



**REPORT OF THE
TASK FORCE ON RECORDS MANAGEMENT**

Judge John R. Milligan, Chair

SEPTEMBER 1996

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I. Task Force Mission

A. Mandate

Chief Justice Thomas J. Moyer established the Supreme Court Task Force on Records Management in response to concerns raised by courts and clerks across the state about the unmanageable volume of records held by the courts and potential liability of clerks for maintaining those records.

The Chief Justice charged the Task Force on Records Management to survey records retention and maintenance practices across the state and recommend a set of minimum standards for collection, retention, and destruction of court records. The Chief Justice further charged the Task Force to develop rules that would accommodate both paper and electronic methods of submission and maintenance.

B. Task Force Organization

The Task Force included a judge and a clerk from each court and division of courts, as well as records professionals, members of the bar, and members from the business community. Task Force Chair, Judge John R. Milligan, divided the Task Force into subcommittees based on each court: the Supreme Court; Ohio Court of Claims; courts of appeal; the general, juvenile, domestic relations, and probate divisions of the court of common pleas; and the municipal and county courts.

Judge Milligan instructed each subcommittee to detail the types of records currently maintained by their courts and the methods used. He also asked judges and clerks to poll peers across the state to gain a picture of the variability in the methods and procedures and to detail what records management practices "ought to be" in Ohio courts. The subcommittees provided their findings and their recommendations for future practices in interim reports presented to the Task Force in September 1995.

II. Findings

The interim reports of the subcommittees revealed a widely varied set of records maintenance practices across the courts. All courts currently maintain information commonly associated with dockets, journals, and indexes, but they do not keep those records in the same way. While most courts have adopted some form of automation for indexes and dockets, the systems differ greatly. Some courts are moving to electronic imaging systems, others microfilm records, and many continue to keep masses of information in paper form. The differences in records procedures flow from both the differing functions of the courts and each court's independent development of records procedures.

A. Records Maintained

The Task Force separated records maintained by Ohio into two broad categories: Administrative Records and Case Records. Case Records were further divided as: Dockets, Journals, Indexes, and Case Files. Case Files represent the greatest volume of paper or data.

1) Administrative Records

Administrative records deal with the purely business functions of the courts and are subject to the same code sections that apply to any state agency. With the exception of the Supreme Court, the administrative records keeping requirements are essentially similar and relate to employment, cash receipts and disbursements, operational matters, and audit data. The Supreme Court maintains additional records related to its superintendency of the courts and regulation of the bar.

2) Dockets, Journals and Indexes

All courts in Ohio maintain the information traditionally associated with dockets, journals, and indexes in some manner. Most courts have separate, bound paper books which consume the clerk's office, often spilling into the halls and basements of the courthouses.

3) Case Files

A case file is a compendium of all information, from whatever source, necessary for a court to render judgment in a matter. The current practice in Ohio courts is to maintain these records indefinitely, even though the information contained in the files is relevant to the operation of the justice system only through the period for appeals and execution of final orders.

B. Records Procedures

Records procedures in courts across Ohio vary considerably because records maintenance traditionally has been governed by local rule, with or without supervision by County Records Commissions. Some counties have large, centrally operated records centers with professional staff. Others continue to pack old files into boxes and pile them in the courthouse basement.

1) Records Volume-Case Files

The largest single problem faced by Ohio courts in records maintenance is obsolete case files. These files are of little value to the courts because the matters are closed, all appeals have run and all orders executed. Many of these files are kept in expensive rented warehouses that could be eliminated or put toward better use. In other counties

these files are literally piled in the basements and corridors of the courthouses. They encroach upon staff space and create significant fire and injury hazards.

A small number of these files have historical significance. Determining which, if any, files have historical significance is not a proper function of a court. It is, rather, the job of the Ohio Historical Society through its Archivist. Courts are capable neither to discern historical value nor to provide proper archival conditions.

2) Redundancy

The official records of a court are dockets, journals, and indexes. The separate "books" often contain the same data. When properly established and maintained they contain all of the relevant information on any matter coming before the court. Upon the expiration of appeal periods, the manner in which a court reaches its decision is of consequence only to the extent that a judge considers that information to be of sufficient moment to include it in the order. Maintaining redundant records diverts resources from higher uses.

3) Electronic Records

A majority of courts have adopted some form of electronic records keeping. Most of these systems automate docket and index functions. There is little or no similarity to these systems among the courts and almost no correlation between the size of the county and the degree of automation. This places a considerable burden on members of the bar practicing in different courts and court personnel as matters move between courts. Some courts also keep journal records by electronic means with a similar lack of compatibility among the systems.

A small number of courts are adopting electronic imaging systems for case files. These systems convert original paper copies into an electronic format for storage on optical (CD-ROM) discs. While more efficient than paper storage, imaging systems are expensive to acquire and to operate. In short, imaging systems are a modern, efficient and expensive means of storing often irrelevant information.

4) Change

The justice system is not unique in its reluctance to change operating procedures and methods. Current systems may be flawed, but the people running the systems know the flaws and how to work around them. Even among the Task Force members, acceptance came slowly for the principle that the value of case files is transitory. Courts in Ohio have inched toward modern technology as a means of perpetuating a 19th century system, but they have not addressed a fundamental change to that system.

5) Clerk Immunity

Chapter 2744 of the Ohio Revised Code provides blanket immunity to clerks for "governmental" actions and limited immunity for "proprietary" functions. At least two courts of appeal have upheld the provisions of R.C. Chapter 2744, but some clerks continue to remain uncertain of the universal applicability of the appellate decisions and whether destruction of records would fall under a "governmental" or "proprietary" description.

III. Task Force Recommendations

The recommendations of the Task Force are contained in proposed Rules of Superintendence contained in the Appendices to this report. Implicit in proffering proposed rules is the assumption that the Supreme Court has both the authority and the duty to address the issues presented to the Task Force under Article IV of the Ohio Constitution and further, that the Rules of Superintendence provide a more coherent and flexible vehicle for those rules than a statutory alternative.

A. Local Option

The proposed rules are intended to be minimum standards for adoption by the order of each court.

B. Electronic Records

The proposed draft rules provide authority to each court to create, accept, and maintain court records in paper or electronic form, provided that where electronic means are employed, the system shall conform to standards established by the American National Standards Institute.

C. Combined Records

The proposed rules expressly authorize courts to combine the information traditionally contained in dockets, journals, and indexes, or "books" into a single docket record, provided that the record contains all of the requisite information for each.

D. Administrative Records

Administrative Records are to be maintained by the courts in the same manner as any other agency of Ohio government. The retention schedule for Administrative Records in each court is designed to comply with existing federal and Ohio statutes and regulations.

E. Dockets, Journals, and Indexes

The proposed rules provide definitions for dockets, journals (where applicable), and indexes for each court and division including the elements that are to be contained in each. These are long term records that have statistical and historical value and will be maintained for 25 years in municipal and county courts and in perpetuity in all other courts.

F. Case Files

The proposed rules define the nature of case files for each court and provide a specific schedule for retaining these files according to the nature of the matter and the continuing need for the information contained therein.

G. Destruction of Case Files

The proposed rules authorize the destruction of files no longer subject to retention under the various retention schedules, provide guidelines for notice and referral to the Ohio Historical Society, and mandate that the manner of destruction protect the rights and confidentiality of the parties to the matters for which files are destroyed.

H. Clerk Immunity

For nearly 200 years of Ohio statehood, clerks have operated systems that accept huge inflows of documents and information and disgorge none of it. Keeping everything has been the defense against liability. Implementation of the proposed rules by order of each court provides immunity to clerks operating under that order in performing an essential governmental function.

IV. Continuing Role of the Task Force on Records Management

The ongoing function of the Task Force is to provide advice and interpretation on the rules as they are considered by the Supreme Court and implemented by judges and clerks as well as to be prepared to offer appropriate modifications revealed in the implementation process.

For the Supreme Court of Ohio, Task Force on Records Management

Respectfully Submitted,

/s/John R. Milligan
Chair
September 30, 1996

/s/Albert A. Mills
Vice Chair

**PROPOSED RULES OF SUPERINTENDENCE
FOR RECORDS MANAGEMENT**

APPENDICES

Records Management Rules For the Supreme Court of Ohio

Preface

This rule is designed to provide minimum standards for the production, maintenance, preservation and destruction of records within the Supreme Court of Ohio and to authorize alternative, electronic methods and techniques. Implementation of this rule is a judicial, governmental function when ordered by the Court.

Scope: The rule encompasses: (1) administrative records of the court, and
(2) case records.

Administrative Records:

This rule is enacted to provide records retention and disposal guidelines for records not related to cases which document the administrative, fiscal and personnel functions required to manage the Court and clerk's office.

Case Records:

This rule is enacted to provide, at each stage of the process, the accurate and essential information to identify and memorialize the dispute and its resolution. These records shall include: an index, a journal, dockets, and case files.

Interpretation:

This rule is to be liberally interpreted with a view to allow for technology enhancements that improve the efficiency of the Court and simplify production, maintenance, and preservation of records and destruction of obsolete records.

I. Definitions

1. "Record" includes any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of the Supreme Court of Ohio, which serves to document the organization, functions, policies, decisions, procedures, operations or other activities of the Court.
2. "Index" is a reference record used to locate, by party name, Supreme Court cases and final orders of the Court.
3. "Docket" is the official summary of the proceedings in the case maintained by the clerk. The case docket includes basic information regarding the case, including the case number and case type, the parties to the case, the attorneys of record, and the chronological list of all documents filed in the case, action taken by the Court, and writs and processes issued in the case.
4. "Journal" is a verbatim record of every entry issued by the Court.

5. "Case File" is the file of all original documents filed with the clerk in the case pursuant to the Rules of Practice of the Supreme Court of Ohio and all orders issued by the Court in the case.

