

**AMENDMENTS TO THE RULES OF SUPERINTENDENCE  
FOR THE COURTS OF OHIO**

The following amendments to the Supreme Court Rules of Superintendence for the Courts of Ohio (Sup.R. 26 through 26.06) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

March 1, 2024	Initial publication for public comment
March 13, 2025	Final adoption by conference
April 1, 2025	Effective date of amendments

Key to Proposed Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

## RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

### RULE 26. Court Records Management and Retention.

#### (A) Applicability and intent

(1) ~~This rule and Sup.-R. 26.01 to 26.05~~ 26 through 26.06 are intended to provide minimum standards for ~~the maintenance, preservation, and destruction of~~ maintaining, preserving, and destroying court records ~~within the courts and to authorize~~ authorizing alternative electronic methods and techniques. Implementation of ~~this rule and Sup.-R. 26.01 to 26.05~~ 26 through 26.06 is a judicial, governmental function.

(2) ~~This rule and~~ Acknowledging that courts use differing methods of records retention, Sup.-R. ~~26.01 to 26.05~~ 26 through 26.06 shall be interpreted to allow for technological advances that improve ~~the~~ efficiency of ~~the~~ courts and simplify ~~the~~ maintenance, preservation, and destruction of court records.

(3) Sealed case files shall be retained in accordance with the applicable retention period associated with the case file.

(4) Effective April 1, 2025, any record that was properly disposed of under a then-effective records retention period does not constitute a violation of these rules.

#### (B) Definitions

As used in ~~this rule and Sup.-R. 26.01 to 26.05~~ 26 through 26.06:

(1) “Administrative record document” means a record not related to cases of document and information in a document created, received, or maintained by a court that documents records the administrative, fiscal, personnel, or management functions, policies, decisions, procedures, operations, organization, or other activities of the court.

(2) “Case document” means a document and information in a document regarding a case that is submitted to a court or filed with a clerk of court in a judicial action or proceeding, including pleadings, motions, applications, proof or failure of service, exhibits, depositions, transcripts, orders, judgments, and any documents prepared by the court or clerk regarding a case, such as journals, dockets, and indices.

(3) “Case file” means the compendium of original case documents filed in an a judicial action or proceeding in a court, including the pleadings, motions, orders, and judgments of the court on a case by case basis.

~~(3)~~(4) “Court” means courts of appeal; all common pleas courts and divisions, including, but not limited to, general, domestic relations, juvenile, family, probate, or any combined divisions; and municipal and county courts.

(5) “Court record” means a case document or an administrative document, regardless of physical form or characteristic, manner of creation, or method of storage.

(6) “Docket” means the record where the clerk of a court enters all information required by the Revised Code or Supreme Court rule.

(7) “Filed” means the date or date and time stamping of a document.

(8) “Final judgment” means the order, disposition, or ruling by a court that terminates the case.

(9) “Financial record” means any document and information in a document that records a monetary transaction.

(10) “Index” means a the reference record used to locate journal, docket, ~~and~~ or case file records.

~~(4)~~(11) “Journal” means a the verbatim record of every order or judgment of a court.

~~(5)~~ “OHS” (12) “OHC” means the Ohio Historical Society History Connection, State Archives Division.

~~(6)~~ “Record” means any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of a court that serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the court.

(13) “Recordings of proceedings” means audio recordings, video recordings, and stenographic notes.

(14) “Submit” means to deliver a document to the custody of and for consideration by a court.

**(C) Required records**

(1) Each court, through its clerk, shall maintain an index, docket, journal, and case files.

(2) A stamp indicating the day, month, and year of filing shall be placed on the paper or electronic entry of any paper or electronic entry permitted by the court.

**(D) Content of docket**

A docket shall include, at a minimum, all of the following:

- (1) Names and addresses of all parties;
- (2) Names, addresses, and Supreme Court attorney registration numbers of all counsel;
- (3) Issuance of documents for service upon a party and the return of service or lack of return;
- (4) Brief descriptions of all records and orders filed in the proceeding, including the date filed and cross-references to other records as appropriate;
- (5) A schedule of court proceedings;
- (6) All actions taken by a court to enforce orders or judgments;
- (7) Any information necessary to document the activity of the clerk of court regarding the case. The docket shall provide the dates and a description of all hearings, pleadings, orders, and other filings in an action, proceeding, or other matter in the court. The docket shall be organized in a case specific and chronological manner.

**~~(C)~~(E) Combined records**

~~Notwithstanding any other provision of the law, a court may combine indexes~~ Indexes, dockets, journals, and case files provided that the combination contains the components of indexes, dockets, journals, and case files as defined in this rule and Sup. R. 26.01 to 26.05. ~~A court may replace any paper bound books with an electronic medium or microfilm in accordance with this rule~~ may be combined. Combined records must be retained in accordance with the record that has the longest retention period.

