

**Records Retention Revision Committee of the Superior Court**

**Friday, April 4, 2014**

**10:00 a.m. – 3:00 p.m.**

**Conference Room 345A/B**

**State Courts Building, 1501 W. Washington, Phoenix, AZ 85007**

**Conference Call: 602-452-3288, Meeting ID: 6617#**

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**AGENDA**

**TIME**

**PRESENTER**

10:00 a.m. **Call to Order/ Welcome and Introductions**

*Sandra Markham, Chair,  
Clerk of the Court,  
Superior Court in Yavapai  
County*

Materials:

1. Agenda
2. Minutes – February 19, 2014
3. Purpose of Courts – Records Graphic
4. Initial Draft Modifications to ACJA § 3-402

10:10 a.m. **Approval of Minutes – February 19, 2014**

*Sandra Markham*

\* Pg. 3 of 57  **Formal Action/Request**

10:15 a.m. **Review of:**

*Melinda Hardman,  
Sr. Court Analyst, AOC*

\* Pg. 11 of 57 • Purpose of Courts – Records Graphic Discussion

\* Pg. 13 of 57 • Explanation of Initial Draft Modifications to ACJA § 3-402: Superior Court Records Retention and Disposition Schedule  
(NEW: Pg. 43 of 57)

10:45 a.m. **Continuing Discussion of Updates to ACJA § 3-402**

*Committee Members*

12:00 p.m. ***Lunch Break***

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*All times are approximate. The Chair reserves the right to set the order of the agenda. For any item on the agenda, the Committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration § 1-202. Please contact Melinda Hardman (602-452-3453), committee staff, with any questions concerning this agenda. Any person with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting Julie Graber at (602) 452-3250. Requests should be made as early as possible to allow time to arrange the accommodation.*

12:45 p.m. **Continuing Discussion of Updates to ACJA § 3-402**

*Committee Members*

**Next Meeting:** May 16, 2014  
10:00 a.m. – 3:00 p.m.  
Arizona State Courts Building  
Conference Room 119 A/B

*Sandra Markham*

2:45 p.m. **Call to the Public**

*Sandra Markham*

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**ADDITIONAL MEETING DATES**

Friday, May 16, 2014; 10:00 a.m.  
Wednesday, June 18, 2014; 10:00 a.m.  
Wednesday, August 6, 2014; 10:00 a.m.  
Wednesday, September 17, 2014; 10:00 a.m.

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**Records Retention Revision Committee of the Superior Court  
DRAFT MINUTES**

**Wednesday, February 19, 2014**

**10:00 a.m. to 3:00 p.m.**

**State Courts Building, 1501 West Washington Street, Conf. Rm. 345A, Phoenix, AZ 85007**

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**Present:** Sandra Markham (Chair), Terry Bublik, Michael Catlett, Judge Jane Eikleberry, Melanie Fay, Judge Pamela Gates (*telephonically*), Judge Lee Jantzen, Phil Knox, Eric Silverberg, Melanie Sturgeon

**Absent/Excused:** James Boardman, Judge David Haws, Chad Roche

**Staff:** Melinda Hardman, Julie Graber, Sabrina Nash

**Presenters/Guests:** Odette Apodaca (Pinal County Superior Court), Theresa Barrett (AOC), Jerry Lucente-Kirkpatrick (LAPR), Marcus Reinkensmeyer (AOC), Patrick Scott (AOC)

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Call to Order/Welcome and Introductions

With a quorum present, the February 19, 2014, meeting of the Records Retention Revision Committee of the Superior Court was called to order by Sandra Markham, chair at 10:04 a.m. Ms. Markham welcomed members and introductions were made around the room.

Committee Rules of Procedure and Proxy Form

Ms. Markham presented the Committee Rules of Procedure and Proxy Form for approval.

**Motion:** To approve the Committee Rules of Procedure and Proxy Form, as presented.

**Action:** Approve, **Moved by** Judge Lee Jantzen, **Seconded by** Phil Knox. Motion passed unanimously.

Review of Committee Charge and Scope of Work; Changes Proposed to ACJA § 3-402 by Clerks' Association

Ms. Markham reviewed the committee charge set out in Administrative Order 2014-13, which is to revise the superior court records retention and disposition schedule in the Arizona Code of Judicial Administration (ACJA) § 3-402. The charge arose out of two recent developments: 1) The Arizona Judicial Council (AJC) recently approved policy recommendations from the Advisory Committee to Develop Policies for Retention, Destruction, and Access to Electronic Court Records, requiring destruction of electronic case records on a mandatory and automatic basis, which impacts ACJA § 3-402, and 2) The clerks of superior court submitted to the AOC proposed revisions to ACJA § 3-402.

Ms. Hardman explained that this committee's draft work product will be circulated to AJC standing committees and other stakeholders who might be impacted by potential revisions to ACJA § 3-402. The draft will also be posted to the AOC's website for comment. These efforts are intended to solicit input on the draft and allow this committee to consider adjusting its work product before presenting it to the Arizona Judicial Council at the Council's October 2014 meeting.

### Review of CMS functionality with ACJA § 3-402

Since the Superior Court in Maricopa County has a different case management system (CMS), iCIS than the one the thirteen rural counties in Arizona have, AJACS, Ms. Markham offered Maricopa County an opportunity to address the committee with any concerns it may have with potential revisions to ACJA § 3-402. Melanie Fay, the Public Records Administrator for the Maricopa County Clerk of Superior Court, reported that the Superior Court in Maricopa County does not have any concerns with revisions, as iCIS is not impacted by the retention schedule. Ms. Markham noted that she had made this same inquiry of Pima County, prior to this meeting, since Pima County also has a different CMS, AGAVE. Ms. Markham reported that Pima County said they do not have concerns with revisions to ACJA § 3-402, from a CMS perspective, either.

### Review of scope and level of detail of existing ACJA § 3-402; Practical aspects of how the superior court in all fifteen Arizona counties works with LAPR; How a *permanent* retention period works

Ms. Hardman introduced Melanie Sturgeon and Jerry Lucente-Kirkpatrick from LAPR. Ms. Sturgeon and Mr. Lucente-Kirkpatrick had both reviewed the existing superior court records retention schedule prior to this meeting. Ms. Sturgeon reported that most superior court clerks follow the schedule and send court records to LAPR as required, but some do not. Mr. Lucente-Kirkpatrick noted that the scope and level of detail in the current schedule is confusing. He suggested that the committee consider simplifying, clarifying, and condensing the schedule. For example:

- Capture a reference once instead of repeating it throughout the document:
  - “as provided by Rule 29”
  - “not authorized for purging”
- Clarify whether a record *must* or *can* be destroyed:
  - replace *may* with *shall* or *shall not*
- Group important information together and feature it up front, or in strategic places, e.g.:
  - retention of transcripts and depositions should be moved up to the beginning of the schedule since these items are part of a case file
  - the criminal records section seems buried and should be easier to find
- Include a more general approach to court records and avoid too many categories and subcategories in the schedule:
  - refer to schedules used for all public bodies as examples
  - describe what is included (and not) for each record type

Member comments and questions on these issues included:

1. The current schedule allows for case files to be purged before transferring the file to LAPR; however, it is more efficient for courts to not take this extra step. LAPR indicated there is no problem for them to accept the files without being purged.
2. There are some court records LAPR does not take, such as demand for notice files. LAPR also does not usually take search warrants unless the warrant is part of a case file.

