

Superior Court Records Retention Revision Committee
Friday, May 16, 2014
10:00 a.m. – 3:00 p.m.
Conference Room 119 A/B
State Courts Building, 1501 W. Washington, Phoenix, AZ 85007
Conference Call: 602-452-3288, Meeting ID: 5399#

AGENDA

TIME		PRESENTER
10:00 a.m.	Call to Order/ Welcome and Introductions/ Announcements Materials: 1. Agenda 2. Minutes – April 4, 2014 3. Updated Draft Modifications to ACJA § 3-402 4. <i>Parking lot</i> issues	<i>Pamela S. Gates, Chair, Judge, Superior Court in Maricopa County</i>
10:10 a.m. * Pg. 3 of 55	Approval of Minutes – April 4, 2014 <input type="checkbox"/> Formal Action/Request	<i>Pamela S. Gates</i>
10:15 a.m. * Pg. 9 of 55 (NEW: Pg. 39 of 55)	Review of Continuing Draft Modifications to ACJA § 3-402: Superior Court Records Retention and Disposition Schedule	<i>Melinda Hardman, Senior Court Analyst, AOC</i>
10:30 a.m.	Continuing Discussion of Updates to ACJA § 3-402	<i>Committee Members</i>
12:00 p.m.	<i>Lunch Break</i>	
12:30 p.m.	Continuing Discussion of Updates to ACJA § 3-402	<i>Committee Members</i>

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 (602- 452-3250). Requests should be made as early as possible to allow time to arrange the accommodation.

Next Meeting: June 18, 2014
10:00 a.m. – 3:00 p.m.
Arizona State Courts Building
Conference Room 119 A/B

Pamela S. Gates

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

Pamela S. Gates

ADDITIONAL MEETING DATES

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

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 (602- 452-3250). Requests should be made as early as possible to allow time to arrange the accommodation.

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

Friday, April 4, 2014

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

State Courts Building, 1501 W. Washington, Conf. Rm. 345A/B, Phoenix, AZ 85007

Present: Sandra Markham (Chair), James Boardman, Terri Bublik, Melanie Fay, Judge Pamela Gates, Judge Lee Jantzen, Phil Knox, Chad Roche, Eric Silverberg, Melanie Sturgeon

Absent/Excused: Michael Catlett, Judge Jane Eikleberry, Judge David Haws

Staff: Melinda Hardman, Sabrina Nash.

Presenters/Guests: Kay Radwanski (AOC)

Call to Order/Welcome and Introductions

With a quorum present, the April 4, 2014, meeting of the Records Retention Revision Committee of the Superior Court was called to order by Sandra Markham, chair at 10:07 a.m. Ms. Markham welcomed members and introduced Judge Pamela Gates and attorney James Boardman. Judge Gates had appeared telephonically at the first meeting, and Mr. Boardman was unable to attend the first meeting.

Approval of Minutes

Ms. Markham presented the minutes of the February 19, 2014, Records Retention Revision Committee meeting for approval.

Motion: To approve the February 19, 2014, meeting minutes, as amended by Melanie Sturgeon to clarify that her question was whether sealed records sent to LAPR must remain sealed “forever.” **Action:** Approve, **Moved by** Phil Knox **Seconded by** Eric Silverberg. Motion passed unanimously.

Review the Purpose of Courts – Records Graphic Discussion

Melinda Hardman, AOC, presented a graphic that identifies court records stakeholders and serves as a reminder of the statewide role that records retention and disposition play. Ms. Hardman noted that the Arizona Court Manager training program teaches the eight purposes of courts, one of which is “to provide a formal record of legal status.” Court records stakeholders in Arizona include:

- Clerk of the Superior Court – responsible for case files, miscellaneous filings, and jury commissioner records in the 13 rural counties
- State Library, Archives, and Public Records – responsible for collecting, preserving, and making available the permanent records of the state
- Prosecutors – need court records to prove priors offenses
- Court Administration – responsible for presiding judge papers, finance, and human resource records
- Public – parties, attorneys, creditors, title examiners, the media, etc., rely on court records to document legal status
- Probation – an element of the court system

Some members suggested that the probation records sections of the general jurisdiction court records retention and disposition schedule (GJC RR&DS) should be moved to those Arizona Code of Judicial Administration (ACJA) sections that govern probation issues. Ms. Hardman agreed to ask AOC management about this request.

