

**Electronically Filed
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SCMF-11-0000105

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the
RETENTION AND DISPOSITION OF JUDICIARY RECORDS

ORDER AMENDING THE RECORDS RETENTION
SCHEDULE FOR THE CIRCUIT COURTS

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

IT IS HEREBY ORDERED, pursuant to HRS § 602-5.5, that Records Control Schedule 2, Retention Schedule for the Circuit Courts is amended and adopted in its entirety as set out in the attached Exhibit 1.

DATED: Honolulu, Hawai‘i, April 11, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack



RECORDS CONTROL SCHEDULE 2

RETENTION SCHEDULE FOR THE CIRCUIT COURTS

(Adopted April 11, 2013)

Case records may be preserved on paper, microfilm, or as electronic documents. The paper records, microfilm or electronic documents are the official record of the court. The Clerk may certify a copy of the paper case records, a printed copy of microfilm or a printed electronic copy of an electronic document as a true and correct copy of the document in the record of the court.

<u>RECORD TITLE</u>	<u>RETENTION PERIOD</u> (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	<u>DISPOSITION</u>
1.0 Case Files		
1.1 Civil	5 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1.2 Criminal	5 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1.3 Guardianship: Full, Small	20 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1.4 Probate	5 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court

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<u>RECORD TITLE</u>	<u>RETENTION PERIOD</u> (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	<u>DISPOSITION</u>
1.5 Small Estates	5 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1.6 Special Proceedings A. Non-Jury cases, HRS section 603-21.7	5 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1.7 Mechanic's & Materialman's Lien A. Owners' Notice of Completion of Contract, Affidavit of Publication, HRS section 507-44 B. Mechanic's Lien Record-Application & Notice, HRS section 507-44	1 year 1 year	Destroy Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1.8 Family Court Cases A. Divorce (FC-D)	10 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court

RECORDS CONTROL SCHEDULE 2

<u>RECORD TITLE</u>	<u>RETENTION PERIOD</u> (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	<u>DISPOSITION</u>
B. Guardianship (FC-G)	10 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
C. Paternity/Parental (FC-P) ¹	10 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
D. Adoption (FC-A)	5 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
E. Criminal (FC-O, FC-Cr)	5 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1. Pre-Sentence Report ²	5 years	Destroy Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
2. Probation Case File ³	5 years	Destroy
3. Index Cards ⁴	5 years	Purge

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<u>RECORD TITLE</u>	<u>RETENTION PERIOD</u> (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	<u>DISPOSITION</u>
F. Termination of Parental Rights (FC-TPR)	5 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
G. Uniform Reciprocal Enforcement of Support Act (URES)	5 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
H. Uniform Child Custody-Jurisdiction (UCCJ)	5 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
I. Domestic Abuse (FC-DA) ⁵	5 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
J. Miscellaneous (FC-M) ⁶	5 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
K. Juvenile (FC-J) 1. Non-adjudicated • Law Violation • Status offense	until subject party is 18 years of age	Destroy

RECORDS CONTROL SCHEDULE 2

<u>RECORD TITLE</u>	<u>RETENTION PERIOD</u> (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	<u>DISPOSITION</u>
<ul style="list-style-type: none"> 2. Adjudicated • Status offense • Violation 	until subject party is 18 years of age	Destroy
<ul style="list-style-type: none"> 3. Adjudicated • Petty Misdemeanor • Misdemeanor 	until subject party is 22 years of age	Destroy
<ul style="list-style-type: none"> 4. Adjudicated⁷ • Felony • 2 or more Crimes of Violence⁸ • Sale of any drug 	until subject party is 25 years of age	Destroy
<ul style="list-style-type: none"> 5. Adjudicated • for a class A or B felony HRS chapter 707 offense against a person or persons • for a class A felony HRS chapter 708 offense against property rights • Operating a vehicle under the influence of an intoxicant • Habitually operating a vehicle under the influence of intoxicant • Driving under the influence of intoxicating liquor • Habitually driving under the influence of intoxicating liquor or drugs • Driving under the influence of drugs • Driving after license suspended or revoked for driving under the influence of intoxicating liquor • Operating a vessel under the influence of intoxicating liquor 	until subject party is 30 years of age	Destroy