II. Records to Be Kept

The clerk of the Supreme Court will maintain an index, dockets, a journal, and case files as defined in Section I, (2), (3), (4), and (5) of this rule.

III. Combined Records

Notwithstanding any other provision of law, the Supreme Court and its clerk may elect to combine the function of any or all of the index, dockets, journal, and case files, provided that such combination shall contain the requisite components of each. The Supreme Court may elect to eliminate the historic paper bound books in favor of an approved electronic medium or microfilm.

IV. Allowable Record Media

1. Records may be received, recorded, maintained and preserved upon traditional paper media, electronic media (text or digital images) or microfilm (including computer output to microfilm).
2. Any Court record may be created, maintained, received, recorded or copied by any photographic, microfilming, electronic data processing, or other industry accepted records and information management process as an alternative to paper. Use of such process and media is authorized for the original or a copy of the record, if the process and media accurately record or copy the information and the process or media comply with American National Standards Institute (ANSI) standards and guidelines or other industry accepted standards, in absence of ANSI standards.
 - A. Any record created, maintained, received, recorded, or copied by a process, upon media, other than paper, authorized by this section of the rule, and required to be preserved, shall have a back-up copy made at periodic and reasonable times to insure the security and continued availability of the information. The back-up copy of permanent records shall be stored in a building other than the building in which the original record is stored.
 - B. Records on media authorized by this section of the rule shall be kept in conveniently accessible and secure facilities, and provisions shall be made for inspecting and copying any public records in compliance with any statutes and rules regarding public or other access to the records. Machines and equipment necessary to allow public inspection and copying of the records authorized to be inspected by the public shall be provided.
 - C. The Court or clerk may acquire, in accordance with applicable purchasing requirements, equipment and computer software and related supplies and services for records and information management processes and media authorized by this section of the rule.

V. Notice of Intent to Destroy Records

1. Records may be disposed of after they have been maintained for the retention period stipulated in the retention schedule.

2. Only records with a retention period greater than ten years, or records dated before 1960, require a notice of destruction. For records with retention periods greater than ten years, or records dated before 1960, at least 60 days prior to the disposition of the records the clerk or the Court shall advise the Archives/Library of the Ohio Historical Society in writing of an intention to dispose of the records.
3. Upon request of the Archives/Library of the Ohio Historical Society, public records awaiting destruction shall be transferred to the Ohio Historical Society, or to an institution or agency that meets the criteria of the Archives/Library of the Ohio Historical Society.
4. The Archives/Library of the Ohio Historical Society shall designate the medium and format of records transferred to the Archives/Library of the Ohio Historical Society, and/or records transferred to agencies or institutions which meet the criteria of the Archives/Library of the Ohio Historical Society.

VI. Retention Schedule

1. Case Records (except by order of the Court extending these terms)
 - A. The index shall be maintained permanently.
 - B. The dockets shall be maintained permanently.
 - C. The journal shall be maintained permanently.
 - D. Case Files
 - i. Files in discretionary appeals that are not allowed, or in claimed appeals of right that are dismissed, may be destroyed one year after the case is closed.
 - ii. Appeals Heard on the Merits
 - a. Files in death penalty merit cases shall be maintained permanently.
 - b. Files in merit cases appealed to and heard on the merits by the U.S. Supreme Court shall be maintained permanently.
 - c. Files in all other merit cases may be destroyed five years after the final judgment of the Court.
 - iii. Files in original actions in the Supreme Court may be destroyed five years after a final order is issued by the Court.
 - iv. Files in attorney discipline cases may be destroyed seventy-five years after a final order is issued by the Court.
 - v. Files in attorney admission cases may be destroyed seventy-five years after a final order is issued by the Court.
 - vi. Records of a lower court or agency filed with the Supreme Court may be returned to the court or agency upon completion of the case, and need not be kept by the Supreme Court.

2. Administrative Records - General

- A. Administrative Lists or Directories (mailing lists, rosters, registers compiled) - Administrative lists or directories will be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
- B. Applications for Employment - Employment applications will be retained for six years.
- C. Bank Records (transaction records, whether paper or electronic, including statements, canceled checks, deposit slips) - Bank records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
- D. Cash Books (expense and receipt ledgers) - Cash books will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
- E. Communication Records (routine telephone messages on any medium, where official action will be recorded elsewhere) - Communication records may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
- F. Copies and Duplicates (internal copies used for information and for which the official record is elsewhere) - Copies and duplicates may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
- G. Drafts and Informal Notes (transitory information used to prepare the official record in any other form) - Drafts and informal notes may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
- H. Employee Files: Disciplinary (all records of infractions except where termination has resulted) - Disciplinary files will be retained for ten years after the last action, and may be destroyed if no litigation or claims are pending.
- I. Employee Files: Short Term Records (transitory information used to prepare history and disciplinary files) - Short term records will be retained for three years, and may be destroyed if no litigation or other personnel action is pending.
- J. Fax Transmittal and Receiving Cover Sheets - Fax cover sheets may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
- K. General Office and Correspondence Files (all sent and received correspondence, in any medium) - General office and correspondence files may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
- L. Litigation Records - Litigation records may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person named in the litigation.
- M. Management/Operations Reports (reports created by staff or outside consultants concerning management or operations) - Management/operations reports may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.

- N. Policies, Directives, and Procedures - Policies, directives, and procedures will be retained until superseded.
 - O. Publications Created - Two copies of publications created by the Court will be retained permanently.
 - P. Publications Received - Publications received by the Court may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - Q. Record Retention Schedules - Record retention schedules shall be retained until superseded.
 - R. Risk Management Records (office copies of any form of insurance record duplicated with another office) - Risk management records may be destroyed if no litigation or claims are pending.
3. Administrative Records - Clerk's Office
- A. Administrative Journal (court entries not related to Supreme Court cases) - The administrative journal will be retained permanently.
 - B. Affidavits of Disqualification - Affidavits of disqualification will be retained for ten years.
 - C. Affidavits of Disqualification Database - Affidavits of disqualification database, or data in the database, may be destroyed in the normal course of business when deemed to be no longer of administrative value.
 - D. Continuing Legal Education Enforcement Database - Continuing legal education enforcement database, or data in the database, may be destroyed in the normal course of business when deemed to be no longer of administrative value.
 - E. Continuing Legal Education Enforcement Files - Continuing legal education enforcement files will be retained for seventy-five years.
 - F. Case Related Correspondence - Case related correspondence will be retained for three years.
 - G. Capital Indictment Database - Capital indictment database, or data in the database, will be destroyed in the normal course of business when deemed to be no longer of administrative value.
 - H. Capital Indictment Files - Capital indictment files maintained pursuant to statute will be retained permanently.
 - I. Local Rules of Court - Local rules of court will be retained until superseded.
 - J. Justices' Oaths of Office and Statements of Judicial Qualifications - Justices' oaths of office and statements of judicial qualifications shall be retained permanently.
 - K. Record Center Request Forms and Tracking Lists - Record center request forms and tracking lists shall be retained for one year.
4. Administrative Records - Admission's Office

- A. Applicant Files - Applicant files shall be retained for seventy-five years.
 - B. Bar Exam Materials
 - 1. Bar exam applicant essay answers shall be retained for one year after the results of the exam have been released.
 - 2. One copy of bar exam essay questions and sample answers that have been published shall be retained permanently.
 - 3. Bar exam essay questions that have not been published may be destroyed in the normal course of business as soon as they are deemed to be no longer of administrative value.
 - 4. Bar exam reader analyses may be destroyed in the normal course of business as soon as they are deemed to be no longer of administrative value.
 - 5. Bar exam results (including MBE printouts, MPRE printouts, applicant score reports, consultant reports, etc.) shall be retained permanently.
 - 6. Bar exam subject outlines shall be retained until superseded.
 - C. Character and Fitness Case Files (for cases pending before the Board of Commissioners on Character and Fitness) - Character and fitness case files shall be retained for seventy-five years.
 - D. Minutes of the Board of Bar Examiners - Minutes of the Board of Bar Examiners shall be retained permanently.
 - E. Minutes of the Board of Commissioners on Character and Fitness - Minutes of the Board of Commissioners on Character and Fitness shall be retained permanently.
 - F. Legal Intern Files (applications and copies of certificates) - Legal intern files shall be retained for five years.
 - G. NCBE Status Reports (including closed file reports) - NCBE status reports may be destroyed in the normal course of business as soon as they are deemed to be no longer of administrative value.
 - H. Pre-1985 Applicant Cards - Pre-1985 applicant cards shall be retained for seventy-five years.
- 5. Administrative Records - Attorney Registration Office
 - A. Certificates of Registration - Certificates of registration shall be retained permanently.
 - B. Changes of Information on Certificates of Registration - Changes of information on certificates of registration shall be retained until the earlier of the filing of a superseding notice of change of information or the next deadline for filing a certificate of registration.
 - 6. Administrative Records - Administrator's Office
 - A. Annual Reports - Two copies of each annual report will be retained permanently.
 - B. Applications for Rule 65 Certification - Applications for Rule 65 Certification shall be retained permanently.
 - C. Reports on Appointment of Counsel for Indigent Defendants in Capital Cases - Reports on appointment of counsel shall be retained permanently.

