

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
June 20, 2005	<u>x</u> Formal Action/Request	Additions to the Superior Court Records Retention Schedule

FROM:

Jennifer Greene, *Policy Analyst, Court Services Division, Admin. Office of the Courts;*

George A. Schade, Jr., *Special Master, Arizona General Stream Adjudication;*

Melanie Sturgeon, PhD, *Director, Division of Arizona History and Archives, Arizona State Library, Archives and Public Records*

DISCUSSION:

In December 2004, the Council approved a proposal for updating the Superior Court Records Retention Schedule that governs how long Clerks of Court must maintain case files before their contents can be discarded. Since December, two new provisions have been proposed for inclusion with the schedule:

1. An updated schedule for records maintained by the Special Master of the Arizona General Stream Adjudication a/k/a "Water Master" (previously this was a separate schedule), and
2. A definition and procedure for designating "landmark" cases.

RECOMMENDED COUNCIL ACTION:

Approve the additional provisions to the Superior Court Records Retention Schedule as presented.

**ARIZONA SUPREME
COURT**

**RECORDS RETENTION
AND DISPOSITION
SCHEDULE**

**FOR USE BY SUPERIOR
COURT**

(Replaces Administrative Order 91-13, dated May 6, 1991)

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Introduction

All superior court records, regardless of the media under which they are created or stored, are retained and destroyed according to administrative order, judicial code and applicable statute. By court rule and statute the Clerk of Superior Court in each county is the custodian of court records. This “Records Retention and Disposition Schedule” is published for their use in retaining, archiving, and destroying court records.

Several court rules, administrative orders, code, and statutes establish the legal requirements for management of records.

A.R.S. § 41-1350 Definition Of Records, defines “records” as “all books, papers, . . .or other documentary material, regardless of physical form or characteristics . . . made or received by any government agency in pursuance of law or in connection with the transactions of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or their activities of the government, or because of the informational and historical value of the data contained therein.”

A.R.S. § 39-101, Permanent Public Records; Quality; Storage; Violation; Classification, requires that “permanent public records of the state . . . shall be transcribed or kept on paper or other material which is of durable or permanent quality and which conforms to standards established by the director of the Arizona State Library, Archives and Public Records Department (ASLAPR)”; and “maintained according standards for storage of permanent public records as established by the director”. These standards relate to storage in paper or microfilm.

Arizona Code of Judicial Administration, § 1–504, Electronic Reproduction and Imaging of Court Records, and § 1-506, Filing and Management of Electronic Court Documents extends the standard for records storage and management to include electronic storage media, as well as paper and microfilm.

Arizona Supreme Court Rule 29¹ requires that superior courts transfer permanent files to the director, ASLAPR, at the end of the prescribed retention period. For purposes of this schedule, all court cases that have a retention period of fifty or more years are considered permanent records, and at the end of the required retention period must be transferred from the courts to the State Archivist for storage and retention.

As prescribed by these rules, codes, and statutes, court records custodians are responsible for (a) keeping, archiving and destroying records, regardless of storage media, in accordance with the length of time specified in this schedule; (b) adhering to mandated storage standards; and (c) transferring permanent records to the ASLAPR.

Attached to this schedule is Appendix II. This is a letter of agreement, dated December 27, 2004, among G. Wells, Director, ASLAPR; the Administrative Office of the Courts and the

¹ Rule 28 Petition to update RASC 29(E)

Arizona Association of Superior Court Clerks clarifying the department's role in document retention.

