

THE SUPREME COURT *of* OHIO

OVERVIEW OF THE SUPREME COURT OF OHIO'S PUBLIC ACCESS & RECORDS RETENTION RULES



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PUBLIC ACCESS & RECORDS
RETENTION RULES

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TABLE OF CONTENTS

| | |
|--|----|
| INTRODUCTION | 1 |
| PUBLIC ACCESS RULES | 3 |
| A. What is a Court Record?..... | 3 |
| 1. Case Document..... | 3 |
| 2. Administrative Document | 4 |
| B. Public Access to Court Records | 6 |
| 1. Direct Access | 6 |
| 2. Bulk Distributions and New Compilations | 7 |
| 3. Remote Access | 7 |
| C. Court Restriction of Public Access | 8 |
| 1. General | 8 |
| 2. Decision to Restrict Public Access | 9 |
| 3. Request to Allow Public Access | 10 |
| D. Remedy for Denial of Access | 10 |
| RECORDS RETENTION RULES | 11 |
| A. General | 11 |
| B. What is a Record? | 11 |
| C. Record Medium | 11 |
| 1. Permitted Mediums | 11 |
| 2. Conversion to other Mediums | 12 |
| 3. Required Back-Ups | 12 |
| D. Location of Records | 12 |

| | |
|---|----|
| E. Records Retention Schedules | 12 |
| F. Destruction of Records | 13 |
| 1. Ohio History Connection | 13 |
| 2. Exhibits, Depositions, and Transcripts | 14 |
| APPENDIX: RECORDS RETENTION | |
| SCHEDULES | 15 |
| Administrative Records | 15 |
| Case Records: All Courts | 17 |
| Appellate Courts | 18 |
| Common Pleas, General Division | 18 |
| Common Pleas, Domestic Relations Division | 19 |
| Common Pleas, Juvenile Division | 20 |
| Common Pleas, Probate Division | 21 |
| Municipal & County Courts | 23 |

INTRODUCTION

Public access to and the retention of Ohio court records are governed by the Rules of Superintendence for the Courts of Ohio. Specifically, Sup.R. 44 through 47 (commonly referred to as the “Public Access Rules”) create a presumption of public access to court records and establish the procedures by which access is provided. Sup.R. 26 through 26.05 (commonly referred to as the “Records Retention Rules”) provide the minimum standards by which courts are to maintain court records. These access and retention requirements are akin to the those that apply to other government entities under Ohio’s Public Records Law (R.C. 149.43), the records management statutes (R.C. 149.34 through 149.42), and the federal Freedom of Information Act (5 U.S.C. § 552).¹

This publication provides an overview of both the Public Access Rules and the Record Retention Rules, discussing the process for making court records available to the public and the retention requirements for these records.

1 The Supreme Court of Ohio has held public access to court records is governed by the Public Access Rules, and not the statutory Public Records Law. (*State ex rel. Village of Richfield v. Laria*, 138 Ohio St.3d 168, 170 (2014).) There is one exception, however; the Public Access Rules specifically state case documents in actions commenced *before* July 1, 2009, are governed by the applicable federal and state law and not the Public Access Rules. (Sup.R. 47(A).)



PUBLIC ACCESS RULES (Sup.R. 44 through 47)

A. WHAT IS A COURT RECORD?

Under the Public Access Rules, court records are presumed to be available for public access.² However, this does not mean *every* record a court or clerk of court possesses must be made available. Rather, whether a specific record is available to the public depends upon whether it falls under the Public Access Rules' definition of "court record."

The Public Access Rules separate "court records" into two distinct and defined categories: (1) "case documents" and (2) "administrative documents." Regardless of the category under which a court record falls, there is no distinction made as to the record's physical form or characteristic, manner of creation, or method of storage.³

1. Case Document

A "case document" is the category that encompasses what one traditionally envisions when considering court records. Specifically, it is any document (as well as information in a document) submitted to a court or filed with a clerk in a judicial action or proceeding. Specific examples include exhibits, pleadings, motions, orders, judgments, journals, dockets, and indices.⁴

However, the Public Access Rules exclude certain records from the definition of "case document." Some examples include the following documents and information:⁵

- A document or information in a document exempt from disclosure under state, federal, or common law;⁶

2 Sup.R. 45(A).

3 Sup.R. 44(B).

4 Sup.R. 44(C)(1).

5 Sup.R. 44(C)(2).

6 This is commonly referred to as the "catch-all exception." Pursuant to this exception, any record exempt from public access under the statutory Public Records Act would also be exempt under the Public Access Rules.