- D. Dispositional Reports on Death Penalty Cases - Dispositional reports on death penalty cases shall be retained permanently.
 - E. Grants Made or Received by the Court - Grants made or received by the Court shall be retained for three years.
 - F. EEO Files - EEO files shall be retained permanently.
 - G. Records of the Board of Commissioners on the Unauthorized Practice of Law - Records of the Board of Commissioners on the Unauthorized Practice of Law shall be retained permanently.
 - H. Affidavit of Disqualification Case Files - Affidavit of disqualification case files shall be retained permanently.
 - I. Yearly Notebooks for Affidavit of Disqualification Case Files - Yearly notebooks shall be retained permanently.
 - J. Affidavit of Disqualification Filing and Maintenance Database - Affidavit of disqualification filing and maintenance database shall be retained permanently.
 - K. Court Rules in Proposed Form; Public Comments Submitted to Proposed Rules - Court rules in proposed form and public comments may be destroyed in the normal course of business as soon as they are deemed to be no longer of administrative value.
 - L. Final Rules Adopted by the Court - Final rules adopted by the Court shall be retained until published.
 - M. Minutes of the Justices' Conferences - Minutes of the Justices' Conferences shall be retained permanently.
 - N. Judge Assignment Documents - Judge assignment documents shall be retained for eighteen years.
7. Administrative Records - Fiscal Office
- A. Audit Reports and Work Papers Created by Audit - Audit reports will be retained permanently.
 - B. Bank Records (transaction records, whether paper or electronic, including statements, canceled checks, deposit slips) - Bank records will be retained the longer of three years or until the issuance of an audit report by the Auditor of State.
 - C. Cash Books (expense and receipt ledgers) - Cash books will be retained for the longer of ten years or until the issuance of an audit report by the Auditor of State.
 - D. Court Vehicle Usage Records (including service records, confirmation sheets, operation and maintenance reports, warranty and guarantee statements, shop-work orders, usage logs, and sign-out sheets) - Court vehicle usage records will be retained for three years, provided audited.
 - E. Employee Benefit Records (Court office copies of life and medical insurance records) - Employee benefit records will be retained for three years, and may be destroyed if no litigation or claims are pending.

- F. Employee Files: History (complete records of hiring, employment, promotion, evaluation, attendance history, medical issues and termination or retirement) - Employee files will be retained ten years after termination of employment.
 - G. Employee Files: Leave - Leave records will be retained for the earlier of three years or until the issuance of an Audit Report by the Auditor of State.
 - H. Fiscal Files: Budgeting and Purchasing - Fiscal files will be retained for the longer of three years or until the issuance of an Audit Report by the Auditor of State.
 - I. Payroll Records (records of personnel time and copies of records duplicated with another office) - Payroll records will be retained for the longer of three years or until the issuance of an Audit Report by the Auditor of State.
 - J. Petty Cash Records - Petty cash records shall be retained for two years, provided audited.
 - K. Phone Statements - Phone statements shall be retained for three years, provided audited.
 - L. Receipt Records (records of cash receipts together with any balancing records) - Receipt records will be retained for the longer of three years or until the issuance of an Audit Report by the Auditor of State.
 - M. Reimbursement Requests (used for claiming expenses for miscellaneous expenses and for in-state and out-of-state travel) - Reimbursement requests shall be retained for three years, provided audited.
 - N. Requests for Proposals and Resulting Contracts - Requests for proposals and resulting contracts shall be retained for three years after the expiration of a contract that is awarded pursuant to the RFP.
 - O. Vouchers (expenditure documents authorizing payment to vendors) - Vouchers shall be retained for two years after an audit is released.
8. Administrative Records - Public Information Office
- A. Announcement Lists of Court Actions - Announcement lists shall be retained until published.
 - B. Case Opinion Summaries - Case opinion summaries may be destroyed in the normal course of business as soon as they are deemed to be no longer of administrative value.
 - C. Press Releases (including bulletins released) - Press releases may be destroyed in the normal course of business as soon as they are deemed to be no longer of administrative value.
9. Administrative Records - Continuing Legal Education Office
- A. Appeals Records (stored with courses appealed) - Appeals records shall be retained for four years.

- B. Applications for Accreditation - Applications for accreditation shall be retained for four years.
 - C. Interim and Final Reports - Interim and final reports shall be retained permanently.
 - D. Reinstatement Files (hearing files) - Reinstatement Files shall be retained for five years.
 - E. Requests for Credit on Cards - Requests for credit on cards shall be retained for one year.
 - F. Requests for Credit Filed with Courses (stored with course files) - Requests for credit filed with courses shall be retained for four years.
10. Administrative Records - Judicial College
- A. Course Files (detailed information on courses taught) - Course files shall be retained for five years.
 - B. Course Manuals - One copy of each course manual shall be retained permanently.
 - C. Enrollment/Attendance Records - Enrollment/attendance records shall be retained permanently.
 - D. Faculty Records (electronic) - Faculty records may be destroyed in the normal course of business as soon as they are deemed to be no longer of administrative value.
 - E. Lesson Plans (in any format, including audio and/or video tapes) - Lesson plans may be destroyed in the normal course of business as soon as they are deemed to be no longer of administrative value.

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- B. Names of counsel,
- C. Index directly and reverse in the names of each plaintiff and each defendant,
- D. Index directly and reverse any new parties added to the proceeding,
- E. The issuance of summons or order, and the return of any writ or order with the date of return,
- F. The date and nature of all other documents filed in the proceeding, with a brief description of the content of each, together with cross reference, if appropriate, to other records,
- G. The schedule of the proceedings for the use of the court and its officers in the control and processing of the case,
- H. Every order or judgment of the court entered verbatim, and
- I. All actions to collect, enforce or satisfy orders or judgments.

The Docket shall also be programmed to allow retrieval of orders or judgments of the court in a chronological as well as case specific manner.

- 4. "Case File" is the compendium of original documents filed in an action or proceeding in the court, including the pleadings, motions, orders and judgments of the court on a case by case basis.

II. Records to be Kept

Courts of Appeal will maintain indexes, dockets and case files as defined in Section I, (2), (3) and (4).

III. Combined Records

Notwithstanding any other provision of law, the Courts of Appeal and their clerks may elect to combine the function of any or all the index, docket and the case file provided that such combination shall contain the requisite components of each. The Courts of Appeal may elect to eliminate the historic paper bound books in favor of an approved electronic medium or microfilm.

IV. Allowable Record Media

- 1. Records may be received, recorded, maintained and preserved upon traditional paper media, electronic media (text or digital images) or microfilm (including computer output to microfilm).
- 2. Any court record may be created, maintained, received, recorded or copied by any photographic, microfilming, electronic data processing, or other industry accepted records and information management process as an alternative to paper. Use of such process and media is authorized for the original or a copy of the record, if the process and media accurately record or copy the information and the process or media comply with American National Standards

Institute (ANSI) standards and guidelines or other industry accepted standards, in absence of ANSI standards.

- A. Any record created, maintained, received, recorded, or copied by a process, upon media, other than paper, authorized by this section of the rule shall have a back-up copy made at periodic and reasonable times to insure the security and continued availability of the information. The back-up copy of permanent records shall be stored in a different building than the record it secures.
- B. Records on media authorized by this section of the rule shall be kept in conveniently accessible and secure facilities, and provisions shall be made for inspecting and copying the records in compliance with any statutes and rules regarding public or other access to the records. Machines and equipment necessary to allow public inspection and copying of the records authorized to be inspected by the public shall be provided.
- C. Any court or clerk may acquire, in accordance with applicable purchasing requirements, equipment and computer software and related supplies and services for records and information management processes and media authorized by this section of the rule.

V. Notice of Intent to Destroy Records

- 1. Records may be disposed of after they have been maintained for the retention period stipulated in the appropriate record schedule.
- 2. Notice of Destruction. Only records with a retention period greater than ten years, or records dated before 1960, require a notice of destruction. For records with retention periods greater than ten years, or records dated before 1960, at least 60 days prior to the disposition of the records the clerk or court shall advise the Archives/Library of the Ohio Historical Society in writing of their intention to dispose of the records.
- 3. Upon request of the Ohio Historical Society, the records shall be transferred to the Ohio Historical Society, or to an institution or agency which meets the Ohio Historical Society's criteria.
- 4. The Archives/Library of the Ohio Historical Society shall designate the medium and format of records transferred to the Archives/Library of the Ohio Historical Society, and/or records transferred to agencies or institutions which meet the criteria of the Archives/Library of the Ohio Historical Society.

VI. Exhibits, Depositions, and Transcripts

At the conclusion of litigation, including times for direct appeal, the clerk may return exhibits, depositions, and transcriptions in the custody of the clerk to the party tendering same, or the party who paid the cost thereof, unless otherwise ordered by the court. The clerk shall give 30 days written notice to such party, and if not claimed the exhibits, depositions, and transcriptions may be destroyed.

VII. Retention Schedule

1. Administrative Records
 - A. Annual Reports - Two copies of each annual report will be retained permanently.
 - B. Applications for Employment - Employment applications will be retained for six years.
 - C. Bank Records (transaction records, whether paper or OR electronic) - Bank records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - D. Cash Books (expense and receipt ledgers) - Cash books will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - E. Communication Records (Routine telephone messages on any medium, where official action will be recorded elsewhere) - Communication records may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - F. Drafts and Informal Notes (transitory information used to prepare the official record in any other form) - Drafts and informal notes may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - G. Employee Benefit Records (Court office copies of life and medical insurance records) - Employee benefit records will be retained by the appropriate fiscal officer for three years, and may be destroyed if no litigation or claims are pending.
 - H. Employee Files: History (Complete records of hiring, employment, promotion, evaluation, attendance, medical issues and termination or retirement) - Employee files will be retained ten years after termination of employment.
 - I. Employee Files: Disciplinary (All records of infractions except where termination has resulted) - Disciplinary files will be retained for ten years after the last action, and may be destroyed if no litigation or claims are pending.
 - J. Employee Files: Leave - Leave records will be retained by the appropriate fiscal officer for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - K. Employee Files Short Term Records (Transitory information used to prepare History and Disciplinary Files) - Short term records will be retained for three years, and may be destroyed if no litigation or other personnel action is pending.
 - L. Fiscal Files: Budgeting and Purchasing (Copies of transactional documents for which originals are retained by another office) - Fiscal files will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - M. General Office and Correspondence Files (All sent and received correspondence, in any medium) - General office and correspondence files may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - N. Administrative Journal (Court entries, or a record thereof, for policies and issues not related to court cases) - The administrative journal will be retained permanently.

