

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

Comments Requested: The Supreme Court of Ohio will accept public comments until April 15, 2024, on the following proposed amendments to the Rules of Superintendence for the Courts of Ohio.

Comments on the proposed amendments should be submitted in writing to: Bryan M. Smeenk, Supreme Court of Ohio, 65 South Front Street, 6th Floor, Columbus, Ohio 43215, or RuleAmendments@sc.ohio.gov not later than April 15, 2024. Please include your full name and mailing address in any comments submitted by email.

Key to Adopted 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

45 (3)(4) “Court” means courts of appeal; all common pleas courts and divisions,
46 including, but not limited to, general, domestic relations, juvenile, family, probate,
47 or any combined divisions; and municipal and county courts.

48
49 (5) “Court record” means a case document or an administrative document,
50 regardless of physical form or characteristic, manner of creation, or method of
51 storage.

52
53 (6) “Docket” means the record where the clerk of a court enters all information
54 required by the Revised Code or Supreme Court rule.

55
56 (7) “Filed” means the date or date-and-time stamping of a document.

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

60
61 (9) “Financial record” means any document and information in a document that
62 records a monetary transaction.

63
64 (10) “Index” means a the reference record used to locate journal, docket, ~~and~~ or
65 case-file records.

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67 (4)(11) “Journal” means a the verbatim record of every order or judgment of a
68 court.

69
70 (5) “OHS” means the Ohio Historical Society, State Archives Division.

71
72 (6) “Record” means any document, device, or item, regardless of physical form
73 or characteristic, created or received by or coming under the jurisdiction of a court
74 that serves to document the organization, functions, policies, decisions, procedures,
75 operations, or other activities of the court.

76
77 (12) Recordings of proceedings include audio recordings, video recordings, and
78 stenographic notes.

79
80 (13) “Submit” means to deliver a document to the custody of and for
81 consideration by a court.

82
83 **(C) Required records**

84
85 (1) Each court, through its clerk, shall maintain an index, docket, journal, and case
86 files.

87
88 (2) A stamp indicating the day, month, and year of filing shall be placed on the paper
89 or electronic entry of any paper or electronic entry permitted by the court.

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91 **(D)** **Content of docket**

92
93 A docket shall include, at a minimum, all of the following:

- 94
95 (1) Names and addresses of all parties;
96
97 (2) Names, addresses, and Supreme Court attorney-registration numbers of all
98 counsel;
99
100 (3) Issuance of documents for service upon a party and the return of service or
101 lack of return;
102
103 (4) Brief descriptions of all records and orders filed in the proceeding, including
104 the date filed and cross-references to other records as appropriate;
105
106 (5) A schedule of court proceedings;
107
108 (6) All actions taken by a court by the division to enforce orders or judgments;
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110 (7) Any information necessary to document the activity of the clerk of court
111 regarding the case. The docket shall provide the dates and a description of all
112 hearings, pleadings, orders, and other filings in an action, proceeding, or other
113 matter in the court. The docket shall be organized in a case-specific and
114 chronological manner.

115
116 **(E)** **Combined records**

117
118 ~~Notwithstanding any other provision of the law, a court may combine indexes, Indexes,~~
119 ~~dockets, journals, and case files provided that the combination contains the components of~~
120 ~~indexes, dockets, journals, and case files as defined in this rule and Sup. R. 26.01 to 26.05.~~
121 ~~A court may replace any paper bound books with an electronic medium or microfilm in~~
122 ~~accordance with this rule. may be combined. Combined records must be retained in~~
123 ~~accordance with the record that has the longest retention period.~~

124
125 **(F)** **Allowable record media**

- 126
127 (1) ~~A court record may create, maintain, record, copy, or preserve a record be created,~~
128 ~~recorded, maintained, copied, replaced, or preserved on traditional paper media;~~ electronic
129 media, including text or digital images; ~~or microfilm, including computer output to~~
130 ~~microfilm.~~
131
132 (2) ~~A court may create, maintain, record, copy, or preserve a record using any~~ may be
133 converted from its original medium to another medium. Upon conversion, the original or
134 prior medium may be destroyed under division (F)(3)(a) of this rule.

135

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

143
144 (a) ~~If a court creates, maintains, records, copies, or preserves a record using a~~
145 ~~records and information management process in accordance with division (D)(2) of~~
146 ~~this rule and the record is required to be retained in accordance with the schedules~~
147 ~~set forth in Sup. R. 26.01 to 26.05, the court shall cause a back-up copy of the record~~
148 ~~to be made at periodic and reasonable times to insure the security and continued~~
149 ~~availability of the information. If Sup. R. 26.01 to 26.05 require the record to be~~
150 ~~retained permanently, the back-up copy shall be stored in a different building than~~
151 ~~the record it secures. The court shall cause a backup copy of a record to be made of~~
152 ~~any record that is created, recorded, maintained, copied, replaced, or preserved. A~~
153 ~~backup copy shall be made at periodic and reasonable times to ensure security and~~
154 ~~continued availability of the information. A backup of a record required to be~~
155 ~~permanently retained shall be stored in a different location than the record it~~
156 ~~secures.~~

