

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

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

14 (A)(3) Case history. Includes the docket, judgment docket, registry of
15 judgments, register of actions and other terms used to refer to a summary of
16 the parties and events 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
19 63G, Chapter 2, Government Records Access and Management Act and Rule
20 4-202 et seq. 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
23 or response; final amended counterclaims, cross claims, and third party
24 claims and defenses; home study or custody evaluation; jury verdict; final
25 written opinion of the court, including any findings of fact and conclusions of
26 law; final trial court order, judgment or decree; interlocutory order only if
27 reviewed by an appellate court; orders supplemental to the judgment and writs

28 that have not expired; notice of appeal; transcripts; appellate briefs; final
29 order, judgment or decree or any appellate court; case history.

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

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

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

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

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

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

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

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

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

59 (B) Case Records.

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

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

75 With proper training or by the Division of State Archives the clerk of the
76 court may microfilm records. Given the sensitive nature of identifying
77 information contained in court records, such as name, address, telephone
78 number, and social security number of parties, witnesses and jurors,
79 microfilming of court records by Utah Correctional Industries is prohibited. All
80 microfilming shall be in accordance with the standards adopted by the

81 Division. All microfilm developing and quality assurance checks shall be done
82 by the Division. The Division of State Archives shall keep the original film and
83 return a copy to the court.

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

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

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

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

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

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

117 (B)(5)(b) 10 years. Third degree felonies; violations of Utah Code Section
118 41-6a-502 or Section 41-6a-503, or of Section 41-6a-512 if the conviction is to
119 a reduced charge as provided in that section; hospital liens.

120 (B)(5)(c) 5 years. Administrative agency review; civil and small claims
121 cases dismissed with prejudice; forcible entry and detainer; investigative
122 subpoenas; domestic violence misdemeanor within the scope of Utah Code
123 Section 77-36-1; post conviction relief or habeas corpus other than capital
124 offenses and life without parole; tax liens; temporary separation; worker's
125 compensation; probable cause statements and search and arrest warrants not
126 associated with a case; civil stalking injunctions issued under Utah Code
127 Section 77-3a-101.

128 (B)(5)(d) 3 years. Violations of Utah Code Section 53-3-231; violations of
129 Utah Code Section 76-5-303.

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

134 (B)(5)(f) 6 months. Civil and small claims cases dismissed without
135 prejudice; misdemeanors and infractions classified as “non-mandatory
136 appearance” by the Uniform Fine and Bail Schedule; small claims cases with
137 a judgment of money only.

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

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

144 (B)(6)(b) Until the youngest subject of the petition reaches age 28. Abuse,
145 neglect and dependency; felonies; misdemeanors and infractions other than
146 non-judicial adjustments; interstate compact; violations of Utah Code Section
147 41-6a-502 or Section 41-6a-503 or of Section 41-6a-512 if the conviction is to
148 a reduced charge as provided in that section; violations of Utah Code Section
149 53-3-231; petitions to expunge an arrest record in which no charges have
150 been filed; violations of Utah Code Section 53-3-231; non-judicial adjustment
151 of referrals; misdemeanors and infractions classified as “non-mandatory
152 appearance” by the Uniform Fine and Bail Schedule, such as fish and game
153 violations; cases dismissed without prejudice.

154 (B)(6)(c) 10 years. Prosecution of an adult for any offense or violation,
155 including contempt of court. Until the subject of the petition reaches age 18
156 and jurisdiction of the court is terminated. Misdemeanors and infractions other
157 than non-judicial adjustments; interstate compact.

158 (B)(6)(d) 10 years. Violations of Utah Code Section 41-6a-502 or Section
159 41-6a-503, or of Section 41-6a-512 if the conviction is to a reduced charge as
160 provided in that section.

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

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

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

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

171 (B)(8) Special cases.

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

175 (B)(8)(b) With the exception of contempt of court by an adult in juvenile
176 court, ~~the~~ retention period for contempt of court is the same as for the
177 underlying case in which the contempt occurred.

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

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

185 (B)(9)(a) Audio and video tapes and tape logs; court reporter notes. For
186 misdemeanors, infractions and small claims, 3 years from the date the record

187 is created. Otherwise, 9 years from the date the record is created. Tapes shall
188 not be reused.

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

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

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

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

197 (B)(9)(f) Expunged records. For the same time as though the record had
198 not been expunged or for one year after the final decision on the petition for
199 expungement, whichever period is longer.

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

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

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

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

209 Paper documents shall be destroyed after expiration of the retention period
210 or after copying the document to microfilm, digital image, or electronic
211 medium. If documents are copied to microfilm, digital image, or electronic
212 medium, the court may maintain the paper documents until such later time
213 that convenient access to the case file can be achieved by means of microfilm

214 or digital image. Each court is responsible for destroying records or making
215 arrangements for destroying records. The court must comply with all laws
216 applicable to the method of destruction. Confidential records must be
217 shredded prior to destruction. Recycling is the preferred method of
218 destruction. In addition, the court may destroy records by incineration or
219 deposit in a landfill. If the court is unable to destroy records by these means,
220 the court may arrange through the state court records officer to have records
221 destroyed by the State Records Center, which may charge a fee.

222 (C) Administrative Records

223 (C)(1) Record storage, microfilming, imaging and destruction.

224 Administrative records shall be stored on-site. Administrative records may be
225 microfilmed or scanned to a digital image based on local needs and
226 resources.

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

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

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

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

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

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

237 (C)(2)(f) Case under advisement forms. 6 years after the end of the judge's
238 term during which the form was submitted.

239 (C)(3) Other Record Retention. All administrative records not specifically
240 listed in this record retention schedule will be retained, transferred or

241 destroyed according to the appropriate court policy and procedure manual or
242 the “Utah State Agency General Retention Schedule.”

243 (D) Email retention.

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

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

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

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

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

267 (D)(5)(a) Supervisor's or designee's responsibility. If an employee is
268 scheduled for termination or transfer, the employee's supervisor or designee
269 will notify the Help Desk of the IT Division using the form provided by the
270 Division. Upon termination or transfer, the supervisor or designee will review
271 the employee's email. The supervisor or designee will retain policy and
272 program correspondence of which the employee was the sender in
273 accordance with paragraph (D)(3).

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

- 277 1) De-provision the user id and email account of the employee;
- 278 2) Remove authority to sign on to the court's computing network;
- 279 3) Remove authority to access the court's email account;
- 280 4) Remove the employee from group email lists; and
- 281 5) Remove authority to access personal and network drives.

282 Upon receipt of notice of termination or transfer, the IT Division will retain
283 the employee's email in its original form for 180 days from the date of
284 termination or transfer. After 180 days, the IT Division may back up the
285 employee's email, delete the email account and recover and reuse the disk
286 space. The IT Division will retain the back-up off site for one year from the
287 date of deletion. If a terminated or transferred employee returns within 180
288 days after the date of termination, the IT Division will reactivate the
289 employee's email account.

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