- O. Payroll Records (Records of personnel time and copies of records duplicated with another office) - Payroll records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - P. Publications Created - Two copies of publications created by the court will be retained permanently.
 - Q. Publications Received - Publications received by the court may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - R. Receipt Records (Records of cash receipts together with any balancing records) - Receipt records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - S. Risk Management Records (Office copies of any form of insurance record duplicated with another office) - Risk management records may be destroyed if no litigation or claims are pending.
2. Case Records (except by order of court extending these terms)
- A. Index. The index shall be maintained permanently.
 - B. Docket. The dockets shall be maintained permanently.
 - C. Journal. The journal shall be maintained permanently.
 - D. Case Files
 - i. Merit Decisions - These records will be retained for two years after final judgment, except in the case of Death Penalty Convictions where the entire record will be kept permanently in its original form.
 - ii. Nonmerit disposition - These records will be retained for one year after judgment.
 - iii. Original Actions - These records will be retained for one year after final judgment.

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- C. Index directly and reverse in the names of each plaintiff and each defendant,
- D. The issuance of documents for service upon a party and the return thereof or lack of return,
- E. The time, date filed and a brief description of all documents filed in the case, cross referenced to other documents as appropriate,
- F. The schedule of the court proceedings for the use of the court and its officers for the management of the case,
- G. Any actions taken to enforce orders or judgments, and
- H. Any information necessary to document the clerk's activity regarding the case.

The Docket shall also be programmed to allow retrieval of orders or judgments of the court in a chronological as well as case specific manner.

- 4. "Journal" is a verbatim record of every order or judgment of the court.
- 5. "Case File" is the compendium of documents filed in a case, including the pleadings, service of process, orders and judgments maintained by case name and number.

II. Records to be Kept

General Division Common Pleas Courts, including their clerks, shall maintain records as prescribed by this rule.

Upon the filing of any paper or electronic entry permitted by the court, a time stamp or entry shall be placed thereon to indicate the day, month, and year of filing.

III. Combined Records

Notwithstanding any other provision of law, the General Division Common Pleas Courts and their clerks may elect to combine the function of any or all the index, docket, journal, and case file provided that such combination shall contain the requisite components of each. The General Division Common Pleas Courts may elect to eliminate the historic paper bound books in favor of an approved electronic medium or microfilm.

IV. Allowable Record Media

- 1. Records may be received, recorded, maintained and preserved upon traditional paper media, electronic media (text or digital images) or microfilm (including computer output to microfilm).
- 2. Any court record may be created, maintained, received, recorded or copied by any photographic, microfilming, electronic data processing, or other industry accepted records and information management process as an alternative to paper. Use of such process and media is authorized for the original or a copy of the record, if the process and media accurately record or copy the information and the process or media comply with American National Standards Institute (ANSI) standards and guidelines or other industry accepted standards, in absence of ANSI standards.

- A. Any record created, maintained, received, recorded, or copied by a process, upon media, other than paper, authorized by this section of the rule, and required to be preserved, shall have a back-up copy made at periodic and reasonable times to insure the security and continued availability of the information. The back-up copy of permanent records shall be stored in a different building than the record it secures.
- B. Records on media authorized by this section of the rule shall be kept in conveniently accessible and secure facilities, and provisions shall be made for inspecting and copying the records in compliance with any statutes and rules regarding public or other access to the records. Machines and equipment necessary to allow public inspection and copying of the records authorized to be inspected by the public shall be provided.
- C. Any court or clerk may acquire, in accordance with applicable purchasing requirements, equipment and computer software and related supplies and services for records and information management processes and media authorized by this section of the rule.

V. Notice of Intent to Destroy Records

1. Records may be disposed of after they have been maintained for the retention period stipulated in the appropriate record schedule.
2. Notice of Destruction. Only records with a retention period greater than ten years, or records dated before 1960, require a notice of destruction. For records with retention periods greater than ten years, or records dated before 1960, at least 60 days prior to the disposition of the records the clerk or court shall advise the Archives/Library of the Ohio Historical Society in writing of their intention to dispose of the records.
3. Upon request of the Ohio Historical Society, the records shall be transferred to the Ohio Historical Society, or to an institution or agency which meets the Ohio Historical Society's criteria.
4. The Archives/Library of the Ohio Historical Society shall designate the medium and format of records transferred to the Archives/Library of the Ohio Historical Society, and/or records transferred to agencies or institutions which meet the criteria of the Archives/Library of the Ohio Historical Society.

VI. Exhibits, Depositions, and Transcripts

At the conclusion of litigation, including times for direct appeal, the clerk may return exhibits, depositions, and transcripts in the custody of the clerk to the party tendering same, or the party who paid the cost thereof, unless otherwise ordered by the court. The clerk shall give 30 days written notice to every party, or counsel, and if not claimed the exhibits, depositions, and transcripts may be destroyed.

VII. Retention Schedule

1. Administrative Records
 - A. Annual Reports - Two copies of each annual report will be retained permanently.
 - B. Applications for Employment - Employment applications will be retained for six years.
 - C. Bank Records (transaction records, whether paper or electronic) - Bank records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - D. Cash Books (expense and receipt ledgers) - Cash books will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - E. Communication Records (Routine telephone messages on any medium, where official action will be recorded elsewhere) - Communication records may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - F. Drafts and Informal Notes (transitory information used to prepare the official record in any other form) - Drafts and informal notes may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - G. Employee Benefit Records (Court office copies of life and medical insurance records) - Employee benefit records will be retained by the appropriate fiscal officer for three years, and may be destroyed if no litigation or claims are pending.
 - H. Employee Files: History (Complete records of hiring, employment, promotion, evaluation, attendance, medical issues and termination or retirement) - Employee files will be retained ten years after termination of employment.
 - I. Employee Files: Disciplinary (All records of infractions except where termination has resulted) - Disciplinary files will be retained for ten years after the last action, and may be destroyed if no litigation or claims are pending.
 - J. Employee Files: Leave - Leave records will be retained by the appropriate fiscal officer for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - K. Employee Files Short Term Records (Transitory information used to prepare History and Disciplinary Files) - Short term records will be retained for three years, and may be destroyed if no litigation or other personnel action is pending.
 - L. Fiscal Files: Budgeting and Purchasing (Copies of transactional documents for which originals are retained by another office) - Fiscal files will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - M. General Office and Correspondence Files (All sent and received correspondence, in any medium) - General office and correspondence files may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - N. Administrative Journal (Court entries, or a record thereof, for policies and issues not related to court cases) - The administrative journal will be retained permanently.

- O. Payroll Records (Records of personnel time and copies of records duplicated with another office) - Payroll records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - P. Publications Created - Two copies of publications created by the court will be retained permanently.
 - Q. Publications Received - Publications received by the court may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - R. Receipt Records (Records of cash receipts together with any balancing records) - Receipt records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - S. Risk Management Records (Office copies of any form of insurance record duplicated with another office) - Risk management records may be destroyed if no litigation or claims are pending.
2. Case Records (except by order of court extending these terms)
- A. Index. The index shall be maintained permanently.
 - B. Journal. All journals shall be maintained permanently.
 - C. Docket. All dockets shall be maintained permanently.
 - D. Case Files.
 - i. Death Penalty Cases. All case files which resulted in a sentence of death shall be maintained permanently.
 - ii. Voluntary Dismissals. All case files of matters voluntarily dismissed will be retained for three years.
 - iii. All other case files. All case filed not set forth in (D)(1), (2) and (3) above shall be maintained for 12 years after final order.
 - iv. Search warrant records will be indexed and the warrants and returns retained in their original form for five years.

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- B. Names, addresses and Supreme Court registration numbers of all counsel,
- C. Index directly and reverse in the names of each plaintiff and each defendant,
- D. Index directly and reverse any new parties added to the proceeding,
- E. The issuance of summons or order, and the return of any writ or order with the date of return,
- F. The date and nature of all other documents filed in the proceeding, with a brief description of the content of each, together with cross reference, if appropriate, to other records,
- G. The schedule of the proceedings for the use of the court and its officers in the control and processing of the case,
- H. Every order or judgment of the court and every magistrate's decision or order entered verbatim (unless contained in the journal book), and all other forms and documents to be filed contemporaneously therewith, and
- I. All actions to collect or enforce or satisfy orders or judgments.

The Docket shall also be programmed to allow retrieval of orders or judgments of the court in a chronological as well as case specific manner.

- 4. "Journal" is a verbatim record of any magistrate's report, magistrate's order, or judgment entry, and all other forms and documents to be filed contemporaneously therewith.
- 5. "Case File" is the compendium of original documents filed in an action or proceeding in the court, including the pleadings, motions, orders, and judgments of the court on a case-by-case basis.

II. Records to be Kept

Domestic relations courts will maintain indexes, dockets, and case files as defined in Section I., (2), (3), (4) and (5) of this Rule.

III. Combined Records

Notwithstanding any other provision of law, the domestic relations courts and their clerks may elect to combine the function of any or all the index, docket, journal, and case file provided that such combination shall contain the requisite components of each. The Domestic Relations Courts may elect to eliminate the historic paper bound books in favor of an approved electronic medium or microfilm.

IV. Allowable Record Media

- 1. Records may be received, recorded, maintained and preserved upon traditional paper media, electronic media (text or digital images) or microfilm (including computer output to microfilm).
- 2. Any court record may be created, maintained, received, recorded or copied by any photographic, microfilming, electronic data processing, or other industry accepted records and information management process as an alternative to paper. Use of such process and media is

authorized for the original or a copy of the record, if the process and media accurately record or copy the information and the process or media comply with American National Standards Institute (ANSI) standards and guidelines or other industry accepted standards, in absence of ANSI standards.