Review the Initial Draft Modifications to ACJA § 3-402: Superior Courts Records Retention and Disposition Schedule

Ms. Hardman explained that in drafting the committee's proposed revisions from the last meeting, she struck through the current code section in its entirety, since the revisions require an entirely new records schedule. She then reviewed the new Definitions section of the schedule. Next, she reviewed the General Provisions section, setting out the purpose and use of the schedule to users. Ms. Hardman explained that, in general, the schedule is being simplified for clerks and records managers to more easily and accurately identify records that are ready for destruction. By doing so, clerks and records managers can act with authority in disposing of records under the schedule. The revised schedule will clarify that there is an established period of retention of records with the court, after which the records must be sent to the State Library, Archives, and Public Records (LAPR) for *permanent* retention. Ms. Hardman has arranged the schedule by the holder of the record, such as the Clerk of the Court or Court Administration, so the holder will know which sections of the schedule apply to them.

Continuing Discussion by the Committee of Updates to ACJA § 3-402

A. Definitions

- Members agreed that *case financials* should be included in the definition of *case file*.
- A member suggested that a definition of *case data* should be added to the schedule, since the term is used in the General Provisions section of the schedule.
- A member asked whether a definition is needed for the terms *non-standard items* and *criminal history*. Ms. Hardman explained that the concept of *non-standard items* is included within the definition of the term *case file*. A specific definition of the term *non-standard items* will not be included in the schedule, because the term is not used statewide. Members discussed that in most counties, a criminal history report is either filed in the case file and sealed, or it is retained by the probation department. Therefore, the court has already developed a method for handling criminal history reports, and a separate definition or specific direction on how to handle or how long to keep these reports is not needed.
- A member stated that the custodian of court records is the Clerk of the Court, and, therefore, the definition of the term *records custodian* should not exclude the Clerk of the Court. Ms. Hardman explained that in drafting the revised schedule, she sought to distinguish between the holder of the record to differentiate between those court records held by the clerk and those court records held by court administration. After much discussion, Judge Gates made a motion to change the term *records custodian* to *records manager* and to modify the definition as follows...means the person or persons responsible for keeping and disposing of any records held by the superior court or any

department of the superior court, other than the records held by the clerk of the superior court. Mr. Knox seconded the motion. Motion carried.

Judge Gates also made a motion that unless otherwise addressed by this committee on a specific incident-by-incident basis, all occurrences of the term *records custodian* shall be replaced with the phrase the *clerk and records manager*. Chad Roche seconded the motion. Motion carried.

B. General Provisions

- Sealed Files – Ms. Markham reported that the Clerks Association is considering asking the AOC to define the words *sealed*, *restricted* and *confidential*. These words are not used consistently by courts. Dr. Sturgeon reiterated that LAPR would like to have a period of time after which sealed documents or files can be unsealed by LAPR. Members noted that the concept of unsealing after a period of time is outside the scope of this committee; however, it will be added to a “parking lot” list of issues that need further attention by others.
- Completeness of Schedule – Judge Gates made a motion to streamline paragraph 8 of the draft schedule by keeping the first sentence and amending the second sentence, as follows: this schedule is intended to cover all superior court records. A records custodian should use his or her best judgment to place a record within a category that is already identified in this schedule, where the record best fits. Judge Lee Jantzen seconded the motion. Motion carried.
- Destruction – A member asked whether AOC-designed technology is capable of deleting electronic images of case documents from all places in which they reside, including servers and hard drives, as paragraph 10 of the draft schedule requires. Ms. Markham responded that the capability is there and that the AJC approved the Electronic Records Retention and Destruction Committee’s proposal of providing two years to implement this policy.

Case Files Held by the Clerk of the Court

- A member asked for clarification on the phrase that “Clerks *may* transfer” certain case files to LAPR any time after 50 years. This phrase appears to be discretionary. Dr. Sturgeon explained that when the retention schedule was last updated, the Clerks of Court wanted to retain locally case files that were created before 1960, rather than send these case files to LAPR. So LAPR agreed that the Clerks should have the option to retain these records locally or turn them over to LAPR. However, the Clerks must transfer to LAPR, for preservation, archiving, and access, all records created after 1959.
- Dr. Sturgeon asked that the phrase “after 50 years, transfer to LAPR” be added to the Remarks field of the schedule, after each category of cases filed on or after January 1, 1960, to make this distinction clear.
- Dr. Sturgeon indicated that she would like to see juvenile delinquency case files transferred to LAPR for historical research, after a period of 25 years with the court; however, she recognizes this position might result in harm to the individual who is the subject of the case file. She suggested that LAPR could follow the same procedure with

juvenile delinquency case files as with adoption case files and make juvenile delinquency case files available to the public only after 100 years. However, a member noted that the 100-year period for which adoption files are closed is based on statute, and such a proposal is beyond the scope of this committee for juvenile delinquency case files since it would require a new statute. There is no similar statute for juvenile delinquency files. Judge Gates made a motion that the “Full Retention Period at LAPR” for juvenile delinquency case files be designated as *N/A*, instead of *Permanent*. Mr. Knox seconded the motion. Motion carried.

