

# State Trial Court Records

## Section 2.2—Case Files

### Concepts Behind the Schedule for Cases

- In the majority of cases, no additional documents are filed after the first final judgment or final order has been rendered.
- For the majority of cases, after a final judgment or final order has been entered and the appeal period has passed without an appeal being filed, most documents that preceded the final judgment or final order have no value that justifies long-term retention.
- Most documents (including postjudgment documents) that do not have ongoing legal, financial, or administrative effect can be purged after the court has resolved a case, including any appeals, and a period of inactivity has passed.
- For most case types, the primary documents that have ongoing value justifying long-term retention are judgments, orders modifying judgments, satisfactions, final orders, and preliminary records purge orders. (For each case type, documents determined to have long-term effect are listed as “WOLFE records.” Documents listed as “WOLFE records” have retention periods and requirements separate from the rest of the case file.)
- Courts should have the **option** to purge non-WOLFE records earlier than WOLFE records.

### Rules Regarding Case Files

2.200

- The following general rules apply:
  - 1.100 (Implementation responsibility)
  - 1.101 (Rules, procedures, schedules apply to Oregon Judicial Department records)
  - 1.102 (State Court Administrator's authority to suspend or revise)
  - 1.103 (Retention periods are **minimum** requirements)
  - 1.104 (Records that fit in multiple categories or no category)
  - 1.105 (Retention periods apply to “record copy” only, unless otherwise specified)
  - 1.106 (Description does not dictate custody, name or media, or how maintained)
  - 1.107 (Descriptions do not imply paper records)
  - 1.108 (Descriptions do not indicate whether record is subject to disclosure)
  - 1.109 (Reproduction of records and their evidentiary effect)
  - 1.110 (Recreatable electronic record printouts)
  - 1.111 (Records destruction methods)
  - 1.112 (Suspending disposal of records)
  - 1.113 (Records created in 1920 or earlier)
  - 1.114 (Documentation required when records relinquished to another repository)
  - 1.115 (Discard orders)
  - 1.116 (Working drafts, notes, queries, data files)

2.201

- **Disposal of case file records is suspended by the following:**
    - **Written request by party/attorney (UTCR 1.140)**
    - **Order of the court on request of any party or on the court's own motion**
- ▶▶▶▶ **NOTICE OF APPEAL**

2.202

- All case files of the same type have the same retention period and requirements, regardless of whether originally filed in a circuit or district court. (Note: As of January 15, 1998, the circuit and district courts were consolidated, effectively eliminating district courts; however, pre-consolidation records will contain “district court” language.)

*For purposes of this retention schedule, the records category for a case file is to be determined based on the descriptions in this schedule and not based on any case class and type entered on OJIN.*

2.203

- Records regarding due diligence efforts to find the owner of abandoned property (property transferred to Oregon Division of State Lands such as returned checks) **are not considered part of the case file** and do not fall under the retention requirements of the case file schedule. (Refer to section on “Revenue and Trust Accounting Records” currently under development.)

2.204

- If a court opts to purge non-WOLFE records earlier than WOLFE records, a presiding judge’s preliminary records purge order is required for any case resolved through a final order rather than a final judgment. *A single preliminary records purge order may apply to multiple case files.* The order **may** be entered in the register of actions on any or all cases listed in the order (OJIN event code ORXR–Order Preliminary Records Purge). [Refer to Appendix for sample preliminary records purge orders.]

When exercising the preliminary purge option, OJIN event code FLXR (File Preliminary Purge) **must** be entered in the register of actions on each case after records have been discarded.

2.205

- When **all** remaining records in a case file are to be discarded or relinquished to another repository, the file must be listed on an inventory if required by the rule specific to a type of case file. (See also rule 1.114.)

The inventory must include:

- Case number,
- Brief case caption (e.g., first plaintiff and first defendant),
- The applicable retention schedule rule that specifies the retention period for that record,
- Whether record was destroyed or relinquished to another repository, and
- The location of the record (if relinquished to another repository).

Due to requirements regarding disclosure of public records, confidential case files should be inventoried separately from other types of case files. (Refer to Appendix for sample inventories. These samples are suggestions only; however, whatever format a court chooses, each inventory must contain the information required in this rule.)

