

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.~~

~~“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.~~

~~“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:

ARIZONA SUPREME COURT Records Retention and Disposition Schedule <i>FOR USE BY SUPERIOR COURT</i>		
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>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>

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Type of Record	Retain (Yrs)	Remarks
<ul style="list-style-type: none"> — Domestic violence — Reciprocal divorcee — Support enforcement 	<hr/> Permanent (for cases filed prior to 1960)	<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"> (3) Domestic Relations Cases—without children <ul style="list-style-type: none"> — 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 period</p>

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Type of Record	Retain (Yrs)	Remarks
	<hr/> Permanent (for cases filed prior to 1960)	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/> 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).

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Type of Record	Retain (Yrs)	Remarks
	<hr/> Permanent (for cases filed prior to 1960)	<hr/> Not authorized for purging. Microfilming is allowed at any point after the case is closed. (See subsection D).
(8) Probate Includes: — Conservatorship — Combination Conservatorship/Guardian- ship — Guardianship (adult and juvenile) — Adult adoptions — Non case specific filings	100 (for cases filed after 1959) <hr/> Permanent (for cases filed prior to 1960)	Retention period begins following the year filed. As provided by Rule 29, Rules of the Supreme Court, at the end of the retention period required by this section, clerks shall transfer these court records to ASLAPR for permanent retention. Not authorized for purging. Microfilming is allowed at any point after the case is closed. (See Subsection D). <hr/> Not authorized for purging. Microfilming is allowed at any point after the case is closed. (See subsection D).
— Probate vouchers and receipts	5	After fiscal year received or after final annual accounting. Destroy without microfilming. Refer to Rule 94(h)(2), Rules of the Supreme Court.
(9) Abortions	-	Retain and dispose in accordance with court order.
(10) General Stream Adjudication	-	-
(a) Contents of the case file, including but not limited to: — statement of claimant	Permanent	Not authorized for purging.

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Type of Record	Retain (Yrs)	Remarks
<ul style="list-style-type: none"> — 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>

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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.

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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	<p>Following the granting, denial, dismissal or expiration of the matter as to all children.</p> <p>The juvenile court may authorize the microfilming of these cases.</p> <p>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.</p>
(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)	-	<p>After satisfaction of A.R.S. § 8-349 or following juvenile's 30th birthday, A.R.S. § 13-912.</p> <p>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.</p>
(4) Dependency (includes Indian Child Welfare Act Cases. Also includes sealed dependency materials)	100 (for cases filed after 1959)	<p>From date of dismissal as to all children.</p> <p>As provided by Rule 29, Rules of the Supreme Court, at the end of the retention period required by this section, clerks shall transfer these records to ASLAPR for permanent retention.</p> <p>Microfilm and dispose in accordance with court order.</p>

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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.

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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(e), 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.

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— (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	+	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 applicable to the case type.

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Type of Record	Retain (Yrs)	Remarks
(4) "Sealed by Order of the Court" records	-	Retain and dispose in accordance with applicable case type.
(5) Special Warrants	-	-
— Confidential Wire Taps	1	Retention period begins following year filed. Return to prosecutor. Confidential. See A.R.S. § 13-3918.
— Pen Registers	1	Retention period begins following year filed. Return to prosecutor or other responsible agency.
(6) Other (Search Warrants, Trap and Trace, Handwriting Exemplars)	1	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 proceedings	50	After the date of sentencing.

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Type of Record	Retain (Yrs)	Remarks
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.
b. Dockets and computerized records created in compliance with Rules	-	After reference value served.

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Type of Record	Retain (Yrs)	Remarks
94(e) and 94(g), Rules of the Supreme Court		
— 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.
e. Cash books and receipts for bond trust accounts	5	After fiscal year prepared or received.

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Type of Record	Retain (Yrs)	Remarks
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 business papers. This records series consists of records generated by presiding judges to provide	-	After satisfaction of term. Arrange transfer to ASLAPR.

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Type of Record	Retain (Yrs)	Remarks
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.		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.
b. Background investigations	5	After termination.
e. Classification/re-class of positions	3	After request is acted on.