**~~(D)~~(F) Allowable record media**

- (1) A court record may create, maintain, record, copy, or preserve a record be created, recorded, maintained, copied, replaced, or preserved on traditional paper media,; electronic media, including text or digital images,; or microfilm, including computer output to microfilm.
- (2) A court may create, maintain, record, copy, or preserve a record using any nationally accepted may be converted from its original medium to another medium. Upon conversion, the original or prior medium may be destroyed.

(3) Any records and information management process, including photography, microfilm, and electronic data processing, may be used as an alternative to paper. The process may be used in regard to the original or a copy of a record if, provided that the process produces an accurate record or copy and the process complies with American National Standards Institute (“ANSI”) standards and guidelines or, in the event that ANSI standards cease to exist, other nationally accepted records and information management process standards of the record.

~~(a) If a court creates, maintains, records, copies, or preserves a record using a records and information management process in accordance with division (D)(2) of this rule and the record is required to be retained in accordance with the schedules set forth in Sup. R. 26.01 to 26.05, the court shall cause a back-up copy of the record to be made at periodic and reasonable times to insure the security and continued availability of the information. If Sup. R. 26.01 to 26.05 require the record to be retained permanently, the back-up copy shall be stored in a different building than the record it secures. The court shall cause a backup copy of a record to be made of any record that is created, recorded, maintained, copied, replaced, or preserved. A backup copy shall be made at periodic and reasonable times to ensure security and continued availability of the information. A backup of a record required to be permanently retained shall be stored in a different location than the record it secures.~~

~~(b) Records shall be maintained in a conveniently accessible and secure facilities, and provisions location. Provisions shall be made for inspecting and copying any public records in accordance with applicable statutes and rules. Machines and equipment necessary to allow inspection and copying of public records, including public records that are created, maintained, recorded, copied, or preserved by an alternative records and information management process in accordance with division (D)(2) of this rule, shall be provided.~~

~~(c) In accordance with applicable law and purchasing requirements, a court or clerk of court may acquire equipment, computer software, and related supplies and services for records and information management processes authorized by this division (D)(2) of this rule.~~

~~(d) Paper media may be destroyed after it is converted to other approved media in accordance with division (D) of this rule.~~

**(E) Destruction of records**

~~(1) Subject to the notification and transfer requirements of divisions (E)(2) and (3) of this rule, a record and any back-up copy of a record produced in accordance with division of this rule may be destroyed after the record and its back-up copy have been retained for the applicable retention period set forth in Sup. R. 26.01 to 26.05.~~

~~(2) If Sup. R. 26.01 to 26.05 set forth a retention period greater than ten years for a record, or if a record was created prior to 1960, the court shall notify the OHS in writing of the court's intention to destroy the record at least sixty days prior to the destruction of the record.~~

~~(3) After submitting a written notice in accordance with division (E)(2) of this rule, the court shall, upon request of the OHS, cause the record described in the notice to be transferred to the OHS, or to an institution or agency that meets the criteria of the OHS, in the media and format designated by the OHS.~~

**(F) Exhibits, depositions, and transcripts**

~~At the conclusion of litigation, including times for direct appeal, a court or custodian of exhibits, depositions, or transcripts may destroy exhibits, depositions, and transcripts if all of the following conditions are satisfied:~~

~~(1) The court notifies the party that tendered the exhibits, depositions, or transcripts in writing that the party may retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification;~~

~~(2) The written notification required in division (F)(1) of this rule informs the party that tendered the exhibits, depositions, or transcripts that the exhibits, depositions, or transcripts will be destroyed if not retrieved within sixty days of the notification;~~

~~(3) The written notification required in division (F)(1) of this rule informs the party that tendered the exhibits, depositions, or transcripts of the location for retrieval of the exhibits, depositions, or transcripts;~~

~~(4) The party that tendered the exhibits, depositions, or transcripts does not retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification required in division (F)(1) of this rule.~~

**(G) Local rules and general retention schedules**

~~(1) By local rule, a court may establish retention schedules for any records not listed in Sup. R. 26.01 to 26.05 through 26.06 and may extend, but not limit, the retention schedule for any record listed in Sup. R. 26.01 to 26.05 through 26.06. Any~~

~~(2) Any record that is not listed in Sup. R. 26.01 to 26.05 through 26.06 but is listed in a general retention schedule established pursuant to section R.C. 149.331 of the Revised Code may be retained for the period of time set by the that general retention schedule and then destroyed.~~

**(H) Extension of retention period for individual case files**

A court may order the retention period for an individual case file extended beyond the period specified in Sup. R. 26.02 ~~to 26.05~~ through 26.06 for the case file.

**Commentary (July 1, 2001 Amendments)**

The July 1, 2001 amendments to Sup. R. 26 removed the words “produce” and “production” from division (A) and the words “receive” and “receives” from division (D) for the purpose of restricting the scope of the rule to records management and retention. The word “advances” replaced the word “enhancements” in division (A)(2).