157
158 (b) ~~Records shall be maintained in a conveniently accessible and secure~~
159 ~~facilities, and provisions location. Provisions shall be made for inspecting and~~
160 ~~copying any public records in accordance with applicable statutes and rules.~~
161 ~~Machines and equipment necessary to allow inspection and copying of public~~
162 ~~records, including public records that are created, maintained, recorded, copied, or~~
163 ~~preserved by an alternative records and information management process in~~
164 ~~accordance with division (D)(2) of this rule, shall be provided.~~

165
166 (c) ~~In accordance with applicable law and purchasing requirements, a court or~~
167 ~~clerk of court may acquire equipment, computer software, and related supplies and~~
168 ~~services for records and information management processes authorized by division~~
169 ~~(D)(2)(F)(2) of this rule.~~

170
171 (d) ~~Paper media may be destroyed after it is converted to other approved media~~
172 ~~in accordance with division (D) of this rule.~~

173
174 **(E) Destruction of records**

175
176 (1) ~~Subject to the notification and transfer requirements of divisions (E)(2) and (3) of~~
177 ~~this rule, a record and any back-up copy of a record produced in accordance with division~~
178 ~~of this rule may be destroyed after the record and its back-up copy have been retained for~~
179 ~~the applicable retention period set forth in Sup. R. 26.01 to 26.05.~~

180

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

185
186 ~~(3) After submitting a written notice in accordance with division (E)(2) of this rule, the~~
187 ~~court shall, upon request of the OHS, cause the record described in the notice to be~~
188 ~~transferred to the OHS, or to an institution or agency that meets the criteria of the OHS, in~~
189 ~~the media and format designated by the OHS.~~

190
191 **(F) Exhibits, depositions, and transcripts**

192
193 ~~At the conclusion of litigation, including times for direct appeal, a court or custodian of~~
194 ~~exhibits, depositions, or transcripts may destroy exhibits, depositions, and transcripts if all~~
195 ~~of the following conditions are satisfied:~~

196
197 ~~(1) The court notifies the party that tendered the exhibits, depositions, or~~
198 ~~transcripts in writing that the party may retrieve the exhibits, depositions, or~~
199 ~~transcripts within sixty days from the date of the written notification;~~

200
201 ~~(2) The written notification required in division (F)(1) of this rule informs the~~
202 ~~party that tendered the exhibits, depositions, or transcripts that the exhibits,~~
203 ~~depositions, or transcripts will be destroyed if not retrieved within sixty days of the~~
204 ~~notification;~~

205
206 ~~(3) The written notification required in division (F)(1) of this rule informs the~~
207 ~~party that tendered the exhibits, depositions, or transcripts of the location for~~
208 ~~retrieval of the exhibits, depositions, or transcripts;~~

209
210 ~~(4) The party that tendered the exhibits, depositions, or transcripts does not~~
211 ~~retrieve the exhibits, depositions, or transcripts within sixty days from the date of~~
212 ~~the written notification required in division (F)(1) of this rule.~~

213
214 **(G) Local rules and general retention schedules**

215
216 ~~(1) By local rule, a court may establish retention schedules for any records not listed in~~
217 ~~Sup. R. 26.01 to ~~26.05~~ 26.06 and may extend, but not limit, the retention schedule for any~~
218 ~~record listed in Sup. R. 26.01 to ~~26.05~~ 26.06. ~~Any~~~~

219
220 ~~(2) Any record that is not listed in Sup. R. 26.01 to ~~26.05~~ 26.06 but is listed in a general~~
221 ~~retention schedule established pursuant to section R.C. 149.331 of the Revised Code may~~
222 ~~be retained for the period of time set by the that general retention schedule and then~~
223 ~~destroyed.~~

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227 (H) Extension of retention period for individual case files
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229 A court may order the retention period for an individual case file extended beyond the
230 period specified in Sup. R. 26.02 to 26.05 for the case file.

231
232 **Commentary (July 1, 2001 Amendments)**
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234
235 The July 1, 2001 amendments to Sup. R. 26 removed the words “produce” and “production” from
236 division (A) and the words “receive” and “receives” from division (D) for the purpose of restricting the scope
237 of the rule to records management and retention. The word “advances” replaced the word “enhancements”
238 in division (A)(2).
239

240 **Commentary (October 1, 1997)**
241

242 The Supreme Court’s Task Force on Records Management recommended the substantive
243 provisions of this rule and Sup. R. 26.01 to 26.05 after studying the records management procedures of
244 Ohio courts for approximately eighteen months. This rule and Sup. R. 26.01 to 26.05 require courts to keep
245 certain records and mandate minimum records retention schedules for administrative and case records of
246 the courts. The rules also authorize the courts to maintain records in forms other than paper provided that
247 when an alternative process is employed, it conforms to the standards established by the American National
248 Standards Institute (“ANSI”). Courts are not required to use the alternative processes permitted by this
249 rule.
250