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Type of Record	Retain (Yrs)	Remarks
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.
q. Psychological evaluations for applicants	5	After termination for employees, or 2 years from date of application for non-employees.

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Type of Record	Retain (Yrs)	Remarks
f. 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.
e. 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.
d. Juvenile Treatment Services Fund (JTSF) records (checking account with original copy retained by supreme court)	5	After fiscal year prepared.

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Type of Record	Retain (Yrs)	Remarks
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 25th birthday.
— Adjudicated juveniles (without — criminal records)	45 days	After 25th 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> <p>All tagged exhibits must be processed in accordance with the Rules of Civil Procedure.</p>	
AFFIDAVIT	COMPLAINT
☒ Relating to discovery matters	☒ Initial
NOTICE OF:	☒ amended

CIVIL CASE FILE PURGE LIST	
Documents to be Discarded	Documents to be Retained
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	JOINDER 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
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

CIVIL CASE FILE PURGE LIST	
Documents to be Discarded	Documents to be Retained
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
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

CIVIL CASE FILE PURGE LIST	
Documents to be Discarded	Documents to be Retained
☞ 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:	
☞ Attorney fees	
☞ Certification of interlocutory appeal	
☞ Confirmation of arbitration award	

CIVIL CASE FILE PURGE LIST	
Documents to be Discarded	Documents to be Retained
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	
Of appointment	
Of readiness	
Of discharge of notice of lis pendens	

CIVIL CASE FILE PURGE LIST

Documents to be Discarded	Documents to be Retained
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.)	
CORRESPONDENCE:	
(E.g., letters of transmittal, confirmation of dates, rescheduling problems, etc.)	
Depositions	

CIVIL CASE FILE PURGE LIST	
Documents to be Discarded	Documents to be Retained
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
(a) Dismissed cases (of all documents except those listed here are eligible for purging)	–Initial petition –Final order of dismissal

(b) Domestic Relations cases that did not end in dismissal	Retain file contents intact, do not purge
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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.~~

~~e. 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.

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, but not images of documents, maintained by the Clerk or the court, generally found in a case management system, and often posted to the Clerk’s or the 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 CDs, DVDs, or other material requiring the use of a computer to read, as well as oversized 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 management system data but does not include exhibits submitted at a hearing or a 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.~~

Commented [GJ1]: This sentence isn't really definitional

B. General Provisions.

1. Permanent ~~R~~records. At the end of the ~~R~~retention ~~P~~period with ~~the C~~court, set forth in section D below, the ~~C~~lerk or the records manager must transfer to LAPR all records, regardless of format, that have a retention period designated as *permanent*, unless otherwise instructed by LAPR. The ~~C~~lerk and the records manager must work with LAPR to follow LAPR’s established requirements for transfer.
2. ~~[need a heading here]~~Clerks and records managers at courts with insufficient records storage areas may transfer records to LAPR that are within 5 years of the end of their ~~R~~retention ~~P~~period with ~~the C~~court.

3. ~~Electronic Case Files and Case Data.~~ At the end of the ~~Retention Period~~ with the ~~Court~~, set forth in section D below, the ~~Clerk~~ and the records manager must destroy electronic case files and case data not designated as having a retention period of *permanent*. Electronic case files designated as having a 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 the ~~Court~~, set forth in section D below, the ~~Clerk~~ may destroy case files that are primarily in paper format, and the ~~Clerk~~ and the records manager may destroy other records, regardless of format, not designated as having a retention period of *permanent*. Paper case files and other records designated as having a 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~~ and the records manager, ~~and LAPR~~ assume no duty are not responsible for migrating to new technology any material filed in an action or proceeding that is recorded in a format such as CD and DVD, which that must be read by a computer, such as CD or DVD. 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 statute or the schedule, applies.
- 8-7. ~~Sealed Files.~~ A case file or portions of a case file sealed by order of the court must remain sealed in perpetuity, ~~regardless of whether the case file or any portion of the case file that is sealed is 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.
- 9-8. ~~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 the 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. Historically, purge lists identified documents to be removed from case files before storage or replication of the case file. The Clerks now indicate that the process of purging case files is resource intensive and is no longer optimal practice. Additionally, LAPR indicates 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, and purging need no longer be carried out.

