

Probate Court Retention Schedule (Draft)

This schedule lists Probate Court records commonly found in county offices. The retention periods specified herein are either required by the Rules of Superintendence for the State of Ohio (Rule 26) or have been determined by best practice. Permanent records existing solely in electronic format may become inaccessible through media decay and/or hardware/software obsolescence. The Ohio History Connection recommends that digital records with greater than a 10 year retention period also be maintained in either paper or microfilm formats. Records may not be disposed of until all audits are released and audit discrepancies have been settled. Where a lawsuit or agency proceeding is pending, a legal hold on relevant records is required. Records shall be retained until the legal hold has been removed. ELECTRONIC MAIL (e-mail) is a format on which records are sent, received and/or drafted using electronic mailing systems. E-mail is NOT a record series. Instead, each individual e-mail should be evaluated according to its content and retained in accordance with the record series adopted within this schedule that the content most closely fits.

ADMINISTRATIVE RECORDS

Records Series	Definition	Retention
Administrative Journal	Consists of court entries, or a record of court entries, regarding policies and issues not related to cases	Permanent (26.01 A)
Annual Budgets	Annual fiscal allocation, may include working documents	3 years, provided audited
Annual Reports	Contains substantive information of operations, policies, procedures and planning	2 copies maintained permanently (26.01 B)
Application for Employment	Application submissions for open positions	2 years (26.01 H)
Audit Reports	Financial examinations and reports	3 years
Bank Records	Record of all bank transactions	3 years, provided audited (26.01 C)
Cash Books	Includes expense and receipt ledgers	3 years, provided audited (26.01 D)
Communication Records	Includes routine telephone message on any medium where official action will be recorded elsewhere	Until no longer of administrative value (26.01 E)
Correspondence and General Office Records	Includes all sent and received correspondence on any medium	Until no longer of administrative value (26.01 F)
Drafts and Informal Notes	Drafts and informal notes consisting of transitory information used to prepare the official record	Until no longer of administrative value (26.01 G)
Employee Benefit and Leave Records	Includes copies of life and medical insurance records	3 years, provided audited (26.01 I)
Fiscal Records	Includes copies of transactional budgeting and purchasing documents maintained by another office or agency. May include invoices, billing records/statements, and receipt documents	3 years, provided audited (26.01 K)
Grant Records	Records of grants made or received by the court	3 years after expiration (26.01 L)

Records Series	Definition	Retention
Ohio Supreme Court Quarterly Report	Statistical reporting information provided to the Ohio Supreme court	Permanent
Pay-Ins to Treasury	Receipt of funds paid into the county Treasury	3 years, provided audited
Payroll Records	Payroll records of personnel time and copies of payroll records maintained by another office	3 years, provided audited (26.01 M)
Personnel Files	Records concerning the hiring, promotion, evaluation, attendance, medical issues, discipline, termination and retirement of court employees	10 years after termination (26.01 J)
Publications Received	Publications received by the Court	Until no longer of administrative value (26.01 N)
Receipt Records	Receipt and balancing records	3 years, provided audited (26.01 O)
Reparations Rotary Reporting	The monthly payment of all reparations rotary fees through the Treasurer of State's online payment system	3 years, provided audited
Requests for proposals, bids and resulting contracts	Requests for proposals, bids received in response to a request for proposal, and contracts resulting from a request for proposal	3 years after expiration of contract (26.01 P)
Tape Recordings	Recordings of court proceedings	1 year from hearing date, unless there is an appeal

PROBATE COURT RECORDS

Per Rule 26 C, the Court may create Combined Files wherein the components of Indexes, Dockets and Journals are contained in the electronic Case File

Records Series	Definition	Retention
Administration Docket	Showing the name of the deceased	Permanent
Adoption Records	Adoption docket, in accordance with section 3107.17 of the Revised Code, to show the name of the child as it would exist after finalization of the adoption and the name or names of the adoptive parents	Permanent (26.04 E1)
Birth Records	Prior to 1908 only	Permanent (26.04 E2)
Birth Registrations and Corrections	Birth registration and correction docket to show the name of the person whose birth certificate is being registered or corrected	Permanent
Civil Case Files	Documents filed in a proceeding of the court such as validity of wills, actions to construe wills or trusts, actions seeking the court's approval for the sale, mortgage or lease of lands	Permanent

