

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 conviction
9 relief or a petition for writ of habeas corpus, although these petitions may themselves be the
10 subject of appellate proceedings.

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

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

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

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

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

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

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

31 for permanency hearing; response to motion for permanency hearing; petition for termination of
32 parental rights; and response to petition for termination of parental rights.

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

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

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

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

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

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

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

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

54 (B) Case Records.

55 (B)(1) Objectives. The objective of the records retention schedule is to maintain convenient
56 access to the documents of the case and to the case history as necessary to the activity in the
57 case. Even in a case in which judgment has been entered there may be substantial activity. In
58 criminal cases, the court can expect affidavits alleging violations of probation and petitions for
59 post conviction relief. In civil cases, the court can expect to issue writs, orders supplemental to
60 the judgment and to conduct other proceedings to collect the judgment. In divorce cases, the
61 court can expect petitions to modify the decree or to enforce visitation and support. This may

62 mean more immediate access in particular cases. The objective of the records retention schedule
63 is to guide the transfer of permanent records to off-site storage and the destruction on non-
64 permanent records.

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

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

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

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

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

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

94 (B)(5) The retention period in a criminal case begins as of the completion of the sentence.
95 The level of offense is determined by the offense of which the defendant is convicted or to which
96 the offense is reduced under [Utah Code](#) Section 76-3-402. The retention period in a civil or small
97 claims case begins as of the expiration or satisfaction of the judgment. The retention periods are
98 for the following terms.

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

101 (B)(5)(b) 10 years. Third degree felonies; violations of [Utah Code](#) Section 41-6-44 or Section
102 41-6-44.6, or of Section 41-6-45 if the conviction is to a reduced charge under Subsection 41-6-
103 44(9).

104 (B)(5)(c) 5 years. Administrative agency review; ~~civil cases with a judgment of money only;~~
105 civil and small claims cases dismissed with prejudice; forcible entry and detainer; investigative
106 subpoenas; [domestic violence misdemeanor within the scope of Utah Code Section 77-36-1](#); post
107 conviction relief or habeas corpus other than capital offenses and life without parole; tax liens;
108 worker's compensation.

109 (B)(5)(d) 3 years. Violations of [Utah Code](#) Section 53-3-231.

110 (B)(5)(e) 1 year. [Civil cases with a judgment of money only; Extraditionsextraditions;](#)
111 misdemeanors and infractions classified as "mandatory appearance" by the Uniform Fine and
112 Bail Schedule; petitions to expunge an arrest record in which no charges have been filed.

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

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

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

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

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

125 (B)(6)(d) 10 years. Violations of [Utah Code](#) Section 41-6-44.

126 (B)(6)(e) 3 years. Violations of [Utah Code](#) Section 53-3-231.

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

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

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

133 (B)(8) Special cases.

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

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

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

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

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

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

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

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

152 (B)(9)(e) Exhibits. ~~In~~ Three months after disposition of the exhibit in accordance with Code
153 of Judicial Administration 4-206.

154 (B)(9)(f) Expunged records. ~~In accordance with Code of Judicial Administration 4-207. For~~
155 the same time as though the record had not been expunged.

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

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

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

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

164 Paper documents shall be destroyed after expiration of the retention period or after copying
165 the document to microfilm, digital image, or electronic medium. If documents are copied to
166 microfilm, digital image, or electronic medium, the court may maintain the paper documents
167 until such later time that convenient access to the case file can be achieved by means of
168 microfilm or digital image. Each court is responsible for destroying records or making
169 arrangements for destroying records. The court must comply with all laws applicable to the
170 method of destruction. Confidential records must be shredded prior to destruction. Recycling is
171 the preferred method of destruction. In addition, the court may destroy records by incineration or
172 deposit in a landfill. If the court is unable to destroy records by these means, the court may
173 arrange through the state court records officer to have records destroyed by the State Records
174 Center, which may charge a fee.

175 (C) Administrative Records

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

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

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

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

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

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

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

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

190 (C)(D) Effective date.

191 This schedule is effective April 19, 1999, and supersedes all previous retention schedules.

192 Amended effective June 30, 1999.

193 Amended effective September 18, 2001.

194 Amended effective November 1, 2002.

195 Amended effective November 1, 2003

196 [Amended effective November 1, 2005](#)

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