## Discussion of Updates to ACJA § 3-402: Superior Court Records Retention and Disposition Schedule

Ms. Markham proceeded to lead the committee in a review of the proposed revisions to ACJA § 3-402 submitted by the clerks of superior court. Discussion ensued.

### **A. Definitions:**

The schedule refers to *case records* and *case files* interchangeably, but it is important to call them one thing. Members agreed.

### **C. Retention and Disposition Schedule:**

#### 1. COURT CASE FILES:

##### a. Civil Case Files

- Members agreed to combine all general “Civil” cases into one category and retain them for 50 years.
- Examples of *non-standard* items include:
  - attachments to pleadings that cannot be scanned into the case file
  - CDs, which may include a magnified portion of an Excel spreadsheet
  - DVDs
  - oversized geographical maps
  - recordings on disc
- Since these items are part of a case file, though they may be stored separately from a paper or electronic case file, these items should have the same 50-year retention period.
- Ms. Sturgeon noted that LAPR is concerned about keeping electronic, non-standard items alive. These records are subject to degradation and may need to be upgraded to be readable in the future. The schedule should establish that neither LAPR nor the court have an obligation to migrate these electronic records, since neither has the resources to do so. A filer who files these electronic records does so at his or her own risk.

Family Law Case Files: The clerks of superior court suggested a 50-year retention period (down from the current 75 years).

- A member asked whether there is a need to maintain a distinction between family law cases, *with* and *without* children, and *dismissed* cases. Another member asked whether there is a need to delineate all types of Family Law cases or whether this information can be included in the definition. It would be helpful for Pima and Maricopa Counties to keep the distinction of dismissed cases.
- Ms. Markham noted that Yavapai County does not generally receive requests to review family law case files after 50 years.

Orders of Protection/Injunctions against Harassment Case Files: The current schedule requires that these case files be retained for five years.

- A member suggested that this category could be joined with *civil* cases. Some counties retain these records for 50 years because they are civil cases.

- Some members felt 5 years was insufficient, especially in a criminal context.
- A member asked whether when an order of protection is filed in a family law case, the order of protection is retained according to the family law retention period. Another member asked whether, in this situation, an order of protection should be treated as a family law case or a civil case.
- A member questioned whether there is a statute that directs prosecutors to look back a certain number of years in a criminal case to review prior orders of protection. Ms. Bublik thought *no*, however, she agreed to follow-up on this question and report back to the committee.

Demand for Notice Case Files: Leave as is.

Mental Health Case Files: Leave as is.

Probate Case Files: The clerks of superior court suggested that probate case files be retained 50 years instead of 100 years.

- Members raised some concern that 50 years was not long enough. After first considering a change to the date triggering the retention period, members then decided to split the difference and recommend that these cases be retained for 75 years.
- A member asked what “Probate Vouchers and Receipts” are. Members suggested that this category should be struck as a stand-alone category and moved into Probate case files.
- “Wills filed in accordance with A.R.S. § 14-2901”: Filed wills cannot be destroyed.

General Stream Adjudication:

- “Contents of the case file”: Ms. Sturgeon indicated that these cases are permanent.
- “Office of the Special Master”: Ms. Sturgeon questioned the distinction between permanent retention and 25 years, and proposed that these records be retained permanently.
  - Mr. Knox will talk to the Water Master about whether there is a distinction between the Water Master and a Special Master and will identify the types of cases each handles. He will report his findings at the next meeting.
  - Separate “administrative, financial, and human resource” records categories are not needed if there is a general category in which to place these records.

Transcripts and Depositions: These items should be moved into the definition of “Case File.”

## b. Criminal

Capital Felony Cases:

- In practice, these case files are transferred to LAPR when the defendant is executed, so members suggested that the schedule provide that the records be transferred to LAPR once the defendant is executed.

c. Juvenile:

- The recently-completed Advisory Committee to Develop Policies for Retention, Destruction, and Access to Electronic Court Records proposed that juvenile delinquency case files be retained for a set period of 25 years following the year filed, instead of the currently vague period of “following juvenile’s 30<sup>th</sup> birthday.” Courts do not store juvenile delinquency case files by the juvenile’s age, and a time-certain date for destruction is needed. Members agreed.
- Ms. Sturgeon expressed an interest in having pre-1959 juvenile delinquency case files transferred to LAPR as permanent records, instead of permitting clerks of court to retain them locally. These case files provide great historical value for research purposes. But, unlike adoption case files, statute does not close juvenile delinquency case files. If juvenile delinquency case files are transferred to LAPR, the files are open, and it is not within this committee’s authority to recommend they be closed. However, juvenile delinquency case files retained at the local level are also open.
- Perhaps all types of juvenile case files should be combined into one category with a 100-year retention period.
- No changes were suggested for the “Juvenile traffic and other violations” records category. This category is used only by Santa Cruz County.
- The “Juvenile case exhibits” category should be included with a general “Exhibits” section. Exhibits for all case types should be treated similarly.
- “Juvenile case transcripts” could be relocated to the “Official Court Record” section for all case types. Juvenile case depositions are part of the case file.

d. Lower Court Appeals:

- Members questioned why “Remanded case transfer index” has a separate 5-year retention period. Ms. Fay will do some research and report her findings at the next meeting.
- Ms. Sturgeon inquired whether sealed documents must remain sealed once a file is transferred to LAPR. A member noted that the sealing of a document is based on the judge’s judgment and discretion. The judge intends a document to be sealed for a specific reason, and the document is to remain sealed unless the court issues another order, unsealing the document.

e. Grand Jury Records:

- Members proposed to eliminate “(3) Grand Jury Records Court Reporter Notes.” This provision is redundant here and should be reflected only in the “Official Court Record” section.
- Members felt there was no need for “(4) No true bill/admonitions/readings/dismissed/miscellaneous documents” because counties do not retain any records in this situation.

f. Miscellaneous Filings:

- “Administrative Orders” should be moved to the “Court Administration” section.
- The clerks of superior court proposed a separate “Administrative Reviews” category. Unlike other miscellaneous filings, Administrative Reviews are filed separate from any case and should be destroyed after the reference value is served.
- “Landmark Cases” and “Historically Significant Cases” are not case categories, so these categories should be removed from the chart. Landmark cases and historically significant cases are transferred to LAPR based on the underlying case type.

2. OFFICIAL COURT RECORD:

- A member questioned whether the required time to transcribe court reporter notes for a criminal defendant tried in absentia should be extended. The current requirement is burdensome to counties. It might be beneficial to wait to *transcribe* the notes until the *end* of the retention period for the notes, themselves. Although the current language does not say that transcription should be done *immediately*, in practicality, judges ask for the transcription right away.
- A member suggested that the question of “what should be transcribed for an appeal” be referred to the Committee on Superior Court to see if the question could be resolved by revisions to Rule 31, Rules of Criminal Procedure. This question goes beyond the scope of this committee.
- A member questioned whether, in capital cases, a category and retention period for court reporters’ notes is needed when the transcript is considered a permanent record.
- A member questioned why juvenile and non-criminal court reporters’ notes and recordings are separate in the current schedule. Perhaps these notes should be retained for five years.
- A member questioned whether there are statutory requirements regarding how long court reporters’ notes are to be retained for juvenile cases. Ms. Bublik will check on this issue and report back at the next meeting.