Records Series	Definition	Retention
Civil Dockets, Index, Journal	Civil docket to show the names of the parties to actions and proceedings	Permanent (26.04 E4)
Civil Commitment Records	Legal proceedings to determine the mental illness of an individual and the hospitalization of the individual. Civil commitment docket to show the name of the prospective patient.	3 years after case is closed (26.04 E3)
Conservatorship Records	Often maintained as Guardianship records	Permanent
Death Records	Prior to 1908 only; record no longer recorded in Probate	Permanent
Dockets	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.	Permanent (26.04 E4)
Estate Case Files	Related to the appointment of an applicant or fiduciary for the transfer, distribution and settlement of the assets and liabilities of a deceased individual	Permanent
Estate Tax Records	Records pertaining to the tax levied on the total value of the decedent's estate.	Permanent
Evidence Filed in Support of Expenditures or Distributions	Vouchers, proof, or other evidence filed in support of expenditures or distributions stated in an account	3 years after the date of filing (26.04 E5)
Executor's Records	Historical Journals include Account, Bonds and Letters, Dockets, Index, Journal	Permanent
Guardianship Case Files	Related to the legal authorization of an individual to care for another's person and their property. Guardian's docket to show 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	Permanent
Guardian's Records	Historical Journals include Account, Bonds and Letters, Dockets, Index, Journal	Permanent
Index to Case Files	Probate shall maintain an index for each docket, record of documents, and journal. Each index shall be kept current with names or captions of proceedings in alphabetical order and references to a docket, record of documents, journal or case file where information pertaining to those names or proceedings may be found	Permanent (26.04 E4)
Index to Marriages	Index of all marriage licenses	Permanent (26.04 E4)
Index to Registration and Correction of Birth Records	Index of all birth record registrations and corrections	Permanent (26.04 E4)

Records Series	Definition	Retention
Journals	Probate shall maintain a journal for orders, entries, or judgments pertaining to the business and administration of the division. Includes orders of appointment and oaths of office of court personnel and other nonfiduciary appointees, orders of reference to magistrates, change of the local rules of the probate division, orders changing the hours of the probate court	Permanent (26.04 E4)
Land Sale Records	Often maintained as Civil Case Files	Permanent
Marriage Records	A marriage record, in which shall be entered licenses, the names of the parties to whom the license is issued, the names of the person applying for a license, a brief statement of the facts sworn to by the persons applying for a license, and the returns of the person solemnizing the marriage	Permanent (26.04 E6)
Mental Illness Case Files	Relating to the determination of mental illness. Often referred to as Mental Commitment or Civil Commitment records	Permanent
Miscellaneous Docket/Records	Miscellaneous docket to show the names of parties or petitioners and the nature of the action or proceeding. It shall be limited to action within the probate division's jurisdiction that are not kept in one of the other dockets	Permanent
Minister's License Records	Historical only; record no longer recorded in Probate	Permanent
Minor Settlement Records	Records pertaining to the settlement of a minor's claim	Permanent
Name Change Records	Change of Name docket to show the name of the petitioner and the present and proposed names of the person whose name is to be changed	Permanent
Naturalizations and Declarations of Intention	Documents the granting of citizenship. Historical only; record no longer recorded in Probate	Permanent
Paternity Records	Paternity docket to show the birth name of the child who is the subject of the petition, the name of the father, the name of the mother, and the name of the child after adjudication	Permanent
Petition Records	May consist of Land Sale Proceedings, Declaratory Judgements, Name Changes, Legitimation, Paternity	Permanent
Physicians, Surgeons and Limited Practitioners Record	Record no longer recorded in Probate	Permanent
Testamentary Trust Records	A trust created within a will to which assets pass from the estate or other beneficiary designation. Testamentary Trust Docket to show the names of the testator and trustee	Permanent

Records Series	Definition	Retention
Trust Accountings	Related to a fiduciary relationship of a trustee regarding property and the trustee's obligations toward the property and the beneficiary	12 years after the date the accounting was approved (26.04 E7)
Wills	A record of wills, if wills are not permanently retained as part of an estate case file, in which the wills proved in the court shall be recorded with a certificate of the probate of the will	Permanent (26.04 C2ai)

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