An inventory is not required when taking advantage of the preliminary purge option (see rule 2.204) for non-WOLFE case file records **unless the entire case file is to be discarded or relinquished to another repository** and the rule specific to that type of case file requires an inventory.

2.206

- Before destroying **any** case file records on a felony murder case where the defendant was convicted and originally sentenced to the death penalty or life imprisonment, the court must send a Notification to State Archives of Intent to Destroy Records. (*See appendix for form.*)

## Civil

2.210

### Appeal from Lower Court

<b>Description</b>	Case appealed from a municipal, justice, or county court to the state court.
<b>Related Laws</b>	ORS 5.120, 53.010, 55.110, 157.010, 221.359, 221.360, 221.370, 221.380, 221.390
<b>Retention</b>	See case type being appealed.

2.211

### Delayed Birth Registration

<b>Description</b>	Petition or other starting instrument, final judgment or final order, and accompanying documents (whether or not maintained in a case file) related to a request for registration of a certificate of birth when such registration has not previously occurred within the time period provided by statute.
<b>Related Laws</b>	ORS 432.140, 432.142
<b>WOLFE Records</b>	All documents
<b>Retention</b>	Do not destroy. Continue to retain until State Archives is willing to accept. (State Archives is currently willing to accept cases filed prior to 1941.)
<b>Inventory</b>	Required prior to relinquishing records to State Archives (see rule 2.205).

2.212

### Name Change

<b>Description</b>	Application or petition, final judgment or final order, and accompanying documents in a separate action to establish a legal change of name (not as part of a dissolution, adoption, or other type of case listed in this schedule). Includes action for legal change of sex only if legal change of name is also a part of the action. (For legal change of sex where change of name is not part of the action, refer to Civil “All Others” category.)
<b>Related Laws</b>	ORS 33.410 to 33.440, 33.460, UTCR 9.320
<b>WOLFE Records</b>	All documents
<b>Retention</b>	Do not destroy. May be relinquished to State Archives 3 years after last document entry in the register of actions.
<b>Inventory</b>	Required prior to relinquishing records to State Archives (see rule 2.205).

2.213

## Naturalization

<b>Description</b>	Petition, declaration of intention, and accompanying documents (whether or not maintained in a case file) related to the request of an alien to become a citizen and obtain the rights and privileges of a native citizen.
<b>Related Laws</b>	Federal law
<b>WOLFE Records</b>	All documents
<b>Retention</b>	Do not destroy. May be relinquished to State Archives 3 years after last document entry in the register of actions.
<b>Inventory</b>	Required prior to relinquishing records to State Archives (see rule 2.205).

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2.214

## Transcript of Judgment

<b>Description</b>	A certified copy of a judgment and/or a certified copy of the judgment docket and accompanying documents, filed in a circuit court in order to create a lien or enable other enforcement action.
<b>Related Laws</b>	ORS 18.320, 18.335, 18.350, 18.360, 23.030, 25.700, 46.274 (repealed, 95 c.658 s.127), 52.630 (repealed, replaced by 52.635, 99 c.788 s.3), 52.635, 55.130, 107.126, 118.350, 137.180
<b>WOLFE Records</b>	None
<b>Retention</b>	<p><b>Based on a judgment for support:</b> Retention requirement runs until 25 years after entry of judgment in the judgment docket of the court of original jurisdiction.</p> <p><b>Based on judgment from an offense case:</b> Retention requirement runs until 20 years after entry of judgment in the judgment docket of the court of original jurisdiction.</p> <p><b>All Others:</b> Retention requirement runs until 10 years after entry of judgment or renewed judgment (whichever is later) in judgment docket of the court of original jurisdiction.</p>
<b>Inventory</b>	Not required prior to discarding case files.

