

1 Utah State Court Records Retention Schedule

2 (A) Definitions.

3 (A)(1) Appellate proceedings. As applicable to the particular case:

4 (A)(1)(a) expiration of the time in which to file an appeal;

5 (A)(1)(b) completion of the initial appeal of right;

6 (A)(1)(c) completion of discretionary appeals; or

7 (A)(1)(d) completion of trial court proceedings after remittitur.

8 Appellate proceedings do not include collateral review, such as a petition for post
9 conviction relief or a petition for writ of habeas corpus, although these petitions may
10 themselves be the subject of appellate proceedings.

11 (A)(2) Case file. The compilation of documents pertaining to a case in the district
12 court and justice court. The compilation of documents pertaining to an individual under
13 the jurisdiction of the juvenile court.

14 (A)(3) Case history. Includes the docket, judgment docket, registry of judgments,
15 register of actions and other terms used to refer to a summary of the parties and events
16 of a case.

17 (A)(4) Clerk of the court. Includes all deputy clerks.

18 (A)(5) Confidential records. Records classified in accordance with the Title 63,
19 Chapter 2, Government Records Access and Management Act and Rule 4-202 et seq.
20 of the Judicial Council as private, protected, juvenile, or sealed.

21 (A)(6) Critical documents. As applicable to the particular case:

22 (A)(6)(a) Civil. Final amended complaint or petition; final amended answer or
23 response; final amended counterclaims, cross claims, and third party claims and
24 defenses; home study or custody evaluation; jury verdict; final written opinion of the
25 court, including any findings of fact and conclusions of law; final trial court order,
26 judgment or decree; interlocutory order only if reviewed by an appellate court; orders
27 supplemental to the judgment and writs that have not expired; notice of appeal;
28 transcripts; appellate briefs; final order, judgment or decree or any appellate court; case
29 history.

30 (A)(6)(b) Child abuse, neglect or dependency. In addition to that which is required of
31 civil cases, shelter hearing order; adjudication orders; disposition orders; reports of the
32 Division of Child and Family Services; psychological evaluations; reports from treatment
33 providers; motion for permanency hearing; response to motion for permanency hearing;

34 petition for termination of parental rights; and response to petition for termination of
35 parental rights.

36 (A)(6)(c) Divorce and domestic relations. In addition to that which is required of civil
37 cases, petitions to modify or enforce a final order, judgment or decree and the final
38 order entered as a result of that petition.

39 (A)(6)(d) Felonies, including offenses by a minor in juvenile court. All documents
40 other than duplicates, subpoenas, warrants, orders to show cause, presentence
41 investigation reports and notices of hearings.

42 (A)(6)(e) Misdemeanors and infractions, including offenses by a minor in juvenile
43 court. Final amended citation or information; jury verdict; final written opinion of the
44 court, including any findings of fact and conclusions of law; final trial court order,
45 judgment or decree; notice of appeal; appellate briefs; final order, judgment or decree or
46 any appellate court; case history.

47 (A)(6)(f) Probate. In addition to that which is required of civil cases, will admitted to
48 probate; trust instrument; final accounting; reports, findings and orders regarding the
49 mental competence of a person.

50 (A)(7) Document. Any pleading or other paper filed with or created by the court for a
51 particular case, regardless of medium.

52 (A)(8) Off-site storage. Storage at the State Records Center under the control of the
53 Division of State Archives.

54 (A)(9) On-site storage. Storage at the courthouse or any secure storage facility
55 under the control of the court.

56 (A)(10) Retention period. The time that a record must be kept. The retention period
57 is either permanent or for a designated term of months or years.

58 (B) Case Records.

59 (B)(1) Objectives. The objective of the records retention schedule is to maintain
60 convenient access to the documents of the case and to the case history as necessary to
61 the activity in the case. Even in a case in which judgment has been entered there may
62 be substantial activity. In criminal cases, the court can expect affidavits alleging
63 violations of probation and petitions for post conviction relief. In civil cases, the court
64 can expect to issue writs, orders supplemental to the judgment and to conduct other
65 proceedings to collect the judgment. In divorce cases, the court can expect petitions to
66 modify the decree or to enforce visitation and support. This may mean more immediate
67 access in particular cases. The objective of the records retention schedule is to guide
68 the transfer of permanent records to off-site storage and the destruction on non-
69 permanent records.

