

**ARIZONA JUDICIAL COUNCIL**

Request for Council Action

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<b>Date Action Requested:</b>	<b>Type of Action Requested:</b>	<b>Subject:</b>
October 27, 2016	<input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	Arizona Code of Judicial Administration

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**FROM:**

Administrative Office of the Courts, Legal Services

**DISCUSSION:**

We continue to amend the Arizona Code of Judicial Administration to provide administrative direction to judicial officers and employees throughout the state.

A. The following proposal is submitted for consideration as a consent agenda item:

**ACJA §3-402: Superior Court Records Retention and Disposition Schedule** (amendment)

B. The following proposals are submitted for consideration as non-consent items:

1. **ACJA §1-507: Protection of Electronic Records in Paperless Court Operations** (amendment) – presented with a proposed modification by Karl Heckart, Director, Information Technology Division and Chief Information Officer
2. **ACJA § 7-206: Certified Reporter** (amendment) – presented by Mark Wilson, Director, Certification and Licensing Division, or his designee

**RECOMMENDED COUNCIL ACTION:**

Recommend adoption of the proposed amendments to ACJA §§ 3-402 and 7-206 as presented.

Recommend adoption of amendments to ACJA § 1-507, with any modifications proposed by Mr. Heckart relating to 1-507(D)(5), which the Council accepts.

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Proposal Cover Sheet**

**Part 3: Superior Court**  
**Chapter 4: Administration**

**Section 3-402: Superior Court Records Retention and Disposition Schedule**

1. **Effect of the proposal:** This proposal is filed by the Committee on Time Periods for Electronic Display of Superior Court Case Records (CTPEDSCCR). The Superior Court Records Retention and Disposition Schedule will be modified so that courts and clerks are aware of the time period when specific superior court case records (Records Series #1-18) must be removed from court case lookup websites. This modification will conform the code to a proposed change to Rule 123. Rule 123(g)(5), Rules of the Supreme Court, currently is permissive and allows courts to remove case records either at the end of the retention period with the court or, for records that are held by the court for 25 years or more, after 25 years of display. The CTPEDSCCR has filed Petition No. 16-0008, requesting amendment of Rule 123 to require courts to remove records from case lookup websites in accord with the applicable records retention schedule.
2. **Significant new or changed provisions:** A column will be added to the Superior Court Records Retention and Destruction Schedule that will indicate when each case type in Records Series #1-18 must be removed from public access websites. The column heading will mirror the column heading in the limited jurisdiction schedule.
3. **Committee actions and comments:**
  - The Superior Court Presiding Judges voted unanimously at their December 9, 2015, meeting to support this proposal.
  - The Arizona Judicial Council voted unanimously at its December 10, 2015, meeting to support this proposal.
  - The Arizona Association of Superior Court Administrators were informed about Rule Petition R-16-0008 and the code section proposal at their February 4, 2016, meeting. No objections or concerns were raised; no formal action was taken.
  - The Committee on Superior Court heard a presentation about Rule Petition R-16-0008 and the code section proposal at its February 5, 2016, meeting. Members voted 15-1 to support the proposal. Concerns were raised regarding criminal cases. It was noted that information about a person convicted of criminal trespass will remain online for 50 years, while information about a person who commits murder in a capital case will come offline when the person dies. A question was raised about how the Clerk's Office will know when a capital defendant dies. Also, the retention schedule does not differentiate between capital defendants who die from execution and those who die from other

causes while incarcerated. Another member had concerns about case information being too easy for the public to access on the Internet.

- The Committee on the Impact of Domestic Violence and the Courts heard a presentation about Rule Petition R-16-0008 and the code section proposal at its February 9, 2016, meeting. CIDVC took no formal action on Rule Petition R-16-0008 or the proposed code section.
- The Arizona Association of Superior Court Clerks met on February 26, 2016, and heard a presentation about Rule Petition R-16-0008 and the code section proposal. No objections or concerns were raised, and no formal action was taken.

4. **Controversial issues:**

The CTPEDSCCR discussed multiple public policy issues surrounding online publication of court case records. They considered the public's right to know and individual privacy interests, the "right to be forgotten," and intentional inconvenience and practical obscurity— notions that private information in public records is effectively protected from disclosure as the result of practical barriers to access. While there was consensus on most case types in Records Series #1-18, criminal cases generated the most discussion. It was noted that the existence of a criminal record impacts a defendant's life, long after a sentence has been served. A criminal case record is retained by the court for 50 years from the date it was filed. For an adult, 50 years is most of that person's lifetime. The existence of a criminal conviction will impact an offender's life in many ways beyond a court sentence. For example, people with criminal convictions may face discrimination in employment and housing because information about the conviction is so readily available. But at the same time, a property owner or an employer can quickly screen an applicant with a simple online search of court records.

