

E. through F. [No changes]