-
- Personal identifiers and personal identifier forms;⁷
 - A document or information to which a court has restricted public access pursuant to the Public Access Rules (see **COURT RESTRICTION OF PUBLIC ACCESS**, p. 8);
 - A juvenile’s previous disposition in abuse, neglect, and dependency cases, juvenile civil commitment files, post-adjudicatory residential treatment facility reports, and post-adjudicatory releases of a juvenile’s social history (except as relevant to the juvenile’s prosecution later as an adult);
 - Notes, drafts, recommendations, advice, and research of judicial officers and court staff;
 - Information on or obtained from the Ohio Courts Network;
 - Certain domestic relations and juvenile matters in a court of common pleas.

As previously noted, the definition of “case document” and the exceptions to the definition are a key element to the Public Access Rules. If a record does not meet the definition of a “case document” or if it is excluded from that definition, then the record need not be made available to the public.

Additionally, the Public Access Rules state there is a presumption of public access.⁸ Thus, if there is doubt as to whether a record is a “case document” or whether it falls under one of the listed exceptions, one should make the record available to the public.

2. Administrative Document

The second category of “court record” is an “administrative document.” This category generally encompasses all records that are not case documents. Specifically, it is any document (as well as information in a document) created, received, or maintained by a court that serves to record the administrative,

⁷ “Personal identifiers” are a person’s full Social Security number, financial account numbers, employer and employee identification numbers, and a juvenile’s name in an abuse, neglect, or dependency case. To protect this information, the Public Access Rules require a party to redact personal identifiers from documents filed or submitted to the court or clerk, and instead include the information on the separate “personal identifiers form.” The court or clerk is not required to review the case document to confirm that the party has omitted personal identifiers, and cannot refuse to accept or file the document on that basis. (Sup.R. 44(H) and 45(D)(3).)

⁸ Sup.R. 45(B)(1).

fiscal, personnel, or management functions, policies, decisions, procedures, operations, organization, or other activities of the court.⁹

As with the definition of “case document,” the Public Access Rules exclude certain record types from the definition of “administrative document.” Some examples include the following documents and information:¹⁰

- A document or information in a document exempt from disclosure under state, federal, or common law;¹¹
- Personal identifiers and personal identifier forms;¹²
- A document or information in a document describing the type or level of security in a court facility and any administrative or technical security record-keeping document or information;
- Test questions, scoring keys, and licensing, certification, or court employment examination documents before the examination is administered or if the same examination is to be administered again;
- Computer programs, computer codes, computer filing systems, and other software owned by a court or entrusted to it;
- Information on or obtained from the Ohio Courts Network, as well as data feeds by and between courts when using the Ohio Courts Network.

As with case documents, if a record does not meet the definition of an “administrative document” or if it is excluded from that definition, then the record need not be made available to the public. Additionally, because of the Public Access Rules’ presumption of public access, if there is doubt whether a record is an “administrative document” or whether it falls under one of the listed exceptions, one should make the record available to the public.¹³

9 Sup.R. 44(G)(1).

10 Sup.R. 44(G)(2).

11 See footnote 6.

12 See footnote 7.

13 Sup.R. 45(B)(1).

B. PUBLIC ACCESS TO COURT RECORDS

If a record meets the definitions of “case document” or “administrative document,” then the record is available to the public. More accurately, the Public Access Rules state the record is available for “public access.” Public access takes two distinct forms, “direct access” and “remote access.”¹⁴

1. Direct Access

General. The Public Access Rules require a court or clerk to make a court record available by direct access, promptly acknowledge any person’s request for direct access, and respond to the request within a reasonable amount of time.¹⁵ “Direct access” is the more traditional method of making a record available to the public. Specifically, it is the ability of a person to inspect and obtain a copy of the record at all reasonable times during regular business hours at the place where the record is made available.¹⁶

Copies of records. If the requester asks for a copy of a court record, it must be made available upon paper, upon the same medium upon which the court or clerk keeps it, or upon any other medium the court or clerk determines it can be reasonably duplicated as an integral part of its normal operations. The court or clerk must mail, transmit, or deliver the requested copies to the requestor within a reasonable time from the request. Finally, the court or clerk can charge its “actual costs”¹⁷ incurred in responding to the request and can require a deposit of the estimated actual costs.¹⁸

A court or clerk can also adopt a policy allowing it to limit the number of court records it will mail, transmit, or deliver per month, unless the requestor certifies in writing the requestor does not intend to use or forward the records, or the information contained in them, for “commercial purposes.” This *does not* include news reporting, the gathering of information to assist citizens in the understanding of court activities, or nonprofit educational research.¹⁹

14 Sup.R. 44(I).

15 Sup.R. 45(B)(1).

16 Sup.R. 44(J).

17 “Actual cost” means the cost of depleted supplies; records storage media costs; actual mailing and alternative delivery costs, or other transmitting costs; and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services (Sup.R. 44(A)). “Actual cost” does not include personnel costs.