At its final 2015 meeting, the committee reviewed each case type separately. Ultimately, after thoughtful debate and careful deliberation, the committee could find no reason to require removal of records from court websites any earlier than the time the records are either transferred to the state archives permanently or destroyed. Except for criminal cases, with one dissenting vote, the committee unanimously agreed that case information should remain online for the full retention period with the courts. The committee's recommendation accomplishes the goal of statewide continuity and consistency, makes court information accessible to the public in accord with the Judiciary's open records policy, and honors past policy decisions on public access to court records.

5. **Recommendation:** Approve the modification to ACJA § 3-402 as proposed.

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

**A. through C. [No changes]**

**D. Retention and Disposition Schedule.** The clerk of superior court or the records manager shall retain and dispose of superior court records according to the following schedule:

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	Remarks
<b>CASE FILES HELD BY THE CLERK OF COURT</b>					
1.	CIVIL CASE FILES, FILED ON OR BEFORE DECEMBER 31, 1959	50 years from the year the case was filed. However, clerks who wish to retain these files in their local office permanently and make them available to the public may retain these files.	Permanent	<u>50 years from the year the case was filed.</u>	Clerks may transfer these case files to LAPR at any time.
2.	CIVIL CASE FILES, FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case was filed	Permanent	<u>50 years from the year the case was filed</u>	Clerks must transfer these case files to LAPR after 50 years.

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	Remarks
3.	FAMILY LAW CASE FILES, including paternity, and all other matters arising out of Title 25, A.R.S., FILED ON OR BEFORE DECEMBER 31, 1959	50 years from the year the case was filed. However, clerks who wish to retain these files in their local office permanently and make them available to the public may retain these files.	Permanent	<u>50 years from the year the case was filed.</u>	Clerks may transfer these case files to LAPR at any time.
4.	FAMILY LAW CASE FILES, including paternity, and all other matters arising under Title 25, A.R.S., FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case was filed	Permanent	<u>50 years from the year the case was filed</u>	Clerks must transfer these case files to LAPR after 50 years.
5.	ORDER OF PROTECTION CASE FILES	50 years from the year the case was filed	N/A	<u>50 years from the year the case was filed</u>	Clerks of court wish to separate order of protection case files from injunction against harassment and injunction against workplace harassment case files. Injunction against harassment and injunction against workplace harassment case files are to be treated as civil case files.

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	Remarks
6.	MENTAL HEALTH CASE FILES FILED ON OR BEFORE DECEMBER 31, 1959	50 years from the year the case was filed. However, clerks who wish to retain these files in their local office permanently and make them available to the public may retain these files.	Permanent	<u>50 years from the year the case was filed.</u>	Clerks may transfer these case files to LAPR at any time.
7.	MENTAL HEALTH CASE FILES FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case was filed	Permanent	<u>50 years from the year the case was filed</u>	Clerks must transfer these case files to LAPR after 50 years.

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	Remarks
8.	PROBATE CASE FILES, including guardianships, conservatorships, decedents' estates, trusts, and related matters, as well as proceedings to challenge or enforce the decision of one authorized to make health care decisions for a patient, FILED ON OR BEFORE DECEMBER 31, 1959	75 years from the year the case was filed. However, clerks who wish to retain these files in their local office permanently and make them available to the public may retain these files.	Permanent	<u>75 years from the year the case was filed.</u>	Clerks may transfer these case files to LAPR at any time.  Pursuant to Rule 94(h)(2), Rules of the Supreme Court, the clerk may destroy any voucher filed in support of an account by a trustee, personal representative, or any litigant. Under this rule, the destruction may occur 5 years after the fiscal year received.

