

1 **Appendix F. Utah State Court Records Retention Schedule**

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3 **(A) Definitions.**

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

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

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

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

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

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

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19 **(A)(2) Case file.** The compilation of documents pertaining to a case in the district court and
20 justice court. The compilation of documents pertaining to an individual under the jurisdiction of
21 the juvenile court.

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

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

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

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

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

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

45 providers; motion for permanency hearing; response to motion for permanency hearing;
46 petition for termination of parental rights; and response to petition for termination of
47 parental rights.

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

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

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

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

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

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

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

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

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79 **(B) Case Records.**

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81 (B)(1) **Objectives.** The objective of the records retention schedule is to maintain convenient
82 access to the documents of the case and to the case history as necessary to the activity in the
83 case. Even in a case in which judgment has been entered there may be substantial activity. In
84 criminal cases, the court can expect affidavits alleging violations of probation and petitions for
85 post conviction relief. In civil cases, the court can expect to issue writs, orders supplemental to
86 the judgment and to conduct other proceedings to collect the judgment. In divorce cases, the
87 court can expect petitions to modify the decree or to enforce visitation and support. This may
88 mean more immediate access in particular cases. The objective of the records retention

89 schedule is to guide the transfer of permanent records to off-site storage and the destruction on
90 non-permanent records.

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

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

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

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

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111 The clerk of the court shall not store case files with significant activity off-site. Records in which
112 there is an order of alimony or child support, visitation or custody shall not be stored off-site until
113 at least three years has expired from the date of the last activity in the case. Within these
114 parameters, the decision to store permanent records on-site or off-site is left to local discretion,
115 needs and resources. The state court records officer and the Division of State Archives may
116 evaluate exceptions for courthouses with critically short storage problems. Records stored off-
117 site shall be prepared in accordance with standards and instructions of the Division of State
118 Archives. If a record stored off-site is needed at the courthouse, the record will be returned to
119 the court for the duration of the need. The clerk of the court shall not return a record in which
120 there is an order of alimony or child support, visitation or custody to off-site storage until at least
121 three years after the last activity in the case.

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

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127 (B)(5) **Retention Period.** The retention period in a criminal case begins as of the completion of
128 the sentence. The level of offense is determined by the offense of which the defendant is
129 convicted or to which the offense is reduced under Utah Code Section 76-3-402. The retention
130 period in a civil or small claims case begins as of the expiration or satisfaction of the judgment.
131 The retention periods are for the following terms.

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133 (B)(5)(a) **Permanent.** All case types not governed by a more specific designation;
134 prosecution as a serious youth offender.

135
136 (B)(5)(b) **10 years.** Third degree felonies; violations of Utah Code Section 41-6a-502 or
137 Section 41-6a-503, or of Section 41-6a-512 if the conviction is to a reduced charge as
138 provided in that section; hospital liens; domestic violence misdemeanors within the
139 scope of Utah Code Section 77-36-1.

140
141 (B)(5)(c) **5 years.** Administrative agency review; civil and small claims cases dismissed
142 with prejudice; forcible entry and detainer; investigative subpoenas; post conviction relief
143 or habeas corpus other than capital offenses and life without parole; tax liens; temporary
144 separation; worker's compensation; probable cause statements and search and arrest
145 warrants not associated with a case.

146
147 (B)(5)(d) **3 years.** Violations of Utah Code Section 53-3-231; violations of Utah Code
148 Section 76-5-303.

149
150 (B)(5)(e) **1 year.** Civil cases with a judgment of money only; extraditions; misdemeanors
151 and infractions classified as "mandatory appearance" by the Uniform Fine and Bail
152 Schedule; petitions to expunge an arrest record in which no charges have been filed.

153
154 (B)(5)(f) **6 months.** Civil and small claims cases dismissed without prejudice;
155 misdemeanors and infractions classified as "non-mandatory appearance" by the Uniform
156 Fine and Bail Schedule; small claims cases with a judgment of money only.

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

161
162 (B)(6)(a) **Permanent.** Adoptions; civil cohabitant abuse; orders terminating parental
163 rights; prosecution as serious youth offender; substantiation.

164
165 (B)(6)(b) **Until the youngest subject of the petition reaches age 28.** Abuse, neglect
166 and dependency; felonies.

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168 (B)(6)(c) **Until the subject of the petition reaches age 18 and jurisdiction of the**
169 **court is terminated.** Misdemeanors and infractions other than non-judicial adjustments;
170 interstate compact.

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

174
175 (B)(6)(e) **3 years.** Violations of Utah Code Section 53-3-231.

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

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

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

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187 (B)(8) **Special cases.**

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

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

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

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

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

206
207 (B)(9)(b) **Court calendars.** As determined by the clerk of the court based on local
208 needs.

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

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

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

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219 (B)(9)(f) **Expunged records.** For the same time as though the record had not been
220 expunged.

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

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

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

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

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

(C) Administrative Records.

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

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

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

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

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

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

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

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

(D) Email retention.

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

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

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

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

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

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

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

(D)(5)(b)(i) De-provision the user id and email account of the employee;

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- 310 (D)(5)(b)(ii) Remove authority to sign on to the court's computing network;
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- 312 (D)(5)(b)(iii) Remove authority to access the court's email account;
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- 314 (D)(5)(b)(iv) Remove the employee from group email lists; and
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- 316 (D)(5)(b)(v) Remove authority to access personal and network drives.
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318 Upon receipt of notice of termination or transfer, the IT Division will retain the employee's
319 email in its original form for 180 days from the date of termination or transfer. After 180
320 days, the IT Division may back up the employee's email, delete the email account and
321 recover and reuse the disk space. The IT Division will retain the back-up off site for one
322 year from the date of deletion. If a terminated or transferred employee returns within 180
323 days after the date of termination, the IT Division will reactivate the employee's email
324 account.

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

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330 *Effective: May 12, 2020*