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2.215

## Water Rights

<b>Description</b>	Documents from Water Resources Department and others filed under authority of ORS 539.130 and 539.320 or documents filed in separate civil actions where water rights are in dispute.
<b>Related Laws</b>	ORS 7.120, 539.130, 539.320
<b>WOLFE Records</b>	All documents
<b>Retention</b>	Permanent

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2.216

## Small Claims

<b>Description</b>	A claim, final judgment or final order, and accompanying documents in a civil action not exceeding a statutorily set limit and in which parties are not allowed a trial by jury and cannot have an attorney present at hearing unless specifically authorized by the court.
<b>Related Laws</b>	ORS 46.475, 46.485, 46.488
<b>WOLFE Records</b>	Claims, judgments, orders modifying judgment, assignments (of judgment), satisfactions, final order, preliminary records purge order
<b>Retention</b>	<p><b>WOLFE Records (and Any Not Previously Purged):</b> Retention requirement runs until 10 years after entry of final judgment/final order in the register of actions or entry of judgment renewal in the register of actions, whichever is later.</p> <p><b>All Other Records (Preliminary Purge Option):</b> Retention requirement runs until 1 year after last document entry in the register of actions (excluding entry of an extension request/order or preliminary records purge order) provided that:</p> <ul style="list-style-type: none"><li>• a final judgment has been entered in the register of actions, <b>OR</b></li><li>• a final order has been entered in the register of actions <b>AND</b> the presiding judge has signed a preliminary records purge order for the records.</li></ul>
<b>Inventory</b>	Not required prior to discarding case files.

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2.217

## Forcible Entry and Detainer (FED) and Return of Tenant Personal Property

<b>Description</b>	A complaint, final judgment or final order, and accompanying documents in a civil action to recover possession of premises or to recover personal property taken or retained by a landlord.
<b>Related Laws</b>	ORS 90.100, 105.105 to 105.168

**WOLFE Records** Complaint (including amendments), judgments, lien certificates, orders modifying judgment, assignments (of judgment), satisfactions, final order, preliminary records purge order

**Retention** **WOLFE Records (and Any Not Previously Purged):** Retention requirement runs until 10 years after entry of final judgment/final order in the register of actions or entry of judgment renewal in the register of actions, whichever is later.

**All Other Records (Preliminary Purge Option):** Retention requirement runs until 1 year after last document entry in the register of actions (excluding entry of an extension request/order or preliminary records purge order) provided that:

- a final judgment has been entered in the register of actions, **OR**
- a final order has been entered in the register of actions **AND** the presiding judge has signed a preliminary records purge order for the records.

**Inventory** Not required prior to discarding case files.

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2.218

## All Others

**Description** Complaint, petition, or other starting instrument, final judgment or final order, and accompanying documents in all civil case types not specifically identified elsewhere in this schedule. This includes (but is not limited to) torts, contracts, money actions, trusts, habeas corpus, postconviction relief, stalking, legal change of sex where name is not also changed, etc.

**Related Laws** ORS Chapter 12, 18.350(4) through (9), 18.360, 19.255, 30.866, 163.730 to 163.755

**WOLFE Records** Complaint, petition, or other starting instrument (including amendments); stalking order; judgments; lien certificates; orders modifying judgment; assignments (of judgment); satisfactions; final order; preliminary records purge order; order sealing record

**Retention** **WOLFE Records (and Any Not Previously Purged):** Retention requirement runs until 75 years after filing of the starting instrument or the filing date of the final judgment/final order if starting instrument filed date cannot be determined.

**All Other Records (Preliminary Purge Option):** Retention requirement runs until 3 years after last document entry in the register of actions (excluding entry of an extension request/order or preliminary records purge order) provided that:

- a final judgment has been entered in the register of actions, **OR**
- a final order has been entered in the register of actions **AND** the presiding judge has signed a preliminary records purge order for the records.

**Inventory**

Required prior to discarding case files (see rule 2.205).

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## **Contempt**

***Warning! Contempt may arise out of an existing case or may be a completely separate action. The following retention periods depend on how the documents are filed, not the type of contempt action brought.***

2.220

### **Filed in Existing Case**

<b>Description</b>	When filed within a case file containing documents from a related action, under the same case number as the related action, the documents in a contempt proceeding brought to: <ul style="list-style-type: none"><li>• compel compliance with an order or a judgment,</li><li>• punish for past failure to comply with an order or a judgment, or</li><li>• preserve order in the court or protect its authority or dignity.</li></ul>
<b>Related Laws</b>	ORS 33.015 to 33.155
<b>WOLFE Records</b>	Same as in existing case.
<b>Retention</b>	Same as in existing case.