251 To obtain information concerning ANSI standards, courts may contact the Ohio Historical Society,
252 State Archives Division, 1982 Velma Avenue, Columbus, Ohio 43211-2497, (614) 297-2536.
253

254
255
256 **RULE 26.01. Retention Schedule for the Administrative Records Documents of the Courts.**
257

258 The following retention schedule shall apply for the administrative ~~records~~ documents of the
259 courts, regardless of physical form or characteristic, manner of creation, or method of storage:
260

261 (A) **Administrative journal**
262

263 Administrative journals that consist of court entries, or a record of court entries,
264 regarding policies and issues not related to cases shall be retained permanently.
265

266 (B) **Annual reports**
267

268 ~~Two copies of each~~ Any required annual report shall be retained permanently.
269

270 (C) **Bank records**
271

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

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(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 the records 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~~.

368 **RULE 26.02. Courts of Appeals--Records Retention Schedule.**

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(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.

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

415
416 (1) Courts of appeal case files shall be retained for two years after the final judgment
417 in the original-action case.

418
419 ~~Court~~ Courts of appeals appeal case files shall be retained for two years after the
420 ~~final order of the court~~ judgment in the appellate case, except for files of death-penalty
421 ~~eases~~ where the death-penalty is imposed, which shall be retained permanently ~~in their~~
422 original form.

423
424 (3) Courts of appeal recordings of proceedings shall be retained for two years after the
425 final judgment in the case, except for cases where the death-penalty is imposed, which shall
426 be retained permanently.

427
428 ~~(2)~~**(C) Judge, magistrate, and clerk drafts, notes, drafts, and research**

429
430 Judge, magistrate, and clerk ~~drafts, notes, drafts,~~ and research ~~prepared for the purpose of~~
431 ~~compiling a report, opinion, or other document or memorandum~~ may be kept separate from
432 ~~the case file, retained in the case file, or destroyed at the discretion of the preparer as soon~~
433 ~~as they are considered to be of no value by the person holding the drafts, notes, and research~~
434 them.

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

439
440 **(A) Definitions.**

441
442 (1) ~~As used in divisions (A) to (D) of this rule, "division" means the general, domestic~~
443 ~~relations, or juvenile division of the court of common pleas or any combination of the~~
444 ~~general, domestic relations, or juvenile divisions of the court of common pleas.~~

445
446 (2) ~~As used in this rule, "docket" means the record where the clerk of the division~~
447 ~~enters all of the information historically included in the appearance docket, the trial docket,~~
448 ~~the journal, and the execution docket.~~

449
450 **(B) Required records.**

451
452 (1) ~~Each division shall maintain an index, docket, journal, and case files in accordance~~
453 ~~with Sup. R. 26(B) and divisions (A) and (C) of this rule.~~

454
455 (2) ~~Upon the filing of any paper or electronic entry permitted by the division, a stamp~~
456 ~~or entry shall be placed on the paper or electronic entry to indicate the day, month, and year~~
457 ~~of filing.~~

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

461
462 The docket of a division shall be programmed to allow retrieval of orders and judgments
463 of the division in a chronological as well as a case specific manner. Entries in the docket
464 shall be made as events occur, shall index directly and in reverse the names of all parties
465 to cases in the division, and shall include:

- 466 (1) Names and addresses of all parties in full;
- 467
468 (2) Names, addresses, and Supreme Court attorney registration numbers of all
469 counsel;
- 470
471 (3) The issuance of documents for service upon a party and the return of service
472 or lack of return;
- 473
474 (4) A brief description of all records and orders filed in the proceeding, the time
475 and date filed, and a cross reference to other records as appropriate;
- 476
477 (5) A schedule of court proceedings for the division and its officers to use for
478 case management;
- 479
480 (6) All actions taken by the division to enforce orders or judgments; and
- 481
482 (7) Any information necessary to document the activity of the clerk of the
483 division regarding the case.
- 484
485

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

487
488 The index, docket, and journal of a division shall be retained permanently.

489

490 **(B) Recordings of proceedings**

491
492 Recordings of proceedings shall be retained for five years after the final judgment in the
493 case, except for cases where the death penalty is imposed, which shall be retained
494 permanently.

495

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

497
498 Judge, magistrate, and clerk drafts, notes, drafts, and research prepared for the purpose of
499 compiling a report, opinion, or other document or memorandum may be kept separate from
500 the case file, retained in the case file, or destroyed at the discretion of the preparer as soon
501 as they are considered to be of no value by the person holding the drafts, notes, and research
502 them.