18 Sup.R. 45(B)(2) through (4).

19 Sup.R. 45(B)(3).

2. Bulk Distributions and New Compilations

The Public Access Rules also address two specific areas of common interest with regard to direct access to court records: bulk distributions and new compilations of such records.

Bulk Distribution. A request may be made for a “bulk distribution” of court records – i.e., a compilation of information from more than one court record.²⁰ The court or clerk is required to provide the bulk distribution, unless it would require the creation of a new compilation (see below). As with any request for direct access, the requestor may choose the bulk distribution be provided upon paper, upon the same medium upon which the court or clerk keeps the information, or upon any other medium the court or clerk determines it can be reasonably duplicated as an integral part of its normal operations. The bulk distribution must include a time or date stamp indicating the compilation date. Finally, a requester who receives a bulk distribution for redistribution must keep the information current and delete inaccurate, sealed, or expunged information in accordance with Sup.R. 26 (Court Records Management and Retention).²¹

New Compilations. As noted, a court or clerk need not provide a bulk distribution if it requires the creation of a new compilation – i.e., a collection of information obtained through selection, aggregation, or reformulation of information from more than one court record.²² However, a court or clerk *may* choose to create a new compilation upon request. When deciding whether to create a new compilation, the court or clerk may consider if creating the new compilation is an appropriate use of its available resources and is consistent with the principles of public access. Additionally, if the court or clerk chooses to create a new compilation, it may require personnel costs to create the compilation, in addition to actual costs, and may require a deposit of the estimated costs. Finally, after creating the new compilation, the court or clerk must maintain a copy and provide public access to the new compilation and can only charge actual costs.²³

3. Remote Access

General. In addition to traditional direct access, the Public Access Rules allow, *but do not require*, courts and clerks to offer “remote access” to court records. “Remote access” means the ability of any person to electronically search, inspect,

20 Sup.R. 44(L).

21 Sup.R. 46(B)(1).

22 Sup.R. 44(M)(1). A “new compilation” does not include a collection of information produced by a computer system already programmed to provide the requested output (Sup.R. 44(M)(2)).

23 Sup.R. 46(A)(2).

and copy a court record at a location other than the place where the record is made available.²⁴ Examples of remote access include internet websites and off-site information kiosks.

Although courts and clerks are not required to offer remote access to court records, if they do, the version of the record available through remote access must generally be identical to the version of the record available by direct access. The one exception is the court or clerk may exclude exhibits or attachments if the court or clerk includes notice the exhibit or attachment exists and is available by direct access.²⁵

Additionally, if a court or clerk offers remote access to a case document in a case file, it does not mean remote access must be offered to all other case documents in that case file. Finally, nothing prohibits a court or clerk from making available on a website any court record that exists only in electronic form, including an on-line journal or register of actions.²⁶

Information Technology Support Contracts. A court or clerk that contracts with a provider of information technology support to gather, store, or make accessible court records must require the provider to do each of the following:²⁷

- Comply with requirements of the Public Access Rules;
- Agree to protect the confidentiality of the records;
- Notify the court or clerk of all bulk distribution and new compilation requests, including its own;
- Acknowledge it has no ownership or proprietary rights to the records.

C. COURT RESTRICTION OF PUBLIC ACCESS

1. General

As previously discussed, the Public Access Rules exempt a variety of court records from public access by excluding them from the definitions of “case document” and “administrative document.” One of the categories of exemptions created by the Public Access Rules are those case documents to which a court has restricted public access.

24 Sup.R. 44(K).

25 Sup.R. 45(C)(1).

26 Sup.R. 45(C)(2) and (3).

27 Sup.R. 46(B).

Under the Public Access Rules, a court may restrict access to certain case documents and information within case documents by court order. Specifically, any party to a case, and any other person who is the subject of information in a case document, may move the court to restrict public access to that information or, if necessary, the entire case document. Additionally, a court may decide to so restrict access *sua sponte*. In both situations, the court must give notice of the motion, or its own order, to all parties in the case, and the court may schedule a hearing on the motion.²⁸

2. Decision to Restrict Public Access

Next, the court will restrict public access to the case document or information if it finds by clear and convincing evidence the presumption of allowing public access is outweighed by a higher interest. In coming to that decision, the court must consider the following questions:²⁹

- Whether public policy is served by restricting public access;
- Whether any state, federal, or common law exempts the document or information from public access;
- Whether factors that support restriction of public access exist, including risk of injury to persons, individual privacy rights and interests, proprietary business information, public safety, and fairness of the adjudicatory process.