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	Remarks
9.	PROBATE CASE FILES, including guardianships, conservatorships, decedents' estates, trusts, and related matters, as well as proceedings to challenge or enforce the decision of one authorized to make health care decisions for a patient, FILED ON OR AFTER JANUARY 1, 1960	75 years from the year the case was filed	Permanent	<u>75 years from the year the case was filed</u>	Clerks must transfer these case files to LAPR after 75 years.  Pursuant to Rule 94(h)(2), Rules of the Supreme Court, the clerk may destroy any voucher filed in support of an account by a trustee, personal representative, or any litigant. Under this rule, the destruction may occur 5 years after the fiscal year received.
10.	GENERAL STREAM ADJUDICATION CASE FILES	25 years from the year the case was filed or 5 years from the date of the final non-appealable order, whichever is later	Permanent	<u>25 years from the year the case was filed or 5 years from the date of the final non-appealable order, whichever is later</u>	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	Remarks
11.	CRIMINAL CASE FILES, except capital felony case files, FILED ON OR BEFORE DECEMBER 31, 1959	50 years from the year the case was filed. However, clerks who wish to retain these files in their local office permanently and make them available to the public may retain these files.	Permanent	<u>50 years from the year the case was filed.</u>	Clerks may transfer these case files to LAPR at any time.
12.	CRIMINAL CASE FILES, except capital felony case files, FILED ON OR AFTER JANUARY 1, 1960	50 years from the year the case was filed	Permanent	<u>50 years from the year the case was filed</u>	Clerks must transfer these case files to LAPR after 50 years.
13.	CRIMINAL CAPITAL FELONY CASE FILES	On the death of the defendant	Permanent	<u>On the death of the defendant</u>	Clerks must transfer these case files to LAPR on the death of the defendant.
14.	JUVENILE ADOPTION, SEVERANCE, AND DEPENDENCY CASE FILES	100 years from the granting, denial, dismissal, or expiration of the matter as to all children	Permanent	N/A	Clerks must transfer these case files to LAPR after 100 years.
15.	JUVENILE DELINQUENCY CASE FILES	After satisfaction of A.R.S. § 8-349 or 25 years following the year the case was filed	N/A	<u>After satisfaction of A.R.S. § 8-349 or 25 years following the year the case was filed</u>	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	<u>Retention Period on Arizona Supreme Court and Local Court Public Websites</u>	Remarks
16.	JUVENILE ABORTION CASE FILES	7 years after the ruling on the petition, motion, or final appeal, or 5 years after the date of the minor's 18 <sup>th</sup> birthday, whichever is later	N/A	<u>N/A</u>	
17.	JUVENILE TRAFFIC CASE FILES, when filed in the superior court	Until the minor reaches age 19	N/A	<u>Until the minor reaches age 19</u>	
18.	APPEAL FROM A LOWER COURT CASE FILES, both civil and criminal	5 years after the superior court issues its order disposing of the case	N/A	<u>5 years after the superior court issues its order disposing of the case</u>	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
<b>FINANCIAL AND MISCELLANEOUS RECORDS HELD BY THE CLERK OF COURT</b>				
19.	CASE FINANCIAL RECORDS, not part of a case file			Any records of receipt and disbursement of child support, fines, fees, restitution, and reimbursement payments that are not part of a case file are working files of the clerk and are, therefore, not covered by this schedule. The clerk may destroy such files when the reference value has been served.
	a. Bank account reconciliations, record of outstanding checks, record of deposits in transit, bank statements, canceled checks, canceled deposit slips, bank issued debit and credit memos, and any documentation that requests the adjustment or void of a case financial record	5 years after the fiscal year received or prepared	N/A	This retention period is established to satisfy the requirements of a contract between the Fines/Fees and Restitution Enforcement (FARE) program and an outside vendor.
	b. Expenditure records, including vouchers, invoices, purchase orders, authorizations, reimbursement requests, etc.	5 years after the fiscal year received or prepared	N/A	
	c. Periodic financial reports to federal, state, and local agencies	5 years after the fiscal year prepared	N/A	
	d. Triennial, external review report required by the minimum accounting standards	Retain until subsequent audit received	N/A	
	e. Procurement records			
	i. Solicitation canceled before vendor responses are opened	1 year after cancelation	N/A	
	ii. Solicitation canceled after vendor responses are opened	3 years after cancelation	N/A	
	iii. Documents related to successful vendor where contract executed	6 years after end of contract	N/A	