503
504

505 ~~(F)~~**(D)** Retention schedule for Court of Common Pleas — General jurisdiction case files—
506 general division of the court of common pleas

507
508 **(1) Death-penalty cases**

509
510 ~~Death-penalty case~~ Case files where the death penalty is imposed shall be retained
511 permanently.

512
513 **(2) Real estate**

514
515 Case files of matters that resulted in a final judgment determining title or interest
516 in real estate shall be retained permanently.

517
518 **(3) Search-and Interception-warrant records**

519
520 ~~Search-and interception-warrant records shall be indexed, and the Search warrants,~~
521 ~~and returns, and the corresponding index shall be retained in their original form for~~
522 ~~five years after the date of service or last service attempt. Interception warrants,~~
523 ~~returns, and the corresponding index shall be retained for ten years after the date of~~
524 ~~service or last service attempt.~~

525
526 **(4) Voluntary dismissals**

527
528 Case files of matters that are voluntarily dismissed shall be retained for three years
529 after the date of the dismissal.

530
531 **(5) Civil stalking protection order petitions**

532
533 (a) Case files of petitions for civil stalking protection orders shall be retained
534 for one year after the expiration of any resulting protection order.

535
536 (b) Case files of petitions for civil stalking protection orders in which no
537 protection order was issued shall be retained for one year after the date the petition
538 was filed.

539
540 (c) Case files of petitions for civil stalking protection orders in which
541 postdecree motions have been filed shall be retained for one year after the
542 adjudication of the postdecree motion.

543
544 **(6) Other case files**

545
546 Any case file not listed in this division (F) of this rule shall be retained for twelve
547 years after the final order of the general division judgment. Documents within a
548 case file admissible as evidence of a prior conviction ~~in a criminal proceeding,~~
549 including evidence that a defendant was represented by counsel or waived their

550 right to counsel, shall be retained for fifty years after the final ~~order of the general~~
551 division judgment.

552
553 **(G)(D) Retention schedule for ~~domestic relations division of the court of common pleas~~**
554 **Court of Common Pleas — Domestic Relations jurisdiction case files**

555
556 **(1) Certified mail receipts in uncontested cases and post-decree motions Real**
557 **estate**

558
559 ~~In new cases and cases involving post-decree motions where personal jurisdiction~~
560 ~~is established by certified mail receipt and the defendant/respondent fails to answer,~~
561 ~~enter an appearance, or otherwise defend, the certified mail receipt shall be retained~~
562 ~~for thirty years after the date of issuance and may be retained in a separate file from~~
563 ~~the case file Case files of matters that resulted in a final judgment determining title~~
564 ~~or interest in real estate shall be retained permanently.~~

565
566 **(2) Divorce, ~~or~~ dissolution, legal separation, custody, parentage, visitation,**
567 **support-enforcement, or Uniform Interstate Family Support Act (“UIFSA”): ~~Minor~~**
568 **with minor children**

569
570 ~~Case files of divorce, and dissolution, legal separation, custody, parentage,~~
571 ~~visitation, support-enforcement or UIFSA that involve minor children shall be retained~~
572 ~~for twenty-five years after the date of the final ~~order of the domestic~~~~
573 ~~relations division judgment.~~

574
575 **(3) Divorce, ~~or~~ dissolution, or legal separation: ~~No~~ without minor children**

576
577 ~~Case files of divorce, and dissolution, or legal separation not involving minor~~
578 ~~children shall be retained for twelve years after the final ~~order of the domestic~~~~
579 ~~relations division judgment.~~

580
581 **(4) Divorce, dissolution, or legal separation: with adult children**

582
583 ~~Case files of divorce, dissolution, or legal separation that involve children whose~~
584 ~~parents have a duty to support a child beyond the age of majority shall be retained~~
585 ~~for five years after the support obligation is terminated or as stated in (D)(2),~~
586 ~~whichever is later.~~

587
588 **(5) Domestic-violence and dating-violence protection order petitions**

589
590 ~~(a) Case files of petitions for domestic-violence or dating-violence protection~~
591 ~~orders shall be retained for one year after the expiration of any resulting protection~~
592 ~~order. If the parties to a petition for a domestic-violence protection order are also~~
593 ~~parties to a divorce, the case file of the petition shall be retained for one year after~~
594 ~~the expiration of any resulting protection order or until the parties are divorced,~~
595 ~~whichever is later. In case files of petitions for domestic-violence protection orders~~

596 in which no protection order is issued, the case file shall be retained for one year
597 from the date the petition was filed. If post-decree motions have been filed, the
598 case file shall be retained for one year after the adjudication of the post-decree
599 motion or the date specified for case files of petitions for domestic violence
600 protection orders in division (G)(4) of this rule, whichever is later.

601
602 (b) Case files of petitions for domestic-violence or dating-violence protection
603 orders in which no protection order was issued shall be retained for one year after
604 the date the petition was filed.

605
606 (c) Case files of petitions for domestic-violence or dating-violence protection
607 orders in which postdecree motions have been filed shall be retained for one year
608 after the adjudication of the postdecree motion.