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

No. Records Series	Retain (Yrs)	Remarks
1. COURT CASE FILES		
a. Civil – General Includes: <ul style="list-style-type: none"> - Administrative Review - Contract - Declaratory Judgment - DES Instant Judgment - Eminent Domain - Foreign Judgment - Habeas Corpus - Malpractice - Name Change - Quiet Title - Restoration of Civil Rights - Special Action Appeal - Tax Appeal - Tort General (All non-motor vehicle) - Transcript of Judgment - Other Unspecified Non-Domestic Relations Civil Case Categories 	50	After the year filed. As provided by RASC, Rule 29, at the end of the retention period required by this section, clerks shall transfer these court records to ASLAPR for permanent retention. ² Purging and microfilming are allowed at any point after the case is closed. (See Appendix III - Case File Purge List). Applies only to cases filed after 1960. Cases prior to 1960 are governed by Arizona Supreme Court Administrative Order 91-13.
1. Civil – Other <ul style="list-style-type: none"> - Forcible Detainer - Harassment - Seized Vehicle - Tort – Motor Vehicle 	10	After the year filed. Case file may be destroyed. Microfilming and/or transfer to ASLAPR not required. Applies to all records currently in custody, including pre-1960 records.
2. Domestic Relations Cases - With Children <ul style="list-style-type: none"> - Civil paternity - Domestic Custody - Domestic Violence - Reciprocal Divorce - Support Enforcement 	75	After the year filed. As provided by RASC, Rule 29, at the end of the retention period required by this section, clerks shall transfer these court records to ASLAPR for permanent retention. ³ Not authorized for purging.

² Id.

³ Id.

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No. Records Series	Retain (Yrs)	Remarks
		<p>Microfilming is allowed at any point after the case is closed. (See Appendix III - Case File Purge List).</p> <p>Applies only to cases filed after 1960. Cases prior to 1960 are governed by Arizona Supreme Court Administrative Order 91-13.</p>
<p>3. Domestic Relations Cases – Without Children</p> <ul style="list-style-type: none"> - Dissolutions (without children) - All Other Unspecified Domestic Relations Case Categories 	50	<p>After the year filed.</p> <p>As provided by RASC, Rule 29, at the end of the retention period required by this section, clerks shall transfer these court records to ASLAPR for permanent retention.⁴</p> <p>Not authorized for purging.</p> <p>Microfilming is allowed at any point after the case is closed. (See Appendix III - Case File Purge List).</p> <p>Applies only to cases filed after 1960. Cases prior to 1960 are governed by Arizona Supreme Court Administrative Order 91-13.</p>
<p>4. Dismissed Domestic Relations Cases with or without children</p>	50	<p>After the year filed.</p> <p>As provided by RASC, Rule 29, at the end of the retention period required by this section, clerks shall transfer these court records to ASLAPR for permanent retention.⁵</p> <p>Purging and microfilming are allowed at any point after the case is closed. (See Appendix III - Case File Purge List).</p> <p>Applies only to cases filed after 1960. Cases prior to 1960 are governed by Arizona Supreme Court Administrative Order 91-13.</p>
<p>5. Orders of Protection/Injunctions Against Harassment</p>	5	<p>After the year filed.</p> <p>Case file may be destroyed.</p>

4 Id.

5 Id.

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No. Records Series	Retain (Yrs)	Remarks
		Microfilming and/or transfer to ASLAPR not required.
6. Demand for Notice (Including non-case specific filings, i.e. – AHCCCS clients who have died)	2	After date received. Document may be destroyed.
7. Mental Health	50	After the year filed. As provided by RASC, Rule 29, at the end of the retention period required by this section, clerks shall transfer these court records to ASLAPR for permanent retention. ⁶ Not authorized for purging. Microfilming is allowed at any point after the case is closed. (See Appendix III - Case File Purge List). Applies only to cases filed after 1960. Cases prior to 1960 are governed by Arizona Supreme Court Administrative Order 91-13.
8. Probate Includes: - Conservatorship - Combination Conservatorship/Guardianship - Guardianship - Adult Adoptions - Non-case specific filings	100	After the year filed. As provided by RASC, Rule 29, at the end of the retention period required by this section, clerks shall transfer these court records to ASLAPR for permanent retention. ⁷ Not authorized for purging. Microfilming is allowed at any point after the case is closed. (See Appendix III - Case File Purge List). Applies only to cases filed after 1960. Cases prior to 1960 are governed by Arizona Supreme Court Administrative Order 91-13.
- Probate Vouchers and Receipts	5	After FY received or after final annual accounting.

