

RULE 26.03. General, Domestic Relations, and Juvenile Divisions of the Courts of Common Pleas—Records Retention Schedule.

(A) Definitions.

(1) As used in divisions (A) to (D) of this rule, “division” means the general, domestic relations, or juvenile division of the court of common pleas or any combination of the general, domestic relations, or juvenile divisions of the court of common pleas.

(2) As used in this rule, “docket” means the record where the clerk of the division enters all of the information historically included in the appearance docket, the trial docket, the journal, and the execution docket.

(B) Required records.

(1) Each division shall maintain an index, docket, journal, and case files in accordance with Sup. R. 26(B) and divisions (A) and (C) of this rule.

(2) Upon the filing of any paper or electronic entry permitted by the division, a stamp or entry shall be placed on the paper or electronic entry to indicate the day, month, and year of filing.

(C) Content of docket. The docket of a division shall be programmed to allow retrieval of orders and judgments of the division in a chronological as well as a case specific manner. Entries in the docket shall be made as events occur, shall index directly and in reverse the names of all parties to cases in the division, and shall include:

(1) Names and addresses of all parties in full;

(2) Names, addresses, and Supreme Court attorney registration numbers of all counsel;

(3) The issuance of documents for service upon a party and the return of service or lack of return;

(4) A brief description of all records and orders filed in the proceeding, the time and date filed, and a cross reference to other records as appropriate;

(5) A schedule of court proceedings for the division and its officers to use for case management;

(6) All actions taken by the division to enforce orders or judgments; and

(7) Any information necessary to document the activity of the clerk of the division regarding the case.

(D) Retention schedule for the index, docket, and journal. The index, docket, and journal of a division shall be retained permanently.

(E) Judge, magistrate, and clerk notes, drafts, and research. Judge, magistrate, and clerk notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum may be kept separate from the case file, retained in the case file, or destroyed at the discretion of the preparer.

(F) Retention schedule for case files--general division of the court of common pleas.

(1) Death penalty cases. Death penalty case files shall be retained permanently.

(2) Real estate. Case files of matters that resulted in a final judgment determining title or interest in real estate shall be retained permanently.

(3) Search warrant records. Search warrant records shall be indexed and the warrants and returns retained in their original form for five years after the date of service or last service attempt.

(4) Voluntary dismissals. Case files of matters that are voluntarily dismissed shall be retained for three years after the date of the dismissal.

(5) Other case files. Any case file not listed in division (F) of this rule shall be retained for twelve years after the final order of the general division. Documents within a case file admissible as evidence of a prior conviction in a criminal proceeding shall be retained for fifty years after the final order of the general division.

(G) Retention schedule for case files--domestic relations division of the court of common pleas.

(1) Certified mail receipts in uncontested cases and post-decree motions. In new cases and cases involving post-decree motions where personal jurisdiction is established by certified mail receipt and the defendant/respondent fails to answer, enter an appearance, or otherwise defend, the certified mail receipt shall be retained for thirty years after the date of issuance and may be retained in a separate file from the case file.

(2) Divorce or dissolution: Minor children. Case files of divorce and dissolution that involve minor children shall be retained for twenty-five years after the date of the final order of the domestic relations division.

(3) Divorce or dissolution: No children. Case files of divorce and dissolution not involving minor children shall be retained for twelve years after the final order of the domestic relations division.

(4) Domestic violence petitions. Case files of petitions for domestic violence protection orders shall be retained for one year after the expiration of any resulting protection order. If the parties to a petition for a domestic violence protection order are also parties to a divorce, the case file of the petition shall be retained for one year after the expiration of any resulting protection order or until the parties are divorced, whichever is later. In case files of petitions for domestic violence protection orders in which no protection order is issued, the case file shall be retained for one year from the date the petition was filed. If post-decree motions have been filed, the case file shall be retained for one year after the adjudication of the post-decree motion or the date specified for case files of petitions for domestic violence protection orders in division (G)(4) of this rule, whichever is later.

(5) Legal separation. Case files of legal separation shall be retained until the parties are divorced or for two years after the spousal support terminates, whichever is later, unless otherwise ordered by the court. If post-decree motions have been filed, the case file shall be retained for two years after the adjudication of the post-decree motion or the date specified for case files in division (G)(5) of this rule, whichever is later.

(6) Real estate. Case files of matters that resulted in a final judgment determining title or interest in real estate shall be retained permanently.

(7) Registration or adoption of foreign decree. Case files of registrations or adoptions of foreign decrees shall be retained for two years after the emancipation of all of the parties' minor children. If post-decree motions have been filed, records shall be retained for two years after the adjudication of the post-decree motion or the date specified for case files in division (G)(7) of this rule, whichever is later.

(8) Uniform Reciprocal Enforcement of Support Act ("URES A") filings. Case files involving URESA filings shall be retained for nineteen years after the final order of the domestic relations division or for one year after transfer of the case to another jurisdiction.

(H) Retention schedule for case files--juvenile division of the court of common pleas.

(1) Delinquency and adult records. Delinquency and adult records shall be retained for two years after the final order of the juvenile division or one year after the issuance of a final audit report by the Auditor of State, whichever is later. Documents admissible as evidence of a prior conviction in a criminal proceeding shall be retained for fifty years after the final order of the juvenile division.

(2) Juvenile by-pass records. Juvenile by-pass records shall be maintained in two separate and secure files. The first file shall contain the first page of the form complaint and

other relevant documents and the second file shall contain the second page of the form complaint bearing the signature of the complainant. Each file shall be retained for two years after the final order of the juvenile division or, if an appeal is sought, for two years after the filing of the appeal.

(3) Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and URESA records. Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and URESA records shall be retained for two years after the child who is the subject of the case obtains the age of majority. If post-decree motions have been filed, records shall be retained for one year after the adjudication of the post-decree motion or the dates specified for case files in division (H)(3) of this rule, whichever is later.

(4) Search warrant records. Search warrant records shall be indexed and the warrants and returns retained in their original form for five years after the date of service or last service attempt.

(5) Traffic, unruly, and marriage consent records. Unruly and marriage consent records shall be retained for two years after the final order of the juvenile division or one year after the issuance of an audit report by the Auditor of State, whichever is later. Minor misdemeanor traffic records shall be retained for five years after the final order of the juvenile division. Misdemeanor traffic records shall be retained for twenty-five years after the final order of the juvenile division. All other traffic records shall be retained for fifty years after the final order of the juvenile division.