- Ms. Markham stated that the Clerks of Court recommend that Injunctions against Harassment and Injunctions against Workplace Harassment be removed from the Orders of Protection case file category. Kay Radwanski, AOC, explained the difference between Injunctions against Harassment (IAH), Injunctions against Workplace Harassment (IAWH), and Orders of Protection (OP). Ms. Radwanski agreed that IAH and IAWH cases could be separated from OPs in the schedule. Judge Gates made a motion to strike IAH and IAWH cases from this category and to set the retention period for OPs at 50 years and not identify them as permanent records. In effect, this places the IAH and the IAWH in the civil case file category, with a 50-year retention period with the court and a permanent retention period with LAPR. Judge Jantzen seconded the motion. Motion carried.
- Ms. Hardman questioned whether the retention period for criminal capital felony case files should be tied to the death of the defendant. Specifically, she asked whether a court is likely to receive notice when a defendant in such a case has died. The Clerks representatives responded that they *would* receive notice of the defendant’s death.

Miscellaneous Records Held by the Clerk of Court

- Wills – A member explained that the Arizona State Bar is also currently questioning how long wills should be retained because the Arizona State Bar takes over the files of deceased attorneys. Many of these files contain wills that were deposited with the attorney for safekeeping. The Arizona State Bar Association’s Probate and Trust Section believes these wills should be held permanently. Alternatively, former A.R.S. § 14-2901, as added by Laws 1973, Ch. 75, § 4, which authorized a testator to deposit his or her will with a court for safekeeping, was repealed by Laws 1984, Ch. 368, § 6. A member noted that since the minimum age to prepare a will is 18, an additional 75 years will encompass a typical life span. Judge Jantzen made a motion that wills deposited with a court for safekeeping be retained for 75 years. Motion was seconded by Mr. Knox. Motion carried.
- Criminal or Civil Cash Bonds – Ms. Markham asked members whether there was a need to identify this category of records in the schedule. The consensus of the committee was *no*. This category will be removed.
- Fingerprint Cards – Ms. Markham asked members whether there was a need to identify this category of records in the schedule. The consensus of the committee was *no*. This category will be removed.
- Marriage Affidavits – Judge Gates made a motion to retain marriage affidavits with the court permanently. Motion was seconded by Mr. Roche. Motion carried.

- Marriage Certificates or Licenses – Judge Gates made a motion to retain marriage certificates and licenses with the court permanently. Motion was seconded by Mr. Roche. Motion carried.
- Process Server Investigation Case – Members noted that a process server license is granted by the supreme court; however, a complaint against a process server is filed with the Clerk of Court and heard by the presiding judge. The current four-year retention period with the court is adequate for these records.
- Public Officials Financial Disclosure Statement - Ms. Hardman asked members whether public officials financial disclosure statements are actually filed in the Clerk’s office. Members responded that these disclosure statements are filed with either the Secretary of State, the Board of Supervisors, or the Clerk of Court. Ms. Hardman will check with the Secretary of State’s Office to identify the retention period for financial statements filed under A.R.S. § 38-542 with that office.
- Special Appointment Applications – Melanie Fay agreed to look into identification of these filings and report back to the committee.

Miscellaneous Records Held by Either the Clerk of Court or Court Administration

- The Verbal Record, Including Court Reporter Notes and Electronic Recordings of a Court Proceeding, Hearing or Trial for criminal non-capital cases – Judge Gates made a motion to retain these records with the court for 10 years from the date of sentencing; however when a defendant is tried in absentia or fails to appear for sentencing, the record of the proceeding must be transcribed. Mr. Knox seconded the motion. Motion carried with 1 no vote.
- The criminal capital case verbatim record is to be retained with the court for 50 years from the date of *sentencing*.
- The criminal, non-criminal case verbatim record is to be retained with the court for 5 years from the date of the proceeding.
- The juvenile case verbatim record is to be retained with the court for 10 years from the date of the proceeding.
- The consensus of the committee is that the underlying court reporter notes must be retained even after a transcript is prepared.