70 (B)(2) Storage medium. The decisions of what storage medium to use and when to
71 use it are left to local discretion, needs and resources of the clerk of the court.

72 With proper training or by the Division of State Archives the clerk of the court may
73 microfilm records. Given the sensitive nature of identifying information contained in
74 court records, such as name, address, telephone number, and social security number of
75 parties, witnesses and jurors, microfilming of court records by Utah Correctional
76 Industries is prohibited. All microfilming shall be in accordance with the standards
77 adopted by the Division. All microfilm developing and quality assurance checks shall be
78 done by the Division. The Division of State Archives shall keep the original film and
79 return a copy to the court.

80 The clerk of the court may scan documents to a digital image based on local needs
81 and resources. Once scanned to a digital image, the document may be destroyed.
82 Electronic documents may be printed and maintained in the case file.

83 (B)(3) Storage location. The Administrative Office of the Courts shall maintain all
84 computer records. The clerk of the court shall store on site pending cases, closed cases
85 with significant post judgment activity, and cases with a retention period of less than
86 permanent.

87 The clerk of the court shall not store case files with significant activity off-site.
88 Records in which there is an order of alimony or child support, visitation or custody shall
89 not be stored off-site until at least three years has expired from the date of the last
90 activity in the case. Within these parameters, the decision to store permanent records
91 on-site or off-site is left to local discretion, needs and resources. The state court records
92 officer and the Division of State Archives may evaluate exceptions for courthouses with
93 critically short storage problems. Records stored off-site shall be prepared in
94 accordance with standards and instructions of the Division of State Archives. If a record
95 stored off-site is needed at the courthouse, the record will be returned to the court for
96 the duration of the need. The clerk of the court shall not return a record in which there is
97 an order of alimony or child support, visitation or custody to off-site storage until at least
98 three years after the last activity in the case.

99 (B)(4) Critical documents. At any time after the completion of appellate proceedings,
100 the clerk of the court may remove from the case file and destroy all documents other
101 than critical documents.

102 (B)(5) The retention period in a criminal case begins as of the completion of the
103 sentence. The level of offense is determined by the offense of which the defendant is
104 convicted or to which the offense is reduced under Utah Code Section 76-3-402. The
105 retention period in a civil or small claims case begins as of the expiration or satisfaction
106 of the judgment. The retention periods are for the following terms.

107 (B)(5)(a) Permanent. All case types not governed by a more specific designation; the
108 record of arraignment and conviction required by Rule 9-301; prosecution as a serious
109 youth offender.

Approved Effective January 1, 2009

110 (B)(5)(b) 10 years. Third degree felonies; violations of Utah Code Section 41-6a-502
111 or Section 41-6a-503, or of Section 41-6a-512 if the conviction is to a reduced charge
112 as provided in that section.

113 (B)(5)(c) 5 years. Administrative agency review; civil and small claims cases
114 dismissed with prejudice; forcible entry and detainer; investigative subpoenas; domestic
115 violence misdemeanor within the scope of Utah Code Section 77-36-1; post conviction
116 relief or habeas corpus other than capital offenses and life without parole; tax liens;
117 worker's compensation; search warrants not associated with a case.

118 (B)(5)(d) 3 years. Violations of Utah Code Section 53-3-231.

119 (B)(5)(e) 1 year. Civil cases with a judgment of money only; extraditions;
120 misdemeanors and infractions classified as "mandatory appearance" by the Uniform
121 Fine and Bail Schedule; petitions to expunge an arrest record in which no charges have
122 been filed.

123 (B)(5)(f) 6 months. Civil and small claims cases dismissed without prejudice;
124 misdemeanors and infractions classified as "non-mandatory appearance" by the
125 Uniform Fine and Bail Schedule; small claims cases with a judgment of money only.

126 (B)(6) Retention period in Juvenile Court. The retention period in a delinquency
127 petition or referral begins as of the completion of the sentence. The retention period in
128 other cases begins as of the expiration of the judgment. The retention periods are for
129 the following terms.

