

Utah State Court Records Retention Schedule

(A) Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Case Records.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B)(8) Special cases.

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

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

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

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

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

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

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

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

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

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

(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.

(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) 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:

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

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

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