609
610 (d) Case files of petitions for domestic-violence or dating-violence protection
611 orders in which the parties are also parties to a divorce, dissolution, or legal
612 separation shall be retained for one year after the expiration of any resulting
613 protection order, until the parties are legally separated, or their marriage is
614 terminated, whichever is later.

615
616 **(5) Legal separation**

617
618 Case files of legal separation shall be retained until the parties are divorced or for
619 two years after the spousal support terminates, whichever is later, unless otherwise
620 ordered by the court. If post-decree motions have been filed, the case file shall be
621 retained for two years after the adjudication of the post-decree motion or the date
622 specified for case files in division (G)(5)(D)(5) of this rule, whichever is later.

623
624 **(6) Real estate**

625
626 Case files of matters that resulted in a final judgment determining title or interest
627 in real estate shall be retained permanently.

628
629 **(7) Registration or adoption of foreign decree**

630
631 Case files of registrations or adoptions of foreign decrees shall be retained for two
632 years after the emancipation of all of the parties' minor children. ~~If post-decree~~
633 ~~motions~~ Case files of registrations or adoptions of foreign decrees in which
634 postdecree motions have been filed, records shall be retained for two years after the
635 adjudication of the postdecree motion ~~or the date specified for case files in division~~
636 ~~(G)(7)~~ of this rule, whichever is later.

637
638 **(8) Uniform Reciprocal Enforcement of Support Act ("URESAs") filings**

639
640 Case files involving URESA Uniform Reciprocal Enforcement of Support Act
641 filings shall be retained for nineteen years after the final judgment order of the

642 domestic relations division or for one year after transfer of the case to another
643 jurisdiction.

644

645 **(H)(E) Retention schedule for Court of Common Pleas — Juvenile jurisdiction case files —**
646 **juvenile division of the court of common pleas**

647

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

649

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

657

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

659

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

662

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

664

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

672

673 **(3)(4) Permanent-custody, custody, parentage, visitation, support-enforcement,**
674 **abuse, neglect, dependency, and URESA—Uniform Reciprocal Enforcement of**
675 **Support Act records Uniform Interstate Family Support Act (“UIFSA”) case files**

676

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

683

684 **(4)(5) Search- and interception-warrant records**

685

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

688 Search- and interception-warrant records shall be indexed. Search warrants,
689 returns, and the corresponding index shall be retained for five years after the date
690 of service or last service attempt. Interception warrants, returns, and the
691 corresponding index shall be retained for ten years after the date of service or last
692 service attempt.

693
694 **(5) Traffic, unruly, ~~Unruly and marriage consent records~~**

695
696 ~~Unruly and marriage consent records shall be retained for two years after the final~~
697 ~~order of the juvenile division or one year after the issuance of an audit report by the~~
698 ~~Auditor of State, whichever is later. Minor misdemeanor traffic records shall be~~
699 ~~retained for five years after the final judgment order of the juvenile division.~~
700 ~~Misdemeanor traffic records shall be retained for twenty five years after the final~~
701 ~~order of the juvenile division. All other traffic records shall be retained for fifty~~
702 ~~years after the final order of the juvenile division.~~

703
704 **(6) Traffic case files**

705
706 Unclassified and minor-misdemeanor traffic case files shall be retained for five
707 years after the final judgment. All other traffic case files shall be retained until the
708 minor child reaches the age of twenty-three.

709
710 **(7) Juvenile civil protection order petitions**

711
712 (a) Case files of petitions for juvenile civil protection orders shall be retained
713 for one year after the expiration of any resulting protection order.

714
715 (b) Case files of petitions for juvenile civil protection orders in which no
716 protection order was issued shall be retained for one year after the date the petition
717 was filed.

718
719 (c) Case files of petitions for juvenile civil protection orders in which
720 postdecree motions have been filed shall be retained for one year after the
721 adjudication of the postdecree motion.

722
723 **Commentary ([insert effective date] Amendments)**

724
725 **Drafts, notes, and research**

726
727 Under Sup.R. 44(C)(2)(e), drafts, notes, and research created by judicial officers and staff are not
728 “case documents” subject to public access, even when stored in the case file. But to avoid inadvertent
729 disclosure in response to public-access requests; drafts, notes, and research stored in the case file should
730 be segregated in a clearly marked subfile.

731
732
733
734

735 **RULE 26.04. Probate Divisions of the Courts of Common Pleas—Records Retention**
736 **Schedule Retention schedule for Court of Common Pleas — Probate jurisdiction case files.**

737
738 **(A) Definitions**

739 As used in this rule:

740
741
742 (1) “Docket” means a reference record that provides the dates and a summary
743 of all hearings, pleadings, filings, orders, and other matters that are essential to an
744 action, proceeding, or other matter in the probate division.