<b>Records Series #</b>	<b>Records Series Title</b>	<b>Retention Period with Court</b>	<b>LAPR Retention</b>	<b>Remarks</b>
	iv. Documents related to unsuccessful vendor where contract executed	3 years after contract or other agreement signed with competing vendor	N/A	
	v. Documents related to award made yet contract cannot be executed	3 years after contract negotiations end	N/A	
	vi. Protests, protest records, and court response	3 years after contract or other agreement signed with competing vendor	N/A	
20.	WILLS FILED for SAFEKEEPING	75 years from date received	Permanent	Former A.R.S. § 14-2901, as added by Laws 1973, Ch. 75, § 4, which authorized a testator to deposit his or her will with a court for safekeeping, was repealed by Laws 1984, Ch. 368, § 6. The minimum age to prepare a will is 18 years, and an additional 75 years encompasses a typical life span. Clerks must transfer these wills to LAPR after 75 years.
21.	WARRANTS AND SUBPOENAS THAT ARE NOT PART OF A CASE FILE, such as pen register, search warrant, trap and trace, handwriting exemplar, and nursing subpoena	1 year following the date served or issued, whichever is later	N/A	Confidential wiretap warrants and subpoenas are addressed separately in record series 22, since these warrants and subpoenas can involve lengthy periods of investigation and require a longer period of retention.
22.	CONFIDENTIAL WIRETAP WARRANTS AND SUBPOENAS THAT ARE NOT PART OF A CASE FILE	5 years following the date served or issued, whichever is later	N/A	
23.	GRAND JURY RECORDS			
	a. Empanelment documents	5 years from the end of the term of empanelment	N/A	
	b. Minutes of grand jury votes	1 year from the date of the minutes	N/A	

<b>Records Series #</b>	<b>Records Series Title</b>	<b>Retention Period with Court</b>	<b>LAPR Retention</b>	<b>Remarks</b>
24.	EXHIBITS SUBMITTED at TRIAL or HEARING in any case type, other than in historically significant and landmark cases, which are governed by section E, herein.	Upon dismissal, disposition, or final appellate ruling, whichever comes later, and then 30 days after mailing notice to responsible parties to claim the evidence, all unless otherwise ordered by the court	N/A	Clerks are encouraged to identify historically significant and landmark cases prior to the expiration of the retention period for exhibits. LAPR will accept diagrams, maps, photographs, and any other paper-based materials. LAPR will not accept three dimensional objects, clothing, or security-sensitive exhibits such as weapons, drugs, money, and bio-hazardous materials, so these exhibits should be destroyed.
25.	CASE DOCKET OR REGISTER OF ACTIONS	Retain for the same period of time as the underlying case, pursuant to this schedule	Permanent	Clerks may transfer the case docket or register of actions to LAPR with the corresponding case file.
26.	BAIL BONDSMEN ANNUAL, WRITTEN CERTIFICATION REQUIRED BY RULE 7.1(f), RULES OF CRIM PRO.	3 years from the date filed	N/A	
27.	CORRESPONDENCE OR EMAIL SENT OR RECEIVED CONCERNING REQUESTED RECORDS OR INFORMATION	Until reference value served	N/A	
28.	MARRIAGE AFFIDAVITS	Permanent; however clerks may transfer these records to LAPR at any time.	Permanent	These records are permanent records regardless of where they are located.
29.	MARRIAGE CERTIFICATES OR LICENSES	Permanent; however clerks may transfer these records to LAPR at any time.	Permanent	These records are permanent records regardless of where they are located.
30.	NOTARY AFFIDAVIT APPLICATIONS AND BONDS	Until expired or revoked	N/A	
31.	POWER OF ATTORNEY TO WRITE BONDS	Until expired or revoked	N/A	
32.	PROCESS SERVER APPLICATIONS	4 years from the date filed	N/A	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
33.	PROCESS SERVER INVESTIGATION CASE FILE	4 years from the date closed	N/A	
34.	PUBLIC OFFICIAL FINANCIAL DISCLOSURE STATEMENT	10 years from the date filed	N/A	
35.	RETURNED MAIL OR EMAIL, not associated with a particular case	1 year from the date returned	N/A	
36.	SPECIAL APPOINTMENT APPLICATIONS	Until reference value served	N/A	
37.	ADMINISTRATIVE ORDERS	10 years from the year filed	Permanent	