Commented [GJ2]: Too vague, this is a pretty indefinite standard, and doesn't say who gets to make the call on whether these national standards are truly "in place." We can always modify the code when that day arrives.

Commented [GJ3]: We're not supposed to set policy for the Executive Branch.

Commented [GJ4]: Don't need to give a reason for this policy in the Code section.

Commented [GJ5]: We need to talk about this one. The Supreme Court is authorized to set its own retention periods, so why would we defer to statute? This makes this whole policy impossible to discern – are we expecting people to go out and find these other authorities?

Commented [GJ6]: Again, we can't make policy for the Executive Branch.

Commented [GJ7]: This statement isn't appropriate for the Code, you can put it in the committee report, or possibly in the AO.

~~11-9.~~ Destruction of Non-Permanent Records. When a ~~paper case file or other~~ paper record is eligible for destruction, the Clerk and the 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, data, or other records shall be deleted from all ~~places~~ electronic repositories in which they reside, including servers and hard drives. The court ~~can~~ may 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 LAPR at the end of their prescribed retention period, pursuant to court rules. Rule 29, Rules of the Supreme Court, requires ~~this~~ the court to adopt retention and disposition schedules for court records.

D. Retention and disposition schedule. The Clerk of Superior Court or the records manager shall retain and dispose of Superior Court records according to the following schedule:

Records Series #	Records Series Title	Retention Period with Court	Retention at Transfer to LAPR	Remarks
CASE FILES HELD BY THE CLERK OF COURT				
1.	CIVIL CASE FILES, FILED ON OR BEFORE DECEMBER 31, 1959*	50 years from the year the case 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 Y	Clerks may transfer these case files to LAPR at any time.
2.	CIVIL CASE FILES, FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case is filed	Permanent Y	Clerks must transfer these case files to LAPR after 50 years.

Commented [GJ8]: "Retention at LAPR" sounds like we're setting policy for the Executive Branch, my guess as to why you're adding this column to the table is to make it easier for people to see if the record is going to be transferred to LAPR at some point so they can box or flag the record accordingly. I would re-label this column to say something like "Transfer to LAPR" and then instead of putting a "permanent" or "N/A" in each row, put a Y or N or, for some records, Optional.

*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 [no footnotes in ACJA].

Records Series #	Records Series Title	Retention Period with Court	Retention # Transfer to LAPR	Remarks
3.	FAMILY LAW CASE FILES, including paternity, and all other matters arising out of Title 25, A.R.S., FILED ON OR BEFORE DECEMBER 31, 1959 ^a	50 years from the year the case is filed. However, <u>C</u> lerks who wish to retain these files in their local office permanently and make them available to the public may retain these files.	Permanent Y	Clerks may transfer these case files to LAPR at any time.
4.	FAMILY LAW CASE FILES, including paternity, and all other matters arising under Title 25, A.R.S., FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case is filed	Permanent Y	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 ¹	Injunctions against harassment and injunctions against workplace harassment case files are to be treated as civil case files. ²
6.	MENTAL HEALTH CASE FILES FILED ON OR BEFORE DECEMBER 31, 1959 ^a	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 at any time.
7.	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.

Commented [GJ8]: "Retention at LAPR" sounds like we're setting policy for the Executive Branch, my guess as to why you're adding this column to the table is to make it easier for people to see if the record is going to be transferred to LAPR at some point so they can box or flag the record accordingly. I would re-label this column to say something like "Transfer to LAPR" and then instead of putting a "permanent" or "N/A" in each row, put a Y or N or, for some records, Optional.

^a 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.

¹ "N/A" means that the record is not a permanent record. The record is eligible for destruction at the end of the Retention Period with Court.