745
746 (2) “Probate record” means a record that pertains to the duties of the probate
747 division including, but not limited to, adoptions, marriage licenses, name changes,
748 birth records, orders of civil commitment, the resolution of civil actions, and the
749 appointment and supervision of fiduciaries.

750
751 (3) “Record of documents” means a collection of single or several-page
752 documents, in which each document represents the probate division’s action in a
753 single incident of the same duty of the probate division, such as the issuance of
754 marriage licenses which includes petitions, applications, or affidavits, either
755 original or copies, and information pertaining to those documents, or other
756 information considered necessary by the court.

757
758 **(B) Closed probate record or case file**

759
760 For purposes of this rule, a ~~probate record or~~ case file of an estate, trust, or other fiduciary
761 relationship shall be considered closed when a final accounting has been filed and, if
762 required by law at the time of the filing, the account has been approved and settled. All
763 other ~~probate records and~~ case files shall be considered closed when the probate division
764 orders the matter closed or ~~there is a final disposition of the action or proceeding for which~~
765 ~~the probate record or case file is kept~~ issues a final judgment.

766
767 **(C) Required records**

768
769 **(1) Dockets**

770
771 (a) The probate division shall maintain ~~all of~~ the following dockets:

772
773 (i) An administration docket showing the ~~name of the deceased grant~~
774 of letters of administration or letters testamentary, the name of the decedent,
775 the amount of bond and names of sureties in the bond, the date of filing, and
776 a brief note of each order or proceeding relating to the estate with reference
777 to the journal or other record in which the order or proceeding is found;

778
779 (ii) A guardian’s docket showing the name of each ward and, if the ward
780 is a minor, the ward’s age and name of the ward’s parents, ~~and~~ any limited

781 powers or limited duration of powers, date of filing, and a brief note of
782 orders and proceedings as described in division (i) of this section;

783
784 (iii) A civil docket ~~in which~~ showing the names of the parties to actions
785 and proceedings shall be noted, commencement date, filings and a brief note
786 of orders, and date of filings and orders in actions and proceedings;

787
788 (iv) A testamentary-trust docket showing the names of the testator and
789 trustee or trustees;

790
791 (v) A change-of-name docket showing the name of the petitioner and
792 the present and proposed names of the person whose name is to be changed;

793
794 (vi) A birth-registration and -correction docket showing the name of the
795 person whose birth certificate is being registered or corrected; The docket
796 shall be kept in the form and manner that may be designated by the director
797 of health;

798
799 (vii) A civil-commitment docket showing the name of the prospective
800 patient;

801
802 (viii) A separate adoption docket, in accordance with ~~section R.C.~~
803 ~~3107.17 of the Revised Code~~, showing the name of the child as it would
804 exist after finalization of the adoption and the name or names of the adoptive
805 parent or parents;

806
807 ~~(ix) A paternity docket showing the birth name of the child who is the~~
808 ~~subject of the petition, the names of the parents, and the name of the child~~
809 ~~after adjudication;~~

810
811 ~~(x)(ix)~~ A miscellaneous docket showing the names of parties or petitioners
812 and the nature of the action or proceeding. The miscellaneous docket shall
813 be limited to actions within the probate division's jurisdiction that are not
814 kept in one of the other dockets described in division (C)(1) of this rule. ~~If~~
815 ~~the number of filings warrants, a~~ A miscellaneous docket may be subdivided
816 or grouped into sections containing files or records of similar content if the
817 number of filings merits.

818
819 (b) ~~All dockets of the probate division shall contain the dates of filing or~~
820 ~~occurrence and a brief description of any bond and surety, letter of authority, and~~
821 ~~each filing, order, or record of proceeding related to the case or action, with a~~
822 ~~reference to the file or record where the bond and surety, letter of authority, filing,~~
823 ~~order, or record of proceeding is to be found, and such other information as the~~
824 ~~court considers necessary~~ All dockets of the probate division shall contain the
825 following information, to the extent applicable:
826

- 827 (i) The dates of filing or occurrence;
828
829 (ii) A brief description of any bond and surety;
830
831 (iii) Letters of authority;
832
833 (iv) Each filing, order, or record of proceeding related to the case or
834 action, with a reference to the file or record where the bond and surety, letter
835 of authority, filing, order, or record of proceeding is to be found;
836
837 (v) Such other information as the court considers necessary.
838

839 **(2) Records of documents**
840

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

843
844 ~~(i)(a)~~ A record of wills, if wills are not copied and permanently retained
845 as part of an estate case file under division ~~(D)(2)(C)(1)~~ of this rule, ~~in~~
846 ~~which the~~ The wills proved in the court shall be recorded with a certificate
847 of the probate of the will, ~~and~~ The wills proved elsewhere shall be recorded
848 with the certificate of the probate of the will, authenticated copies of which
849 have been admitted to record by the court;

850
851 ~~(ii)(b)~~ A marriage record, ~~in which shall be entered licenses, the names of~~
852 ~~the parties to whom a license is issued, showing~~ the names of the persons
853 applying for a license, a brief statement of the facts sworn to by persons
854 applying for a license, the names of persons to whom a license is issued, the
855 license, and the returns of the person solemnizing the marriage.
856