3. EXHIBITS:

- Juvenile exhibits should be moved to this section.

4. RECORDS CREATED OR RECEIVED BY THE CLERKS’ OFFICE:

- Dockets and registers of actions must be kept permanently. Ms. Sturgeon noted the importance of these records, which she uses frequently. LAPR asks courts to provide them an index of a court case or a print-out from the CMS when the case is transferred to LAPR.
  - Ms. Fay will research nursing subpoenas and return to the next meeting with more information.
  - A category should be added for “Special Appointment Applications.” These should be kept for two years from the date of issuance.

#### 5. COURT FINANCIAL RECORDS:

This information should be condensed and should mirror the code for Minimum Accounting Standards (MAS).

#### 6. COURT ADMINISTRATION:

The clerks of superior court proposed adding “Administrative Orders” under court administration records, with a ten-year retention period. Mr. Knox will obtain the source of authority for the ten-year retention period.

- Members agreed that court administrators, not the clerk of superior court, should inform presiding judges about the goal of transferring former Chief Presiding Judges’ business papers to LAPR.

#### 7. ADMINISTRATIVE RECORDS:

Members agreed on the current five-year retention period. Statistical records should be defined as those that are currently required by the AOC.

#### 8. JURY COMMISSIONER RECORDS:

Answered juror questionnaires are often retained more than 90 days, because it takes longer than ninety days for a two-step court to work through a juror-notification cycle. Also, Ms. Hardman noted that juror questionnaires answered online are currently stored at the AOC but cannot be retained indefinitely. She suggested that members consider a one-year retention period for these records.

#### 10. HUMAN RESOURCE RECORDS:

Ms. Sturgeon suggested that the committee look at the human resource schedules for other agencies so the courts can condense existing information and mirror the other schedules. She will follow-up on this.

#### 12. ADULT PROBATION RECORDS /13. JUVENILE PROBATION RECORDS:

These categories should be discussed with the Committee on Probation for their input.

#### **E. Transfer of Records to Arizona State Library, Archives, & Public Records:**

Add “and exhibits” (Transfer of Records *and Exhibits*). Ms. Sturgeon advised that LAPR does not accept 3-dimensional items, such as bullets, drugs, or artifacts. She will bring suggested language on this topic to the next meeting.

#### **F. Historically Significant and Landmark Cases:**

Ms. Markham asked the following questions:

1. What should the retention period be for high profile cases? What are the obligations of the clerk of court once these cases are posted online? Ms. Hardman will review this issue and bring her findings back to the committee.
2. What should be the retention period for online minute entries? The retention schedule for paper case records must mirror the retention schedule for electronic case records.

Discussion of Future Meeting Dates

The proposed future meeting dates were agreed to by members. The first five meetings of this committee will be used to develop a work product, and the last meeting will be used to incorporate public comments after the work product has been circulated.

Next Meeting Date

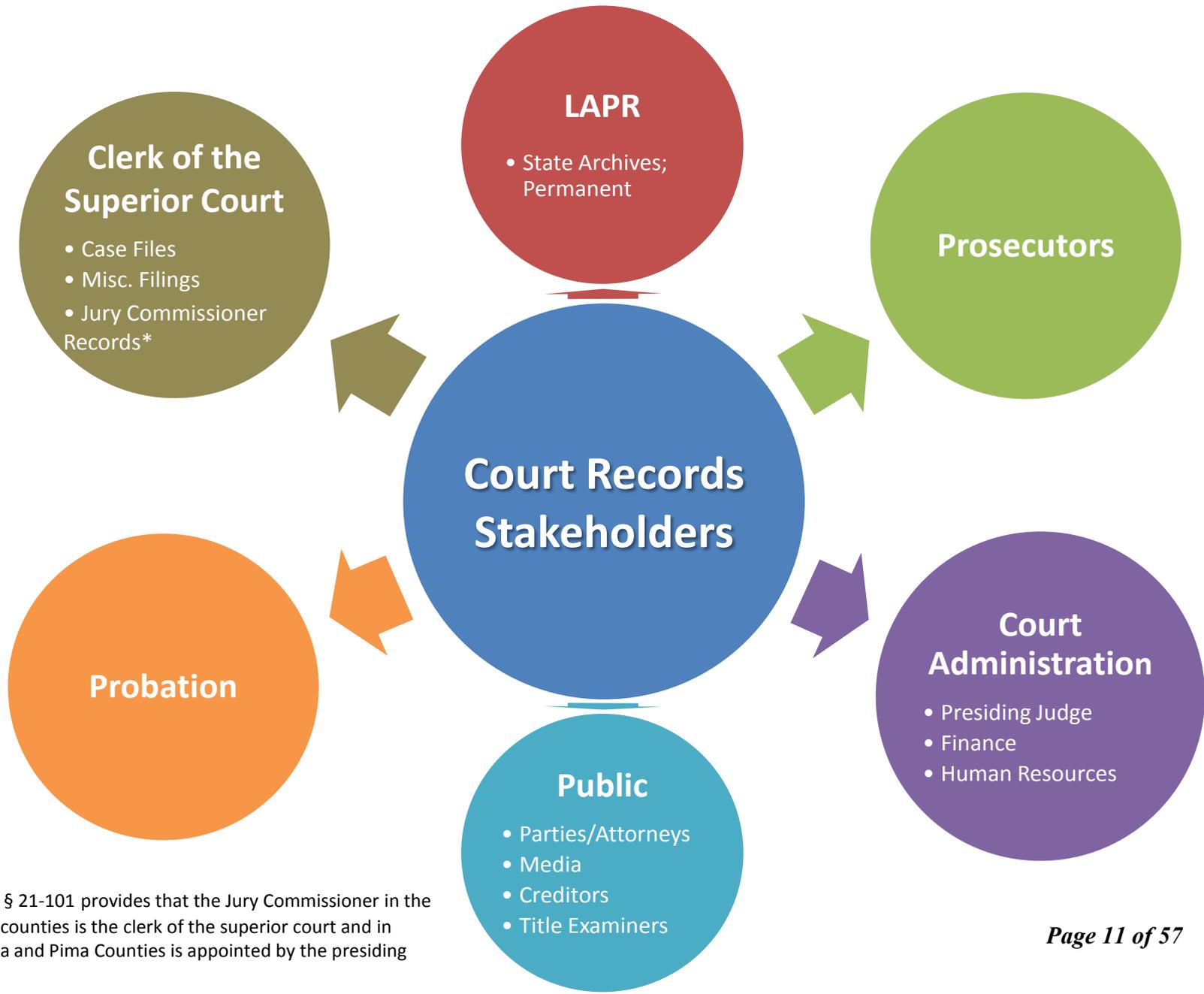
April 4, 2014, 10:00 a.m. to 3:00 p.m.  
Arizona State Courts Building, Conference Room 345A/B

Good of the Order/Call to the Public

Marcus Reinkensmeyer thanked committee members for their participation in this committee.

Adjourned at 1:54 p.m.