² Clerks of Court wish to separate injunctions against harassment and injunctions against workplace harassment case files from order of protection case files and treat injunctions against harassment and injunctions against workplace harassment as civil cases. [don't need to explain in a footnote, you already said this in the remarks]

Records Series #	Records Series Title	Retention Period with Court	Retention # Transfer to LAPR	Remarks
8.	PROBATE CASE FILES, including guardianships, conservatorships, decedents' estates, trusts, and related matters, as well as proceedings to challenge or enforce the decision of one authorized to make health care decisions for a patient, FILED ON OR BEFORE DECEMBER 31, 1959*	75 years from the year the case is filed. However, <u>C</u> lerks who wish to retain these files in their local office permanently and make them available to the public may retain these files.	Permanent Y	Clerks may transfer these case files to LAPR at 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. Under this rule, the destruction may occur 5 years after the fiscal year received.
9.	PROBATE CASE FILES, including guardianships, conservatorships, decedents' estates, trusts, and related matters, as well as proceedings to challenge or enforce the decision of one authorized to make health care decisions for a patient, FILED ON OR AFTER JANUARY 1, 1960	75 years from the year the case is filed	Permanent Y	Clerks must transfer these case files to LAPR after 75 years. Pursuant to Rule 94(2), Rules of the Supreme Court, the <u>C</u> lerk may destroy any voucher filed in support of an account by a trustee, personal representative, or any litigant. Under this rule, the destruction may occur 5 years after the fiscal year received.
10.	GENERAL STREAM ADJUDICATION CASE FILES	25 years from the year the case is filed	Permanent Y	Clerks must transfer these case files to LAPR after 25 years.

Commented [GJ8]: "Retention at LAPR" sounds like we're setting policy for the Executive Branch, my guess as to why you're adding this column to the table is to make it easier for people to see if the record is going to be transferred to LAPR at some point so they can box or flag the record accordingly. I would re-label this column to say something like "Transfer to LAPR" and then instead of putting a "permanent" or "N/A" in each row, put a Y or N or, for some records, Optional.

*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 #Transfer to LAPR	Remarks
11.	OFFICE OF THE SPECIAL MASTER CASE FILES	25 years from the year the case is filed	Permanent Y	The Office of the Special Master must transfer these case files to LAPR after 25 years.
12.	CRIMINAL CASE FILES, except capital felony case files, FILED ON OR BEFORE DECEMBER 31, 1959*	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 Y	Clerks may transfer these case files to LAPR at any time.
13.	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 Y	Clerks must transfer these case files to LAPR after 50 years.
14.	CRIMINAL CAPITAL FELONY CASE FILES	On the death of the defendant	Permanent Y	Clerks must transfer these case files to LAPR on the death of the defendant.
15.	JUVENILE ADOPTION, SEVERANCE, AND DEPENDENCY CASE FILES	100 years from the granting, denial, dismissal, or expiration of the matter as to all children	Permanent Y	Clerks must transfer these case files to LAPR after 100 years.
16.	JUVENILE DELINQUENCY CASE FILES	After satisfaction of A.R.S. § 8-349 or 25 years following the year the case is filed	N/A	
17.	JUVENILE ABORTION CASE FILES	7 years after the ruling on the petition, motion, or final appeal, or 5 years after the date of the minor's 18 th birthday, whichever is later	N/A	

Commented [GJ8]: "Retention at LAPR" sounds like we're setting policy for the Executive Branch, my guess as to why you're adding this column to the table is to make it easier for people to see if the record is going to be transferred to LAPR at some point so they can box or flag the record accordingly. I would re-label this column to say something like "Transfer to LAPR" and then instead of putting a "permanent" or "N/A" in each row, put a Y or N or, for some records, Optional.

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Commented [GJ9]: Is this the Special Master for the General Stream Adjudication or all Special Masters?

*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 # Transfer to LAPR	Remarks
18.	JUVENILE TRAFFIC CASE FILES, when filed in the Superior Court	Until the minor reaches age 19	N/A	<i>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.</i>
19.	APPEAL FROM A LOWER COURT, CASE FILES, both civil and criminal	5 years after the superior court issues its order disposing of the case	N/A	
FINANCIAL AND MISCELLANEOUS RECORDS HELD BY THE CLERK OF COURT				
20.	CASE FINANCIAL RECORDS, not part of a case file ³			
	a. Bank account reconciliations, record of outstanding checks, record of deposits in transit, bank statements, canceled checks, canceled deposit slips, bank issued debit and credit memos, and any documentation that requests the adjustment or void of a case financial record	5 years after the fiscal year received or prepared ⁴	N/A	

Commented [GJ8]: "Retention at LAPR" sounds like we're setting policy for the Executive Branch, my guess as to why you're adding this column to the table is to make it easier for people to see if the record is going to be transferred to LAPR at some point so they can box or flag the record accordingly. I would re-label this column to say something like "Transfer to LAPR" and then instead of putting a "permanent" or "N/A" in each row, put a Y or N or, for some records, Optional.