**Commentary (October 1, 1997)**

~~The Supreme Court’s Task Force on Records Management recommended the substantive provisions of this rule and Sup. R. 26.01 to 26.05 after studying the records management procedures of Ohio courts for approximately eighteen months. This rule and Sup. R. 26.01 to 26.05 require courts to keep certain records and mandate minimum records retention schedules for administrative and case records of the courts. The rules also authorize the courts to maintain records in forms other than paper provided that when an alternative process is employed, it conforms to the standards established by the American National Standards Institute (“ANSI”). Courts are not required to use the alternative processes permitted by this rule.~~

~~To obtain information concerning ANSI standards, courts may contact the Ohio Historical Society, State Archives Division, 1982 Velma Avenue, Columbus, Ohio 43211-2497, (614) 297-2536.~~

**RULE 26.01. Retention Schedule for the Administrative Records Documents of the Courts.**

The following retention schedule shall apply for the administrative ~~records~~ documents of the courts, regardless of physical form or characteristic, manner of creation, or method of storage:

**(A) Administrative journal**

Administrative journals that consist of court entries, or a record of court entries, regarding policies and issues not related to cases shall be retained permanently.

**(B) Annual reports**

~~Two copies of each~~ Any required annual report shall be retained permanently.

**(C) Bank records**

~~Bank transaction records, whether paper or electronic, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.~~

**~~(D)~~ Cash books**

Cash books, including expense and receipt ledgers, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

**~~(E)~~ Communication, correspondence, calendar, and general office records**

Communication, correspondence, calendar, and general office records, including routine telephone messages on any medium where official action will be recorded elsewhere paper, telephonic, and electronic records, 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 them.

**~~(F)~~ Correspondence and general office records**

~~Correspondence and general office records, including all sent and received correspondence, in any medium, 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 them.~~

**~~(G)~~(D) Drafts and informal notes**

~~Drafts and informal notes consisting of transitory information used to prepare the official record in any other form 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 them.~~

**~~(H)~~(E) Employment applications for posted positions**

~~Employment applications for posted or advertised positions shall be retained for two years.~~

**~~(I)~~(F) Employee benefit and leave records**

~~Employee benefit and leave records, including court office copies of life and medical insurance records, not retained by the appropriate city, county, or state fiscal officer shall be retained by the appropriate fiscal officer for three years or until the issuance of an audit report by the Auditor of State, whichever is later.~~

**~~(J)~~(G) Employee history and discipline records**

~~Records concerning the hiring, promotion, evaluation, attendance, medical issues, discipline, termination, and retirement of court employees shall be retained for ten years after termination of employment.~~



**(H) Financial records**

Financial records, including cash books, bank transaction records, and expense and receipt ledgers, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

**~~(K)~~(I) Fiscal records**

Fiscal records, including copies of transactional budgeting and purchasing documents maintained by another office or agency, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

**~~(L)~~(J) Grant records**

Records of grants made or received by a court shall be retained for three years after expiration of the grant. Records of unsuccessful grant applications submitted by a court may be destroyed as soon as they are considered to be of no value by the person holding them.

**~~(M)~~(K) Payroll records**

Payroll records of personnel time and copies of payroll records maintained by another office or agency shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

**~~(N)~~(L) Publications received**

Publications received by a court 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~~ them.

**~~(O)~~ Receipt records**

~~Receipt and balancing records shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.~~

**~~(P)~~(M) Requests for proposals, bids, and resulting contracts**

Requests for proposals, bids received in response to ~~a request~~ requests for proposal proposals, and contracts resulting from ~~a request~~ requests for proposal proposals shall be retained for three years after the expiration of the contract that is awarded ~~pursuant to the request for proposal~~.

**RULE 26.02. Courts of Appeals—    Records Retention Schedule.**

**(A) Definition of docket**

~~As used in this rule, “docket” means the record where the clerk of the court of appeals enters all of the information historically included in the appearance docket, the trial docket, the journal, and the execution docket.~~

**(B) Required records**

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

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

**(C) Content of docket**

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

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

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

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

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

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

~~(6) All actions taken by the court of appeals to enforce orders or judgments.~~

**(D) Retention schedule for the index, docket, and journal**

The index, docket, and journal of the ~~court~~ courts of ~~appeals~~ appeal shall be retained permanently.

**~~(E)~~(B) Retention schedule for case files and recordings of proceedings**

(1) ~~Court~~ Courts of appeals appeal case files shall be retained for two years after the final ~~order of the court judgment in the appellate case~~, except for files ~~of where the death penalty~~ eases is imposed, which shall be retained permanently ~~in their original form~~.

(2) Courts of appeal recordings of proceedings shall be retained for two years after the final judgment in the case, except for cases where the death penalty is imposed, which shall be retained permanently.