# 5<sup>th</sup> Purpose of Courts: To Provide a Formal Record of Legal Status



\* A.R.S. § 21-101 provides that the Jury Commissioner in the 13 rural counties is the clerk of the superior court and in Maricopa and Pima Counties is appointed by the presiding judge



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

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

~~“Case file” means the original documents or other material, regardless of physical form filed in an action or proceeding in a court, either in paper or electronic format.~~

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

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~~“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.~~

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~~“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.~~

~~**B. 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 requires superior court clerks to transfer permanent files to the Director of the Arizona State Library Archives and Public Records (ASLAPR) 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.~~

~~**C. Retention and disposition schedule.** Clerks shall retain and dispose of superior court records according to the following schedule:~~

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<b>ARIZONA SUPREME COURT Records Retention and Disposition Schedule FOR USE BY SUPERIOR COURT</b>		
<b>Type of Record</b>	<b>Retain (Yrs)</b>	<b>Remarks</b>
<del><b>1. COURT CASE FILES</b></del>	<del>-</del>	<p><del>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.</del></p> <p><del>-</del></p> <p><del>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.</del></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"> <li><del>— Domestic violence</del></li> <li><del>— Reciprocal divorce</del></li> <li><del>— Support enforcement</del></li> </ul>	<hr/> Permanent (for cases filed prior to 1960)	<p><del>Supreme Court, at the end of the retention period required by this section, transfer these court records to ASLAPR for permanent retention.</del></p> <p><del>These files shall not be purged.</del></p> <p><del>Microfilming is allowed at any point after the case is closed. (See subsection D).</del></p> <hr/> <p><del>These files shall not be purged.</del></p> <p><del>Microfilming is allowed at any point after the case is closed. (See subsection D).</del></p>
<ul style="list-style-type: none"> <li><del>(3) Domestic Relations Cases without children</del></li> <li><del>— Dissolutions</del></li> <li><del>— All other unspecified domestic relations case categories</del></li> </ul>	50 (for cases filed after 1959) <hr/> Permanent (for cases filed prior to 1960)	<p><del>Retention period begins following the year filed.</del></p> <p><del>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.</del></p> <p><del>These files shall not be purged.</del></p> <p><del>Microfilming is allowed at any point after the case is closed. (See subsection D).</del></p> <hr/> <p><del>These files shall not be purged.</del></p> <p><del>Microfilming is allowed at any point after the case is closed. (See subsection D).</del></p>
<ul style="list-style-type: none"> <li><del>(4) Dismissed Domestic Relations Cases with or without children</del></li> </ul>	50 (for cases filed after 1959)	<p><del>Retention period begins following the year filed.</del></p> <p><del>As provided by Rule 29, Rules of the Supreme Court, at the end of the retention</del></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>-</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>-</p> <p>Case file may be destroyed.</p> <p>-</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>-</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>-</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>-</p> <p>Not authorized for purging.</p> <p>-</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
	<hr/> Permanent (for cases filed prior to 1960)	<hr/> <hr/> Not authorized for purging. Microfilming is allowed at any point after the case is closed. (See subsection D).
(8) <del>Probate</del> Includes: — <del>Conservatorship</del> — <del>Combination            Conservatorship/Guardian-            ship</del> — <del>Guardianship (adult and            juvenile)</del> — <del>Adult adoptions</del> — <del>Non-case specific filings</del>	100 (for cases filed after 1959)  <hr/> Permanent (for cases filed prior to 1960) -	Retention period begins following the year filed. - 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. - Not authorized for purging. - Microfilming is allowed at any point after the case is closed. (See Subsection D).  <hr/> Not authorized for purging. Microfilming is allowed at any point after the case is closed. (See subsection D).
— <del>Probate vouchers and            receipts</del> -	5	After fiscal year received or after final annual accounting. - Destroy without microfilming. Refer to Rule 94(h)(2), Rules of the Supreme Court.
(9) <del>Abortions</del>	-	Retain and dispose in accordance with court order.
(10) <del>General Stream Adjudication</del>	-	-
(a) <del>Contents of the case file, including but not limited to:</del>	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"> <li><del>— statement of claimant</del></li> <li><del>— exhibits</del></li> <li><del>— written hearing transcripts</del></li> </ul>		<p><del>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.</del></p> <p><del>After microfilming, the clerk shall automatically transfer the original records to ASLAPR as historically significant records.</del></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"> <li><del>— Historical materials</del></li> <li><del>— Public information materials</del></li> <li><del>— Case management and procedures</del></li> <li><del>— Non-Rule 53 Special Master's reports</del></li> </ul>	Permanent	<p><del>Not authorized for purging by the clerk.</del></p> <p><del>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.</del></p> <p><del>After microfilming, the clerk shall automatically transfer the original records to ASLAPR as historically significant records.</del></p>
<ul style="list-style-type: none"> <li><del>— Appellate proceedings</del></li> <li><del>— Legislative materials</del></li> <li><del>— Legal research materials</del></li> <li><del>— Special Master's rules</del></li> <li><del>-</del></li> </ul>	25	<p><del>After the date they are received by the clerk.</del></p> <p><del>-</del></p> <p><del>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.</del></p> <p><del>-</del></p> <p><del>Transfer to ASLAPR not required.</del></p>
<ul style="list-style-type: none"> <li><del>— Administrative, financial,</del></li> <li><del>— human resource records</del></li> </ul>	-	<p><del>Retain and dispose in accordance with the applicable sections of this schedule.</del></p>

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

Type of Record	Retain (Yrs)	Remarks
(11) Transcripts and Depositions (all case categories)	=	These materials are part of the case file and accordingly follow the retention period established for the civil case type in which they were prepared.
<del>b. Criminal</del> <del>(1) General</del> <del>— (excluding capital felony cases)</del> <del>-</del> <del>-</del>	50 (for cases filed after 1959) - -  <hr/> Permanent (for cases filed prior to 1960)	<del>Retention period begins following the year filed.</del> <del>-</del> <del>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.</del> <del>-</del> <del>Criminal history records produced by DPS and filed with the Superior Court may be destroyed without microfilming 30 days after sentencing provided no appeal filed, or 30 days following appellate court ruling.</del> <del>Microfilming is allowed pursuant to Rule 28.1, Rules of Criminal Procedure, and purging is permitted on a very limited basis (See subsection D).</del>  <hr/> <del>Microfilming is allowed pursuant to Rule 28.1, Rules of Criminal Procedure, and purging is permitted on a very limited basis (See subsection D).</del>
(2) Capital Felony Cases	Permanent	<del>Not authorized for purging.</del> <del>-</del> <del>As provided by Rule 29, Rules of the Supreme Court, clerks shall transfer these records to ASLAPR for permanent retention 100 years after the date of conviction.</del>  <del>Microfilming is allowed pursuant to Rule 28.1, Rules of Criminal Procedure.</del>

**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.
<del>e. Juvenile (confidential, A.R.S. Title 8, Chapter 1)</del>	-	-
(1) Adoptions, including pre-adoption certifications, motions for birth parent expenses and sealed adoption materials	100 -	Following the granting, denial, dismissal or expiration of the matter as to all children. - The juvenile court may authorize the microfilming of these cases. - 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.
<del>(2) Abortions</del>	-	Microfilm and dispose in accordance with court order.
<del>(3) Delinquencies (includes citations, juvenile orders of protection, injunctions against harassment, incorrigibility and sealed delinquency materials)</del>	-	After satisfaction of A.R.S. § 8-349 or following juvenile's 30 <sup>th</sup> birthday, A.R.S. § 13-912. - 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.
(4) Dependency (includes Indian Child Welfare Act Cases. Also includes sealed dependency materials)	100 (for cases filed after 1959)	From date of dismissal as to all children. - 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.  Microfilm and dispose in accordance with court order.