Commented [GJ10]: Don't need to provide these details in the ACJA, you could put it in your committee report.

³-Any records of receipt and disbursement of child support, fines, fees, restitution, and reimbursement payments that are not part of a case file are working files of the Clerk and are, therefore, not covered by this schedule. The Clerk may destroy such files when the reference value has been served. [I think these records should be covered by the schedule and should be assigned a "reference value" retention period, because they are public records].

⁴-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. [I don't understand why this statement is being made here, not every court is in the FARE program, and courts may generate these types of records regardless of whether they relate to the FARE program]

Records Series #	Records Series Title	Retention Period with Court	Retention # Transfer to LAPR	Remarks
	b. Expenditure records, including vouchers, invoices, purchase orders, authorizations, reimbursement requests, etc.	5 years after the fiscal year received or prepared	N/A	
	c. Periodic financial reports to federal, state, and local agencies	5 years after the fiscal year prepared	N/A	
	d. Triennial, external review report required by the minimum accounting standards	Retain until subsequent audit received	N/A	
	e. Procurement records			
	i. Solicitation canceled before vendor responses are opened	1 year after cancellation	N/A	
	ii. Solicitation canceled after vendor responses are opened	3 years after cancellation	N/A	
	iii. Documents related to successful vendor where contract executed	6 years after end of contract	N/A	
	iv. Documents related to unsuccessful vendor where contract executed	3 years after contract or other agreement signed with competing vendor	N/A	
	v. Documents related to award made yet contract cannot be executed	3 years after contract negotiations end	N/A	
	vi. Protests, protest records, and court response	3 years after contract or other agreement signed with competing vendor	N/A	
21.	WILLS FILED for SAFEKEEPING ⁵	75 years from date received	Permanent Y	Clerks must transfer these wills to LAPR after 75 years.

Commented [GJ8]: "Retention at LAPR" sounds like we're setting policy for the Executive Branch, my guess as to why you're adding this column to the table is to make it easier for people to see if the record is going to be transferred to LAPR at some point so they can box or flag the record accordingly. I would re-label this column to say something like "Transfer to LAPR" and then instead of putting a "permanent" or "N/A" in each row, put a Y or N or, for some records, Optional.

Commented [GJ11]: If it is a contract it is an agreement and vice versa

⁵ Former A.R.S. § 14-2901, as added by Laws 1973, Ch. 75, § 4, which authorized a testator to deposit his or her will with a court for safekeeping, was repealed by Laws 1984, Ch. 368, § 6. The minimum age to prepare a will is 18 years, and an additional 75 years encompasses a typical life span. [this information doesn't belong in this Code]

Records Series #	Records Series Title	Retention Period with Court	Retention # Transfer to LAPR	Remarks
22.	WARRANTS AND SUBPOENAS THAT ARE NOT PART OF A CASE FILE, such as a confidential wiretap, pen register, search warrant, trap and trace, handwriting exemplar, and nursing subpoena	1 year following the date served	N/A	
23.	GRAND JURY RECORDS			
	a. Empanelment documents	5 years from the end of the term of empanelment	N/A	
	b. Minutes of grand jury votes	1 year from the date of the minutes	N/A	
24.	EXHIBITS SUBMITTED at TRIAL or HEARING in any case type, other than in historically significant and landmark cases, which are governed by section E, herein.	After mailing notice to the responsible parties to claim exhibits, retain unretrieved exhibits for the same period of time as the underlying case, unless otherwise ordered by the court	Permanent Y	
25.	CASE DOCKET OR REGISTER OF ACTIONS	Retain for the same period of time as the underlying case, pursuant to this schedule	Permanent Optional	Clerks may transfer the case docket or register of actions to LAPR with the corresponding case file.
26.	BAIL BONDSMEN ANNUAL, WRITTEN CERTIFICATION REQUIRED BY RULE 7.1(f), RULES OF CRIM PRO.	3 years from the date filed	N/A	
27.	CORRESPONDENCE OR EMAIL SENT OR RECEIVED CONCERNING REQUESTED RECORDS OR INFORMATION	Until reference value served	N/A	