When restricting public access to the case document or information, the court must use the least restrictive means available. Examples of “least restrictive means” include the following:³⁰

- Redacting the information rather than limiting public access to the entire document;
- Restricting remote access to either the document or the information while maintaining its direct access;
- Restricting public access to either the document or the information for a specific period of time;
- Using a generic title or description for the document or the information in a case management system or register of actions;

28 Sup.R. 45(E)(1).

29 Sup.R. 45(E)(2).

30 Sup.R. 45(E)(3).

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- Using initials or other identifier for the parties' proper names.

If the court orders the redaction of information in a case document, a redacted version of the document must be filed in the case file along with a copy of the court's order. If a court orders the entire case document be restricted from public access, a copy of the court's order must be filed in the case file. Additionally, a journal entry must reflect the court's order. Finally, case documents ordered restricted from public access or information in documents ordered redacted must not be available for public access and must be maintained separately in the case file.³¹

3. Request to Allow Public Access

If a court has restricted public access to a case document or information per the procedure outlined above, any person may subsequently ask the court by motion to allow access again. The court must notify all parties to the case and, where possible, any non-party who requested restricted access. Finally, the court may schedule a hearing on the motion.³²

The court may permit public access if it finds by clear and convincing evidence that the presumption of allowing public access to the case document or information is no longer outweighed by a higher interest. When making this determination, the court must consider whether the original reason for the restriction of public access to the case document or information no longer exists or is no longer applicable, and whether any new applicable circumstances have arisen that would require the restriction of public access.³³

D. REMEDY FOR DENIAL OF ACCESS

A person aggrieved by the failure of a court or clerk to comply with the requirements of the Public Access Rules may pursue an action in mandamus pursuant to Chapter 2731. of the Revised Code.³⁴

31 Sup.R. 45(E)(4).

32 Sup.R. 45(F)(1).

33 Sup.R. 45(F)(2).

34 Sup.R. 47(B).

RECORDS RETENTION RULES (Sup.R. 26 through 26.05)

A. GENERAL

The Records Retention Rules are intended to provide minimum standards for the maintenance, preservation, and destruction of records within the courts and to authorize alternative electronic methods and techniques. Additionally, by local rule, courts can go above and beyond these standards.³⁵

B. WHAT IS A RECORD?

Similar to the Public Access Rules, the Records Retention Rules create two distinct and defined categories of records: (1) “case files” and (2) “administrative records.” “Case files” means the compendium of original documents filed in an action or proceeding in a court, including the pleadings, motions, order, and judgments of the court on a case-by-case basis.³⁶ This definition echoes that of “case document” under the Public Access Rules. “Administrative record” is defined as a record not related to cases of a court that documents the administrative, fiscal, personnel, or management functions of the court.³⁷ This echoes the definition of “administrative document” under the Public Access Rules.

C. RECORD MEDIUM

1. Permitted Mediums

In addition to the categories of court records, the Records Retention Rules also address the medium (i.e., format) in which these records are to be maintained. Specifically, a court may create, maintain, record, copy, or preserve a court record in any of the following mediums:³⁸

- Traditional paper media;
- Electronic media, including text or digital images;
- Microfilm, including computer output to microfilm;

35 Sup.R. 26(A) and (G).

36 Sup.R. 26(B)(2).

37 Sup.R. 26(B)(1).

38 Sup.R. 26(D).

-
- Any other nationally accepted records and information management process, including photography, microfilm, and electronic data processing, as an alternative to paper, so long as in compliance with American National Standards Institute standards and guidelines.