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

Type of Record	Retain (Yrs)	Remarks
	<del>Permanent (for cases filed prior to 1960)</del>	<del>Microfilm and dispose in accordance with court order.</del>
(5) <del>Severance (includes relinquishments and sealed severance materials)</del>	<del>100 (for cases filed after 1959)</del>  <del>Permanent (for cases filed prior to 1960)</del>	<del>From date of granting, denial, dismissal or expiration of the matter as to all children.</del> <del>-</del> <del>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.</del>  <del>The juvenile court may authorize the microfilming or destruction of these cases.</del>  <del>-</del> <del>The juvenile court may authorize the microfilming or destruction of these cases.</del>
(6) <del>Juvenile traffic and other violations</del>	<del>-</del>	<del>After child reaches age nineteen.</del>  <del>Microfilming and/or transfer to ASLAPR not required.</del> <del>-</del> <del>Violation document may be destroyed.</del>
(7) <del>Juvenile case exhibits (applies to all juvenile case categories)</del>	<del>-</del>	<del>May be disposed following dismissal, disposition or final appellate ruling, or the Juvenile Court may otherwise authorize release or destruction of these exhibits in accordance with applicable provisions of the code of judicial administration, administrative order, court rule, or statute.</del>
(8) <del>Juvenile case transcripts and depositions (all juvenile case categories)</del>	<del>-</del>	<del>These are part of the case file and accordingly follow the juvenile case type retention time frame.</del>

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

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(c), 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
<del>— (b) Where a true bill is issued</del>	<del>-</del>	<del>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(e), Rules of Criminal Procedure.</del>
<del>(4) No true bill/admonitions/readings/dismissed/miscellaneous documents</del>	<del>1</del>	<del>From date of document or dismissal. - Document may be destroyed.</del>
<del>f. Miscellaneous Filings</del>	<del>-</del>	<del>-</del>
<del>(1) Administrative orders</del>	<del>10</del>	<del>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)</del>
<del>(2) Landmark cases</del>	<del>Permanent</del>	<del>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.</del>
<del>(3) Historically Significant Cases</del>	<del>Permanent</del>	<del>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</del>

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

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

**ARIZONA SUPREME COURT**  
**Records Retention and Disposition Schedule**  
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<b>Type of Record</b>	<b>Retain (Yrs)</b>	<b>Remarks</b>
proceedings		
<del>e. Juvenile (confidential, A.R.S. § 8-120)</del>	-	-
<del>(1) Court reporters' notes (paper or electronic)</del>	10	<del>After the date notes taken.</del>
<del>(2) Other electronic recordings of proceedings</del>	10	<del>After the date proceeding recorded.</del>
<del>d. Non-criminal</del>	-	-
<del>(1) Court reporters' notes (paper or electronic)</del>	5	<del>After the date notes taken.</del>
<del>(2) Other electronic recordings of proceedings</del>	5	<del>After the date proceeding recorded. Rule 43(k), Rules of Civil Procedure, or local rule, whichever retention period is shorter.</del>
<b>3. EXHIBITS</b>	-	-
<del>a. Civil (includes domestic relations, probate, mental health, arbitration and other civil case types)</del>	-	<del>Following dismissal, disposition or final appellate ruling.</del>
		<del>Retain, return, or destroy in accordance with court order.</del>
<del>— With ordered disposition</del>	-	<del>After satisfaction of court order.</del>
<del>— Without ordered disposition</del>	30 days	<del>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.</del>
<del>b. Criminal</del>	-	-
<del>— With ordered disposition</del>	-	<del>After satisfaction of court order.</del>
<del>— Without ordered disposition</del>	-	<del>After satisfying Rule 28.1, Rules of Criminal Procedure.</del>
<b>4. RECORDS CREATED OR RECEIVED BY CLERK'S OFFICE</b>	-	-
<del>a. Bail Bondsmen affidavits</del>	3	<del>After termination of privileges pursuant to Rule 7.1(f), Rules of Criminal Procedure.</del>

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

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

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

<b>Type of Record</b>	<b>Retain (Yrs)</b>	<b>Remarks</b>
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.
<b>6. COURT ADMINISTRATION</b>	-	-
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**  
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<b>Type of Record</b>	<b>Retain (Yrs)</b>	<b>Remarks</b>
<del>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.</del>		<del>ASLAPR. - These records may be sent to ASLAPR at the discretion of the presiding judge, clerk of court, or court administrator.</del>
<b>7. ADMINISTRATIVE RECORDS</b>	-	-
a. <del>General correspondence</del>	-	<del>After reference value served.</del>
b. <del>Employee time sheets (official copies at county finance)</del>	-	<del>After reference value served. -</del>
e. <del>Statistical reports</del>	5	<del>After prepared. Evaluate for further retention.</del>
<b>8. JURY COMMISSIONER RECORDS</b>	-	<del>Lists generated in accordance with A. R. S. Title 21, Chapters 3 and 4.</del>
a. <del>Master jury list</del>	-	<del>Destroy after new list created in accordance A.R.S. § 21-301.</del>
b. <del>Master jury file</del>	-	<del>Destroy after new list created. Reference A.R.S. § 21-312.</del>
e. <del>Juror questionnaires</del>	90 days	<del>After receipt. Ref. A.R.S. § 21-314(B).</del>
d. <del>Other juror lists (panels, pools, and other records)</del>	-	-
<del>— Juror records containing financial information</del>	3 years	<del>After fiscal year prepared. -</del>
<del>— Non-financial juror records</del>	-	<del>After reference value served.</del>
<b>9. COJET RECORDS</b>	As required by COJET	<del>Reference Administrative Guidelines for Judicial Education in Arizona.</del>
<b>10. HUMAN RESOURCE RECORDS</b>	-	-
a. <del>Applicant medical certification form</del>	5 -	<del>After termination for employees, or 2 years from date of application for non-employees.</del>

**ARIZONA SUPREME COURT**  
**Records Retention and Disposition Schedule**  
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Type of Record	Retain (Yrs)	Remarks
b.— Background investigations	5	After termination.
e.— 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**  
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<b>Type of Record</b>	<b>Retain (Yrs)</b>	<b>Remarks</b>
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.
<b>11. PRETRIAL SERVICES RECORDS</b>	-	-
— Case supervision files	1	After case disposition.
<b>12. ADULT PROBATION RECORDS</b>	-	-
a.— Case files	3	After expiration or termination of probation.
b.— Intensive Probation Supervision (IPS) financial records	3	After program completion or termination.
c.— 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.
<b>13. JUVENILE PROBATION RECORDS</b>	-	-
a.— Juvenile social files	18 <sup>th</sup> birthday	Rule 19(A)(2), Rules of Procedure for the Juvenile Court.
b.— Juvenile dependency files	18 <sup>th</sup> birthday	A.R.S. § 8-349 (For court case files see section (1)(c) 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  
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Type of Record	Retain (Yrs)	Remarks
d. Juvenile Treatment Services Fund (JTSF) 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 <sup>th</sup> birthday.
— Adjudicated juveniles (without — criminal records)	45 days	After 25 <sup>th</sup> 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**