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Records Series #	Records Series Title	Retention Period with Court	Retention # Transfer to LAPR	Remarks
28.	MARRIAGE AFFIDAVITS	Permanent; however Clerks may transfer these records to LAPR at any time.	Permanent Optional	These records are permanent records regardless of where situated they are archived.
29.	MARRIAGE CERTIFICATES OR LICENSES	Permanent; however Clerks may transfer these records to LAPR at any time.	Permanent Optional	These records are permanent records regardless of where situated they are archived.
30.	NOTARY AFFIDAVIT APPLICATIONS AND BONDS	Until expired or revoked	N/A	
31.	POWER OF ATTORNEY TO WRITE BONDS	Until expired or revoked	N/A	
32.	PROCESS SERVER APPLICATIONS	4 years from the date filed	N/A	
33.	PROCESS SERVER INVESTIGATION CASE FILE	4 years from the date closed	N/A	
34.	PUBLIC OFFICIAL FINANCIAL DISCLOSURE STATEMENT	10 years from the date filed	N/A	
35.	RETURNED MAIL OR EMAIL, not associated with a particular case	1 year from the date returned	N/A	
36.	SPECIAL APPOINTMENT APPLICATIONS	Until reference value served	N/A	
37.	ADMINISTRATIVE ORDERS	10 years from the year filed	Permanent	Clerks may transfer to LAPR after 10 years
MISCELLANEOUS RECORDS HELD BY THE CLERK OF COURT, THE COURT, OR COURT ADMINISTRATION				
38.	THE VERBATIM RECORD, INCLUDING COURT REPORTER NOTES AND ELECTRONIC RECORDINGS OF A COURT PROCEEDING, HEARING, OR TRIAL			

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Commented [GJ12]: Unclear – what are we saying here, that the records are to be permanently archived either at the court or at LAPR?

Records Series #	Records Series Title	Retention Period with Court	Retention # Transfer to LAPR	Remarks
	a. Criminal non-capital cases, including grand jury, writs of habeas corpus, trial, sentencing, and all other proceedings	20 years from the date of sentencing or other <u>final (?)</u> order of the court, unless a transcript is prepared	N/A	Court reporter notes must be retained for 20 years from the date of sentencing or other order of the court, unless a transcript is prepared.
	b. Criminal capital cases, including grand jury, writs of habeas corpus, trial, sentencing and all other proceedings	50 years from the date of sentencing	N/A	
	c. Non-criminal	5 years from the date of the proceeding	N/A	
	d. Juvenile	10 years from the date of the proceeding	N/A	
39.	ADMINISTRATIVE REVIEW DOCUMENTS FOR ANY MATTER, such as a denial of access to records	Until reference value served	N/A	
40.	CONCILIATION COURT RECORDS	10 years or until reference value served, whichever is later		
RECORDS, INCLUDING FINANCIAL, HELD BY COURT ADMINISTRATION				
41.	COURT ADMINISTRATION FINANCIAL RECORDS			
	a. Bank account reconciliations, record of outstanding checks, record of deposits in transit, bank statements, canceled checks, canceled deposit slips, bank issued debit and credit memos, and any documentation that requests the adjustment or void of a court financial record	5 years after the fiscal year received or prepared	N/A	

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Commented [GJ13]: These remarks are redundant of what you have in the adjacent column in this row.