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

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

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

<b>Records Series #</b>	<b>Records Series Title</b>	<b>Retention Period with Court</b>	<b>LAPR Retention</b>	<b>Remarks</b>
	vi. Protests, protest records, and court response	3 years after contract or other agreement signed with competing vendor	N/A	
42.	CONTRACTS AND OTHER AGREEMENTS	6 years after performance under the contract is completed or the contract is terminated	N/A	
43.	COURT CALENDAR	Until reference value served	N/A	
44.	FORMER PRESIDING JUDGE BUSINESS PAPERS This records series consists of records generated by presiding judges to provide guidance, direction, or general information related to the administration or non-case related business operations of the court.	Until term is completed	Permanent	The court administrator, if any, shall work with the presiding judge to determine whether the presiding judge desires to send these papers to LAPR.
45.	STATISTICAL REPORTS REQUIRED BY THE AOC	5 years from the year prepared	N/A	

### **RECORDS HELD BY THE JURY COMMISSIONER**

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

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
50.	JUROR DATA, being the electronic information about a juror maintained in the jury management software	3 years from the date entered	N/A	
51.	COMPLETED JUROR BIOGRAPHICAL FORMS	Until completion of trial or completion of jury service, whichever occurs later	N/A	
52.	OTHER NON-FINANCIAL JUROR RECORDS	Until reference value served	N/A	
53.	FINANCIAL JUROR RECORDS NOT HELD BY ANOTHER RECORDS CUSTODIAN	3 years after fiscal year prepared	N/A	

**RECORDS HELD BY THE COURT HUMAN RESOURCES DEPARTMENT**

54.	ALCOHOL and DRUG TESTING PROGRAM RECORDS			
	a. Canceled or negative results	5 years after results received or until reference value served, whichever occurs first	N/A	
	b. Positive results	5 years after action taken in response to results is resolved or until reference value served, whichever occurs first	N/A	
	c. Records related to specimen collection	5 years after test given or until reference value served, whichever occurs first	N/A	
	d. Records received from previous employers	3 years after received or until reference value served, whichever occurs first	N/A	

Records Series #	Records Series Title	Retention Period with Court	LAPR Retention	Remarks
55.	EMPLOYEE, PERSONNEL RECORDS FOR FULL-TIME, PART-TIME, CONTRACT, SEASONAL, INTERN, VOLUNTEER, APPOINTED, OR ELECTED POSITIONS, including applications, resumes, performance reviews, disciplinary records, records documenting employee pay decisions, loyalty oaths and oaths of office, conflict of interest and personal interest disclosure records, confidentiality agreements, policy acknowledgements, exit interviews, drivers' qualifications, and pre-employment background investigation records	5 years after employment terminated, term of office ended, or contract expired, canceled, or revoked	N/A	
56.	REQUEST FOR CLASSIFICATION OF NEW POSITION OR RECLASSIFICATION OF EXISTING POSITION, including records of salary advancement	1 year after request acted upon	N/A	
57.	EEO-4 Survey report of workforce composition	1 year after subsequent report submitted	N/A	
58.	EMPLOYEE MEDICAL AND EXPOSURE RECORDS, including exposure reports and waivers, pre-employment physicals, results of exams, medical opinions, diagnoses, employee medical complaints and other related records	30 years after employment terminated	N/A	These records must be filed separately from the employee personnel file. (20 CFR § 1910.20)
59.	EMPLOYMENT ELIGIBILITY VERIFICATION RECORDS, including I-9 proof of legal residency in U.S.A., and Social Security verification	1 year after employment terminated but not less than 3 years after date of hire	N/A	(8 C.F.R. § 274a.2)
60.	GRIEVANCE and COMPLAINT RECORDS	3 years after resolved	N/A	These records are for matters that do not require formal investigation.

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

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

**E. through F. [No changes]**

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Proposal Cover Sheet**  
**Part 7: Administrative Office of the Courts**  
**Chapter 2: Certification and Licensing Programs**  
**Section 7-206: Certified Reporter**

**1. Effect of the proposal:**

Superior Courts have experienced difficulty recruiting and hiring certified reporters. One source of this difficulty is the delay in the certification process caused by submitting and waiting for receipt of criminal background checks. Presently, certification program staff wait between four and six weeks from submission of fingerprint cards to receipt of the results.

The proposed changes allow the Certified Reporter Board to grant “conditional initial certification” to applicants that will be or are employed by a Superior Court. The “conditional initial certification” may be granted prior to the completion of the criminal background check and is done by relying on representations made in the applicant’s application.

It is anticipated the proposed change will reduce the amount of time necessary to grant certification to an applicant and therefore improve the Superior Courts’ recruitment of new certified reporters.