**~~(2)~~(C) Judge, magistrate, and clerk drafts, notes, drafts, and research**

Judge, magistrate, and clerk drafts, notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum may be kept separate from the case file, retained in the case file, or destroyed at the discretion of the preparer as soon as they are considered to be of no value by the person holding them.

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

**(A) ~~Definitions.~~**

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

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

**(B) ~~Required records.~~**

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

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

**(C) ~~Content of docket~~**

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

- (1) ~~Names and addresses of all parties in full;~~
- (2) ~~Names, addresses, and Supreme Court attorney registration numbers of all counsel;~~
- (3) ~~The issuance of documents for service upon a party and the return of service or lack of return;~~
- (4) ~~A brief description of all records and orders filed in the proceeding, the time and date filed, and a cross reference to other records as appropriate;~~
- (5) ~~A schedule of court proceedings for the division and its officers to use for case management;~~
- (6) ~~All actions taken by the division to enforce orders or judgments; and~~
- (7) ~~Any information necessary to document the activity of the clerk of the division regarding the case.~~

**~~(D)~~ Retention schedule for the index, docket, and journal**

The index, docket, and journal of a division shall be retained permanently.

**(B) Recordings of proceedings**

Recordings of proceedings shall be retained for five years after the final judgment in the case, except for cases where the death penalty is imposed, which shall be retained permanently.

**~~(E)~~(C) Judge, magistrate, and clerk drafts, notes, drafts, and research**

Judge, magistrate, and clerk drafts, notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum may be kept separate from the case file, retained in the case file, or destroyed at the discretion of the preparer as soon as they are considered to be of no value by the person holding them.

**~~(F)~~(D) Retention schedule for court of common pleas — general jurisdiction case files-  
~~general division of the court of common pleas~~**

**(1) Death penalty cases**

~~Death penalty case~~ Case files where the death penalty is imposed shall be retained permanently.

**(2) Real estate**

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

**(3) Search and interception warrant records**

Search and interception warrant records shall be indexed, ~~and the Search warrants, and returns, and the corresponding index shall be retained in their original form~~ for five years after the date of service or last service attempt. Interception warrants, returns, and the corresponding index shall be retained for ten years after the date of service or last service attempt.

**(4) Voluntary dismissals**

Case files of matters that are voluntarily dismissed shall be retained for three years after the date of the dismissal.

**(5) Civil stalking protection order petitions**

(a) Case files of petitions for civil stalking protection orders shall be retained for one year after the expiration of any resulting protection order.

(b) Case files of petitions for civil stalking protection orders in which no protection order was issued shall be retained for one year after the date the petition was filed.

(c) Case files of petitions for civil stalking protection orders in which post-decree motions have been filed shall be retained for one year after the adjudication of the post-decree motion.

**(6) Felony convictions**

(a) Depositions and transcripts filed in cases resulting in a conviction of a felony of the first, second, or third degree or an unclassified felony shall be retained for fifty years after final judgment.

(b) Depositions and transcripts filed in cases resulting in a conviction of a felony of the fourth or fifth degree shall be retained for twelve years after final judgment.

**(7) Other case files**

Any case file not listed in this division (F) of this rule shall be retained for twelve years after the final ~~order of the general division~~ judgment. Documents within a case file admissible as evidence of a prior conviction, including evidence that a

defendant was represented by counsel or waived their right to counsel, shall be retained for fifty years after the final order of the general division judgment.

**(G)(E) Retention schedule for ~~domestic relations division of the court of common pleas~~ — domestic relations jurisdiction case files**

**(1) ~~Certified mail receipts in uncontested cases and post-decree motions~~ Real estate**

In new cases and cases involving post-decree motions where personal jurisdiction is established by certified mail receipt and the defendant/respondent fails to answer, enter an appearance, or otherwise defend, the certified mail receipt shall be retained for thirty years after the date of issuance and may be retained in a separate file from the case file. Case files of matters that resulted in a final judgment determining title or interest in real estate shall be retained permanently.

**(2) Divorce, ~~or~~ dissolution, legal separation, annulment, custody, parentage, visitation, support enforcement, or Uniform Interstate Family Support Act: ~~Minor~~ with minor children**

Case files of divorce, ~~and~~ dissolution, legal separation, annulment, custody, parentage, visitation, support enforcement or the Uniform Interstate Family Support Act that involve minor children shall be retained for twenty-five years after the date of the final ~~order of the domestic relations division~~ judgment.

**(3) Divorce ~~or~~, dissolution, legal separation, or annulment: ~~No~~ without minor children**

Case files of divorce, ~~and~~ dissolution, ~~or~~ legal separation, or annulment not involving minor children shall be retained for twelve years after the final ~~order of the domestic relations division~~ judgment.