6 Petition to amend RASC 94(h)

7 Id.

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No. Records Series	Retain (Yrs)	Remarks
		Discard without microfilming. Refer to RASC 94(h)(2).
9. Abortions	-	The Court may authorize the destruction of these cases.
10. Water Rights <u>Includes:</u> <u>- General Stream Adjudications</u> <u>- Office of the Special Master</u>	Perm	Not Authorized for Purging. RASC 94(h) allows the destruction of original permanent records after microfilming. These records are to be permanently maintained by the clerk. ASLAPR may request a microfilm copy.
b. CRIMINAL – General (Excluding Capital Felony Cases) <i>Note: 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 following appellate court ruling.</i>	50	After the year filed. Microfilming is allowed pursuant to AzRCrP 28.1 and purging is permitted on a very limited basis (See Appendix III - Case File Purge List). As provided by RASC, Rule 29, at the end of the retention period required by this section, clerks shall transfer these court records to ASLAPR for permanent retention. ⁸ Applies only to cases filed after 1960. Cases prior to 1960 are governed by Arizona Supreme Court Administrative Order 91-13.
Criminal – Capital Felony Cases	Perm	Not authorized for purging. Microfilming is allowed pursuant to AzRCrP 28.1. As provided by RASC, Rule 29, clerks shall transfer these records to ASLAPR for permanent retention 100 years after the date of conviction. ⁹

8 Id.

9 Id.

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No. Records Series	Retain (Yrs)	Remarks
c. 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>One hundred years after the date of adoption, all files, records, reports and other documents in possession of the court relating to the adoption must be transferred to the Arizona State Library, Archives And Public Records. Reference A.R.S. §§ 8-116 and 121.</p>
2. Abortions	-	The Juvenile Court may authorize the microfilming or destruction of these cases.
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>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	<p>From date of dismissal as to all children.</p> <p>The Juvenile Court may authorize the microfilming or destruction of these cases.</p> <p>As provided by RASC, Rule 29, at the end of the retention period required by this section, clerks shall transfer these records to ASLAPR for permanent retention.¹⁰</p> <p>Applies only to cases filed after 1960. Cases prior to 1960 are governed by Arizona Supreme Court Administrative Order 91-13.</p>

10 Id.

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No. Records Series	Retain (Yrs)	Remarks
5. Severance (includes relinquishments and sealed severance materials)	100	<p>From date of granting, denial, dismissal or expiration of the matter as to all children.</p> <p>The Juvenile Court may authorize the microfilming or destruction of these cases. As provided by RASC, Rule 29, at the end of the retention period required by this section, clerks shall transfer these records to ASLAPR for permanent retention.¹¹</p> <p>Applies only to cases filed after 1960. Cases prior to 1960 are governed by Arizona Supreme Court Administrative Order 91-13.</p>
6. Juvenile Traffic and Other Violations	-	<p>After child reaches age 19. (Not microfilmed).</p> <p>Violation document may be destroyed.</p>
7. Juvenile Case Exhibits (Applies to all categories)	-	<p>Following dismissal, disposition or final appellate ruling, or the Juvenile Court may otherwise authorize release or destruction of these exhibits in accordance with applicable administrative code or order, court rule or statute.</p>
8. Juvenile Case Transcripts and depositions (All case categories)	-	<p>These are recognized to be part of the case file and accordingly follow the case type retention time frame.</p> <p>The Juvenile Court may authorize earlier destruction.</p>
d. LOWER COURT APPEALS - Civil or Criminal		
1. Remanded Civil Cases	-	<p>After satisfaction of the Superior Court Rules of Appellate Procedure – Civil 12(c).</p>
2. Remanded Criminal Cases	-	<p>After satisfaction of Superior Court Rules of Appellate Procedure – Criminal 12.</p>
3. Remanded Case Transfer Index (and Associated Remand Minute Orders)	5	<p>Following the date of the remand order.</p> <p>Case file may be destroyed.</p>

11 Id.

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No. Records Series	Retain (Yrs)	Remarks
4. All Other Categories (including city court cases)	-	Refer to Appellate Rules for disposition.
5. Photocopies of Remanded Cases	-	After reference value served. Copies may be destroyed.
6. Trial De Novo		See AzRCrP 30.
- Criminal Traffic and 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. Transcript of Grand Jury Proceedings	10	See Section 2 of this schedule.
4. No True Bill/Admonitions/Readings/Dismissed/Miscellaneous Documents	1	From date of document or dismissal. Document may be destroyed.
f. MISCELLANEOUS FILINGS		
1. Administrative Orders	10	From date of issue. Provide copy to the current presiding judge for evaluation and re-issue, if contents of order are still valid. Clerks shall transfer original or microfilm of these records to ASLAPR for permanent retention. (See Presiding Judge Business papers, Section 6.d.)
2. Landmark	Perm	Retain case file intact and microfilm in accordance with Administrative Order.
3. Historically Significant Cases	Perm	See Appendix I -- "Designation of Historically Significant Records."
4. "Sealed by Order of the Court" records	-	Retain and dispose in accordance with applicable case type.
5. Special Warrants		