Court Administration Records

- Visiting Judge Schedule and Contact Information – A motion was made by Mr. Silverberg to strike this category from the retention schedule. Motion seconded by Ms. Fay. Motion carried.
- Court Visitor Schedule and Contact Information – A motion was made by Judge Jantzen to strike this category from the retention schedule. Motion seconded by Mr. Silverberg. Motion carried.
- Former Chief Presiding Judge Business Papers – Some courts may not have a court administrator to work with the presiding judge to determine whether the presiding judge wishes to send his or her business papers to LAPR, so this situation needs to be accommodated by the language in the schedule.

Records Held by the Jury Commissioner

Ms. Markham asked the committee for consensus to table the jury commissioner records section until after the May 2 statewide jury conference call so Ms. Markham and Ms. Hardman can discuss these records with the jury commissioners.

Additional Discussion

Mr. Knox reported on his conversation with George Shaw, the current water master, regarding General Stream Adjudication records. Mr. Knox stated that Mr. Shaw did not request any changes to the retention schedule for Water Master records.

Mr. Knox also updated the committee on lower court appeal records. He has spoken to Judge Crane McClennen, the lower court appeals judge for Maricopa County. Judge McClennen suggested adding clarification to the schedule for cases that are remanded to the originating court. Ms. Hardman explained that she has proposed to the lower court appeals provisions should provide the clarification that Judge McClennen is suggesting because the new revisions to the retention schedule will collapse six sections into one.

Next Meeting Date

May 16, 2014, 10:00 a.m. to 3:00 p.m.
Arizona State Courts Building, Conference Room 119

Good of the Order/Call to the Public

Adjourned at 2:01 p.m.

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

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

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

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

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

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

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

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

Type of Record	Retain (Yrs)	Remarks
(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.
b. Criminal (1) General — (excluding capital felony cases) - -	50 (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. - 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. Microfilming is allowed pursuant to Rule 28.1, Rules of Criminal Procedure, and purging is permitted on a very limited basis (See subsection D). <hr/> Microfilming is allowed pursuant to Rule 28.1, Rules of Criminal Procedure, and purging is permitted on a very limited basis (See subsection D).
(2) Capital Felony Cases	Permanent	Not authorized for purging. - 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. Microfilming is allowed pursuant to Rule 28.1, Rules of Criminal Procedure.

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

Type of Record	Retain (Yrs)	Remarks
(3) Transcripts and depositions (all case categories)	-	These are part of the case file and accordingly follow the criminal case type retention time frame.
e. Juvenile (confidential, A.R.S. Title 8, Chapter 1)	-	-
(1) Adoptions, including pre-adoption certifications, motions for birth parent expenses and sealed adoption materials	100 -	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.
(2) Abortions	-	Microfilm and dispose in accordance with court order.
(3) Delinquencies (includes citations, juvenile orders of protection, injunctions against harassment, incorrigibility and sealed delinquency materials)	-	After satisfaction of A.R.S. § 8-349 or following juvenile's 30 th 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
	Permanent (for cases filed prior to 1960)	Microfilm and dispose in accordance with court order.
(5) Severance (includes relinquishments and sealed severance materials)	100 (for cases filed after 1959) Permanent (for cases filed prior to 1960)	From date of granting, denial, dismissal or expiration of the matter 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. The juvenile court may authorize the microfilming or destruction of these cases. - The juvenile court may authorize the microfilming or destruction of these cases.
(6) Juvenile traffic and other violations	-	After child reaches age nineteen. Microfilming and/or transfer to ASLAPR not required. - Violation document may be destroyed.
(7) Juvenile case exhibits (applies to all juvenile case categories)	-	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.
(8) Juvenile case transcripts and depositions (all juvenile case categories)	-	These are part of the case file and accordingly follow the juvenile case type retention time frame.

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

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

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

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

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

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

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

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

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

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

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

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

Type of Record	Retain (Yrs)	Remarks
b.— Background investigations	5	After termination.
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
FOR USE BY SUPERIOR COURT

Type of Record	Retain (Yrs)	Remarks
q.— Psychological evaluations for applicants	5	After termination for employees, or 2 years from date of application for non-employees.
r.— Psychological evaluations for employees who are applying to carry firearms	5	After termination of employment.
11. PRETRIAL SERVICES RECORDS	-	-
— Case supervision files	1	After case disposition.
12. ADULT PROBATION RECORDS	-	-
a.— Case files	3	After expiration or termination of probation.
b.— Intensive Probation Supervision (IPS) financial records	3	After program completion or termination.
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.
13. JUVENILE PROBATION RECORDS	-	-
a.— Juvenile social files	18 th birthday	Rule 19(A)(2), Rules of Procedure for the Juvenile Court.
b.— Juvenile dependency files	18 th birthday	A.R.S. § 8-349 (For court case files see section (1)(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
FOR USE BY SUPERIOR COURT

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 th birthday.
— Adjudicated juveniles (without — criminal records)	45 days	After 25 th birthday.
— Adjudicated juveniles (with criminal records)	45 days	After ordered by the court per A.R.S. § 8-349.