<b>Documents to be Discarded</b>	<b>Documents to be Retained</b>
All tagged exhibits must be processed in accordance with the Rules of Civil Procedure.	
<b>AFFIDAVIT</b>	<b>COMPLAINT</b>
☞ Relating to discovery matters	☞ Initial
<b>NOTICE OF:</b>	☞ amended
☞ Appointment of auditor/receiver	<b>SUMMONS</b>
☞ Appearance	<b>ACCEPTANCE AND RETURN OF SERVICE</b>
☞ Appointment of special process server	<b>CROSS CLAIMS</b>
☞ Association of counsel	<b>COUNTER CLAIMS</b>
☞ Change of judge	<b>INTERVENORS</b>
☞ Delinquent briefs	<b>JOINER OF ADDITIONAL PARTIES</b>
☞ Deposition	<b>INTERPLEADER</b>
☞ Disclosure	<b>AFFIDAVITS</b>
☞ Filing foreign judgment and affidavit	☞ Keep all affidavits except those relating to discovery matters
☞ Filing of reporter=s transcript of evidence	<b>NOTICES</b>
☞ 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	<b>REQUEST/PETITIONS/DEMANDS</b>
☞ Offer of judgment	☞ for writ of assistance and order
☞ Settlement	☞ intervenor
☞ Withdrawal of answer	<b>ANSWERS/RESPONSES</b>
☞ Appointment of guardian ad litem	☞ to complaint, initiating action
☞ Dismissal	<b>REPLIES TO COUNTER CLAIMS</b>
<b>MOTIONS FOR:</b>	<b>THIRD PARTY ACTIONS</b>

**CIVIL CASE FILE PURGE LIST**

<b>Documents to be Discarded</b>	<b>Documents to be Retained</b>
☞ Accelerated hearing/trial date	<b>STIPULATIONS/CONSENT</b>
☞ 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 forcible detainer
<b>MOTIONS TO:</b>	☞ 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	<b>WRITS</b>
☞ In limine	<b>RETURN OF</b>
☞ Consolidate	☞ receipts for exhibits or evidence
☞ Enlarge time for answer	☞ registered mail receipt cards or letters
☞ Quash warrant/writ	<b>SATISFACTION OF</b>

**CIVIL CASE FILE PURGE LIST**

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

**CIVIL CASE FILE PURGE LIST**

Documents to be Discarded	Documents to be Retained
☒ Attorney fees	
☒ Certification of interlocutory appeal	
☒ Confirmation of arbitration award	
☒ Continuing lien on non-exempt earning	
☒ Special juries	
☒ Supplemental proceeding and order	
☒ Garnishment	
<b>ANSWERS/RESPONSES TO:</b>	
☒ 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	
<b>REPLIES TO:</b>	
☒ Responses to demand early trial date	
☒ Responses to motion to demand jury trial	
<b>CERTIFICATES:</b>	
☒ Controverting certificates	

**CIVIL CASE FILE PURGE LIST**

Documents to be Discarded	Documents to be Retained
☞ Of appointment	
☞ Of readiness	
☞ Of discharge of notice of lis pendens	
<b>STIPULATION/CONSENT:</b>	
☞ Settlement agreement	
☞ To extend time	
☞ For substitution of counsel	
☞ To substitution of parties	
<b>JUDGMENTS/ORDERS:</b>	
☞ Executed or quashed body attachments/civil arrest warrants	
<b>RETURNS:</b>	
☞ Sheriff's return on execution	
☞ Of writs	
☞ Of sale of personal property under Special Execution and Order of Sale	
<b>BONDS/DEPOSITS:</b>	
☞ Bond attachment	
☞ Exonerated bond	
<b>STATEMENTS OF FACT/BRIEFS:</b>	
☞ Statement of Fact	
☞ Brief schedule	
☞ Briefs	
<b>FINANCIAL RECORDS:</b>	
☞ Bookkeeping record	
☞ Credit memo (e.g., paid answer, appellee fee, cost bond, etc.)	
<b>CLERK OF COURT WORK SHEETS:</b>	
(E.g., for arguments, office/pre-trial conference, trials, evidentiary hearings, etc.)	

**CIVIL CASE FILE PURGE LIST**

<b>Documents to be Discarded</b>	<b>Documents to be Retained</b>
<b>CORRESPONDENCE:</b>	
(E.g., letters of transmittal, confirmation of dates, rescheduling problems, etc.)	
<b>Depositions</b>	
<b>Disclaimer of Process Server</b>	
<b>Documents</b>	
<b>Impeachment Envelopes and Contents</b>	
<b>Interrogatories</b>	
<b>Medical Records</b>	
<b>Letters/Memoranda</b>	
<b>Proposed Jury Instructions/Prayers</b>	
<b>Statement of Costs and Notice of Taxation of Costs</b>	
<b>Subpoenas</b>	
<b>Transcripts:</b>	
–(Except default hearing transcripts)	
<b>Justice Court Docket Page</b>	
<b>Superior Court Appeals Index</b>	
<b>Minute Entries That Are Not Orders:</b>	
–(i.e., that do not contain wording "it is ORDERED." :")	
<b>Satisfaction of Judgment for Jury Fees</b>	

**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.

<b>Case Disposition Type</b>	<b>Documents to be Retained</b>
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(a) Dismissed cases (of all documents except those listed here are eligible for purging)	<ul style="list-style-type: none"> <li>–Initial petition</li> <li>–Final order of dismissal</li> </ul>
(b) Domestic Relations cases that did not end in dismissal	Retain file contents intact, do not purge

<b>CRIMINAL CASE FILE PURGE LIST</b>	
<b>Case Disposition Type</b>	<b>Documents to be Retained</b>
(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"> <li>–Initiating document (i.e. initial indictment, complaint and information sheets)</li> <li>–Verdict (for acquittals)</li> <li>–Judgment/order or minute entry of dismissal/acquittal</li> </ul>
(b) Cases not ending in acquittal or dismissal of all defendants	Retain file contents intact, do not purge

~~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 historically significant and landmark cases:~~

1. ~~Designation of 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 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 historically significant case. A motion to designate 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 for designating the case as historical.~~
  - c. ~~Processing and archiving. The motion 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. Identification of the case as historically significant shall be prominently noted on the master index transferred along with the case file to the ASLAPR.~~

~~2. Designation of landmark cases~~

~~a. Identifying landmark cases~~

- ~~(1) The following factors shall be considered in deciding whether a case is a landmark case:
  - ~~(a) The frequency with which the case has been cited;~~
  - ~~(b) Whether the case has been designated as historically significant;~~
  - ~~(c) Whether the case caused a change in policies or laws;~~
  - ~~(d) Whether the case affected a large portion of the community and was controversial;~~
  - ~~(e) Whether the case is generally viewed by the community as important;~~
  - ~~(f) Whether the case involved a famous or notorious individual or was the subject of a well known book or feature film; and~~
  - ~~(g) Any other factor considered relevant.~~~~
- ~~(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 landmark case.~~

- ~~(1) The Arizona Historical Records Advisory Board shall designate landmark cases eligible under section (F)(2)(a)(1) 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 which cases should be designated as landmark cases.~~
- ~~(2) No more than ten years after the opinion was 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 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.~~

~~(3) Landmark designation under subsection (1)(B) herein shall be made by the clerk of the superior court in the county of origin.~~

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~~c. Processing and archiving. The landmark case designation 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 transfer the original intact case file and microfilm, if any, to the Arizona State Library, Archives and Public Records for permanent retention in accordance with the applicable schedule. Identification of the case as a landmark case shall be prominently noted on the master index transferred along with the case file to the ASLAPR.~~

~~Adopted by Administrative Order 2006-29 effective March 21, 2006.~~

DRAFT

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

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

1. “Case file” means all documents and other material filed with the clerk of court in an action or proceeding, either in paper or electronic format, and includes items such as CD’s, DVD’s, or other material requiring the use of a computer to read, as well as oversize 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. (MH Note: Does this include case financial records?) Case file does not include exhibits submitted at a hearing or trial.
2. “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.
3. “Records Custodian” means the person 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.
4. “State Library, Archives, and Public Records (LAPR)” means the division of the Arizona Secretary of State that is the archives for Arizona state government. The archives 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 section D below, a records custodian must transfer to LAPR, all items designated as having a total retention period of *permanent*, regardless of the format of the records.
2. Electronic Case Files and Data. At the end of the retention period with court, set forth in section D below, a records custodian must destroy electronic case files and case data not designated as having a total retention period of *permanent*. Electronic case files designated as having a total retention period of *permanent* must be transferred to LAPR, at a time when LAPR has the capacity to accept electronic records.