- A. Any record created, maintained, received, recorded, or copied by a process, upon media, other than paper, authorized by this section of the rule, and required to be preserved, shall have a back-up copy made at periodic and reasonable times to insure the security and continued availability of the information. The back-up copy of permanent records shall be stored in a different building than the record it secures.
- B. Records on media authorized by this section of the rule shall be kept in conveniently accessible and secure facilities, and provisions shall be made for inspecting and copying the records in compliance with any statutes and rules regarding public or other access to the records. Machines and equipment necessary to allow public inspection and copying of the records authorized to be inspected by the public shall be provided.
- C. Any court or clerk may acquire, in accordance with applicable purchasing requirements, equipment and computer software and related supplies and services for records and information management processes and media authorized by this section of the rule.

V. Notice of Intent to Destroy Records

1. Records may be disposed of after they have been maintained for the retention period stipulated in the appropriate record schedule.
2. Notice of Destruction. Only records with a retention period greater than ten years or records dated before 1960, require a notice of destruction. For records with retention periods greater than ten years, or records dated before 1960, at least 60 days prior to the disposition of the records the clerk or court shall advise the Archives/Library of the Ohio Historical Society in writing of their intention to dispose of the records.
3. Upon request of the Ohio Historical Society, the records shall be transferred to the Ohio Historical Society, or to an institution or agency which meets the Ohio Historical Society's criteria.
4. The Archives/Library of the Ohio Historical Society shall designate the medium and format of records transferred to the Archives/Library of the Ohio Historical Society, and/or records transferred to agencies or institutions which meet the criteria of the Archives/Library of the Ohio Historical Society.

VI. Exhibits, Depositions, and Transcripts

Except in cases involving allocation of parental rights and responsibilities as required by R.C. 3109.36, at the conclusion of litigation, including times for direct appeal, the clerk may return exhibits, depositions, and transcripts in the custody of the clerk to the party tendering same, or the party who paid the cost thereof, unless otherwise ordered by the court. The clerk shall give 30 days written notice to every party, and if not claimed the exhibits, depositions, and transcripts may be destroyed.

VII. Retention Schedule

1. Administrative Records
 - A. Annual Reports - Two copies of each annual report will be retained permanently.
 - B. Applications for Employment - Employment applications will be retained for six years.
 - C. Bank Records (transaction records, whether paper or electronic) - Bank records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - D. Cash Books (expense and receipt ledgers) - Cash books will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - E. Communication Records (Routine telephone messages on any medium, where official action will be recorded elsewhere) - Communication records may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - F. Drafts and Informal Notes (transitory information used to prepare the official record in any other form) - Drafts and informal notes may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - G. Employee Benefit Records (Court office copies of life and medical insurance records) - Employee benefit records will be retained by the appropriate fiscal officer for three years, and may be destroyed if no litigation or claims are pending.
 - H. Employee Files: History (Complete records of hiring, employment, promotion, evaluation, attendance, medical issues and termination or retirement) - Employee files will be retained ten years after termination of employment.
 - I. Employee Files: Disciplinary (All records of infractions except where termination has resulted) - Disciplinary files will be retained for ten years after the last action, and may be destroyed if no litigation or claims are pending.
 - J. Employee Files: Leave - Leave records will be retained by the appropriate fiscal officer for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - K. Employee Files Short Term Records (Transitory information used to prepare History and Disciplinary Files) - Short term records will be retained for three years, and may be destroyed if no litigation or other personnel action is pending.
 - L. Fiscal Files: Budgeting and Purchasing (Copies of transactional documents for which originals are retained by another office) - Fiscal files will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.

- M. General Office and Correspondence Files (All sent and received correspondence, in any medium) - General office and correspondence files may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - N. Administrative Journal (Court entries, or a record thereof, for policies and issues not related to court cases) - The administrative journal will be retained permanently.
 - O. Payroll Records (Records of personnel time and copies of records duplicated with another office) - Payroll records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - P. Publications Created - Two copies of publications created by the court will be retained permanently.
 - Q. Publications Received - Publications received by the court may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - R. Receipt Records (Records of cash receipts together with any balancing records) - Receipt records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - S. Risk Management Records (Office copies of any form of insurance record duplicated with another office) - Risk management records and may be destroyed if no litigation or claims are pending.
2. Case Records (except by order of court extending these terms)
- A. Divorce/Dissolution: No Children. - Records will be retained for twelve years.
 - B. Divorce/Dissolution: Minor Child(ren). - Records will be retained for nineteen years.
 - C. Legal Separation - Records will be retained until the parties are divorced or one year beyond the death of either party, or two years after the spousal support terminates, whichever date is later. If post-decree motions have been filed, records will be retained two years past the adjudication of the post-decree motion or the date specified above, whichever is later.
 - D. Domestic Violence Petitions - Records will be retained until the parties are divorced or one year beyond the expiration of the order. If post-decree motions have been filed, records will be retained one year past the adjudication of the post-decree motion or the date specified above, whichever is later.
 - E. Uniform Reciprocal Enforcement Act Filings - Records will be retained for nineteen years or one year after transfer of the case to another jurisdiction.
 - F. Registration/Adoption of Foreign Decree - Records will be retained two years beyond the emancipation of all the parties' minor children. If post-decree motions have been filed, records will be retained two years past the adjudication of the post-decree motion or the date specified above, whichever is later.
 - G. Uncontested Cases/Post Decree Motions - In new cases and 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 will be retained for thirty years and may be retained in a separate file apart from the case record file.

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- B. Names of counsel,
- C. Index directly and reverse in the names of each plaintiff and each defendant,
- D. Index directly and reverse any new parties added to the proceeding,
- E. The issuance of summons or order, and the return of any writ or order with the date of return,
- F. The date and nature of all other documents filed in the proceeding, with a brief description of the content of each, together with cross reference, if appropriate, to other records,
- G. The schedule of the proceedings for the use of the court and its officers in the control and processing of the case,
- H. Every order or judgment of the court entered verbatim, and
- I. All actions to collect or enforce or satisfy orders or judgments.

The Docket shall also be programmed to allow retrieval of orders or judgments of the court in a chronological as well as case specific manner.

- 4. Juvenile By-Pass Docket is solely for juvenile by-pass cases, and is kept separately from other dockets and secure at all times.
 - A. name of the probation officer(s) assigned to the matter,
 - B. names of counsel (if present),
 - C. decision of the court, and
 - D. notice of appeal, if applicable.
- 5. "Case File" is the compendium of original documents filed in an action or proceeding in the court, including the pleadings, motions, orders and judgments of the court on a case by case basis.

II. Records to be Kept

Juvenile Courts will maintain indexes, dockets, and case files as defined in Section I., (2), (3) (4) and (5) of this Rule.

Upon the filing of any paper or electronic entry permitted by the court, a time stamp or entry shall be placed thereon to indicate the day, month, and year of filing.

III. Combined Records

Notwithstanding any other provision of law, the juvenile courts and their clerks may elect to combine the function of any or all the index, docket, and the case file provided that such combination shall contain the requisite components of each. The juvenile courts may elect to eliminate the historic paper bound books in favor of an approved electronic medium or microfilm.

IV. Allowable Record Media

1. Records may be received, recorded, maintained and preserved upon traditional paper media, electronic media (text or digital images) or microfilm (including computer output to microfilm).
2. Any court record may be created, maintained, received, recorded, or copied by any photographic, microfilming, electronic data processing, or other industry accepted records and information management process as an alternative to paper. Use of such process and media is authorized for the original or a copy of the record, if the process and media accurately record or copy the information and the process or media comply with American National Standards Institute (ANSI) standards and guidelines or other industry accepted standards, in absence of ANSI standards.
 - A. Any record created, maintained, received, recorded, or copied by a process, upon media, other than paper, authorized by this section of the rule shall have a back-up copy made at periodic and reasonable times to insure the security and continued availability of the information. The back-up copy of permanent records shall be stored in a different building than the record it secures.
 - B. Records on media authorized by this section of the rule shall be kept in conveniently accessible and secure facilities, and provisions shall be made for inspecting and copying the records in compliance with any statutes and rules regarding public or other access to the records. Machines and equipment necessary to allow public inspection and copying of the records authorized to be inspected by the public shall be provided.
 - C. Any court or clerk may acquire, in accordance with applicable purchasing requirements, equipment and computer software and related supplies and services for records and information management processes and media authorized by this section of the rule.

V. Notice of Intent to Destroy Records

1. Records may be disposed of after they have been maintained for the retention period stipulated in the appropriate record schedule.
2. Notice of Destruction. Only records with a retention period greater than ten years or records dated before 1960, require a notice of destruction. For records with retention periods greater than ten years, or records dated before 1960, at least 60 days prior to the disposition of the records the clerk or court shall advise the Archives/Library of the Ohio Historical Society in writing of their intention to dispose of the records.
3. Upon request of the Ohio Historical Society, the records shall be transferred to the Ohio Historical Society, or to an institution or agency which meets the Ohio Historical Society's criteria.
4. The Archives/Library of the Ohio Historical Society shall designate the medium and format of records transferred to the Archives/Library of the Ohio Historical Society, and/or records transferred to agencies or institutions which meet the criteria of the Archives/Library of the Ohio Historical Society.

VI. Exhibits, Depositions, and Transcripts

At the conclusion of litigation, including times for direct appeal, the clerk may return exhibits, depositions, and transcripts in the custody of the clerk to the party tendering same, or the party who paid the cost thereof, unless otherwise ordered by the court. The clerk shall give 30 days written notice to every party or counsel, and if not claimed the exhibits, depositions, and transcripts may be destroyed.