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

CIVIL CASE FILE PURGE LIST

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

CIVIL CASE FILE PURGE LIST

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

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
☞ Accelerated hearing/trial date	STIPULATIONS/CONSENT
☞ 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
MOTIONS TO:	☞ arbitration award
☞ Dismiss (i.e., for lack of jurisdiction, insufficiency of process, failure to state claim, etc.)	☞ order for name change
☞ File delayed appeal	☞ judgments
☞ Quash/prevent issuance of subpoena	☞ verdicts
☞ Stay proceedings	☞ order for joinder
☞ Transfer	☞ minute entries that contain the words "ORDER" or "IT IS ORDERED" or similar statements
☞ Waive applicable time limits	WRITS
☞ In limine	RETURN OF
☞ Consolidate	☞ receipts for exhibits or evidence
☞ Enlarge time for answer	☞ registered mail receipt cards or letters
☞ Quash warrant/writ	SATISFACTION OF

CIVIL CASE FILE PURGE LIST

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

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	
ANSWERS/RESPONSES TO:	
☒ Demand for early trial date	
☒ Motion to continue	
☒ Motion to demand jury trial	
☒ Motion to extend time to file motions	
☒ Motion to file delayed appeal	
☒ Motion to preserve evidence	
☒ Motion to suppress	
☒ Notice of change of judge	
☒ Request for production	
☒ Motion for sanctions	
☒ Motion to dismiss	
☒ Application for certification of interlocutory — appeal	
☒ Garnishment	
☒ Interrogatories	
☒ Motion for new trial	
REPLIES TO:	
☒ Responses to demand early trial date	
☒ Responses to motion to demand jury trial	
CERTIFICATES:	
☒ Controverting certificates	

CIVIL CASE FILE PURGE LIST

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

CIVIL CASE FILE PURGE LIST

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

DOMESTIC RELATIONS CASE FILE PURGE LIST

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

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

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

~~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 data” means the electronic information about a case, and not images, maintained by the clerk or court, generally found in a case management system and often posted to the clerk’s or court’s website.
2. “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. Case file includes case financial records, such as defendant payment records, but does not include exhibits submitted at a hearing or trial.
3. “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.
4. “Records Manager” means the person or persons responsible for keeping and disposing of any records held by the superior court or any department of the superior court, other than the records held by the clerk of superior court.
5. “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, the clerk or records manager must transfer to LAPR, all records, regardless of format, that have a permanent retention period unless otherwise instructed by LAPR. The clerk and records manager must work with LAPR to follow LAPR’s established requirements for transfer.

2. Clerks and records managers at courts with insufficient records storage areas may transfer records that are within 5 years of the end of their Retention Period with Court.
3. Electronic Case Files and Case Data. At the end of the Retention Period with Court, set forth in section D below, the clerk and records manager 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.
4. Paper Case Files and Administrative Records. At the end of the retention period with court, set forth in section D below, the clerk may destroy case files that are primarily in paper format and the clerk and records manager may destroy 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.
5. Microfilm. Until national standards for the long-term preservation of electronic records are in place, records transferred to LAPR pursuant to the provisions of this schedule shall be in either paper or microfilm format. For any records that are microfilmed, the film negative shall also be sent to LAPR.
6. No Duty to Migrate to New Technology. The clerk, records manager, 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.
7. Conflicting Authority. To the extent that the retention periods specified in this schedule vary from any statutory provision, the longer period of retention, whether in the statute or in the schedule, applies.
8. Sealed Files. A case file or portions of a case file sealed by order of the court must remain sealed, in perpetuity, 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.
9. Completeness of Schedule. This records retention and disposition schedule is intended to cover all superior court records. If a record cannot be located in this schedule, the clerk or records manager should use his or her best judgment to place a record within a category that is already identified, where the record best fits.
10. 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. The clerk now indicates 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.

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

C. 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 manager shall retain and dispose of superior court records according to the following schedule:

Records Series #	Records Series Title	Retention Period with Court	Retention at LAPR	Remarks
CASE FILES HELD BY THE CLERK OF COURT				
1.	CIVIL CASE FILES, FILED ON OR BEFORE DECEMBER 31, 1959 ¹	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.