**2. Significant new or changed provisions:**

The proposed changes would amend ACJA §7-206(E)(4) adding language to allow the Certified Reporter Board to grant “conditional initial certification” to applicants that will be or are presently employed by a Superior Court. The applicant would submit an application and a background check would be performed with the exception that “conditional initial certification” could be granted prior to the Certified Reporter Board’s receipt of criminal background information. In the event that the criminal background investigation identified criminal instances not disclosed on the application the “conditional initial certification” is terminated.

**3. Committee actions and comments:**

The Certified Reporter Board has voted to support the proposed changes.  
The Committee on Superior Courts has voted to support the proposed changes.  
The Presiding Judges will consider the proposed changes at their October meeting.

**4. Controversial issues:**

None. Staff has received no comments concerning the proposed changes.

**5. Recommendation:** Recommend approval.

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 7: Administrative Office of the Courts**  
**Chapter 2: Certification and Licensing Programs**  
**Section 7-206: Certified Reporter**

**A. Definitions.** In addition to the definitions in ACJA § 7-201(A), the following definitions apply:

“Affiliate” means an individual or entity that directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with the individual or entity specified.

“Board” means “the board of certified reporters” as provided in A.R.S. § 32-4002(1).

“Certify” means “board authorization to engage in activities regulated by the board” as provided in A.R.S. § 32-4002(4).

“Certification” means certification ~~“a standard certificate that is issued by the board to a person who meets the requirements of §§ 32-4021 and 32-4022 and does not include a temporary certificate” as provided in A.R.S. § 32-4002(2)~~ that authorizes the individual to perform reporting as a certified reporter within Arizona.

“Certified reporter” means “a person who is certified by the board and who records and transcribes a verbatim record in any sworn proceeding by means of written symbols or abbreviations in shorthand, machine writing or voice writing” as provided in A.R.S. § 32-4002(3).

“Chapter” means Title 32, Chapter 40, Board of Certified Reporters, Arizona Revised Statutes.

“Conditional initial certification” means certification granted by the board prior to receipt of state and federal record check results that authorizes the individual certified to perform reporting services only as an official reporter employed by a superior court located in Arizona.

“Registered reporting firm” means an individual or entity that is registered pursuant to this section and for compensation offers to provide or provides reporting services or related services but does not personally provide the service as a certified reporter.

“Report” means “to stenographically or by voice writing record and transcribe sworn proceedings” as provided in A.R.S. § 32-4002(5).

~~“Temporary certificate” means a certificate that has been extended pursuant to Laws 1999, Ch. 335, § 3; Laws 2000, Ch. 41, § 13 and subsection G(4)(a).~~

“Voice writing” means “the making of a verbatim record of the spoken word by means of repeating words of the speaker into a device that is capable of digital translation into text” as provided in A.R.S. § 32-4002(6).

**B. through D. [no changes]**

**E. Initial Certification.**

1. Eligibility for Application.

a. A.R.S. § 32-4021(A) provides:

A. An applicant for standard certification as a certified reporter . . . at a minimum shall:

1. Be at least eighteen years of age.
2. Be a citizen or legal resident of the United States.
3. Satisfy the requirements of § 32-4022.
4. Be of good moral character.
5. Possess a high school diploma or a general equivalency diploma or a similar document or certificate.
6. Pursuant to rules adopted by the supreme court demonstrate reasonable proficiency in making verbatim records of trial or judicial or related proceedings.
7. Comply with the laws and rules and orders adopted by the supreme court governing certified reporters in this state.
8. Pay the fees established pursuant to § 32-4008.

- b. An applicant shall provide proof of passing the registered professional reporter's examination (RPR) or the certified verbatim reporter's examination (CVR) and shall also pass the Arizona Written Examination pursuant to ACJA § 7-201(E) and subsections (E)(3)(b) and (c).