2. Conversion to other Mediums

The Records Retention Rules allow for records to be converted from one medium to another. In fact, the rules are to be interpreted to allow for technological advances that improve efficiency and promote simplicity.³⁹ To this end, the rules provide that after converting a paper version of a record into another permitted medium, the paper media may be destroyed.⁴⁰

3. Required Back-Ups

If a record is maintained in a non-paper medium and the record is subject to a retention period (see **RECORDS RETENTION SCHEDULES**, p. 15), the Records Retention Rules require the court to create a back-up copy of the record. The back-up copy must be made at periodic and reasonable to times to ensure the security and continued availability of the information. Additionally, if the court record must be retained permanently, the back-up copy must be stored in a different building than the record it secures.⁴¹

D. LOCATION OF RECORDS

The Records Retention Rules also establish certain requirements regarding the physical location of court records. Specifically, records must be maintained in conveniently accessible and secure facilities, so that the records can be available for public inspection and copying under the Public Access Rules. Furthermore, machines and equipment necessary to allow inspection and copying of court records must be provided.⁴²

E. RECORDS RETENTION SCHEDULES

The focus of the Records Retention Rules are the retention schedules for various court records. The retention schedules are organized by rule as follows:

- Administrative records for all courts – Sup.R. 26.01

39 Sup.R. 26(A)(2).

40 Sup.R. 26(D)(2)(d).

41 Sup.R. 26(D)(2)(a).

42 Sup.R. 26(D)(2)(b).

-
- Courts of appeals case files – Sup.R. 26.02
 - General, domestic relations, and juvenile divisions of the courts of common pleas – Sup.R. 26.03
 - Probate divisions of the courts of common pleas – Sup.R. 26.04
 - Municipal and county courts – Sup.R. 26.05

Appendix A contains a summary of the various retention schedules, listing the various records courts must retain, as well as the retention period for each. However, it is important to note the Records Retention Rules permit courts to develop their own retention schedules for records by local rule, which may extend – but not reduce – the established retention period.⁴³

Finally, the retention schedules found in the Records Retention Rules are not exhaustive, with there being no prescribed retention period for many types of court records. To address this, courts are permitted to develop their own retention schedules for records for which the Records Retention Rules prescribe no retention period.⁴⁴

F. DESTRUCTION OF RECORDS

Generally, a court may destroy a record, as well as its back-up, after the requisite retention period has passed.⁴⁵ However, there are two important exceptions.

1. Ohio History Connection

If a record has a retention period greater than 10 years or if the record was created before 1960, then the court must notify Ohio History Connection⁴⁶ in writing of its intention to destroy the record at least 60 days before the intended destruction. Within the 60-day period, Ohio History Connection may request the record from the court. Upon request, the court must transfer the record to Ohio History Connection (or to an institution or agency that meets the Connection’s criteria), *in the media and format designated by Ohio History Connection*.⁴⁷

43 Sup.R. 26(H).

44 Sup.R. 26(G).

45 Sup.R. 26(E)(1).

46 Sup.R. 26 refers to the “Ohio Historical Society.” However, since the original enactment of the Records Retention Rules, the organization has been renamed “Ohio History Connection.”

47 Sup.R. 26(E)(2) and (3).

2. Exhibits, Depositions, and Transcripts

Additionally, before destroying exhibits, depositions, and transcripts, a court must notify the party that tendered the item. The notice must be in writing, notifying the party the record will be destroyed after 60 days if the party does not retrieve the record within that time at the location specified in the notice. If the party fails to retrieve the record, it may be destroyed.⁴⁸

⁴⁸ Sup.R. 46(F).

APPENDIX
RECORDS RETENTION SCHEDULES

| Administrative Records | | |
|--|---|---|
| Record | Description | Retention Period |
| Administrative journals (Sup.R. 26.01) | Administrative journals, consisting of court entries, or a record of court entries, regarding policies and issues not related to cases. | Permanently. |
| Annual reports (Sup.R. 26.01) | Two copies of each annual report. | Permanently. |
| Bank records (Sup.R. 26.01) | Bank transaction records, whether paper or electronic. | 3 years OR Until the issuance of an audit report by the State Auditor, <u>whichever is later</u> . |
| Cash books (Sup.R. 26.01) | Cash books, including expense and receipt ledgers. | 3 years OR Until the issuance of an audit report by the State Auditor, <u>whichever is later</u> . |
| Communication records (Sup.R. 26.01) | Communication records, including routine telephone messages, on any medium where official action will be recorded elsewhere. | None. May be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records. |
| Correspondence and general office records (Sup.R. 26.01) | Correspondence and general office records, including all sent and received correspondence, in any medium. | None. May be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records. |
| Drafts and informal notes (Sup.R. 26.01) | Drafts and informal notes consisting of transitory information used to prepare the official record in any other form. | None. May be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the drafts and informal notes. |
| Employment applications for posted positions (Sup.R. 26.01) | Employment applications for posted or advertised positions. | 2 years. |
| Employee benefit and leave records (Sup.R. 26.01) | Employee benefit and leave records, including court office copies of life and medical insurance records. | 3 years OR Until the issuance of an audit report by the State Auditor, <u>whichever is later</u> . |
| Employee history and discipline records (Sup.R. 26.01) | Records concerning the hiring, promotion, evaluation, attendance, medical issues, discipline, termination, and retirement of court employees. | 10 years after termination of employment. |