3. Paper Case Files and Administrative Records. At the end of the retention period with court, set forth in section D below, a records custodian may destroy case files that are primarily in paper format and other records, regardless of format, not designated as having a total retention period of *permanent*. Paper case files and other records designated as having a total retention period of *permanent* must be transferred to LAPR.
4. 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.
5. No Duty to Migrate to New Technology. A records custodian and LAPR assume no duty to migrate 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. As time proceeds and technology develops, such material may be incapable of being read.
6. Conflicting Legal Authority. If a conflict is found to exist between a retention period set forth in this schedule and a retention period set forth in a higher legal authority, the custodian of the record must defer to the retention period in the higher legal authority.
7. Sealed Files. A case file or portions of a case file sealed by order of the court must remain sealed, in perpetuity, regardless of whether the case file or portions of the case file that are sealed are located in the court or with LAPR, unless otherwise ordered by the court that issued the order sealing the case file or portions of the case file. (MH Note: What about case files or documents that are *confidential, by law*?)
8. Completeness of Schedule. This records retention and disposition schedule is intended to be shorter and more concise than prior schedules to make the schedule easier to use and to aid in compliance. However, since new case types and records are continually being created, either by the Legislature or by the court itself, and because different counties often refer to the same document by different names, if a record cannot be located on this schedule, a records custodian should use his or her best judgment to place the record within a category that is already identified on this schedule, where the record best fits.
9. 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. Purge lists identified documents to be removed from case files before storage or replication of the case file. Records custodians now indicate that the process of purging case files is resource intensive and is no longer optimal practice. Additionally, LAPR has indicated 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.

10. Destruction. When a case file is eligible for destruction, the clerk of superior court or records custodian shall take proper precautions to protect the privacy of the individuals identified in the case file and destroy the complete case file by shredding, burning, or pulverizing the physical case file. Electronic images of case file documents shall be deleted from all places in which they reside, including servers and hard drives. The court should keep a list, containing minimal case information, such as case number, case type, party name, and date of destruction, capturing any case files destroyed, so that the court will know that a case file has been destroyed and has not been merely misplaced or never existed.

C. 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. § 41-151.09 requires superior court clerks to transfer all permanent files to the 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 for court records.

D. Retention and disposition schedule. The clerk of superior court or records custodian shall retain and dispose of superior court records according to the following schedule:

Records Series #	Records Series Title	Retention Period with Court	Full Retention Period at LAPR	Remarks
<b>CASE FILES HELD BY THE CLERK OF COURT</b>				
1.	CIVIL CASE FILES, FILED ON OR BEFORE DECEMBER 31, 1959 <sup>1</sup>	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.	Permanent	Clerks may transfer these case files to LAPR any time after 50 years.

<sup>1</sup> Clerks of Court wish to retain these older case files in their local office for the public to access, instead of transferring these case files to LAPR in Phoenix.

Records Series #	Records Series Title	Retention Period with Court	Full Retention Period at LAPR	Remarks
2.	CIVIL CASE FILES, FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case is filed.	Permanent	
3.	FAMILY LAW CASE FILES, including paternity, and all other matters arising out of Title 25, Arizona Revised Statutes (A.R.S.), FILED ON OR BEFORE DECEMBER 31, 1959 <sup>1</sup>	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.	Permanent	Clerks may transfer these case files to LAPR any time after 50 years.
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 is filed.	Permanent	
5.	ORDER OF PROTECTION, INJUNCTION AGAINST HARASSMENT, AND INJUNCTION AGAINST WORKPLACE HARASSMENT CASE FILES	20 years from the year the case is filed? (MH Note: The AOC specialist for Order of Protection, etc. cases will attend our committee's next meeting to answer questions and assist with further this discussion of this category.)	?	
6.	DEMAND for NOTICE CASE FILES, including non-case specific filings (e.g. – for an Arizona Health Care Cost Containment System client who has died)	2 years from date received	N/A	

<sup>1</sup> Clerks of Court wish to retain these older case files in their local office for the public to access, instead of transferring these case files to LAPR in Phoenix.

<b>Records Series #</b>	<b>Records Series Title</b>	<b>Retention Period with Court</b>	<b>Full Retention Period at LAPR</b>	<b>Remarks</b>
	MENTAL HEALTH CASE FILES FILED ON OR BEFORE DECEMBER 31, 1959 <sup>1</sup>	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.	Permanent	Clerks may transfer these case files to LAPR any time after 50 years.
	MENTAL HEALTH CASE FILES FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case is filed.	Permanent	
	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 <sup>1</sup>	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.	Permanent	Clerks may transfer these case files to LAPR any time after 75 years. Pursuant to Rule 94(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. This destruction may occur 5 years after the fiscal year received.
	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 is filed.	Permanent	Pursuant to Rule 94(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. This destruction may occur 5 years after the fiscal year received.

<sup>1</sup> Clerks of Court wish to retain these older case files in their local office for the public to access, instead of transferring these case files to LAPR in Phoenix.

Records Series #	Records Series Title	Retention Period with Court	Full Retention Period at LAPR	Remarks
	GENERAL STREAM ADJUDICATION CASE FILES	25 years from the year the case is filed	Permanent	
	OFFICE OF THE SPECIAL MASTER CASE FILES	25 years from the year the case is filed	Permanent	
	CRIMINAL CASE FILES, except capital felony case files, FILED ON OR BEFORE DECEMBER 31, 1959 <sup>1</sup>	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.	Permanent	Clerks may transfer these case files to LAPR any time after 50 years.
	CRIMINAL CASE FILES, except capital felony case files, FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case is filed.	Permanent	
	CRIMINAL CAPITAL FELONY CASE FILES	On the death of the defendant (MH Note: Will a court know when the defendant is no longer living?)	Permanent	
	JUVENILE ADOPTION, SEVERANCE, AND DEPENDENCY CASE FILES	100 years from the granting, denial, dismissal, or expiration of the matter as to all children.	Permanent	
	JUVENILE DELINQUENCY CASE FILES	After satisfaction of A.R.S. § 8-349 or 25 years following the year the case is filed.	Permanent?	
	JUVENILE ABORTION CASE FILES	7 years after the ruling on the petition, motion, or final appeal, or five years after the date of the minor's 18 <sup>th</sup> birthday, whichever is later.	N/A	

<sup>1</sup> Clerks of Court wish to retain these older case files in their local office for the public to access, instead of transferring these case files to LAPR in Phoenix.