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<u>RECORD TITLE</u>	<u>RETENTION PERIOD</u> (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	<u>DISPOSITION</u>
<p>L. Juvenile (FC-S)6</p> <p>1. Docket Sheets, Court Calenders, Logs, Journals, Schedules, Detention Home Lists, Court Clerks' Notebooks</p> <p>2. Audio/Video Tape Recordings</p> <p>3. Case Record Master Index- Juvenile Card Index</p>	<p>5 years</p> <p>2 years</p> <p>5 years</p> <p>Retain until computerized</p>	<p>Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court</p> <p>Destroy</p> <p>Destroy/Erase</p> <p>Destroy cards when computerized</p>
<p>2.0 Docket sheets, Case Index sheets, Court Clerks' minutes</p>	<p>5 years</p>	<p>Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court</p>
<p>3.0 Notice of Entry of Judgment</p>	<p>1 year</p>	<p>Do Not Microfilm</p>
<p>4.0 Original Wills</p>	<p>5 years</p>	<p>Microfilm or convert to electronic document w/ related Probate Case Files</p>
<p>5.0 Notary Public Records (HRS Section 456-16)</p> <p>A. Notarial Books</p> <p>B. Individual Cards on Individual Notaries</p>	<p>Microfilm or convert to electronic document upon filing</p> <p>Permanent</p>	<p>Microfilm or convert to electronic document upon Inactive Status</p>

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<u>RECORD TITLE</u>	<u>RETENTION PERIOD</u> (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	<u>DISPOSITION</u>
C. Register of Notary Public Commission Numbers (Commission, Certificate & Bond)	Destroy when Inactive	Do Not Microfilm
6.0 Surety Bonds A. Probate Cases B. All Other Cases	5 years 5 years	Do Not Microfilm Do Not Microfilm
7.0 CAT DISKS, Court Reporters' Shorthand Notebook, Stenographic Notes, Video and Audio Tapes A. Criminal 1. Felonies 2. Misdemeanors B. Civil	10 years after trial, unless transcribed 5 years 7 years after trial	Microfilm or convert electronic document, if notes, are transcribed; and filed with the court; otherwise, destroy notes Do Not Microfilm Do Not Microfilm
8.0 Juror Records A. Grand Jury & Trial Jury Lists for Terms B. Grand Jury Report C. Grand Jury Minutes	4 years 3 years 3 years	Do Not Microfilm Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court

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<u>RECORD TITLE</u>	<u>RETENTION PERIOD</u> (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	<u>DISPOSITION</u>
D. Master Jury List Computer Printout, Juror E. Jury Payroll Cards	4 years Refer to Financial Administration Manual	Do Not Microfilm Do Not Microfilm
9.0 Felony Search Warrants	5 years	Do Not Microfilm
10.0 Adult Probation Division A. Pre-Sentence Report ⁹ B. Probation Case File ¹⁰ C. Index Cards ¹¹	20 years 20 years 20 years	Do Not Microfilm Do Not Microfilm Do Not Microfilm
11.0 All Other Records	Discretionary	Discretionary

RECORDS CONTROL SCHEDULE 2

NOTES

1. Cases filed prior to January 1, 1976 were designated as "Paternity." Act 66, 1973 repealed HRS section 579, and replaced it with HRS section 584, the Uniform Parental Act, effective January 1, 1976.
2. 5 years from date of sentence.
3. 5 years from date probation case closed.
4. 5 years from date case closed.
5. Domestic Abuse is the new terminology to include Temporary Restraining Orders.
6. The Miscellaneous Category (FC-M) includes:
 - A. Support action where neither divorce, URES, or parental pleadings are involved.
 - B. Commitment of Mentally Ill persons to Psychiatric Facility (section 334-5).
 - C. Commitment of Mentally Retarded Adult (section 33E-6).
 - D. Habeas Corpus.
 - E. Establishment of Foreign Decree.
 - F. Complaint for Custody.
 - G. Complaint for Support.
 - H. Declaratory Judgment
7. Adjudicated offenses include attempt and/or conspiracy to commit the offense.
8. The list of misdemeanor crimes of violence shall be maintained by the Judiciary Family Court Staff Attorney and may be modified upon new legislation.
9. 20 years from sentencing.
10. 20 years from date of sentence.
11. Data from the original index cards are presently being inputted in the APD's computer. The data file on a person may be purged from the computer after 20 years. The original index cards may be destroyed upon input into the computer.