Administrative Records - cont.

| Record | Description | Retention Period |
|--|---|--|
| Fiscal records (Sup.R. 26.01) | Fiscal records, including copies of transactional budgeting and purchasing documents maintained by another office or agency. | 3 years OR Until the issuance of an audit report by the State Auditor, <u>whichever is later</u> . |
| Grant records (Sup.R. 26.01) | Records of grants made or received by a court. | 3 years after expiration of the grant. |
| Payroll records (Sup.R. 26.01) | Payroll records of personnel time and copies of payroll records maintained by another office or agency. | 3 years OR Until the issuance of an audit report by the State Auditor, <u>whichever is later</u> . |
| Publications received (Sup.R. 26.01) | Publications received by a court. | None. May be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the publications. |
| Receipt records (Sup.R. 26.01) | Receipt and balancing records. | 3 years OR Until the issuance of an audit report by the State Auditor, <u>whichever is later</u> . |
| Requests for proposals, bids, and resulting contracts (Sup.R. 26.01) | Requests for proposals, bids received in response to a request for proposal, and contracts resulting from a request for proposal. | 3 years after the expiration of the contract that is awarded pursuant to the request for proposal. |

Case Records: All Courts

| Record | Description | Retention Period |
|---|---|---|
| Court index, docket, and journal (Sup.R. 26.02, 26.03) | <p>The “docket” means the record where the clerk enters all of the information historically included in the appearance docket, the trial docket, the journal, and the execution docket. The docket must include the following information:</p> <ol style="list-style-type: none"> (1) Full names and addresses of all parties (Sup.R. 26.02(C), 26.03); (2) Names, addresses, and Supreme Court attorney registration numbers of all counsel (Sup.R. 26.02(C), 26.03); (3) The issuance of documents for service upon a party and the return of service or lack of return (Sup.R. 26.02(C), 26.03); (4) A brief description of all records and orders filed in the proceeding, the date and time filed, and a cross reference to other records as appropriate (Sup.R. 26.02(C), 26.03); (5) A schedule of court proceedings for the court and its officers to use for case management purposes (Sup.R. 26.02(C), 26.03); (6) All actions taken by the court to enforce orders or judgments. (Sup.R. 26.02(C), 26.03); (7) Any information necessary to document the activity of the clerk of the division regarding the case (applicable to all courts, <i>except</i> appellate, municipal, and county courts) (Sup.R. 26.03). | Permanently. |
| Judge, magistrate, and clerk notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum (Sup.R. 26.02) | May be kept separate from the case file or retained in the case file. | None. May be destroyed at the discretion of the preparer. |

Case Records: All Courts - *cont.*

| Record | Description | Retention Period |
|---|-------------|---|
| Exhibits, depositions, and transcripts (Sup.R. 26(F)) | | At the conclusion of litigation, including times for direct appeal, with 60-days notice to the parties. |

Appellate Courts

| Record | Description | Retention Period |
|---|--|--------------------------------|
| Appellate Court case files (except for death penalty case files) (Sup.R. 26.02) | Judge, magistrate, and clerk notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum. | 2 years after the final order. |

Common Pleas, General Division

| Record | Description | Retention Period |
|---|--|--|
| Death penalty case files (Sup.R. 26.02, 26.03(F) (1)) | In their original form. | Permanently. |
| Real estate case files (Sup.R. 26.03(F) (2)) | Case files of matters that resulted in a final judgment determining title or interest in real estate. | Permanently. |
| Search warrant records (Sup.R. 26.03(F) (3)) | Search warrant records must be indexed and the warrants and returns retained in their original form. | 5 years after the date of service or last service attempt. |
| Voluntary dismissals (Sup.R. 26.03(F) (4)) | Case files of matters that are voluntarily dismissed. | 3 years after the date of the dismissal. |
| Other case files (Sup.R. 26.03(F) (5)) | Any case file in common pleas, general division, not listed above. Does not include documents within the file that were admissible as evidence of a prior conviction in a criminal proceeding. | 12 years after the final order of the general division. |
| Evidence of prior conviction (Sup.R. 26.03(F) (5)) | Documents within a case file admissible as evidence of a prior conviction in a criminal proceeding. | 50 years after the final order of the general division. |