¹ 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	Retention at LAPR	Remarks
2.	CIVIL CASE FILES, FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case is filed.	Permanent	Clerks must transfer these case files to LAPR after 50 years.
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 ¹	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.
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	Clerks must transfer these case files to LAPR after 50 years.
5.	ORDER OF PROTECTION CASE FILES	50 years from the year the case is filed.	N/A	Injunctions against harassment and injunctions against workplace harassment case files are to be treated as civil case files. ²
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) MH Note: Aren't these <i>civil</i> cases?	2 years from date received	N/A	

¹ 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.

² Clerks of Court wish to separate injunctions against harassment and injunctions against workplace harassment from orders of protection and treat injunctions against harassment and injunctions against workplace harassment as civil cases.

Records Series #	Records Series Title	Retention Period with Court	Retention at LAPR	Remarks
	MENTAL HEALTH CASE FILES FILED ON OR BEFORE DECEMBER 31, 1959 ¹	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.
	MENTAL HEALTH CASE FILES FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case is filed.	Permanent	Clerks must transfer these case files to LAPR after 50 years.
	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 ¹	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. 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.

¹ 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	Retention at LAPR	Remarks
	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	Clerks must transfer these case files to LAPR 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.
	GENERAL STREAM ADJUDICATION CASE FILES	25 years from the year the case is filed	Permanent	Clerks must transfer these case files to LAPR after 25 years.
	OFFICE OF THE SPECIAL MASTER CASE FILES	25 years from the year the case is filed	Permanent	The Office of the Special Master must transfer these case files to LAPR after 25 years.
	CRIMINAL CASE FILES, except capital felony case files, FILED ON OR BEFORE DECEMBER 31, 1959 ¹	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.
	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	Clerks must transfer these case files to LAPR after 50 years.
	CRIMINAL CAPITAL FELONY CASE FILES	On the death of the defendant.	Permanent	Clerks must transfer these case files to LAPR on the death of the defendant.

¹ 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	Retention at LAPR	Remarks
	JUVENILE ADOPTION, SEVERANCE, AND DEPENDENCY CASE FILES	100 years from the granting, denial, dismissal, or expiration of the matter as to all children.	Permanent	Clerks must transfer these case files to LAPR after 100 years.
	JUVENILE DELINQUENCY CASE FILES	After satisfaction of A.R.S. § 8-349 or 25 years following the year the case is filed.	N/A	
	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 th birthday, whichever is later.	N/A	
	JUVENILE TRAFFIC CASE FILES, when filed in the superior court	Until 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	
MISCELLANEOUS AND FINANCIAL RECORDS HELD BY THE CLERK OF COURT				
	CASE FINANCIAL RECORDS, not part of a case file			

Records Series #	Records Series Title	Retention Period with Court	Retention at LAPR	Remarks
	a. Bank account reconciliations, including bank account statements, cash balancing records, adjustment memos, and check registers	5 years after the fiscal year received or prepared. ³		
	b. Expenditure records, including vouchers, invoices, purchase orders, authorizations, reimbursement requests, etc.	5 years after the fiscal year received or prepared		
	c. Periodic financial reports to federal, state, and local agencies	3 years after the fiscal year prepared		
	e. Receipt and disbursement of all child support payments	5 years after fiscal year received or disbursed		
	f. Receipt and disbursement of all fines, fees, restitution, and reimbursement payments (MH Note: Remove this, since it is a case financial and must be retained for the life of the case? See definition of <i>case file</i> .)	3 years after fiscal year received or disbursed.		
	WILLS FILED for SAFEKEEPING ⁴	75 years from date received.	Permanent	Clerks must transfer these wills to LAPR after 75 years.

³ This retention period is established to satisfy the requirements of a contract between the Fines/Fees and Restitution Enforcement (FARE) program and an outside vendor.

⁴ Former A.R.S. § 14-2901, as added by Laws 1973, Ch. 75, § 4, which authorized a testator to deposit his or her will with a court for safekeeping, was repealed by Laws 1984, Ch. 368, § 6. The minimum age to prepare a will is 18 years old, and an additional 75 years encompasses a typical life span.

Records Series #	Records Series Title	Retention Period with Court	Retention at LAPR	Remarks
	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. MH Note: Should this be the date served?	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	
	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	Clerks must transfer any exhibits that were not previously retrieved or destroyed to LAPR with the corresponding case file. LAPR will accept diagrams, maps, photographs and any other paper-based materials. LAPR will not accept three dimensional objects, clothing or security or sensitive exhibits, such as weapons, drugs, money, and bio-hazardous materials.
	CASE DOCKET OR REGISTER OF ACTIONS	Retain for the same period of time as the underlying case, pursuant to this schedule	Permanent	Clerks must transfer the case docket or register of actions to LAPR with the corresponding case file.