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

861
862 **(3) Journal**
863

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

868
869 (a) Orders of appointment and oaths of office pursuant to ~~section R.C.~~
870 ~~2101.11 of the Revised Code~~ of court personnel and other nonfiduciary
871 appointees;
872

- 873 (b) Orders of reference to magistrates;
874
875 (c) Changes of to the local rules of the probate division;
876
877 (d) ~~Orders changing the hours for the opening and closing of the probate~~
878 ~~court.~~

879
880 **(4) Indexes**
881

882 The probate division shall maintain an index for each docket, record of documents,
883 and journal described in division (C) of this rule. Each index shall be kept current
884 with names or captions of proceedings in alphabetical order and references to a
885 docket, record or documents, journal, or case file where information pertaining to
886 those names or proceedings may be found.
887

- 888 ~~(5) Upon the filing of any paper or electronic entry permitted by the probate division,~~
889 ~~a stamp or entry shall be placed on the paper or electronic entry to indicate the day,~~
890 ~~month, and year of filing.~~
891

892 **(D) Destruction and preservation of probate records**
893

894 (1) ~~The vouchers, proof, or other evidence filed with the probate division in support of~~
895 ~~the expenditures or distribution slated in an account, after review and reconciliation with~~
896 ~~the accounting and notation of reconciliation in the record or file, may be returned to the~~
897 ~~fiduciary or retained in accordance with divisions (D)(2) and (E) of this rule.~~
898

899 ~~(2) All records, vouchers, inventories, accounts, pleadings, applications, petitions,~~
900 ~~records of adoptions, marriages, and mental-health commitments, wills, trusts, journals,~~
901 ~~indexes, dockets, records, or documents related to estate or inheritance taxes, and other~~
902 ~~papers and filings of the probate division, may be preserved using any nationally accepted~~
903 ~~records and information management process in accordance with Sup.R. 26(D)(F).~~
904

905 ~~(3)(2) In the probate division's discretion, any nonessential note, notice, letter, form, or~~
906 ~~other paper, document, or memorandum in a case file that is not essential to providing a~~
907 ~~record of the case and the judgment of the probate division may be destroyed prior to, or~~
908 ~~after, the case is closed as soon as they are considered to be of no value by the person~~
909 ~~holding them. For purposes of division (D)(3) of this rule, evidence~~ Evidence of service
910 of notice of the initial complaint, petition, or application that establishes the probate
911 division's jurisdiction is essential to providing a record of a probate case shall be retained
912 in accordance with the applicable retention period associated with the case file.
913

914 ~~(4)(3) Judge, magistrate, investigator, and clerk drafts, notes, drafts, and research prepared~~
915 ~~for the purpose of compiling a report, opinion, or other document or memorandum may be~~
916 ~~kept separate from the case file, retained in the case file, or destroyed at the discretion of~~
917 ~~the preparer as soon as they are considered to be of no value by the person holding them.~~
918

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

920

921 (1) **Adoption records**

922

923 Adoption records shall be retained permanently.

924

925 (2) **Birth and death registrations**

926

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

929

930 (3) **Civil-commitment records**

931

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

933

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

935

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

938

939 (5) **Recordings of proceedings**

940

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

942

943 ~~(5)~~(6) **Evidence filed in support of expenditures or distributions**

944

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

949

950 ~~(6)~~(7) **Marriage-license records**

951

952 Marriage-license records shall be retained permanently.

953

954 ~~(7)~~(8) **Trust accountings**

955

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

958

959 ~~(8)~~(9) **Deposited wills**

960

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

964

965 **(10) Guardianship Guide**

966
967 The form executed by a guardian confirming receipt of the guardianship guide shall
968 be retained permanently.

969
970 **(11) All other records**

971
972 All other records shall be retained for ~~twelve~~ twenty-one years after the date the
973 case, cause, proceeding, or matter is closed or completed.

974
975 **~~(F) Temporary estate tax orders~~**

976
977 ~~Divisions (D) and (E) of this rule do not apply to records of estates in which temporary~~
978 ~~estate tax orders are pending.~~

980
981 **RULE 26.05. Municipal and County Courts--Records Retention Schedule.**

982
983 **~~(A) Definition of docket~~**

984
985 ~~As used in this rule, "docket" means the record where the clerk of the municipal or county~~
986 ~~court enters all of the information historically included in the appearance docket, the trial~~
987 ~~docket, the journal, and the execution docket.~~

988
989 **~~(B) Required records~~**

990
991 ~~(1) Municipal and county courts shall maintain an index, docket, journal, and case files~~
992 ~~in accordance with Sup. R. 26(B) and divisions (A) and (C) of this rule.~~