Common Pleas, Domestic Relations Division

| Record | Description | Retention Period |
|--|--|---|
| Certified mail receipts in uncontested cases and post-decree motions (Sup.R. 26.03(G)) | In new cases and cases involving post-decree motions where personal jurisdiction is established by certified mail receipt and the defendant/respondent fails to answer, enter an appearance, or otherwise defend; may be retained in a separate file from the case file. | 30 years after the date of issuance. |
| Divorce/dissolution, with minor children, case files (Sup.R. 26.03(G)) | | 25 years after the date of the final order of the domestic relations division. |
| Divorce/dissolution, without minor children, case files (Sup.R. 26.03(G)) | | 12 years after the date of the final order of the domestic relations division. |
| Domestic violence petition case files (Sup.R. 26.03(G)) | | <p>1 year after the following, as applicable:</p> <ul style="list-style-type: none"> a) The date of filing, if the petition is denied; b) If the petition is granted, the expiration of the resulting protection order <p style="text-align: center;">OR</p> <p>The date the parties are divorced (if the parties are also parties to a divorce action), <u>whichever is later.</u></p> <p>If post-decree motions have been filed, the case file must be retained for 1 year after the adjudication of the post-decree motion or the date specified above, <u>whichever is later.</u></p> |
| Legal separation case files (Sup.R. 26.03(G)) | | <p>Until the parties are divorced</p> <p style="text-align: center;">OR</p> <p>2 years after spousal support terminates, <u>whichever is later.</u></p> <p>Unless otherwise ordered by the court.</p> <p>If post-decree motions have been filed, the case file must be retained for 2 years after the adjudication of the post-decree motion or the date specified above, <u>whichever is later.</u></p> |

Common Pleas, Domestic Relations Division - cont.

| Record | Description | Retention Period |
|--|---|--|
| Real estate (Sup.R. 26.03(G)) | Case files of matters that resulted in a final judgment determining title or interest in real estate. | Permanently. |
| Registration or adoption of foreign decree (Sup.R. 26.03(G)) | Case files of registrations or adoptions of foreign decrees. | 2 years after the emancipation of all of the parties' minor children. If post-decree motions have been filed, records must be retained for 2 years after the adjudication of the post-decree motion or the date specified above, <u>whichever is later.</u> |
| Uniform Reciprocal Enforcement of Support Act ("URESA") filings (Sup.R. 26.03(G)) | Case files involving URESA filings. | 19 years after the final order of the domestic relations division OR 1 year after transfer of the case to another jurisdiction. |

Common Pleas, Juvenile Division

| Record | Description | Retention Period |
|---|--|---|
| Delinquency and adult records (Sup.R. 26.03(H)(1)) | | 2 years after the final order of the juvenile division OR 1 year after the issuance of an audit report by the State Auditor, <u>whichever is later.</u> |
| Evidence of prior conviction in a criminal proceeding (Sup.R. 26.03(H)(1)) | Documents within a case file admissible as evidence of a prior conviction in a criminal proceeding. | 50 years after the final order of the juvenile division. |
| Juvenile by-pass records (Sup.R. 26.03(H)(2)) | Juvenile by-pass records must be maintained in two separate and secure files. The first file must contain the first page of the form complaint and other relevant documents and the second file must contain the second page of the form complaint bearing the signature of the complainant. | 2 years after the final order of the juvenile division or, if an appeal is sought, 2 years after the filing of the appeal. |

Common Pleas, Juvenile Division - cont.

| Record | Description | Retention Period |
|---|--|--|
| Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and URESA records (Sup.R. 26.03(H) (3)) | | 2 years after the child who is the subject of the case obtains the age of majority OR If post-decree motions have been filed, 1 year after the adjudication of the post-decree motion, <u>whichever is later</u> . |
| Search warrant records (Sup.R. 26.03(H) (4)) | Search warrant records must be indexed and the warrants and returns retained in their original form. | 5 years after the date of service or last service attempt. |
| Unruly and marriage consent records (Sup.R. 26.03(H) (5)) | | 2 years after the final order of the juvenile division OR 1 year after the issuance of an audit report by the State Auditor, <u>whichever is later</u> . |
| Traffic Records, minor misdemeanor (Sup.R. 26.03(H) (5)) | | 5 years after the final order of the juvenile division. |
| Traffic Records, misdemeanor (Sup.R. 26.03(H) (5)) | | 25 years after the final order of the juvenile division. |
| Traffic Records, all others (Sup.R. 26.03(H) (5)) | | 50 years after the final order of the juvenile division. |

Common Pleas, Probate Division⁴⁹

| Record | Description | Retention Period |
|---|----------------------------------|------------------|
| Adoption records (Sup.R. 26.04(E)) | | Permanently. |
| Birth and death registrations (Sup.R. 26.04(E)) | Registrations dated before 1908. | Permanently. |

⁴⁹ The retention schedule does not apply to records of estates in which temporary estate tax orders are pending (Sup.R. 26.04(E)).