Records Series #	Records Series Title	Retention Period with Court	Retention at LAPR	Remarks
	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	
	MARRIAGE AFFIDAVITS	Permanent		
	MARRIAGE CERTIFICATES OR LICENSES	Permanent		
	NOTARY AFFIDAVIT APPLICATIONS AND BONDS	Until expired or revoked	N/A	
	POWER OF ATTORNEY TO WRITE BONDS	Until expired or revoked	N/A	
	PROCESS SERVER APPLICATION and	4 years from the date filed	N/A	
	PROCESS SERVER INVESTIGATION CASE FILE	4 years from the date closed	N/A	
	PUBLIC OFFICIAL FINANCIAL DISCLOSURE STATEMENT	10 years from the date filed	N/A	
	RETURNED MAIL OR EMAIL, not associated with a particular case	1 year from the date returned	N/A	
	SPECIAL APPOINTMENT APPLICATIONS (Melanie Fay to identify examples at next meeting)	2 years from the date filed		
MISCELLANEOUS RECORDS HELD BY EITHER THE CLERK OF COURT OR COURT ADMINISTRATION				

Records Series #	Records Series Title	Retention Period with Court	Retention at LAPR	Remarks
	THE VERBATIM RECORD, INCLUDING COURT REPORTER NOTES AND ELECTRONIC RECORDINGS OF A COURT PROCEEDING, HEARING, OR TRIAL			
	a. Criminal non-capital cases, including grand jury, writs of habeas corpus, trial, sentencing, and all other proceedings	10 years from the date of sentencing. When a defendant is tried in absentia or fails to appear for sentencing, the record of the proceeding must be transcribed.	N/A	Court reporter notes must be retained for 10 years from the date of sentencing (MH note: Is this correct?), even after a transcript is prepared.
	b. Criminal capital cases, including grand jury, writs of habeas corpus, trial, sentencing and all other proceedings	50 years from the date of sentencing	N/A	
	c. Non-criminal	5 years from the date of the proceeding	N/A	
	d. Juvenile	10 years from the date of the proceeding	N/A	
	ADMINISTRATIVE REVIEW DOCUMENTS FOR ANY MATTER, such as a denial of access to records	Until reference value served	N/A	
COURT ADMINISTRATION, INCLUDING FINANCIAL, RECORDS				
	COURT ADMINISTRATION FINANCIAL RECORDS			

Records Series #	Records Series Title	Retention Period with Court	Retention at LAPR	Remarks
	d. Bank account reconciliations, including bank account statements, cash balancing records, adjustment memos, and check registers	5 years after the fiscal year received or prepared		
	e. Expenditure records, including vouchers, invoices, purchase orders, authorizations, reimbursement requests, etc.	5 years after the fiscal year received or prepared		
	f. Periodic summary budget reports	3 years after the fiscal year prepared		
	g. Periodic financial reports to state and local agencies	3 years after the fiscal year prepared		
	h. Triennial, external review report required by the minimum accounting standards	3 years after the calendar year prepared		
	h. Applications, records, and reports for grants received	3 years after submission of final grant report		
	i. Procurement records			
	i. Solicitation cancelled before vendor responses are opened	1 year after cancellation		
	ii. Solicitation cancelled after vendor responses are opened	3 years after cancellation of solicitation		
	iii. Documents related to successful vendor where contract executed	6 years after end of contract		

Records Series #	Records Series Title	Retention Period with Court	Retention at LAPR	Remarks
	iv. Documents related to unsuccessful vendor where contract executed	3 years after contract or other agreement signed with competing vendor		
	v. Documents related to award made yet contract cannot be executed	3 years after contract negotiations end		
	vi. Protests, protest records, and court response	3 years after contract or other agreement signed with competing vendor		
	CONTRACTS, including a memorandum of understanding, joint operating agreement, intergovernmental or interagency agreement, and contract for employment	6 years after the performance under the contract is completed or the contract is terminated		
	COURT CALENDAR	Until reference value served	N/A	
	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, if any, 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	

Records Series #	Records Series Title	Retention Period with Court	Retention at LAPR	Remarks
	COMPLETED JUROR QUESTIONNAIRES			
	a. When jury commissioners include the juror questionnaire with the summons	90 days from the date received	N/A	
	b. When jury commissioners send the juror questionnaire separate from the summons	1 year from the date received	N/A	
	COMPLETED JUROR BIOGRAPHICAL FORMS	Until completion of trial		
	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