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Records Retention and Disposition Schedule
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No. Records Series	Retain (Yrs)	Remarks
- Confidential Wire Taps	1	After filing. Return to prosecutor. Confidential. See A.R.S. § 13-3918.
- Pen Registers	1	After filing. Return to prosecutor or other responsible agency.
6. Other (Search Warrants, Trap and Trace, Handwriting Exemplaries)	1	After filing. See A.R.S. § 13-3918.
2. OFFICIAL COURT RECORD Including electronic recordings of Proceedings)		
a. Criminal (includes capital and non-capital cases)		These records include records of 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	After the date notes taken. [AzRCrP Rule 28.1(c)] ¹²
2. Other Electronic Recordings of Proceedings	10	After the date proceeding recorded. [AzRCrP Rule 28.1(c)] ¹³
b. 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.
c. Non-criminal		
1. Court Reporters' Notes (paper or electronic)	5	After the date notes taken. ARCP 43(k) or Local Rule, whichever retention period is

¹² Rule 28 Petition to RCrimP 28.1(c)

¹³ Id.

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Records Retention and Disposition Schedule
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No. Records Series	Retain (Yrs)	Remarks
		shorter. ¹⁴
2. Other Electronic Recordings of Proceedings	5	After the date proceeding recorded. ARCP 43(k) or Local Rule, whichever retention period is shorter. ¹⁵
3. EXHIBITS		
a. Civil (includes Domestic Relations, Probate, Mental Health, Arbitration and other Civil case types)	-	Following dismissal, disposition or final appellate ruling. The court may otherwise authorize release or destruction of these records.
- With Ordered Disposition	-	After satisfaction of court order.
- Without Ordered Disposition	30 days	After mailing notice to responsible party(ies) to claim evidence. (Case must be 30 days post-adjudication and not on appeal.) RASC, Rule 94(h).
b. Criminal		
- With Ordered Disposition	-	After satisfaction of court order.
- Without Ordered Disposition	-	After satisfying RASC, Rule 94(h).
4. RECORDS CREATED OR RECEIVED BY CLERK'S OFFICE		
a. Bail Bondsmen Affidavits	3	After termination of privileges.
b. Dockets and Computerized Records [to Satisfy RASC 94(c) and 94(g)]	-	After reference value served.
- Indices or Dockets and Registers of Action (if used as Indices)	Perm	
c. 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	Perm	Destroy after microfilming.

14 Rule 28 Petition to Amend RCvP 43(k)

15 Id.

ARIZONA SUPREME COURT
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No. Records Series	Retain (Yrs)	Remarks
g. Marriage Licenses/Certificates	Perm	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 FY prepared or received.
b. Cash Books and Supporting Records for non-Bond Accounts (Includes Receipts and Distribution Recordings)	3	After FY prepared or received.
c. Cash Books and Receipts for Bond Trust Accounts	5	After FY prepared or received.
d. Child Support Payment Records	5	After FY of payment and satisfaction of arrearages.
e. Child Support Enforcement (Including IV-D Cases)		
- Computer Program Conversion Data	3	After FY conversion of hardware and software completed. 45 C.R.F. § 74.53
- Individual Computerized Files	3	After FY 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 FY paid.
g. Expense Accounting Records	3	After FY paid.