Common Pleas, Probate Division⁴⁹

| Record | Description | Retention Period |
|---|---|--|
| Civil commitment records (Sup.R. 26.04(E)) | | 3 years after the case is closed. ⁵⁰ |
| Dockets, records of documents, journals and indexes (Sup.R. 26.04(E)) | | Permanently. |
| Evidence filed in support of expenditures or distributions (Sup.R. 26.04(E)) | Vouchers, proof, or other evidence filed in support of expenditures or distributions stated in an account. | 3 years after the date of filing OR Returned to the fiduciary, after review and reconciliation in the record or file (Sup.R. 26.04(D)(1)). |
| Marriage license records (Sup.R. 26.04(E)) | | Permanently. |
| Trust accountings (Sup.R. 26.04(E)) | | 12 years after the date the accounting was approved. |
| All other records (Sup.R. 26.04(E)) | | 12 years after the date the case, cause, proceeding, or matter is closed or completed. |
| Nonessential items (Sup.R. 26.04(D)(3)) | Includes any nonessential note, notice, letter, form, or other paper, document, or memorandum in a case file that is not essential to providing a record of the case and the judgment of the probate division. Evidence of service of notice of the initial complaint, petition, or application that establishes the probate division's jurisdiction <i>is</i> essential to providing a record of a probate case. | Notwithstanding the above schedule and subject to the probate division's discretion, no retention period is required. |

⁵⁰ A probate record or case file of an estate, trust, or other fiduciary relationship is considered closed when a final accounting has been filed and, if required by law at the time of the filing, the account has been approved and settled. All other probate records and case files are considered closed when the probate division orders the matter closed or there is a final disposition of the action or proceeding for which the probate record or case file is kept. (Sup.R. 26.04(B).)

Municipal and County Courts

| Record | Description | Retention Period |
|---|---|---|
| Auditor reports (Sup.R. 26.05(D)(1)) | Auditor of State reports (financial records). | Permanently. |
| Monetary records (Sup.R. 26.05(D)(2)) | | 3 years after the issuance of an audit report by the Auditor of State. |
| Rental escrow account records (Sup.R. 26.05(D)(3)) | | 5 years after the last date of deposit with the municipal or county court. |
| Yearly reports (Sup.R. 26.05(D)(4)) | Yearly financial records reports. | Permanently. |
| Index, docket, and journal (Sup.R. 26.05(E)) | | 25 years. |
| Civil case files (Sup.R. 26.05(G)) | | 2 years after the issuance of an audit report by the Auditor of State. |
| DUI case files (Sup.R. 26.05(G)) | Driving under the influence of alcohol or drug (“DUI”) case files. | 50 years after the date of the final order of the municipal or county court. |
| First through fourth degree misdemeanor traffic case files (excluding DUI cases) (Sup.R. 26.05(G)) | | 25 years after the date of the final order of the municipal or county court OR 1 year after the issuance of an audit report by the Auditor of State, <u>whichever is later.</u> |
| First through fourth degree misdemeanor criminal case files (Sup.R. 26.05(G)) | | 50 years after the date of the final order of the municipal or county court OR 1 year after the issuance of an audit report by the Auditor of State, <u>whichever is later.</u> |
| Minor misdemeanor traffic and minor misdemeanor criminal case files (Sup.R. 26.05(G)) | | 5 years after the final order of the municipal or county court OR 1 year after the issuance of an audit report by the Auditor of State, <u>whichever is later.</u> |
| Parking ticket records (Sup.R. 26.05(G)) | | Retained until the ticket is paid and the Auditor of State issues an audit report. |
| Real estate (Sup.R. 26.05(G)) | Case files of matters that resulted in a final judgment determining title or interest in real estate. | Permanently. |
| Search warrant records (Sup.R. 26.05(G)) | Warrants and returns (original form). | 5 years after the date of service or last service attempt. |

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