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CASE FILES HELD BY PRETRIAL SERVICES

CASE SUPERVISION FILES	1 year after the retention period of the underlying case file held by the clerk		
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RECORDS HELD BY ADULT PROBATION (MH Note: To be Removed)

RECORDS HELD BY JUVENILE PROBATION (MH Note: To be Removed)

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

1. Designation of a case as historically significant

- a. Purpose. Certain cases filed in Arizona courts may be identified as historically significant because of the unique legal issue or controversy involved, the prominence of one or more of the parties to the action, or because of other high profile or newsworthy reasons. When there is reason to believe that a case falls into this category, the following procedures shall be followed.
- b. Procedure for designating a case as historically significant. A motion to request that a case be designated historically significant shall be filed either by a member of the public or on the court's own motion. The motion shall identify one or more reasons the case should be designated historically significant. The presiding judge shall decide the motion. If the motion is denied, the presiding judge shall identify the reason for the denial. The clerk shall file the order granting or denying the motion for historically significant designation with the case.
- c. Processing and transferring. If the motion is granted, the clerk shall immediately transfer the case, a print-out of the register of actions or docket from the case management system, and any exhibits and microfilm to LAPR for permanent retention. Identification of the case as historically significant shall be prominently noted on the print-out of the register of actions or docket from the case management system transferred with the case to LAPR.

2. Designation of a case as landmark

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

b. Procedure for designating a case as landmark.

- (1) The Arizona Historical Records Advisory Board shall designate a case as landmark under section (E)(2)(a)(1) and (3) – (8), above, in consultation with a committee convened by the Board for this purpose. The committee shall consist of Board members, retired appellate court judges or justices, law professors, historians, or other like persons who have objective, informed views about the long-term significance and effect of eligible published appellate opinions. The committee shall meet periodically to review all published appellate opinions no less than five years and no more than nine years after issued to determine whether any of these cases should be designated as landmark.
- (2) No more than ten years after an appellate opinion is issued, and with the Board's approval, the Director of the Division of Arizona History and Archives shall provide written notice of landmark designation to the 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 transferring the case to LAPR pursuant to (E)(2)(c), below.
- (3) Landmark designation under subsection (E)(2)(a)(2) above shall be made by the clerk of the superior court in the county of origin.

c. Processing and transferring. When a case has been designated as landmark, the clerk shall file the notice of this designation in the case. The clerk shall immediately transfer the case, a print-out of the register of actions or docket from the case management system, and any exhibits and microfilm to LAPR for permanent retention. Identification of the case as historically significant shall be prominently noted on the print-out of the register of actions or docket from the case management system transferred with the case to LAPR.

GJC RR&DS Parking Lot

1. LAPR would like to have legal authority to allow it to open a sealed file or sealed document after a period of time. Without such authority, the current position appears to be that a file or document, sealed by a judge, is sealed forever – unless subsequently opened by the court.
2. The proposed retention period with the court for juvenile delinquency case files is, “After satisfaction of A.R.S. § 8-349 or 25 years following the year the case is filed.” Juvenile delinquency case files, unlike juvenile adoption case files, are presently not permanent records. If juvenile delinquency case files are to be designated as permanent records, requiring transfer to LAPR after 25 years, the files would be open to researchers at LAPR. By comparison, juvenile *adoption* case files have a retention period with the court of 100 years. Adoption files are closed *by statute* for 100 years. (See A.R.S. § 8-121) Once 100 years has expired, juvenile adoption case files are transferred to LAPR, where the files are open to researchers.

The committee recommends that a statute be enacted to enable juvenile delinquency case files to be sent to LAPR, as permanent records, after 25 years with the court, and to be opened by LAPR to researchers after 100 years. Juvenile delinquency case files are a valuable resource for researchers, but harm could be caused to the individuals who are the subject of these cases if the files are opened by LAPR after 25 years. These cases – the legal files – are currently open at the court; however, the files are easier for researchers to access, in bulk, at LAPR.

The committee does not believe it has the authority to require LAPR to keep these case files, once received, closed for 100 years – without statutory authority. Instead, under the new schedule, the committee will require clerks to destroy juvenile delinquency case files after 25 years.

As an additional consideration, the committee recognizes that, under A.R.S. § 8-349, a juvenile may request that his or her case file be destroyed. If granted by the judge, these case files will never go to LAPR as permanent records – even with a new statute as suggested here.