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No. Records Series	Retain (Yrs)	Remarks
h. Financial Summary Reports		
- Budget – Operational	3	After FY prepared.
- Monthly Budget Reports	3	After FY prepared.
- Quarterly or Annual Reports	5	After FY prepared. Evaluate for further retention.
- Other Financial Reports	3	After FY prepared.
i. Journal Entries for Restitutions, Fines and Reimbursements	3	After FY payment and satisfaction.
j. Juror Vouchers	3	After FY 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 FY prepared.
c. Court Visitor (Investigator) Files	10	After Prepared. Reference A.R.S. § 14-5303
d. Former Chief Presiding Judge Business Papers	-	<p>After satisfaction of term. Arrange transfer to State Archives.</p> <p>This records series consists of records generated by presiding judges to provide guidance, direction and/or general information related to the administration or non-case related business operations of the court. Business papers include documents such as general correspondence and administrative orders. These records may be sent to state archives at the discretion of the presiding judge, clerk of court or court administrator.</p>
7. ADMINISTRATIVE RECORDS		
a. General Correspondence	-	After reference value served.
b. Employee Time Sheets (Official copies at County Finance)	-	After reference value served.
c. Statistical Reports	5	After prepared. Evaluate for further retention.

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No. Records Series	Retain (Yrs)	Remarks
8. JURY COMMISSIONER RECORDS		Lists generated in accordance with Arizona Revised Statutes, 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.
c. Juror questionnaires	90 days	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.
c. Classification/re-class of positions	3	After request is acted on.
d. Criminal history background checks		
- No finding	6 mos.	After FY prepared.
- Finding	1	After FY 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).

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

No. Records Series	Retain (Yrs)	Remarks
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.R.F. § 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 FY 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.
r. Psychological Evaluations for Employees who are applying to carry firearms	5	After termination of employment.
11. PRETRIAL SERVICES RECORDS		
Case supervision files	1	After case disposition.
12. ADULT PROBATION RECORDS		
a. Case files	3	After expiration or termination of probation grant.
b. Intensive Probation Supervision (IPS) Financial Records	3	After program completion or termination.
c. Progress and activity reports	2	After fiscal year prepared.
d. Work Furlough Records		
- Case management files	1	After program completion or termination.
- Financial Records	3	After program completion or termination.
13. JUVENILE PROBATION RECORDS		
a. Juvenile Social Files	18 th birthday	Az Rules of Procedure for the Juvenile Court, Rule 19(A)2.

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

No. Records Series	Retain (Yrs)	Remarks
b. Juvenile Dependency Files	18 th birthday	A.R.S. § 8-349 (For court case files see Section 1.c of this schedule.)
c. Reports and Studies		
- Detention	5	End of Fiscal Year.
- Program Services	5	End of Fiscal Year.
- Probation	5	End of Fiscal Year.
- Admin. Services	5	End of Fiscal Year.
- Intake	5	End of Fiscal Year.
- Caseload Printout	5	End of Calendar Year.
d. Juvenile Treatment Services Fund (JTSF) records (checking account with original copy retained by Supreme Court)	5	After Fiscal Year prepared.
e. Probation Records (working files including psychiatric/psychological evaluations and probation officer reports)		
- Non-adjudicated juveniles	45 days	After 18th Birthday.
- Remanded juveniles	45 days	After 25 th birthday.
- Adjudicated juveniles (without criminal records)	45 days	After 25 th birthday.
- Adjudicated juveniles (with criminal records)	45 days	After ordered by the court per A.R.S. § 8-349.
<u>14. SPECIAL MASTER, GENERAL STREAM ADJUDICATION</u>		
a. <u>Historical Materials</u>	<u>Perm</u>	<u>Not authorized for purging.</u>
b. <u>Public Information Materials</u>	<u>Perm</u>	<u>Not authorized for purging.</u>
c. <u>Case Management and Procedures</u>	<u>Perm</u>	<u>Not authorized for purging.</u>
d. <u>Special Master's Reports</u>	<u>Perm</u>	<u>Not authorized for purging.</u>
e. <u>Appellate Proceedings</u>	<u>25</u>	<u>After the year of final decision.</u>
f. <u>Legislative Materials</u>	<u>25</u>	<u>After the year enacted or reference value served.</u>
g. <u>Legal Research Materials</u>	<u>25</u>	<u>After reference value served.</u>

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

No. Records Series	Retain (Yrs)	Remarks
<u>h. Special Master's Rules</u>	<u>20</u>	<u>After the year adopted.</u>
<u>i. Official Court Record and Exhibits</u>	-	<u>Retain and dispose in accordance with the superior court schedule.</u>
<u>j. Administrative, financial, human resources, and technology records</u>	-	<u>Retain and dispose in accordance with the superior court schedule.</u>

Appendix I

Designation of Historically Significant Records

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, certain cases filed in Arizona courts may be identified as historically significant. When there is reason to believe that a case falls into this category, the following procedures will be observed to ensure these records are maintained for historical purposes, rather than destroyed under the term found in the records retention schedule for other types of cases.