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

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Records Series #	Records Series Title	Retention Period with Court	Retention # Transfer to LAPR	Remarks
42.	CONTRACTS AND OTHER AGREEMENTS	6 years after performance under the contract is completed or the contract is terminated	N/A	
43.	COURT CALENDAR	Until reference value served	N/A	
44.	FORMER CHIEF PRESIDING JUDGE BUSINESS PAPERS This records series consists of records generated by presiding judges to provide guidance, direction, or general information related to the administration or non-case related business operations of the court.	Until term is completed	Permanent Optional (?)	The court administrator, if any, shall work with the presiding judge to determine whether the presiding judge desires to send these papers to LAPR.
45.	STATISTICAL REPORTS REQUIRED BY THE AOC	5 years from the year prepared	N/A	

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Commented [GJ14]: This row is unclear, sounds like the PJ can decide whether to permanently archive his or her own records of this type – is that what you're saying? Are we not setting a statewide standard with respect to these types of records? If these are permanent records, they should go to LAPR – right?

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

Commented [GJ15]: What if the juror is still sitting on a really lengthy trial? Shouldn't the Jury Commissioner retain this document until the trial is over?

Commented [GJ16]: Ditto

Records Series #	Records Series Title	Retention Period with Court	Retention #Transfer to LAPR	Remarks
50.	JUROR DATA, being the electronic information about a juror maintained in the jury management software	3 years from the date entered	N/A	
51.	COMPLETED JUROR BIOGRAPHICAL FORMS	Until completion of trial or completion of jury service, whichever occurs later	N/A	
52.	OTHER NON-FINANCIAL JUROR RECORDS	Until reference value served	N/A	
53.	FINANCIAL JUROR RECORDS NOT HELD BY ANOTHER RECORDS CUSTODIAN	3 years after fiscal year prepared	N/A	
RECORDS HELD BY THE COURT HUMAN RESOURCES DEPARTMENT				
54.	ALCOHOL and DRUG TESTING PROGRAM RECORDS			
	a. Canceled or negative results	5 years after results received or until reference value served, whichever occurs first	N/A	
	b. Positive results	5 years after action taken in response to results is resolved or until reference value served, whichever occurs first	N/A	
	c. Records related to blood and urine collection	5 years after test given or until reference value served, whichever occurs first	N/A	
	d. Records received from previous employers	3 years after received or until reference value served, whichever occurs first	N/A	

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Records Series #	Records Series Title	Retention Period with Court	Retention # Transfer to LAPR	Remarks
55.	EMPLOYEE, PERSONNEL RECORDS FOR FULL-TIME, PART-TIME, CONTRACT, SEASONAL, INTERN, VOLUNTEER, APPOINTED, OR ELECTED POSITIONS, including applications, resumes, performance reviews, disciplinary records, records documenting employee pay decisions, loyalty oaths and oaths of office, conflict of interest and personal interest disclosure records, confidentiality agreements, policy acknowledgements, exit interviews, drivers' qualifications, and pre-employment background investigation records	5 years after employment terminated, term of office ended, or contract expired, canceled, or revoked		
56.	REQUEST FOR CLASSIFICATION OF NEW POSITION OR RECLASSIFICATION OF EXISTING POSITION, including records of salary advancement	1 year after request acted upon	N/A	
57.	EEO-4 Survey report of workforce composition	1 year after subsequent report submitted	N/A	
58.	EMPLOYEE MEDICAL AND EXPOSURE RECORDS, including exposure reports and waivers, pre-employment physicals, results of exams, medical opinions, diagnoses, employee medical complaints and other related records	30 years after employment terminated		These records must be filed separately from the employee personnel file. (20 CFR § 1910.20)