**(4) Divorce, dissolution, legal separation, or annulment: with adult children**

Case files of divorce, dissolution, legal separation, or annulment that involve children whose parents have a duty to support a child beyond the age of majority shall be retained for five years after the support obligation is terminated or as stated in (D)(2), whichever is later.

**(5) Domestic violence and dating violence protection order petitions**

(a) Case files of petitions for domestic violence or dating violence protection orders shall be retained for one year after the expiration of any resulting protection order. ~~If the parties to a petition for a domestic violence protection order are also parties to a divorce, the case file of the petition shall be retained for one year after the expiration of any resulting protection order or until the parties are divorced,~~

~~whichever is later. In case~~

~~(b) Case files of petitions for domestic violence or dating violence protection orders in which no protection order is was issued, the case file shall be retained for one year ~~from~~ after the date the petition was filed. If~~

~~(c) Case files of petitions for domestic violence or dating violence protection orders in which post-decree motions have been filed, the case file shall be retained for one year after the adjudication of the post-decree motion ~~or the date specified for case~~~~

~~(d) Case files of petitions for domestic violence or dating violence protection orders in division (G)(4) of this rule which the parties are also parties to a divorce, dissolution, or legal separation shall be retained for one year after the expiration of any resulting protection order, until the parties are legally separated, or their marriage is terminated, whichever is later.~~

**(5) Legal separation**

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

**(6) Real estate**

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

**(7) Registration or adoption of foreign decree**

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

**(8) Uniform Reciprocal Enforcement of Support Act ("URES A") filings**

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

**~~(H)~~(F) Retention schedule for court of common pleas — juvenile jurisdiction case files — juvenile division of the court of common pleas**

**(1) ~~Delinquency and adult records~~ Adult criminal case files**

~~Delinquency and adult records~~ Adult criminal case files shall be retained for ~~two~~ five years after the final ~~order of the juvenile division judgment or one year after the issuance of an audit report by the Auditor of State, whichever is later.~~ Documents admissible as evidence of a prior conviction ~~in a criminal proceeding, including evidence that a defendant was represented by counsel or waived their right to counsel,~~ shall be retained for fifty years after the final ~~order of the juvenile division judgment.~~

**(2) Delinquency, unruly, and marriage consent case files**

Delinquency, unruly, and marriage consent case files shall be retained for three years after the final judgment.

**(3) Juvenile by-pass records case files**

Juvenile by-pass ~~records~~ case files shall be maintained in two separate and secure files. The first file shall contain the first page of the ~~form~~ complaint and other relevant documents and the second file shall contain the second page of the ~~form~~ complaint bearing the signature of the complainant. Each file shall be retained for two years after the final ~~order judgment~~ of the juvenile division or, ~~if an appeal is sought, for two years after the filing of the appeal~~ court of appeals, whichever is later.

**~~(3)~~(4) Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and ~~URES~~A ~~Uniform Reciprocal Enforcement of Support Act~~ records Uniform Interstate Family Support Act case files**

Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and ~~URES~~A ~~records~~ ~~Uniform Reciprocal Enforcement of Support Act~~ Uniform Interstate Family Support Act case files shall be retained for two years after the child who is the subject of the case ~~obtains~~ reaches the age of majority. Cases that involve children whose parents have a duty to support a child beyond the age of majority shall be retained for five years after the support obligation is terminated.

**~~(4)~~(5) Search and interception warrant records**

~~Search warrant records shall be indexed and the warrants and returns retained in their original form for five years after the date of service or last service attempt.~~ Search and interception warrant records shall be indexed. Search warrants, returns, and the corresponding index shall be retained for five years after the date of service



or last service attempt. Interception warrants, returns, and the corresponding index shall be retained for ten years after the date of service or last service attempt.

**(5) Traffic, unruly, and marriage consent records**

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

**(6) Traffic case files**

Unclassified and minor misdemeanor traffic case files shall be retained for five years after the final judgment. All other traffic case files shall be retained until the minor child reaches the age of twenty-three.

**(7) Juvenile civil protection order petitions**

(a) Case files of petitions for juvenile civil protection orders shall be retained for one year after the expiration of any resulting protection order.

(b) Case files of petitions for juvenile civil protection orders in which no protection order was issued shall be retained for one year after the date the petition was filed.

(c) Case files of petitions for juvenile civil protection orders in which post decree motions have been filed shall be retained for one year after the adjudication of the post decree motion.

**Commentary (April 1, 2025 Amendments)**

**Drafts, notes, and research**

Under Sup.R. 44(C)(2)(e), drafts, notes, and research created by judicial officers and staff are not “case documents” subject to public access, even when stored in the case file. But to avoid inadvertent disclosure in response to public access requests; drafts, notes, and research stored in the case file should be segregated in a clearly marked subfile.