993
994 ~~(2) Upon the filing of any paper or electronic entry permitted by the municipal or~~
995 ~~county court, a stamp or entry shall be placed on the paper or electronic entry to indicate~~
996 ~~the day, month, and year of filing.~~

997
998 **~~(C) Content of docket~~**

999
1000 ~~(1) The docket shall be programmed to allow retrieval of orders or judgments of the~~
1001 ~~municipal or county court in a chronological as well as a case specific manner. Entries in~~
1002 ~~the docket shall be made as events occur, shall index directly and in reverse the names of~~
1003 ~~all parties to cases in the municipal or county court and shall include all of the following:~~

1004
1005 ~~(a) Names and addresses of all parties in full;~~

1006
1007 ~~(b) Names, addresses, and Supreme Court attorney registration numbers of all~~
1008 ~~counsel;~~

1009

1010 (e) The issuance of documents for service upon a party and the return of service
1011 or lack of return;

1012
1013 (d) A brief description of all records and orders filed in the proceeding, the date
1014 filed, and a cross reference to other records as appropriate;

1015
1016 (e) A schedule of court proceedings for the municipal or county court and its
1017 officers to use for case management;

1018
1019 (f) All actions taken by the municipal or county court to enforce orders or
1020 judgments.

1021
1022 (2) "Financial record" means a record that is related to the imposition of fines, costs,
1023 and other fees in cases and controversies heard in the municipal and county courts.

1024
1025 ~~(D)~~ **Retention schedule for financial records**

1026
1027 **(1) Auditor reports**

1028
1029 Auditor of State reports shall be retained permanently.

1030
1031 **(2) ~~Monetary~~ Separate account of receipts and disbursements records**

1032
1033 ~~Monetary records shall be retained for three years after the issuance of an audit~~
1034 ~~report by the Auditor of State~~ County courts shall permanently retain a separate
1035 account of receipts and disbursements in civil and criminal cases.

1036
1037
1038 **(3) ~~Rental_escrow_account~~ records**

1039
1040 Rental_escrow_account records shall be retained for five years after the last date of
1041 deposit with the municipal or county court.

1042
1043 **~~(4)~~ Yearly reports**

1044
1045 ~~Yearly reports shall be retained permanently.~~

1046
1047 ~~(E)~~**(B) Retention schedule for the index, docket, and journal**

1048
1049 The index, docket, and journal shall be retained for twenty-five years.

1050
1051 **(C) Recordings of proceedings**

1052
1053 Recordings of proceedings shall be retained for five years after the final judgment in the
1054 case.

1055

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1100

~~(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, 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

1101 was represented by counsel or waived their right to counsel, shall be retained for
1102 twenty-five years after the final judgment.

1103
1104 **(4)(6) Unclassified misdemeanor, ~~Minor~~ minor-misdemeanor traffic, and minor-**
1105 **misdemeanor criminal case files**

1106
1107 ~~Minor~~ Unclassified misdemeanor, minor-misdemeanor traffic, and minor-
1108 misdemeanor criminal case files shall be retained for five years after the final order
1109 of the municipal or county court or one year after the issuance of an audit report by
1110 the Auditor of State, whichever is later.

1111
1112 **(5)(7) Parking-ticket records**

1113
1114 Parking-ticket records shall be retained until the ticket is paid and the Auditor of
1115 State issues an audit report.

1116
1117 **(6) Real estate**

1118
1119 Case files of matters that resulted in a final judgment determining title or interest
1120 in real estate shall be retained permanently.

1121
1122 **(7) Search-warrant records**

1123
1124 Search-warrant records shall be indexed and the warrants and returns retained in
1125 their original form for five years after the date of service or last service attempt.

1126
1127
1128 **RULE 26.06. Destruction of Court Records.**

1129
1130 **(A) Exhibits, depositions, and transcripts**

1131
1132 (1) Notwithstanding any other provision set forth in Sup.R 26 through 26.05, exhibits,
1133 depositions, and transcripts may be destroyed at the conclusion of litigation, including
1134 times for direct appeal, if all of the following conditions are satisfied:

1135
1136 (a) The party who tendered the exhibits, depositions, or transcripts is notified
1137 in writing, at their last known address, that the party may retrieve exhibits,
1138 depositions, or transcripts within sixty days from the date of the written notification;

1139
1140 (b) The written notification informs the party that the exhibits, depositions, or
1141 transcripts will be destroyed if not retrieved within sixty days from the date of the
1142 notification;

1143
1144 (c) The written notification informs the party of the location for retrieval.
1145

1146 (2) Exhibits, depositions, or transcripts may be destroyed one year following the date
1147 from the written notification if the notification is returned undeliverable or moved, with no
1148 forwarding address.

1149
1150 (3) For cases concluding on or after **[insert effective date]**, after one year from the
1151 conclusion of litigation, including times for direct appeal, exhibits, depositions, and
1152 transcripts may be destroyed without prior notice to the party who tendered the exhibits,
1153 depositions, or transcripts.