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Records Series #	Records Series Title	Retention Period with Court	Retention # Transfer to LAPR	Remarks
59.	EMPLOYMENT ELIGIBILITY VERIFICATION RECORDS, including I-9 proof of legal residency in U.S.A., and Social Security verification	1 year after employment terminated but not less than 3 years after date of hire		(8 C.F.R. § 274a.2)
60.	GRIEVANCE and COMPLAINT RECORDS	3 years after resolved		
61.	INVESTIGATIONS OF PERSONNEL MATTERS	5 years after employment terminated or investigation resolved or closed, whichever is later	N/A	
62.	HIRING and SELECTION RECORDS, including job announcements, applications, selection, test scores, interview records, pre-employment background check records, affirmative action questionnaires and other related records for individuals <i>not</i> hired	3 years after position filled or abandoned	N/A	(29 C.F.R. § 1602.31)
63.	INDIVIDUAL EMPLOYEE TRAINING RECORDS	5 years after training received	N/A	(ACJA § 1-302(E)(1)(h))
64.	LAYOFF and REDUCTION IN FORCE RECORDS	5 years after reduction in force completed or abandoned	N/A	
65.	WORKERS COMPENSATION RECORDS			(29 C.F.R. § 1952.4)
	a. Denied claims	3 years after denied	N/A	
	b. Reports of industrial injury	5 years after created or received	N/A	
	c. Case records	75 years after case closed	N/A	

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Records Series #	Records Series Title	Retention Period with Court	Retention # Transfer to LAPR	Remarks
66.	BENEFIT ENROLLMENT RECORDS, including employee enrollment in medical, dental, life insurance, prepaid legal, beneficiary designation, and other benefit options	5 years after employment terminated	N/A	
67.	RECORDS DESCRIBING ESTABLISHED POSITIONS, including information on title, series, grade, duties, and responsibilities	3 years after superseded or position abolished, whichever is first	N/A	
68.	AMERICANS with DISABILITIES ACT (ADA) RECORDS, including requests for accommodation	3 years after completion of accommodation	N/A	
69.	INDIVIDUAL DISABILITY CLAIM RECORDS, both short-term and long-term	6 years after claim closed	N/A	
70.	EMPLOYEE CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA) RECORDS			
	a. Decline Notice Records, including returned undeliverable notices	2 years after employment terminated	N/A	
	b. All others	3 years after benefits terminated or coverage rejected	N/A	
71.	FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS, including employee leave request forms, supporting documentation, and other non-medical related records	3 years after created, received or leave expired, whichever is later	N/A	Employee certification and health records must be retained separately from the personnel file with the employee health and exposure records.
72.	FINGERPRINT CARDS	6 months after created or received	N/A	

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Records Series #	Records Series Title	Retention Period with Court	Retention # Transfer to LAPR	Remarks
73.	POLYGRAPH EXAMINATION of a LAW ENFORCEMENT OFFICER or PROBATION OFFICER, DATA and REPORTS	As soon as practicable 3 years after the date of employment but not later than 90 days after that date	N??	A.R.S. § 38-1101(O): except for a pre-employment polygraph in which applicant was not hired or in the case of an active investigation or an appeal
74.	LEAVE RECORDS	3 years after fiscal year created or received	N/A	
75.	MERIT-BASED FUNDING RECORDS	2 years after created or received	N/A	
76.	UNEMPLOYMENT CLAIMS AND APPEALS RECORDS	2 years after action taken	N/A	
CASE FILES HELD BY PRETRIAL SERVICES				
77.	CASE SUPERVISION FILES	1 year after the retention period of the underlying case file held by the Clerk	N???	

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Commented [GJ17]: I'm not aware of any "law enforcement officers" working for a superior court.

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:

Commented [GJ18]: Need to show changes to the existing code provisions in this section.

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, within 90 days of final disposition, transfer the case, a print-out of the register of actions or docket from the case management system, any exhibits not previously retrieved or destroyed⁶, and any 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 policy or law;
 - (4) Whether the case affected a large portion of the community or 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.
 - (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)-(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.

⁶~~LAPR will accept diagrams, maps, photographs, and any other paper-based materials. LAPR will not accept three dimensional objects, clothing, or security sensitive exhibits such as weapons, drugs, money, and bio-hazardous materials.~~
[if you feel this detail is needed, put it in the main body of the section, and maybe in the remarks column for item #24?]

- c. Processing and transferring. When a case has been designated as landmark, the Clerk shall file 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, any exhibits not previously retrieved or destroyed⁶, and any microfilm to LAPR for permanent retention. Identification of the case as landmark 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.

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⁶LAPR will accept diagrams, maps, photographs, and any other paper-based materials. LAPR will not accept three-dimensional objects, clothing, or security-sensitive exhibits such as weapons, drugs, money, and bio-hazardous materials.