**RULE 26.04. ~~Probate Divisions of the~~ Retention schedule for Courts of Common Pleas--  
Records Retention Schedule — Probate Jurisdiction Case Files.**

**(A) Definitions**

As used in this rule:

(1) ~~“Docket” means a reference record that provides the dates and a summary of all hearings, pleadings, filings, orders, and other matters that are essential to an action, proceeding, or other matter in the probate division.~~

(2) ~~“Probate record” means a record that pertains to the duties of the probate division including, but not limited to, adoptions, marriage licenses, name changes, birth records, orders of civil commitment, the resolution of civil actions, and the appointment and supervision of fiduciaries.~~

(3) ~~“Record of documents” means a collection of single or several page documents, in which each document represents the probate division’s action in a single incident of the same duty of the probate division, such as the issuance of marriage licenses which includes petitions, applications, or affidavits, either original or copies, and information pertaining to those documents, or other information considered necessary by the court.~~

**(B) ~~Closed probate record or case file~~**

For purposes of this rule, a ~~probate record or~~ case file of an estate, trust, or other fiduciary relationship shall be 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 shall be 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~~ issues a final judgment.

**(C) Required records**

**(1) Dockets**

(a) The probate division shall maintain ~~all of~~ the following dockets:

(i) An administration docket showing the ~~name of the deceased grant~~ of letters of administration or letters testamentary, the name of the decedent, the amount of bond and names of sureties in the bond, the date of filing, and a brief note of each order or proceeding relating to the estate with reference to the journal or other record in which the order or proceeding is found;

(ii) 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, date of filing, and a brief note of orders and proceedings as described in division (i) of this section;

(iii) A civil docket ~~in which~~ showing the names of the parties to actions and proceedings shall be noted, commencement date, filings and a brief note of orders, and date of filings and orders in actions and proceedings;

(iv) A testamentary trust docket showing the names of the testator and trustee or trustees;

(v) 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;

(vi) A birth registration and correction docket showing the name of the person whose birth certificate is being registered or corrected; The docket shall be kept in the form and manner that may be designated by the director of health.

(vii) A civil commitment docket showing the name of the prospective patient;

(viii) A separate adoption docket, in accordance with ~~section R.C. 3107.17 of the Revised Code,~~ showing the name of the child as it would exist after finalization of the adoption and the name or names of the adoptive parent or parents;

~~(ix) A paternity docket showing the birth name of the child who is the subject of the petition, the names of the parents, and the name of the child after adjudication;~~

~~(x)(ix)~~ A miscellaneous docket showing the names of parties or petitioners and the nature of the action or proceeding. The miscellaneous docket shall be limited to actions within the probate division's jurisdiction that are not kept in one of the other dockets described in division (C)(1) of this rule. ~~If the number of filings warrants, a~~ A miscellaneous docket may be subdivided or grouped into sections containing files or records of similar content if the number of filings merits.

(b) All dockets of the probate division shall contain the ~~dates of filing or occurrence and a brief description of any bond and surety, letter of authority, and each filing, order, or record of proceeding related to the case or action, with a reference to the file or record where the bond and surety, letter of authority, filing, order, or record of proceeding is to be found, and such other information as the court considers necessary~~ following information, to the extent applicable:

(i) The dates of filing or occurrence;

- (ii) A brief description of any bond and surety;
- (iii) Letters of authority;
- (iv) Each filing, order, or record of proceeding related to the case or action, with a reference to the file or record where the bond and surety, letter of authority, filing, order, or record of proceeding is to be found;
- (v) Such other information as the court considers necessary.

## (2) **Records of documents**

~~(a)~~ The probate division shall maintain both of the following records of documents:

~~(i)(a)~~ A record of wills, if wills are not copied and permanently retained as part of an estate case file under division ~~(D)(2)(C)(1)~~ of this rule, ~~in which the~~ The wills proved in the court shall be recorded with a certificate of the probate of the will, and The wills proved elsewhere shall be recorded with the certificate of the probate of the will, authenticated copies of which have been admitted to record by the court;

~~(i)(b)~~ A marriage record, ~~in which shall be entered licenses, the names of the parties to whom a license is issued, showing the names of the persons applying for a license, a brief statement of the facts sworn to by persons applying for a license, the names of persons to whom a license is issued, the license, and the returns of the person solemnizing the marriage.~~

~~(b)~~ ~~Records of documents of the probate division shall contain documents, applications or affidavits, either original or copies, and information pertaining to those documents, as found in division (C)(2)(a) of this rule or as considered necessary by the court.~~

## (3) **Journal**

The probate division shall maintain ~~a~~ an administrative journal for orders, entries, or judgments ~~pertaining to the business and administration of the division, and other miscellaneous orders, entries, or judgments which the court may consider necessary to journalize,~~ including all of the following:

- (a) Orders of appointment and oaths of office pursuant to ~~section R.C. 2101.11 of the Revised Code~~ of court personnel and other nonfiduciary appointees;
- (b) Orders of reference to magistrates;