2. Application for Initial ~~Standard~~ Certification. The procedures for application for initial certification are provided in A.R.S. § 32-4021 and ACJA § 7-201. Applicants for certification shall also meet the examination requirements specified in subsection (E)(3) and pursuant to A.R.S. § 32-4021(A)(9) an applicant shall “~~Submit~~submit a full set of fingerprints with the fee prescribed in § 41-1750 to the supreme court for the purpose of obtaining a state and federal criminal records check pursuant to § 41-1750 and Public Law 92-544.”
3. Examination. In addition to the requirements of ACJA § 7-201(E) the following requirements apply:
  - a. Purpose. Pursuant to A.R.S. § 32-4005(B) and ACJA § 7-201(E), the examination for initial certification is to “[d]etermine through testing . . . an applicant’s ability to make a verbatim record of proceedings that may be used in any court by means of written symbols or abbreviations in shorthand, or machine writing or voice writing.”
  - b. Admission to the Arizona Written Examination.
    - (1) A.R.S. § 32-4022(A) provides:
      - A. A person shall not be admitted to an examination without presenting satisfactory evidence to the board that before the date on which the application for examination was filed the person has done at least one of the following:
        1. Obtained one year of experience in making verbatim records of meetings, conferences, hearings or judicial or related proceedings by means of written symbols or abbreviations in shorthand, machine writing or voice writing and in transcribing these records.
        2. Obtained a verified certificate of the satisfactory completion of a prescribed course of study from a court reporting school or a certificate from a school that evidences the equivalent proficiency and the ability to make a verbatim record of material that is dictated pursuant to rules adopted by the supreme court.
        3. Obtained a national court reporters association’s registered professional reporter or registered merit reporter certificate.
        4. Obtained a valid certificate to practice court reporting that is issued by a state other than this state if the other state’s requirements and certifying examination are substantially similar to or more stringent than those in this state.
        5. Demonstrated reasonable proficiency in making verbatim records of trial or judicial or other related proceedings by passing an

approved examination for certification pursuant to rules adopted by the supreme court.

c. Examination Procedures. In addition to the requirements of ACJA § 7-201(E), the procedures for examination are prescribed in A.R.S. § 32-4022:

(1) A.R.S. § 32-4022(B) provides:

A. The examination for certification consists of the following two parts:

1. A national court reporters association's registered professional reporter examination, a national verbatim reporters association's certified verbatim reporters association examination or an alternative demonstration of proficiency approved by the supreme court.
2. A written knowledge test of rules of the supreme court of Arizona and statutes of this state relating to court reporters.

- (2) The National Court Reporters Association (NCRA) RPR written knowledge test (WKT) and skills knowledge test (SKT) and the National Verbatim Reporters Association (NVRA) CVR, are the approved proficiency examinations to meet the minimum proficiency examination requirements of A.R.S. § 32-4022(B)(1).
- (3) An applicant satisfies the proficiency examination requirements by passing either the RPR or CVR examination as specified in A.R.S. § 32-4022(B)(1) and subsection (E)(3)(c)(2).
- (4) An applicant shall perform the duties of the profession using only the method of reporting the applicant used to obtain certification.
- (5) A.R.S. § 32-4022(F) provides: "An applicant who fails to pass the written examination . . . may apply for reexamination at any time."

4. Conditional Initial Certification. Conditional initial certification may be granted prior to receipt of state and federal record check results only for employment by the superior court as an official court reporter and authorizes the individual to provide reporting services only while acting in the course and scope of that employment. The board, upon a request from the Division, shall promptly meet to consider the request for conditional initial certification.

a. Except as otherwise set forth in this section, an individual granted conditional initial certification is subject to the professional and ethical responsibilities required by this code section.

b. Conditional initial certification terminates upon the occurrence of any of the following:

- (1) Final action by the board granting or denying certification;
- (2) Identification by division staff of any arrests or convictions that were not disclosed on the initial application; or
- (3) Termination of superior court employment.\

c. Conditional initial certification can be granted only if the applicant has submitted:

- (1) A complete application for initial certification that contains no information that would preclude certification, with the initial certification fees required by ACJA § 7-206(K);
- (2) Satisfactory evidence that the applicant is or will be employed by a superior court;
- (3) Satisfactory proof of compliance with ACJA § 7-206(E)(1)(a)&(b), and (E)(3);
- (4) A full set of fingerprints as required by A.R.S. § 32-4021(A)(9);
- (5) Written acknowledgement that the issuance of conditional initial certification has no precedential or evidential value in the Board's determination to grant or to deny the person's application for certification; and
- (6) Written acknowledgment that the conditional initial certification immediately becomes null and void if the continuing background investigation identifies any arrests or convictions that were not disclosed on the initial application.

d. Applications for initial certification for individuals who have been granted conditional initial certification shall be considered at the next board meeting following receipt of the state and federal record check results and completion of the background check.