VII. Retention Schedule

1. Administrative Records
 - A. Annual Reports - Two copies of each annual report will be retained permanently.
 - B. Applications for Employment - Employment applications will be retained for six years.
 - C. Bank Records (transaction records, whether paper or electronic) - Bank records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - D. Cash Books (expense and receipt ledgers) - Cash books will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - E. Communication Records (Routine telephone messages on any medium, where official action will be recorded elsewhere) - Communication records may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - F. Drafts and Informal Notes (transitory information used to prepare the official record in any other form) - Drafts and informal notes may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - G. Employee Benefit Records (Court office copies of life and medical insurance records) - Employee benefit records will be retained by the appropriate fiscal officer for three years, and may be destroyed if no litigation or claims are pending.
 - H. Employee Files: History (Complete records of hiring, employment, promotion, evaluation, attendance, medical issues and termination or retirement) - Employee files will be retained ten years after termination of employment.
 - I. Employee Files: Disciplinary (All records of infractions except where termination has resulted) - Disciplinary files will be retained for ten years after the last action, and may be destroyed if no litigation or claims are pending.
 - J. Employee Files: Leave - Leave records will be retained by the appropriate fiscal officer for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - K. Employee Files Short Term Records (Transitory information used to prepare History and Disciplinary Files) - Short term records will be retained for three years, and may be destroyed if no litigation or other personnel action is pending.
 - L. Fiscal Files: Budgeting and Purchasing (Copies of transactional documents for which originals are retained by another office) - Fiscal files will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - M. General Office and Correspondence Files (All sent and received correspondence, in any medium) - General office and correspondence files may be destroyed in the normal

course of business as soon as they are deemed to be of no value by the person holding them.

- N. Administrative Journal (Court entries, or a record thereof, for policies and issues not related to court cases) - The administrative journal will be retained permanently.
 - O. Payroll Records (Records of personnel time and copies of records duplicated with another office) - Payroll records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - P. Publications Created - Two copies of publications created by the court will be retained permanently.
 - Q. Publications Received - Publications received by the court may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - R. Receipt Records (Records of cash receipts together with any balancing records) - Receipt records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - S. Risk Management Records (Office copies of any form of insurance record duplicated with another office) - Risk management records may be destroyed if no litigation or claims are pending.
2. Case Records (except by order of court extending these terms)
- A. The index shall be maintained permanently.
 - B. The dockets shall be maintained permanently.
 - C. Case Files.
 - i. Juvenile by-pass records will be maintained in two separate and secure files. One containing the first page of the form complaint along with other relevant documents and the other the second page of the form complaint bearing the signature of the complainant. Each file will be maintained for two years from the date of judgment or two years after appeal.
 - ii. Traffic, unruly and marriage consent records will be retained for the longer of two years or, if subject to audit, one year after the issuance of an audit report by the Auditor of State.
 - iii. Abuse, neglect and dependency not resulting in permanent custody records will be retained for the longer of two years or, if subject to audit, one year after the issuance of an audit report by the Auditor of State.
 - iv. Delinquency and adult records will be retained for the longer of two years or, if subject to audit, one year after the issuance of an audit report by the Auditor of State.
 - v. Permanent custody, parentage, custody, visitation, support enforcement and URESA records will 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 will be retained one year past the adjudication of the post-decree motion or the date specified above, whichever is later.

- vi. Search warrant records will be indexed and the warrants and returns retained in their original form for five years.

#22193
9/23/96

Records Management Rules of Superintendence For the Probate Courts of Ohio

Preface

This rule is designed to provide minimum standards for the production, maintenance, preservation and destruction of records within the Probate Courts of Ohio and to authorize alternative, electronic methods and techniques. Implementation of this rule is a judicial, governmental function, when ordered by the court.

The rule is adopted pursuant to Section 5(A)(1) of Article IV of the Ohio Constitution.

Scope: The rule encompasses (1) administrative records of the probate courts, and
(2) probate records.

Administrative Records:

This rule is enacted to provide records retention and disposal guidelines for records not related to cases which document the administrative, fiscal and personnel functions required to manage court offices.

Probate Records:

This rule is enacted to provide for the production, maintenance, preservation and disposal of records, other than Administrative Records that pertain to the duties of the probate courts including, but not limited to, the granting of adoptions, marriage licenses, name changes, birth records, orders of civil commitment, the resolution of civil actions and the appointment and supervision of fiduciaries.

Interpretation:

These rules are to be liberally interpreted with a view to allow for technology enhancements that improve the efficiency of the courts and simplify production, maintenance, preservation and destruction of obsolete records.

I. Definitions

1. "Record" includes any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of the Probate Court which serves to document the organization, functions, policies, decisions, procedures, operations or other activities of the court.
2. "Index" is a reference record used to locate journal, docket and case file records.
3. "Docket" is a reference record that provides the dates of and a summary of all hearings, pleadings, filings or other matters that are essential to an action, proceeding or other matter.
4. "Journal" is a record of miscellaneous entries, judgments or orders of the court.

5. "Record of Document" is a collection of single or several page document records contained together. Each document record represents the court's documentation of a single incident of the same duty of the court, such as the issuance of marriage licenses.
6. "Case File" is a collection of documents maintained in a paper or electronic file, which represents the pleadings and record of a particular case.
7. "Case Closed File or Record" Solely for the purpose of determining when a "probate" record is closed under Section VI, Retention Schedule, a probate record of an estate, trust or other fiduciary relationship shall be deemed to be closed or terminated when a final accounting has been filed, and if required by law at the time of filing, the account has been approved and settled. All other records shall be considered closed when the court orders the matter closed or there is a final disposition of the action or proceeding for which the record has been kept.

II. Records to be Kept

1. Dockets shall contain the dates of filing or occurrence, and a brief description of any bond and sureties, letters of authority, and each filing, order, or proceeding related to the case or action, with a reference to the file or record where the bond, letters or authority, filings, order or record of proceeding is to be found, and such other information as the court deems necessary. The following dockets shall be kept:
 - A. An administration docket, showing the name of the deceased;
 - B. A guardian's docket, showing the name of each ward and, if the ward is a minor, the ward's age and name of the ward's parents, and any limited powers or limited duration of powers;
 - C. A civil docket, in which shall be noted the names of the parties to actions and proceedings;
 - D. A testamentary trust docket, showing the names of the testator and trustee or trustees;
 - E. A change of name docket, showing the name of the petitioner, and the present and proposed names of the person whose name is to be changed;
 - F. A birth registration and correction docket, showing the name of the person whose birth certificate is being registered or corrected;
 - G. A civil commitment docket, showing the name of the prospective patient;
 - H. A separate adoption docket, in accordance with R.C. 3107.17, showing the name of the child as would be after finalization of the adoption and the name(s) of the adoptive parent(s);
 - I. A paternity docket, showing the birth name of the child who is the subject of the petition, the name of the father, the name of the mother and the name of the child after adjudication, and
 - J. A miscellaneous docket showing the names of parties or petitioners, and the nature of the action or proceedings. The miscellaneous docket shall be limited to actions within the court's jurisdiction that are not kept in a docket or record as described by this

section. If the number of filings warrants, a miscellaneous docket may be sub-divided or grouped into sections containing files or records of similar content.

2. Records of documents shall contain documents, applications or affidavits, either original or copies, and information pertaining to those documents, as found in this paragraph or as deemed necessary by the court. The following records of application or certifications shall be kept:
 - A. A record of wills, if wills are not copied and permanently retained as part of a case file under the provisions of Section VI, Paragraph 2(b) of this Rule, in which the wills proved in the court shall be recorded with a certificate of the probate of the will, and wills proved elsewhere with the certificate of probate, authenticated copies of which have been admitted to record by the court; and
 - B. A marriage record, in which shall be entered licenses, the names of the parties to whom the license is issued, the names of the persons applying for a license, a brief statement of the facts sworn to by the persons applying for a license, and the returns of the person solemnizing the marriage.
3. A journal shall be kept for orders, entries or judgments pertaining to the business and administration of the court, or other miscellaneous orders, entries or judgments which the court may deem necessary to journalize, including:
 - A. Orders of appointment of court personnel and other non-fiduciary appointees;
 - B. Consolidated orders of publication and approval of accounts and inventories;
 - C. Orders of reference to magistrate(s);
 - D. Change of Local Rules of Court; and
 - E. Orders changing the hours for the opening and closing of the court.
4. An Index shall be kept for each docket, record or journal described in paragraphs (1), (2) and (3) of this Rule. Each index shall be kept current with names or captions of proceedings in alphabetical order, with reference to a docket, record, journal, or case file, where information pertaining to those names or proceedings may be found.
5. Upon the filing of any paper or electronic entry permitted by the court, a time stamp or entry shall be placed thereon to indicate the day, month and year of filing.

III. Combined Records

Notwithstanding any other provision of law, the Probate Courts may elect to combine the function of any or all the index, docket and case file provided that such combination shall contain the requisite components of each. The Supreme Court may elect to eliminate the historic paper bound books in favor of an approved electronic medium or microfilm.

IV. Allowable Record Media

1. Records may be received, recorded, maintained and preserved upon traditional paper media, electronic media (text or digital images) or microfilm (including computer output to microfilm).

2. Any court record may be created, maintained, received, recorded or copied by any photographic, microfilming, electronic data processing, or other industry accepted records and information management process as an alternative to paper. Use of such process and media is authorized for the original or a copy of the record, if the process and media accurately record or copy the information and the process or media comply with American National Standards Institute (ANSI) standards and guidelines or other industry accepted standards, in absence of ANSI standards.
 - A. Any record created, maintained, received, recorded, or copied by a process, upon media, other than paper, authorized by this section of the rule shall have a back-up copy made at periodic and reasonable times to insure the security and continued availability of the information. The back-up copy of permanent records shall be stored in a different building than the record it secures.
 - B. Records on media authorized by this section of the rule shall be kept in conveniently accessible and secure facilities, and provisions shall be made for inspecting and copying the records in compliance with any statutes and rules regarding public or other access to the records. Machines and equipment necessary to allow public inspection and copying of the records authorized to be inspected by the public shall be provided.
 - C. Any Probate Court may acquire, in accordance with applicable purchasing requirements, equipment and computer software and related supplies and services for records and information management processes and media authorized by this section of the rule.

