

By Michael K. Jeanes, Clerk of the Superior Court

I'm missing something, do you have it?

House fires, abandoned law practices, substitute counsel, newly discovered evidence. There is a long list of reasons why people need copies of court records and exhibits. But how long does the clerk or other records custodian keep these? Will a copy of a name change order or marriage license be available 40 years later when someone needs it for social security verification? The answer is a traditional standby of lawyers - it depends.

Under Arizona's constitution, the supreme court has administrative supervision over all of Arizona's courts - and how long to maintain records is one of those administrative policies. The court has records retention schedules for all levels of courts from municipal and justice courts (limited jurisdiction) to superior court (general jurisdiction) and the courts of appeals and supreme court (appellate level). Each schedule defines types of records, situations that may apply to those records, and sets retention periods. At the end of a retention period, the court must release some records to the Arizona State Library, Archives & Public Records and destroy others. Even when records are to be completely removed or destroyed, the custodian of those records can keep minimal information to verify a record once existed but was disposed of under a retention schedule.

Retention periods in superior court vary from permanent (death sentence cases) to 100 years (adoptions), to almost immediate or "reference value served" (a request for a copy of a document that is immediately provided). Arizona's retention schedules are defined in the Arizona Code of Judicial Administration (ACJA), and each code section is posted online. The entire code is currently posted at <http://www.azcourts.gov/AZ-Supreme-Court/Code-of-Judicial-Administration>. The Supreme Court's retention schedule is in ACJA § 2-101. The retention schedule for the Court of Appeals, Divisions I and II, is in ACJA § 2-201. Superior Court's retention schedule is under ACJA § 3-402, and the limited jurisdiction courts (municipal and justice) are under ACJA § 4-302. Additionally, probation records have their own records retention scheduled under ACJA § 6-115.

So, are your court records still accessible? Do you need copies of records or exhibits to complete your file or provide copies to a client? You can check for newer superior court records through the Clerk's Electronic Court Record Online (<https://ecr.clerkofcourt.maricopa.gov>). For older records, visit a public access terminal. Even older records will require a written request and patience, as the record keeper checks its archives or microfilm and may refer you to the State Library for further research. When in doubt, check the retention schedules at the link above to prepare for what lies ahead.