45. Decision Regarding Certification. In addition to the requirements contained in ACJA § 7-201(E), the procedures for the decision regarding certification are pursuant to A.R.S. §§ 32-4021(B), -4024(A) and -4024(B).

- a. Approval of Initial ~~Standard~~ Certification. These requirements are contained in ACJA § 7-201(E).
- b. Denial of Initial ~~Standard~~ Certification. The requirements are contained in ACJA § 7-201(E).

**F. [no changes]**

**G. Renewal of Certificate.** In addition to the requirements contained in ACJA § 7-201(G) the following requirements apply:

1. Expiration Date. A.R.S. § 32-4023(A) provides: "A certificate issued pursuant to this article is subject to renewal and expiration as prescribed by rules adopted pursuant to section 32-4005." All ~~standard~~ certifications expire at midnight, on February 28th of each even numbered year.

2. Application. A.R.S. § 32-4023(B) provides: “The certificate holder is responsible for applying for a renewal certificate.” A certified reporter shall submit a completed renewal application, applicable fees pursuant to subsection (K) and documentation by the renewal application deadline established by the board to remain eligible to serve as a certified reporter in Arizona.

3. Continuing Education. A.R.S. § 32-4023(D) provides: “A certificate holder shall include with the application for renewal documentation satisfactory to the board that the certificate holder has successfully completed at least ten hours of approved continuing education each year.” The certificate holder shall comply with the provisions regarding continuing education contained in subsection (L).

~~4. Types of Certificates.~~

~~a. Temporary Certificate. Pursuant to Laws 1999, Ch. 335, § 3, and Laws 2000, Ch. 41, § 13, "All temporary certificates shall be renewed annually and may not be renewed beyond December 31, 2002, except that the board may renew temporary certificates after December 31, 2002 due to extenuating circumstances." An applicant may request and the board may grant renewal of a temporary certificate if the applicant meets all of the following conditions:~~

- ~~(1) Holds a valid temporary certificate; and~~
- ~~(2) Complies with the policies on requests for extensions of temporary certification based on extenuating circumstances as adopted by the board.~~

~~b. Standard Certificate. An applicant may apply for and the board may renew a standard certificate of an applicant who:~~

- ~~(1) Holds a valid standard certificate; and~~
- ~~(2) Meets all other requirements for renewal.~~

54. Decision Regarding Renewal. In addition to the requirements contained in ACJA § 7-201(E) and (G) the following requirements apply:

a. A.R.S. § 32-4023(B) provides: “On receipt of the renewal application and the renewal fee, the board shall issue the applicant a new certificate unless the board finds that the applicant does not meet the requirements for renewal or that section 32-4024 applies.”

b. The board may deny renewal of a certificate for any of the reasons specified in § 32-4024.

**H. through J. [no changes]**

**K. Fee Schedule.** Pursuant to A.R.S. § 32-4008, the supreme court shall set and collect fees necessary to carry out the provisions of Title 32, Chapter 40, Arizona Revised Statutes pertaining to the certification of certified reporters.

1. ~~Initial~~ Certification Fees.

- a. Initial Certification for Two Year Certification Period \$450.00
  - (1) For certification expiring more than one year after application date \$450.00
  - (2) For certification expiring less than one year after application date \$225.00
- b. Fingerprint Processing
  - (Rate as set by Arizona law and subject to change)

2. Examination Fee for the Arizona Written Test

- a. Applicants for Initial Certification \$ 50.00
- b. Reexaminations \$ 50.00
  - (For any applicant who did not pass the examination on the first attempt. The \$50.00 fee applies to each reexamination.)
- c. Reregistration for Examination \$ 50.00
  - (For any applicant who registers for an examination date and fails to appear at the designated site on the scheduled date and time.)

3. Renewal Certification Fees.

- a. Certification Renewal \$400.00
- b. Inactive Status \$100.00
- c. Late Renewal \$ 50.00
- d. Delinquent Continuing Education \$100.00

4. Miscellaneous Fees

- a. Replacement of Certificate or Name Change \$ 25.00
- b. Public Record Request per Page Copy \$ .50

c. Certificate of Correctness of Copy of Record \$ 18.00

d. Reinstatement Application \$100.00

(Application for reinstatement to certification after suspension or revocation of certification.)

5. Registered Reporting Firm Registration Fees

a. Initial Registration \$100.00

b. Renewal Registration \$ 50.00

**L. through N. [no changes]**