V. Notice of Intent to Destroy Records

1. Records may be disposed of after they have been maintained for the retention period stipulated in the appropriate record schedule.
2. Notice of Destruction. Only records with a retention period greater than ten years, or records dated before 1960, require a notice of destruction. For records with retention periods greater than ten years, or records dated before 1960, at least 60 days prior to the disposition of the records the clerk or court shall advise the Archives/Library of the Ohio Historical Society in writing of their intention to dispose of the records.
3. Upon request of the Ohio Historical Society, the records shall be transferred to the Ohio Historical Society, or to an institution or agency which meets the Ohio Historical Society's criteria.
4. The Archives/Library of the Ohio Historical Society shall designate the medium and format of records transferred to the Archives/Library of the Ohio Historical Society, and/or records transferred to agencies or institutions which meet the criteria of the Archives/Library of the Ohio Historical Society.

VI. Exhibits, Depositions, and Transcripts

At the conclusion of litigation, including times for direct appeal, the clerk may return exhibits, depositions, and transcripts in the custody of the clerk to the party tendering same, or the party who paid the cost thereof, unless otherwise ordered by the court. The clerk shall give 30 days written notice to every party, or counsel, and if not claimed the exhibits, depositions, and transcripts may be destroyed.

VII. Retention Schedule

1. Administrative Records
 - A. Annual Reports - Two copies of each annual report will be retained permanently.
 - B. Applications for Employment - Employment applications will be retained for six years.
 - C. Bank Records (transaction records, whether paper or electronic) - Bank records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - D. Cash Books (expense and receipt ledgers) - Cash books will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - E. Communication Records (Routine telephone messages on any medium, where official action will be recorded elsewhere) - Communication records may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - F. Drafts and Informal Notes (transitory information used to prepare the official record in any other form) - Drafts and informal notes may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - G. Employee Benefit Records (Court office copies of life and medical insurance records) - Employee benefit records will be retained by the appropriate fiscal officer for three years, and may be destroyed if no litigation or claims are pending.
 - H. Employee Files: History (Complete records of hiring, employment, promotion, evaluation, attendance, medical issues and termination or retirement) - Employee files will be retained ten years after termination of employment.
 - I. Employee Files: Disciplinary (All records of infractions except where termination has resulted) - Disciplinary files will be retained for ten years after the last action, and may be destroyed if no litigation or claims are pending.
 - J. Employee Files: Leave - Leave records will be retained by the appropriate fiscal officer for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - K. Employee Files Short Term Records (Transitory information used to prepare History and Disciplinary Files) - Short term records will be retained for three years, and may be destroyed if no litigation or other personnel action is pending.
 - L. Fiscal Files: Budgeting and Purchasing (Copies of transactional documents for which originals are retained by another office) - Fiscal files will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - M. General Office and Correspondence Files (All sent and received correspondence, in any medium) - General office and correspondence files may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.

- N. Administrative Journal (Court entries, or a record thereof, for policies and issues not related to court cases) - The administrative journal will be retained permanently.
 - O. Payroll Records (Records of personnel time and copies of records duplicated with another office) - Payroll records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - P. Publications Created - Two copies of publications created by the court will be retained permanently.
 - Q. Publications Received - Publications received by the court may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - R. Receipt Records (Records of cash receipts together with any balancing records) - Receipt records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - S. Risk Management Records (Office copies of any form of insurance record duplicated with another office) - Risk management records may be destroyed if no litigation or claims are pending.
2. Probate Records (except by order of court extending these terms)
- A. The vouchers, proof, or other evidence filed with the court in support of the expenditures or distribution slated in an account, after review and reconciliation with the accounting, and notation of reconciliation in the record or file, may be returned to the fiduciary or retained according to paragraphs (B), and (E) of this section.
 - B. All records, vouchers, inventories, accounts, pleadings, applications, petitions, records of adoptions, marriages, and mental health commitments, wills, trusts, journals, indexes, dockets, records or documents related to estate or inheritance taxes, or other papers and filings of the probate court, may be preserved, in accordance with R.C. 9.01 and Section II of this Rule, by either microfilming or electronic recording or copying of the original. Upon such preservation and determination of the probate court that preservation of the original is no longer necessary, the probate court, after compliance with R.C. 149.38 and Section V. of this Rule, may destroy the original.
 - C. In the court's discretion, any non-essential note, notice, letter, form or other paper, document memorandum in the file of the case, that is not essential to providing a record of the case and the court's judgment, may be destroyed prior to, or after, the case is closed. Evidence of service of notice of the initial complaint, petition or application, that establishes the Court's Jurisdiction, is an essential part of the case record.
 - D. Judge, magistrate, investigator or clerk notes, research or draft prepared for the purpose of compiling a report, opinion or other document or memorandum may be kept separate from, or retained in the case file, or destroyed at the discretion of the preparer.
 - E. Records not destroyed or preserved according to paragraphs (B), (C), or (D) of this section shall be retained according to the following schedule, after lapse of the retention period and upon compliance with R.C. 149.38 and Section V. of this rule, may be disposed of, or destroyed in any manner ordered by the probate court.

- i. Dockets, records, journals and indexes required under this Rule will be retained permanently.
 - ii. Marriage license records will be retained permanently.
 - iii. Adoption records will be retained permanently.
 - iv. Birth and death registrations prior to 1908 will be retained permanently.
 - v. Civil commitment records will be retained for three years after the close of the case.
 - vi. Vouchers, proof, or other evidence filed in support of expenditures or distributions stated in account will be retained for three years from the date of filing.
 - vii. Trust accounting will be retained for twelve years from the date the accounting was approved.
 - viii. All other records will be retained twelve years from the date of the case, cause, proceeding or matter is closed or completed.
- F. Nothing in this section shall apply to records pertaining to estates which estate tax temporary orders are pending.

VIII. Examination of Probate Files, Records and other Documents

- A. Court records shall not be removed from the Court except when approved by the judge. Violation of this rule may result in the issuance of a citation for contempt.
- B. Copies of open records may be obtained at a cost per page authorized by the judge.
- C. Files of adoption and mental illness proceedings are confidential. Access to those files may be authorized by the judge.
- D. A citation for contempt of court may be issued against anyone who divulges or receives confidential information from files of adoption or mental illness proceedings without authorization of the judge.

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I. Definitions

1. "Record" includes any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of the municipal and county courts which serves to document the organization, functions, policies, decisions, procedures, operations or other activities of the court.
2. "Index" is a reference record used to locate journal, docket and case file records.
3. "Docket" is the record where the clerk will promptly enter all of those entries historically included in the Appearance Docket, Trial Docket, Journal, and Execution Docket. Entries therein shall be made as events occur and shall include:
 - A. Names and addresses of all parties in full,
 - B. Names of counsel,
 - C. Index directly and reverse in the names of each plaintiff and each defendant,
 - D. Index directly and reverse any new parties added to the proceeding,
 - E. The issuance of summons or order, and the return of any writ or order with the date of return,
 - F. The date and nature of all other documents filed in the proceeding, with a brief description of the content of each, together with cross reference, if appropriate, to other records,
 - G. The schedule of the proceedings for the use of the court and its officers in the control and processing of the case,
 - H. Every order or judgment of the court entered, and
 - I. All actions to collect, enforce or satisfy orders or judgments.

The Docket shall also be programmed to allow retrieval of orders or judgments of the court in a chronological as well as case specific manner.

4. "Case File" is the compendium of original documents filed in an action or proceeding in the court, including the pleadings, motions, orders and judgments of the court on a case by case basis.

II. Records to be Kept

Municipal and county courts will maintain indexes, dockets and case files as defined in Section I, (2), (3) and (4).

III. Combined Records

Notwithstanding any other provision of law, the municipal and county courts and their clerks may elect to combine the function of any or all the index, docket, journal, and case file provided that such combination shall contain the requisite components of each. The municipal and county courts may

elect to eliminate the historic paper bound books in favor of an approved electronic medium or microfilm.

IV. Allowable Record Media

1. Records may be received, recorded, maintained and preserved upon traditional paper media, electronic media (text or digital images) or microfilm (including computer output to microfilm).
2. Any court record may be created, maintained, received, recorded or copied by any photographic, microfilming, electronic data processing, or other industry accepted records and information management process as an alternative to paper. Use of such process and media is authorized for the original or a copy of the record, if the process and media accurately record or copy the information and the process or media comply with American National Standards Institute (ANSI) standards and guidelines or other industry accepted standards, in absence of ANSI standards.
 - A. Any record created, maintained, received, recorded, or copied by a process, upon media, other than paper, authorized by this section of the rule, and required to be preserved, shall have a back-up copy made at periodic and reasonable times to insure the security and continued availability of the information. The back-up copy of permanent records shall be stored in a different building than the record it secures.
 - B. Records on media authorized by this section of the rule shall be kept in conveniently accessible and secure facilities, and provisions shall be made for inspecting and copying the records in compliance with any statutes and rules regarding public or other access to the records. Machines and equipment necessary to allow public inspection and copying of the records authorized to be inspected by the public shall be provided.
 - C. Any court or clerk may acquire, in accordance with applicable purchasing requirements, equipment and computer software and related supplies and services for records and information management processes and media authorized by this section of the rule.

V. Notice of Intent to Destroy Records

1. Records may be disposed of after they have been maintained for the retention period stipulated in the appropriate record schedule.
2. Notice of Destruction. Only records with a retention period greater than ten years or records dated before 1960 require a notice of destruction. For records with retention periods greater than ten years, or records dated before 1960, at least 60 days prior to the disposition of the records the clerk or court shall advise the Archives/Library of the Ohio Historical Society in writing of their intention to dispose of the records.
3. Upon request of the Ohio Historical Society, the records shall be transferred to the Ohio Historical Society, or to an institution or agency which meets the Ohio Historical Society's criteria.
4. The Archives/Library of the Ohio Historical Society shall designate the medium and format of records transferred to the Archives/Library of the Ohio Historical Society, and/or records transferred to agencies or institutions which meet the criteria of the Archives/Library of the Ohio Historical Society.