- A motion to designate a particular case as historically significant may be filed with the court by any party to the action or that party's attorney, any member of the public or any person charged with the management of court records.
- The court on its own motion may designate a case as historically significant.
- A motion to designate a case as historically significant must be filed with the Clerk of Court prior to transfer to ASLAPR in accordance with the provision of this schedule. Designation at the earliest point in the case will ensure to a greater degree that original materials are maintained in their “original media”. Any such motion shall be filed using the attached example.
- The presiding judge or Justice of the Peace will make the final determination regarding any motion to designate a case as historically significant.
- Cases designated as historically significant will be given to the Arizona State Library, Archives and Public Records for permanent retention.
- When a case is designated as historically significant, the original of the order will be filed with the keeper of the case record and included in the case file.

IN THE [COURT] COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
)
)
_____)
)
_____)

Case Number:

Motion To Designate Case As Historically Significant

To the Presiding Judge or Justice of the Peace:

I/We the undersigned request(s) the [Court] designate the above captioned case file as historically significant and that the record be kept permanently. This request is based on the following reasons:

Dated this _____ day of _____, _____.

Signature

Address

I/We certify that a copy of this motion has been sent to [as appropriate, plaintiff/complainant/defendant].

IN THE [COURT] COURT OF THE STATE OF ARIZONA

In the Matter of:)

)
)
)
_____)
)
)
_____)

Case Number:

Historically Significant Case Designation

This court has examined the motion submitted by [individual filing motion] to designate the above captioned case as historically significant. It is the opinion of this court that the designation be [granted/denied].

IT IS THEREFORE ORDERED this case [shall/shall not] be designated as historically significant and should be managed consistent with the provisions of the [record retention schedule] pursuant to the case type.

IT IS ALSO ORDERED that the motion and this order be placed in the case.

Signed on [date] _____

PRESIDING JUDGE

Appendix II

Designation of Landmark Cases

(A) Landmark case defined.

1. A case is eligible for designation as a landmark case if it meets the requirements of supreme court rule 111(b) and has been the subject of a published appellate court opinion, as that term is defined by supreme court rule 111(a)(1). In deciding whether a case is a landmark case, the designating body shall consider whether the case or opinion:

- a) Has been cited frequently;
- b) Has been designated as historically significant;
- c) Caused a change in policies or laws;
- d) Effected a large portion of the community and was controversial;
- e) Is generally viewed by the community as important;
- f) Involved a famous or notorious individual or was the subject of a well-known book or feature film; and
- g) Any other factor deemed 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. Landmark designation under (A)(1) shall be made by the Arizona Historical Records Advisory Board 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.

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.