- (c) Changes ~~of~~ to the local rules of the probate division;
- (d) ~~Orders changing the hours for the opening and closing of the probate court.~~

**(4) Indexes**

The probate division shall maintain an index for each docket, record of documents, and journal described in division (C) of this rule. Each index shall be kept current with names or captions of proceedings in alphabetical order and references to a docket, record or documents, 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 probate division, a stamp or entry shall be placed on the paper or electronic entry to indicate the day, month, and year of filing.~~

**(D) Destruction and preservation of probate records**

(1) ~~The vouchers, proof, or other evidence filed with the probate division in support of the expenditures or distribution stated 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 in accordance with divisions (D)(2) and (E) of this rule.~~

(2) 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, and other papers and filings of the probate division, may be preserved ~~using any nationally accepted records and information management process~~ in accordance with Sup.R. 26(D)(F).

(3)(2) In the probate division's discretion, 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 may be destroyed ~~prior to, or after, the case is closed~~ as soon as they are considered to be of no value by the person holding them. ~~For purposes of division (D)(3) of this rule, evidence~~ Evidence of service of notice of the initial complaint, petition, or application that establishes the probate division's jurisdiction is essential to providing a record of a probate case shall be retained in accordance with the applicable retention period associated with the case file.

(4)(3) Judge, magistrate, investigator, and clerk ~~drafts, notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum may be kept separate from the case file, retained in the case file, or destroyed at the discretion of the preparer~~ as soon as they are considered to be of no value by the person holding them.

**(E) Case file and probate record retention schedule**

**(1) Adoption records**

Adoption records shall be retained permanently.

**(2) Birth and death registrations**

Birth and death registrations ~~dated prior to 1908~~ occurring within the county, reported as provided by law, shall be retained permanently.

**(3) Civil commitment records**

Civil commitment records shall be retained for three years after the case is closed.

**(4) Dockets, ~~records of documents,~~ journals, and indexes**

Dockets, ~~records of documents,~~ journals, and indexes shall be retained permanently.

**(5) Recordings of proceedings**

Recordings of proceedings shall be retained for five years after the proceeding.

**~~(5)~~(6) Evidence filed in support of expenditures or distributions**

Vouchers, proof, or other evidence filed in support of expenditures or distributions stated in an account ~~shall be retained for three years after the date of filing~~ may be returned to the fiduciary or retained in accordance with division (C)(1) of this rule for five years after the Court's approval of the final account.

**~~(6)~~(7) Marriage license records**

Marriage license records shall be retained permanently.

**~~(7)~~(8) Trust accountings**

Trust accountings shall be retained for twelve years after the ~~date the accounting was approved~~ court approves the accounting.

**~~(8)~~(9) Deposited wills**

A deposited will that is not delivered or disposed of shall be retained for one hundred years after the date it was deposited. An electronic copy of the will shall be made before disposing of the will and retained permanently.

**(10) Guardianship guide**

The form executed by a guardian confirming receipt of the guardianship guide shall be retained permanently.

**(11) All other records**

All other records shall be retained for ~~twelve~~ twenty-one years after the date the case, cause, proceeding, or matter is closed or completed.

**~~(F) Temporary estate tax orders~~**

~~Divisions (D) and (E) of this rule do not apply to records of estates in which temporary estate tax orders are pending.~~

**RULE 26.05. Municipal and County Courts-- Records Retention Schedule.**

**~~(A) Definition of docket~~**

~~As used in this rule, "docket" means the record where the clerk of the municipal or county court enters all of the information historically included in the appearance docket, the trial docket, the journal, and the execution docket.~~

**~~(B) Required records~~**

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

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

**~~(C) Content of docket~~**

~~(1) The docket shall be programmed to allow retrieval of orders or judgments of the municipal or county court in a chronological as well as a case specific manner. Entries in the docket shall be made as events occur, shall index directly and in reverse the names of all parties to cases in the municipal or county court and shall include all of the following:~~

~~(a) Names and addresses of all parties in full;~~

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

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

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

~~(e) A schedule of court proceedings for the municipal or county court and its officers to use for case management;~~

~~(f) All actions taken by the municipal or county court to enforce orders or judgments.~~

~~(2) "Financial record" means a record that is related to the imposition of fines, costs, and other fees in cases and controversies heard in the municipal and county courts.~~

~~(D)~~ **Retention schedule for financial records**

**(1) Auditor reports**

Auditor of State reports shall be retained permanently.

**(2) ~~Monetary~~ Separate account of receipts and disbursements records**

~~Monetary records shall be retained for three years after the issuance of an audit report by the Auditor of State~~ A separate account of receipts and disbursements in civil and criminal cases shall be retained permanently.