VI. Exhibits, Depositions, and Transcripts

At the conclusion of litigation, including times for direct appeal, the clerk may return exhibits, depositions, and transcripts in the custody of the clerk to the party tendering same, or the party who paid the cost thereof, unless otherwise ordered by the court. The clerk shall give 30 days written notice to such party, and if not claimed, the exhibits, depositions, and transcripts may be destroyed.

VII. Retention Schedule

1. Administrative Records
 - A. Annual Reports - Two copies of each annual report will be retained permanently.
 - B. Applications for Employment - Employment applications will be retained for six years.
 - C. Bank Records (transaction records, whether paper or electronic) - Bank records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - D. Cash Books (expense and receipt ledgers) - Cash books will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - E. Communication Records (Routine telephone messages on any medium, where official action will be recorded elsewhere) - Communication records may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - F. Drafts and Informal Notes (transitory information used to prepare the official record in any other form) - Drafts and informal notes may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - G. Employee Benefit Records (Court office copies of life and medical insurance records) - Employee benefit records will be retained by the appropriate fiscal officer for three years, and may be destroyed if no litigation or claims are pending.
 - H. Employee Files: History (Complete records of hiring, employment, promotion, evaluation, attendance, medical issues and termination or retirement) - Employee files will be retained ten years after termination of employment.
 - I. Employee Files: Disciplinary (All records of infractions except where termination has resulted) - Disciplinary files will be retained for ten years after the last action, and may be destroyed if no litigation or claims are pending.
 - J. Employee Files: Leave - Leave records will be retained by the appropriate fiscal officer for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - K. Employee Files Short Term Records (Transitory information used to prepare History and Disciplinary Files) - Short term records will be retained for three years, and may be destroyed if no litigation or other personnel action is pending.

- L. Fiscal Files: Budgeting and Purchasing (Copies of transactional documents for which originals are retained by another office) - Fiscal files will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - M. General Office and Correspondence Files (All sent and received correspondence, in any medium) - General office and correspondence files may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - N. Administrative Journal (Court entries, or a record thereof, for policies and issues not related to court cases) - The administrative journal will be retained permanently.
 - O. Payroll Records (Records of personnel time and copies of records duplicated with another office) - Payroll records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - P. Publications Created - Two copies of publications created by the court will be retained permanently.
 - Q. Publications Received - Publications received by the court may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - R. Receipt Records (Records of cash receipts together with any balancing records) - Receipt records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - S. Risk Management Records (Office copies of any form of insurance record duplicated with another office) - Risk management records may be destroyed if no litigation or claims are pending.
2. Financial Records
- A. Yearly reports will be retained permanently.
 - B. Monetary records will be retained for three years after the issuance of an audit report by the Auditor of State.
 - C. State Auditor Reports will be retained permanently.
 - D. Rental Escrow Account records will be retained for five years.
3. Case Records (except by order of court extending these terms)
- A. Index will be retained for twenty-five years.
 - B. Docket will be retained for twenty-five years.
 - C. Case Files
 - i. Minor misdemeanor traffic and minor misdemeanor criminal case records will be retained for the longer of two years or one year after the issuance of an audit report by the Auditor of State.

- ii. First through fourth degree traffic and criminal case records will be retained for the longer of five years or one year after the issuance of an audit report by the Auditor of State.
- iii. Civil case records will be retained for two years after the issuance of an audit report by the Auditor of State.
- iv. Parking ticket records will be retained until paid and the issuance of an audit report by the Auditor of State.
- v. Search Warrant records will be indexed and the warrants and returns retained in their original form for five years.

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5. "Case File" is the compendium of documents filed in a case, including the pleadings, service of process, orders and judgments maintained by case name and number.

II. Records to be Kept

The Court of Claims shall maintain records as prescribed by this rule. Upon the filing of any paper or electronic entry permitted by the court, a time stamp or entry shall be placed thereon to indicate the day, month, and year of filing.

III. Combined Records

Notwithstanding any other provision of law, the Court of Claims may elect to combine the function of any or all the index, docket, journal, and case file provided that such combination shall contain the requisite components of each. The Court of Claims may elect to eliminate the historic paper bound books in favor of an approved electronic medium or microfilm.

IV. Allowable Record Media

1. Records may be received, recorded, maintained and preserved upon traditional paper media, electronic media (text or digital images) or microfilm (including computer output to microfilm).
2. Any court record may be created, maintained, received, recorded or copied by any photographic, microfilming, electronic data processing, or other industry accepted records and information management process as an alternative to paper. Use of such process and media is authorized for the original or a copy of the record, if the process and media accurately record or copy the information and the process or media comply with American National Standards Institute (ANSI) standards and guidelines or other industry accepted standards, in absence of ANSI standards.
 - A. Any record created, maintained, received, recorded, or copied by a process, upon media, other than paper, authorized by this section of the rule, and required to be preserved, shall have a back-up copy made at periodic and reasonable times to insure the security and continued availability of the information. The back-up copy of permanent records shall be stored in a different building than the record it secures.
 - B. Records on media authorized by this section of the rule shall be kept in conveniently accessible and secure facilities, and provisions shall be made for inspecting and copying the records in compliance with any statutes and rules regarding public or other access to the records. Machines and equipment necessary to allow public inspection and copying of the records authorized to be inspected by the public shall be provided.
 - C. Any court or clerk may acquire, in accordance with applicable purchasing requirements, equipment and computer software and related supplies and services for records and information management processes and media authorized by this section of the rule.

V. Notice of Intent to Destroy Records

1. Records may be disposed of after they have been maintained for the retention period stipulated in the appropriate record schedule.
2. Notice of Destruction. Only records with a retention period greater than ten years, or records dated before 1960, require a notice of destruction. For records with retention periods greater than ten years, or records dated before 1960, at least 60 days prior to the disposition of the records the clerk or court shall advise the Archives/Library of the Ohio Historical Society in writing of their intention to dispose of the records.
3. Upon request of the Ohio Historical Society, the records shall be transferred to the Ohio Historical Society, or to an institution or agency which meets the Ohio Historical Society's criteria.
4. The Archives/Library of the Ohio Historical Society shall designate the medium and format of records transferred to the Archives/Library of the Ohio Historical Society, and/or records transferred to agencies or institutions which meet the criteria of the Archives/Library of the Ohio Historical Society.

VI. Exhibits, Depositions, and Transcripts

At the conclusion of litigation, including times for direct appeal, the clerk may return exhibits, depositions, and transcripts in the custody of the clerk to the party tendering same, or the party who paid the cost thereof, unless otherwise ordered by the court. The clerk shall give 30 days written notice to every party, or counsel, and if not claimed the exhibits, depositions, and transcripts may be destroyed.

VII. Retention Schedule

1. Administrative Records
 - A. Annual Reports - Two copies of each annual report will be retained permanently.
 - B. Applications for Employment - Employment applications will be retained for six years.
 - C. Bank Records (transaction records, whether paper or electronic) - Bank records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - D. Cash Books (expense and receipt ledgers) - Cash books will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - E. Communication Records (Routine telephone messages on any medium, where official action will be recorded elsewhere) - Communication records may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - F. Drafts and Informal Notes (transitory information used to prepare the official record in any other form) - Drafts and informal notes may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - G. Employee Benefit Records (Court office copies of life and medical insurance records) - Employee benefit records will be retained by the appropriate fiscal officer for three years, and may be destroyed if no litigation or claims are pending.

- H. Employee Files: History (Complete records of hiring, employment, promotion, evaluation, attendance, medical issues and termination or retirement) - Employee files will be retained ten years after termination of employment.
 - I. Employee Files: Disciplinary (All records of infractions except where termination has resulted) - Disciplinary files will be retained for ten years after the last action, and may be destroyed if no litigation or claims are pending.
 - J. Employee Files: Leave - Leave records will be retained by the appropriate fiscal officer for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - K. Employee Files Short Term Records (Transitory information used to prepare History and Disciplinary Files) - Short term records will be retained for three years, and may be destroyed if no litigation or other personnel action is pending.
 - L. Fiscal Files: Budgeting and Purchasing (Copies of transactional documents for which originals are retained by another office) - Fiscal files will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - M. General Office and Correspondence Files (All sent and received correspondence, in any medium) - General office and correspondence files may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - N. Administrative Journal (Court entries, or a record thereof, for policies and issues not related to court cases) - The administrative journal will be retained permanently.
 - O. Payroll Records (Records of personnel time and copies of records duplicated with another office) - Payroll records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - P. Publications Received - Publications received by the court may be destroyed in the normal course of business as soon as they are deemed to be of no value by the person holding them.
 - Q. Receipt Records (Records of cash receipts together with any balancing records) - Receipt records will be retained for the longer of three years or the issuance of an Audit Report by the Auditor of State.
 - R. Risk Management Records (Office copies of any form of insurance record duplicated with another office) - Risk management records may be destroyed if no litigation or claims are pending.
 - S. Informational materials about the victims of crime reparations program may be destroyed as soon as they are deemed to be of no value by the person holding them.
 - T. Local rules may establish retention schedules for any other records not listed in this rule.
 - U. Any record that is not listed in this rule but is listed in a general retention schedule established pursuant to R.C. 149.331(E) may be retained for the period of time set by that general schedule and then destroyed.
2. Case Records (except by order of court extending these terms)
- A. Index. The index shall be maintained permanently.

- B. Journal. All journals shall be maintained permanently.
- C. Docket. All dockets shall be maintained permanently.
- D. Case Files.
 - i. Civil actions. All civil action case files shall be maintained for three years after dismissal or final order.
 - ii. Claims for reparations.
 - a. Claims for reparations filed on behalf of a minor victim shall be maintained at least until three years after the minor reaches the age of majority.
 - b. All other claims for reparations shall be maintained for six years after the last award or order.

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