Court and Clerk Records

Access and Maintenance:

Judicial Record Retention Schedules

Administrative Rule 7

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Purpose

The purpose of Ind. Administrative Rule 7 is to provide an orderly procedure for the preservation and disposition of court records while protecting public and private rights.

Important Considerations

- The requirements of Admin. R. 7 must be considered prior to proceeding with the conversion of court documents from one medium to another medium under the standards provided in Admin. R. 6: Court Case Records Media Storage Standards.
- Records that have permanent value--those having continuing, official, administrative, legal, and research value-- will be transferred to the Indiana Archives and Records Administration for permanent retention.
- Records that are not considered permanent under the retention schedules of Ind. Admin. R. 7 may have research value and may be transferred to a local repository such as a public library or local historical society with the joint approval of the Office of Judicial Administration and the Indiana Archives and Records Administration.
- Individuals implementing the retention schedules are cautioned that only those records authorized for destruction may be destroyed.

Frequently Asked Questions

1. **When was Administrative Rule 7 created?**

   Based on the recommendations of the Records Management Committee, the Indiana Supreme Court created the rule in 1985 and made it effective January 1, 1988. From November 4, 1985, through December 31, 1987, compliance with the rule was made voluntary. Before Admin. R. 7's creation, courts and clerks of the circuit courts disposed of records through their county records commission. The system of county records commissions was created in 1939.

2. **What do the numbers mean in each retention schedule?**

   For example, the retention schedule for Civil Order Books is 85-1.1-17R, and it is designed as a unique number with the number 85 standing for the year of the creation of the schedule; the number 1.1 stands for the jurisdiction, which, in this case, is civil; the number 17 is the record series item number; and the "R" means that the original schedule has been revised at some time since 1985. The following are the ten jurisdictions found in Admin. R. 7:

   - 85-1 Civil
   - 85-2 Criminal
   - 85-3 Estates
   - 85-4 Family Law
   - 85-5 County Court/Municipal/Small Claims
   - 85-6 Naturalization
   - 85-7 Conciliation
   - 85-8 Special Judicial Functions
   - 87-9 General Schedules
   - 94-10 Trial Rule 77 Schedules

3. **Where are retention schedules found for records that continue beyond 1990, when the schedule has an ending year of 1990?**

   Most retention schedules for case files end with the year 1990. Retention schedule 94-10-01, Case Files, found in the concluding section to Admin. R. 7 called T.R. 77 Schedules (10), states that all schedules pertaining to case files should apply to the present day. There are historical reasons why the year 1990 was originally selected as the ending date for all the retention schedules applying to case files. It was in 1991 when the major changes to T.R. 77 dealing with court records became effective. In 1991, the CCS, Chronological Case Summary, and the RJO, Record of Designated Judgments and Orders, were created. Before that, docket sheets were used rather than the CCS, and order books were the official court record. The thought in 1990 was that computerization of court records would occur rapidly, and that the case file would no longer be an important record. However, by 1994, when the retention schedules in section 10 of Admin. R. 7 applying to T.R. 77 records became effective, it was very evident that the case file would continue to be an important record series, at least for the near future.

4. **Are retention schedules for financial records found in Administrative Rule 7?**

   Admin. R. 7 addresses only court records. Therefore, retention schedules for receipts, claims, and other financial records are not found in Admin. R. 7. Financial records fall under the authority of the Indiana Archives and Records Administration, and this agency has created many retention schedules that apply to non-court records.

5. **How should records be destroyed?**

   Admin. R. 7 does not specifically address the actual issue of the preferred manner of the destruction of the records. However, the Office of Court Services recommends that records be destroyed under the supervision of personnel from the clerk's office or the courts. If the destruction of the records is outsourced, then it is particularly important to include language in the contract with the vendor that the vendor will guarantee the destruction of the records and not

allow them to reappear for sale online or on sale at a flea market in the future. Confidential records must be destroyed so that confidential information cannot be reconstituted. In most cases, shredding is the most effective way to destroy records.

6. **Where are records of enduring value transferred?**

   Most of the retention schedules of records that do have enduring value found in Administrative Rule 7 call for the transfer of the records to the Archives Division of the Indiana Archives and Records Administration. However, there are also some records that may be transferred to local libraries and historical and genealogical societies. The Office of Court Services should be consulted on which records may be transferred in this way. If records are transferred to libraries and local historical or genealogical societies, the clerk or court should create a written agreement with the library or local historical or genealogical society as to the future use of the transferred materials. Records transferred to local historical or genealogical societies or libraries may not be sold, destroyed, or transferred to other entities. Ownership of these records remains with the office that created them. By transferring the records to either local libraries or local societies, the records are being transferred either on a permanent or a long-term loan basis to the local library or local historical or genealogical society.