2. Landmark designation under (A)(2) shall be made by the clerk of the superior court in the county of origin.

Appendix III



**CASE-FILE PURGE LISTS FOR
USE BY
SUPERIOR COURT**

- . CRIMINAL**

- . DOMESTIC RELATIONS**

- . CIVIL**

PURGE LIST

DOCUMENTS TO BE DISCARDED	DOCUMENTS TO BE RETAINED
CRIMINAL CASE FILE	CRIMINAL CASE FILE
<p>All Criminal case files are to be kept intact except the following files can be purged.</p> <ul style="list-style-type: none"> ◆ Criminal cases that result in acquittal for all defendants ◆ Criminal cases in which all defendants are dismissed <p>All documents in the dismissed or acquitted files are to be discarded except the initiating document (i.e., initial indictment, complaint and information sheets), the verdict (for acquittals), and the judgment/order or minute entry of dismissal/acquittal.</p>	<p>All Criminal case files are to be kept intact except the following files can be purged.</p> <ul style="list-style-type: none"> ◆ Criminal cases that result in acquittal for all defendants ◆ Criminal cases in which all defendants are dismissed. <p>All documents in the dismissed or acquitted files are to be discarded except the initiating document (i.e., initial indictment, complaint and information sheets), the verdict (for acquittals), and the judgment/order or minute entry of dismissal/acquittal.</p>
DOMESTIC RELATIONS CASE FILE	DOMESTIC RELATIONS CASE FILE
DOCUMENTS TO BE RETAINED	DOCUMENTS TO BE RETAINED
<p>Domestic Relations cases include Civil Paternity, Dissolutions, Divorce, Domestic Custody, Domestic Relations, Domestic Violence, Reciprocal Divorce, Support Enforcement, and other Unspecified Domestic Relations cases.</p> <p>Only dismissed Divorce and Domestic Relations cases that are dismissed are subject to this purge requirement.</p> <p>When a Domestic Relations case is formally dismissed all documents are to be removed from the file and discarded, except the initial petition and final order of dismissal.</p> <p>ALL CASE FILES THAT ARE NOT DISMISSED MUST BE RETAINED WITHOUT PURGING.</p>	<p>Domestic Relations cases include Civil Paternity, Dissolutions, Divorce, Domestic Custody, Domestic Relations, Domestic Violence, Reciprocal Divorce, Support Enforcement, and other Unspecified Domestic Relations cases.</p> <p>Only dismissed Divorce and Domestic Relations cases that are dismissed are subject to this purge requirement.</p> <p>When a Domestic Relations case is formally dismissed all documents are to be removed from the file and discarded, except the initial petition and final order of dismissal.</p> <ul style="list-style-type: none"> ◆ Keep the initial document and the dismissal order for all cases that end in dismissal only. ◆ Keep 100% of all case files that end in a decree of dissolution, or other court order and judgment, except for dismissed cases. For the dismissed cases, refer to the discard list. <p>ALL CASE FILES THAT ARE NOT DISMISSED MUST BE RETAINED WITHOUT PURGING.</p>

PURGE LIST

DOCUMENTS TO BE DISCARDED	DOCUMENTS TO BE RETAINED
CIVIL CASE-FILE PURGE LIST	CIVIL CASE-FILE PURGE LIST
DOCUMENTS TO BE DISCARDED	DOCUMENTS TO BE RETAINED
<p>Civil cases are defined for this list as case files that are not domestic relations, probate, mental health or tax appeals.</p> <p>When a civil case is closed, whether by judgment, dismissal or settlement, and all appeals deadlines have passed, the documents listed on the following pages must be purged (removed) from the file and destroyed prior to microfilming the file content.</p> <p>Please refer to Rules of Civil Procedure, Rule 79(g), Arizona Rules of Court for guidance on determining when a civil case file is no longer subject to modification.</p> <p>All tagged exhibits must be processed in accordance with Arizona Rules of Civil Procedure.</p> <p>Exceptions to this purge list may be made in a few cases if the Court determines that some or all of the documents in a case-file should be protected from purging. Exceptions might include the very few landmark cases or cases which might have historical value.</p> <p>AFFIDAVIT</p> <ul style="list-style-type: none"> ◆ Relating to discovery matters <p>NOTICE OF:</p> <ul style="list-style-type: none"> ◆ Appointment of auditor/receiver ◆ Appearance ◆ Appointment of special process server ◆ Association of counsel ◆ Change of judge ◆ Delinquent briefs ◆ Deposition ◆ Disclosure ◆ Filing foreign judgment and affidavit ◆ Filing of reporter's transcript of evidence ◆ List of witnesses and exhibits ◆ Sheriff's sale ◆ Trial date ◆ Witnesses ◆ Receipts (unless return of service of process is indicated) ◆ Acceptance of offer of judgment ◆ Offer of judgment ◆ Settlement ◆ Withdrawal of answer 	<p>When a Civil case is closed, whether by judgment, dismissal or settlement, and all appeal deadlines have passed, the documents listed below are the minimum that must be retained in the case file when it is prepared for filming.</p> <p>The Civil case file purge list shows the documents that must be discarded before the file is microfilmed for permanent preservation.</p> <p>All tagged exhibits entered into a case must be processed in accordance with Arizona Rules of Civil Procedure.</p> <p>COMPLAINT</p> <ul style="list-style-type: none"> ◆ Initial ◆ amended <p>SUMMONS</p> <p>ACCEPTANCE AND RETURN OF SERVICE</p> <p>CROSS CLAIMS</p> <p>COUNTER CLAIMS</p> <p>INTERVENORS</p> <p>JOINDER OF ADDITIONAL PARTIES</p> <p>INTERPLEADER</p> <p>AFFIDAVITS</p> <ul style="list-style-type: none"> ◆ Keep All affidavits except those relating to discovery matters <p>NOTICES</p> <ul style="list-style-type: none"> ◆ Of appeal ◆ Of voluntary discovery ◆ Of filing of bankruptcy ◆ Of publication ◆ Of seizure of vehicles <p>REQUEST/PETITIONS/DEMANDS</p>