**(3) Rental escrow account records**

Rental escrow account records shall be retained for five years after the last date of deposit ~~with the municipal or county court.~~

**~~(4)~~ Yearly reports**

~~Yearly reports shall be retained permanently.~~

~~(E)~~**(B) Retention schedule for the index, docket, and journal**

The index, docket, and journal shall be retained for twenty-five years.

**(C) Recordings of proceedings**

Recordings of proceedings shall be retained for five years after the final judgment in the case.



**~~(F)~~(D) Judge, magistrate, and clerk drafts, notes, drafts, and research**

Judge, magistrate, and clerk drafts, notes, drafts, calendars, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum may be kept separate from the case file, retained in the case file, or destroyed at the discretion of the preparer as soon as they are considered to be of no value by the person holding them.

**~~(G)~~(E) Retention schedule for case files**

**(1) Civil case files**

Civil case files shall be retained for two years after the final judgment and issuance of an audit report by the Auditor of State, unless a longer minimum retention period is established by local rule.

**(2) DUI OVI case files**

~~Driving~~ Operating a vehicle under the influence of alcohol or drug (“DUI”) case files shall be retained for fifty years after the date of the final order of the municipal or county court fifteen years after the final judgment. Documents within a case file admissible as evidence of a prior conviction, including evidence that a defendant was represented by counsel or waived their right to counsel, shall be retained for fifty years after the final judgment.

**(3) Felony criminal case files**

Felony criminal case files shall be retained for two years after the final judgment of the municipal or county court.

**(4) Misdemeanor criminal case files**

Except for minor misdemeanor criminal cases, misdemeanor criminal case files shall be retained for fifteen years after the final judgment of the municipal or county court. Documents within a case file admissible as evidence of a prior misdemeanor criminal conviction, including evidence that a defendant was represented by counsel or waived their right to counsel, shall be retained for fifty years after the final judgment.

**~~(3)~~(5) First through fourth degree misdemeanor traffic and criminal case files**

Except for ~~DUI~~ operating a vehicle under the influence of alcohol or drug case files, first through fourth degree misdemeanor traffic files shall be retained fifteen years after the final judgment of the municipal or county court. Documents within a case file admissible as evidence of a prior conviction including evidence that a defendant was represented by counsel or waived their right to counsel, shall be retained for twenty-five years after the final judgment.

**~~(4)~~(6) Unclassified misdemeanor, ~~Minor~~ minor misdemeanor traffic, and minor misdemeanor criminal case files**

~~Minor~~ Unclassified misdemeanor, minor misdemeanor traffic, and minor misdemeanor criminal case files shall be retained for five years after the final order of the municipal or county court or one year after the issuance of an audit report by the Auditor of State, whichever is later.

**~~(5)~~(7) Parking ticket records**

Parking ticket records shall be retained until the ticket is paid and the Auditor of State issues an audit report.

**~~(6)~~(8) Real estate**

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

**~~(7)~~(9) Search warrant records**

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

**RULE 26.06. Destruction of Court Records.**

**(A) Destruction of records**

(1) Subject to the notification and transfer requirements of division (A)(2) of this rule, a record and any back-up copy of a record produced in accordance with Sup.R. 26(F)(3)(a) may be destroyed after the record and its back-up copy have been retained for the applicable retention period set forth in Sup.R. 26.01 through 26.05.

(2) If Sup.R. 26.01 through 26.05 set forth a retention period greater than ten years and the record was created more than fifty years ago, the court shall notify the OHC in writing of the court's intention to destroy the record at least sixty days prior to the destruction of the record. Upon request of the OHC, the court shall transfer the record to the OHC or to a designated agency or institution.

**(B) Exhibits**

(1) Exhibits containing biological evidence shall be returned to the party who tendered the exhibit after final judgment for retention or destruction in accordance with the Revised Code.

(2) Unless otherwise provided by any other provision set forth in Sup.R 26 through 26.05, exhibits may be destroyed at the conclusion of litigation, including times for direct appeal, if all of the following conditions are satisfied:

(a) The party who tendered the exhibits is notified in writing, at their last known address, that the party may retrieve exhibits, depositions, or transcripts within sixty days from the date of the written notification;

(b) The written notification informs the party that the exhibits will be destroyed if not retrieved within sixty days from the date of the notification;

(c) The written notification informs the party of the location for retrieval.

(3) Exhibits may be destroyed one year following the date from the written notification if the notification is returned addressee unknown, undeliverable, or moved, with no forwarding address.

(4) For cases concluding on or after April 1, 2025, after one year from the conclusion of litigation, including times for direct appeal, exhibits may be destroyed without prior notice to the party who tendered the exhibits.

**RULE 99. Effective Date.**

**[Existing language unaffected by the amendments is omitted to conserve space]**

**(Insert division letter)** The amendments to Sup.R. 26 through 26.06 adopted by the Supreme Court on March 13, 2025, shall take effect on April 1, 2025.