130 (B)(6)(a) Permanent. Adoptions; civil cohabitant abuse; orders terminating parental
131 rights; prosecution as serious youth offender.

132 (B)(6)(b) Until the youngest subject of the petition reaches age 28. Abuse, neglect
133 and dependency; felonies.

134 (B)(6)(c) Until the subject of the petition reaches age 18 and jurisdiction of the court
135 is terminated. Misdemeanors and infractions other than non-judicial adjustments.

136 (B)(6)(d) 10 years. Violations of Utah Code Section 41-6a-502 or Section 41-6a-503,
137 or of Section 41-6a-512 if the conviction is to a reduced charge as provided in that
138 section.

139 (B)(6)(e) 3 years. Violations of Utah Code Section 53-3-231.

140 (B)(6)(f) 1 year. Petitions to expunge an arrest record in which no charges have
141 been filed.

142 (B)(6)(g) 6 months. Non-judicial adjustment of referrals; misdemeanors and
143 infractions classified as "non-mandatory appearance" by the Uniform Fine and Bail
144 Schedule, such as fish and game violations; cases dismissed without prejudice.

145 (B)(7) Retention period in Supreme Court and Court of Appeals. The retention period
146 for records in the Supreme Court and Court of Appeals is permanent.

147 (B)(8) Special cases.

148 (B)(8)(a) The retention period for foreign judgments, abstracts of judgment and
149 transcripts of judgment is the same as for a case of the same type filed originally in
150 Utah.

151 (B)(8)(b) The retention period for contempt of court is the same as for the underlying
152 case in which the contempt occurred.

153 (B)(8)(c) The retention period in the juvenile court for records of the prosecution of
154 adults is the same as for the corresponding offense in district or justice court.

155 (B)(9) Case related records. If the record is filed with the case file, it is treated as a
156 non-critical document unless it is specifically included within the definition of a critical
157 document. If the record is not filed with the case file then its retention period is
158 determined in accordance with the following schedule:

159 (B)(9)(a) Audio and video tapes and tape logs; court reporter notes. For
160 misdemeanors, infractions and small claims, 3 years from the date the record is
161 created. Otherwise, 9 years from the date the record is created. Tapes shall not be
162 reused.

163 (B)(9)(b) Court calendars. As determined by the clerk of the court based on local
164 needs.

165 (B)(9)(c) Confidential records. Confidential records are retained for the same period
166 as the case to which they apply, but they are filed and stored in such a manner as to
167 protect their confidentiality.

168 (B)(9)(d) Depositions. 6 months after the close of appellate proceedings.

169 (B)(9)(e) Exhibits. Three months after disposition of the exhibit in accordance with
170 Code of Judicial Administration 4-206.

171 (B)(9)(f) Expunged records. For the same time as though the record had not been
172 expunged.

173 (B)(9)(g) Indexes. Permanent.

174 (B)(9)(h) Jury lists and juror qualification questionnaires. 4 years from completion of
175 term of availability.

176 (B)(9)(i) Case history. Permanent.

177 (B)(10) Record destruction. Court records 50 years of age or older shall be reviewed
178 for historical significance by the Division of State Archives prior to destruction. If a
179 record is of historical significance, the Division will take possession. If a record is not of
180 historical significance, the court shall manage the record in accordance with this
181 schedule.

182 Paper documents shall be destroyed after expiration of the retention period or after
183 copying the document to microfilm, digital image, or electronic medium. If documents
184 are copied to microfilm, digital image, or electronic medium, the court may maintain the
185 paper documents until such later time that convenient access to the case file can be
186 achieved by means of microfilm or digital image. Each court is responsible for
187 destroying records or making arrangements for destroying records. The court must
188 comply with all laws applicable to the method of destruction. Confidential records must
189 be shredded prior to destruction. Recycling is the preferred method of destruction. In
190 addition, the court may destroy records by incineration or deposit in a landfill. If the court
191 is unable to destroy records by these means, the court may arrange through the state
192 court records officer to have records destroyed by the State Records Center, which may
193 charge a fee.

194 (C) Administrative Records

195 (C)(1) Record storage, microfilming, imaging and destruction. Administrative records
196 shall be stored on-site. Administrative records may be microfilmed or scanned to a
197 digital image based on local needs and resources.