PURGE LIST

DOCUMENTS TO BE DISCARDED

- ◆ Appointment of guardian ad litem
- ◆ Dismissal

MOTIONS FOR:

- ◆ Accelerated hearing/trial date
- ◆ Change of venue
- ◆ Leave to exceed page limitation
- ◆ Pretrial discovery/disclosure
- ◆ Summary judgment
- ◆ Directed verdict
- ◆ New trial
- ◆ Additional disclosure
- ◆ Failure to join party
- ◆ More definite statement
- ◆ Reargument
- ◆ Voir dire examination
- ◆ Judgment
- ◆ Sanctions

MOTIONS TO:

- ◆ Dismiss (i.e., for lack of jurisdiction, insufficiency of process, failure to state claim, etc.)
- ◆ File delayed appeal
- ◆ Quash/prevent issuance of subpoena
- ◆ Stay proceedings
- ◆ Transfer
- ◆ Waive applicable time limits
- ◆ In limine
- ◆ Consolidate
- ◆ Enlarge time for answer
- ◆ Quash warrant/writ
- ◆ Withdraw default/default judgment
- ◆ Compel discovery
- ◆ Extended time limits within which to file pre-trial motions
- ◆ Release bond
- ◆ Set trial
- ◆ Suppress
- ◆ Vacate conference/hearing
- ◆ Demurrer to complaint
- ◆ Amend complaint
- ◆ Continue
- ◆ Exonerate bond
- ◆ Strike
- ◆ Withdraw counsel

REQUEST/PETITIONS FOR:

- ◆ Jury trial
- ◆ Production
- ◆ Trial
- ◆ Intervenor
- ◆ Writ of assistance and order
- ◆ Leave to file cross-claim

DOCUMENTS TO BE RETAINED

- ◆ for writ of assistance and order
- ◆ intervenor

ANSWERS/RESPONSES

- ◆ to complaint, initiating action

REPLIES TO COUNTER CLAIMS

THIRD PARTY ACTIONS

STIPULATIONS/CONSENT

- ◆ of dismissal
- ◆ keep all judgments and orders even if they are attached to documents that are on the discard list

Some examples of judgments and orders follow:

- ◆ declaratory judgment
- ◆ default judgments
- ◆ dismissals
- ◆ final order in condemnation
- ◆ release of judgment
- ◆ relief from judgment or order
- ◆ special verdicts
- ◆ findings of fact, conclusions of law
- ◆ judgments against garnishee
- ◆ in forcible detainer
- ◆ arbitration award
- ◆ order for name change
- ◆ judgments
- ◆ verdicts
- ◆ order for joinder
- ◆ minute entries that contain the words "ORDER" or "IT IS ORDERED" or similar statements

WRITS

RETURN OF

- ◆ receipts for exhibits or evidence
- ◆ registered mail receipt cards or letters

SATISFACTION OF

- ◆ judgment
- ◆ judgment against garnishee
- ◆ partial satisfaction of amended judgment

BOND/DEPOSITS

- ◆ except if there is an indication that the bond is exonerated

PURGE LIST

DOCUMENTS TO BE DISCARDED

- ◆ 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
- ◆ 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

STIPULATION/CONSENT:

- ◆ Settlement agreement
- ◆ To extend time
- ◆ For substitution of counsel
- ◆ To substitution of parties

DOCUMENTS TO BE RETAINED

APPELLATE MANDATE

ACCEPTANCE OF SERVICE

SUPREME COURT MANDATES

MINUTE ENTRIES THAT INCLUDE COURT ORDERS

EXHIBITS DISPOSAL PROCEDURES

PURGE LIST

DOCUMENTS TO BE DISCARDED

JUDGEMENTS/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

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 working "it is ORDERED . . ")

Satisfaction of Judgment for Jury Fees

DOCUMENTS TO BE RETAINED