Records Series #	Records Series Title	Retention Period with Court	Full Retention Period at LAPR	Remarks
	JUVENILE TRAFFIC CASE FILES, when filed in the superior court	After child reaches age nineteen.	N/A	Santa Cruz County is the only county that receives juvenile traffic cases in the superior court; All other counties receive juvenile traffic cases in a limited jurisdiction court.
	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	
<b>MISCELLANEOUS RECORDS HELD BY THE CLERK OF COURT</b>				
	<b>WILLS</b>	?	N/A	
	WARRANTS AND SUBPOENAS THAT ARE NOT PART OF A CASE FILE SET FORTH ABOVE, such as a confidential wiretap, pen register, search warrant, trap and trace, handwriting exemplar, and nursing subpoena	1 year following the date filed.	N/A	
	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	Full Retention Period at LAPR	Remarks
	EXHIBITS SUBMITTED AT TRIAL OR HEARING IN ANY CASE TYPE	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	
	CASE DOCKET OR REGISTER OF ACTIONS	Retain for the same period of time as the underlying case, pursuant to this schedule	Permanent	
	BAIL BONDSMEN ANNUAL, WRITTEN CERTIFICATION REQUIRED BY RULE 7.1(f), RULES OF CRIM PRO.	3 years from the date of filing	N/A	
	CORRESPONDENCE OR EMAIL SENT OR RECEIVED CONCERNING REQUESTED RECORDS OR INFORMATION	Until reference value served	N/A	
	CRIMINAL OR CIVIL CASH BONDS	3 years – from when???	N/A	
	FINGERPRINT CARDS?	?	?	
	MARRIAGE AFFIDAVITS	MH Note: How long in clerk's office?	Permanent	
	MARRIAGE CERTIFICATES OR LICENSES	MH Note: How long in clerk's office?	Permanent	
	NOTARY AFFIDAVIT APPLICATIONS AND BONDS	Until expired or revoked	N/A	

Records Series #	Records Series Title	Retention Period with Court	Full Retention Period at LAPR	Remarks
	POWER OF ATTORNEY TO WRITE BONDS	Until expired or revoked	N/A	
	PROCESS SERVER APPLICATION <sup>2</sup>	4 years from the date filed	N/A	
	PROCESS SERVER INVESTIGATION CASE FILE (MH NOTE: Is this filed in the clerk's office?)	4 years from the date closed	N/A	
	PUBLIC OFFICIAL FINANCIAL DISCLOSURE STATEMENT (MH NOTE: Is this filed in the clerk's office? ARS 38-542 says to file this with the Sec of State)		N/A	
	RETURNED MAIL OR EMAIL, not associated with a particular case	1 year from the date returned	N/A	
	SPECIAL APPOINTMENT APPLICATIONS (MH Note: What are these?)	2 years from the date filed		
<b>MISCELLANEOUS RECORDS HELD BY EITHER THE CLERK OF COURT OR COURT ADMINISTRATION</b>				
	THE VERBAL RECORD, INCLUDING COURT REPORTER NOTES AND ELECTRONIC RECORDINGS OF A COURT PROCEEDING, HEARING, OR TRIAL, (MH Q: If a transcript is made, do the underlying notes or recording need to be retained?)			

<sup>2</sup> Statute (which one?) requires that process server applications be retained for 3 years, so an additional 1 year buffer period is appropriate.

Records Series #	Records Series Title	Retention Period with Court	Full Retention Period at LAPR	Remarks
	a. Criminal non-capital cases, including grand jury, writs of habeas corpus, trial, and all other proceedings	10 years from the date of the proceeding, however, when a defendant is tried in absentia or fails to appear for sentencing, the record of the proceeding must be transcribed (Note: Should this issue be reviewed with COSC?)	N/A	
	b. Criminal capital cases, including grand jury, writs of habeas corpus, trial, and all other proceedings	50 years from the date of the proceeding	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	
	ADMINISTRATIVE REVIEW DOCUMENTS FOR ANY MATTER, such as a denial of access to records	Until reference value served	N/A	
<b>FINANCIAL RECORDS HELD BY EITHER THE CLERK OF COURT OR COURT ADMINISTRATION</b>				
	XXX			
<b>COURT ADMINISTRATION RECORDS</b>				
	COURT CALENDAR	Until reference value served	N/A	
	VISITING JUDGE SCHEDULE AND CONTACT INFORMATION??	3 years from date of attendance at court??	N/A	
	COURT VISITOR SCHEDULE AND CONTACT INFORMATION??	?	N/A	

Records Series #	Records Series Title	Retention Period with Court	Full Retention Period at LAPR	Remarks
	FORMER CHIEF PRESIDING JUDGE 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.	Until term is completed	Permanent	The court administrator shall work with the presiding judge to determine whether the presiding judge desires to send these papers to LAPR.
	ADMINISTRATIVE ORDERS	10 years from the year filed	Permanent	
	STATISTICAL REPORTS REQUIRED BY THE AOC	5 years from the year prepared	N/A	

### RECORDS HELD BY THE JURY COMMISSIONER

	MASTER JURY LIST	Until new list created	N/A	
	MASTER JURY FILE	Until new list created	N/A	
	RETURNED JUROR QUESTIONNAIRES			
	a. When jury commissioners include the juror questionnaire with the summons	90 days from the date received by the court	N/A	
	b. When jury commissioners send the juror questionnaire separate from the summons	2 years from the date received by the court	N/A	
	OTHER NON-FINANCIAL JUROR RECORDS	Until reference value served	N/A	
	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

Records Series #	Records Series Title	Retention Period with Court	Full Retention Period at LAPR	Remarks
	XXX			
<b>CASE FILES HELD BY PRETRIAL SERVICES</b>				
	CASE SUPERVISION FILES	1 year after the retention period of the underlying case file held by the clerk		
<b>RECORDS HELD BY ADULT PROBATION</b>				
	XXX			
<b>RECORDS HELD BY JUVENILE PROBATION</b>				
	XXX			

***THE FOLLOWING PROVISIONS HAVE NOT YET BEEN REVISED***

**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 historically significant and landmark cases:

1. Designation of 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 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 historically significant case. A motion to designate 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 for designating the case as historical.
  - c. Processing and archiving. The motion 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. Identification of the case as historically significant shall be prominently noted on the master index transferred along with the case file to the ASLAPR.

## 2. Designation of landmark cases

### a. Identifying landmark cases

- (1) The following factors shall be considered in deciding whether a case is a landmark case:
  - (a) The frequency with which the case has been cited;
  - (b) Whether the case has been designated as historically significant;
  - (c) Whether the case caused a change in policies or laws;
  - (d) Whether the case affected a large portion of the community and was controversial;
  - (e) Whether the case is generally viewed by the community as important;
  - (f) Whether the case involved a famous or notorious individual or was the subject of a well-known book or feature film; and
  - (g) Any other factor considered relevant.
- (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 landmark case.

- (1) The Arizona Historical Records Advisory Board shall designate landmark cases eligible under section (F)(2)(a)(1) 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 which cases should be designated as landmark cases.
- (2) No more than ten years after the opinion was 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 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.

- (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. The landmark case designation 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 transfer the original intact case file and microfilm, if any, to the Arizona State Library, Archives and Public Records for permanent retention in accordance with the applicable schedule. Identification of the case as a landmark case shall be prominently noted on the master index transferred along with the case file to the ASLAPR.