198 (C)(2) Retention period. The retention period for administrative records is in
199 accordance with the following schedule.

200 (C)(2)(a) Accounting, audit, budget, and finance records. 4 years from the date the
201 record is created.

202 (C)(2)(b) Final reports approved by the Judicial Council. Permanent.

203 (C)(2)(c) General counsel legal files. 10 years from date the record is created.

204 (C)(2)(d) Juror fee and witness fee payment records. 4 years from date of payment.

205 (C)(2)(e) Meeting minutes. Permanent.

206 (C)(3) Other Record Retention. All administrative records not specifically listed in this
207 record retention schedule will be retained, transferred or destroyed according to the
208 appropriate court policy and procedure manual or the "Utah State Agency General
209 Retention Schedule."

210 [\(D\) Email retention.](#)

211 (D)(1) Incidental Personal Correspondence. Correspondence that does not relate to
212 the business of the courts. The sender and recipient should delete the email as soon as
213 s/he has no more need for it.

214 (D)(2) Transitory Correspondence. Court-related correspondence that is transitory in
215 nature and does not offer unique information about court functions or programs. These
216 records include acknowledgment files and most day-to-day office and housekeeping
217 correspondence. The sender and recipient should delete the email as soon as s/he has
218 no more need for it.

219 (D)(3) Policy and Program Correspondence. Court-related correspondence that
220 provides unique information about court functions, policies, procedures, or programs.
221 These records document material discussions and decisions made regarding all court
222 interests. The recipient should delete the email as soon as s/he has no more need for it.
223 The sender must retain policy and program email for the same duration as the Utah
224 State Archives Record Retention Schedule for a record of that type.

225 (D)(4) The sender must retain policy and program correspondence in a reproducible
226 medium separate from transitory messages. The sender can do this by moving the
227 email message to an electronic folder in the GroupWise email system with an
228 appropriate retention period or by copying the correspondence to another medium for
229 retention, such as a web page, a saved file, or a printed document. If the sender copies
230 the email to another medium for retention, s/he should delete the email.

231 (D)(5) Email records of a terminated or transferred employee.

232 (D)(5)(a) Supervisor's or designee's responsibility. If an employee is scheduled for
233 termination or transfer, the employee's supervisor or designee will notify the Help Desk
234 of the IT Division using the form provided by the Division. Upon termination or transfer,
235 the supervisor or designee will review the employee's email. The supervisor or designee
236 will retain policy and program correspondence of which the employee was the sender in
237 accordance with paragraph (D)(3).

238 (D)(5)(b) IT Division's responsibility. If the employee is transferred, the IT Division
239 will maintain the employee's email account at the new location. If the employee is
240 terminated, the IT Division will:

- 241 1) De-provision the user id and email account of the employee;
- 242 2) Remove authority to sign on to the court's computing network;
- 243 3) Remove authority to access the court's email account;
- 244 4) Remove the employee from group email lists; and
- 245 5) Remove authority to access personal and network drives.

246 Upon receipt of notice of termination or transfer, the IT Division will retain the
247 employee's email in its original form for 180 days from the date of termination or
248 transfer. After 180 days, the IT Division may back up the employee's email, delete the
249 email account and recover and reuse the disk space. The IT Division will retain the
250 back-up off site for one year from the date of deletion. If a terminated or transferred
251 employee returns within 180 days after the date of termination, the IT Division will
252 reactivate the employee's email account.

253 (D)(6) Litigation. Upon notice of pending or potential litigation, the IT Division will
254 retain the employee's email in the current format until notice that the litigation is
255 complete or is no longer contemplated. At such time, the employee's email will be
256 subject to this section (D).

257 ~~(D) Effective date.~~

258 ~~This schedule is effective April 19, 1999, and supersedes all previous retention~~
259 ~~schedules.~~

260 ~~Amended effective June 30, 1999.~~

261 ~~Amended effective September 18, 2001.~~

262 ~~Amended effective November 1, 2002.~~

263 ~~Amended effective November 1, 2003.~~

264 ~~Amended effective November 1, 2005.~~

265 ~~Amended effective November 1, 2006.~~

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