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2.221

### **Separate Case**

<b>Description</b>	When filed in its own case file with its own case number, the documents in a contempt proceeding brought to: <ul style="list-style-type: none"><li>• compel compliance with an order or a judgment,</li><li>• punish for past failure to comply with an order or a judgment, or</li><li>• preserve order in the court or protect its authority or dignity.</li></ul>
<b>Related Laws</b>	ORS 33.015 to 33.155
<b>WOLFE Records</b>	Accusatory instrument (if filed), judgment, lien certificates, orders modifying judgment, assignments (of judgment), satisfactions, final order, preliminary records purge order
<b>Retention</b>	<b>WOLFE Records (and Any Not Previously Purged):</b> Retention requirement runs until 75 years after filing of the starting instrument or the filing date of the final judgment/final order if starting instrument filed date cannot be determined.  <b>All Other Records (Preliminary Purge Option):</b> Retention requirement runs until 3 years after last document entry in the register of actions (excluding entry of an extension request/order or preliminary records purge order) provided that: <ul style="list-style-type: none"><li>• a final judgment has been entered in the register of actions, <b>OR</b></li></ul>

- a final order has been entered in the register of actions **AND** the presiding judge has signed a preliminary records purge order for the records.

**Inventory**

Required prior to discarding case files (see rule 2.205).

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**Domestic Relations**

2.230

**Abuse Prevention**

**Description** Petition, final judgment or final order, and accompanying documents related to a request for a restraining order to prevent abuse filed under Oregon’s Family Abuse Prevention or Elderly and Disabled Abuse Prevention Acts only. Does not include requests for restraining orders filed as part of another case, such as a request filed as part of a dissolution case. *For purposes of this schedule, does not include cases where custody, visitation, or parenting time was an issue (see rule 2.233).*

**Related Laws** ORS 107.700 to 107.732, 124.005 to 124.040

**WOLFE Records** Petition (including amendments), judgments, lien certificates, orders modifying judgment, assignments (of judgment), satisfactions, preliminary records purge order, order sealing record [Note: Restraining orders are **not** WOLFE records.]

**Retention** **WOLFE Records (and Any Not Previously Purged):** Retention requirement runs until 75 years after filing of the starting instrument or the filing date of the final judgment/final order if starting instrument filed date cannot be determined.

**All Other Records (Preliminary Purge Option):** Retention requirement runs until 5 years after last document entry in the register of actions (excluding entry of an extension request/order or preliminary records purge order) provided that:

- a final judgment has been entered in the register of actions, **OR**
- a final order has been entered in the register of actions **AND** the presiding judge has signed a preliminary records purge order for the records.

**Inventory**

Required prior to discarding case files (see rule 2.205).

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2.231

## Administrative Support

<b>Description</b>	Documents filed by the Attorney General’s or a district attorney’s Support Enforcement Division for the purpose of initiating support enforcement actions. Includes, but is not limited to, documents filed under the Uniform Reciprocal Enforcement Support Act (URESA) and the Uniform Interstate Family Support Act (UIFSA). <i>Does not include such documents filed within another type of case, such as support orders filed within a dissolution case. For purposes of this schedule, also does not include cases where custody, visitation, or parenting time was an issue (see rule 2.233).</i>
<b>Related Laws</b>	ORS 18.360, Chapter 25 (especially 25.700), 110.303 to 110.452, 416.400 to 416.470
<b>WOLFE Records</b>	Judgments, Support Enforcement Division “money judgments,” lien certificates, orders, assignments (of judgment), satisfactions, preliminary records purge order
<b>Retention</b>	<p><b>WOLFE Records (and Any Not Previously Purged):</b> Retention requirement runs until 75 years after filing of the starting instrument or the filing date of the final judgment/final order if starting instrument filed date cannot be determined.</p> <p><b>All Other Records (Preliminary Purge Option):</b> Retention requirement runs until 3 years after last document entry in the register of actions (excluding entry of an extension request/order or preliminary records purge order) provided that:</p> <ul style="list-style-type: none"><li>• a final judgment has been entered in the register of actions, <b>OR</b></li><li>• a final order has been entered in the register of actions <b>AND</b> the presiding judge has signed a preliminary records purge order for the records.</li></ul>
<b>Inventory</b>	Required prior to discarding case files (see rule 2.205).

2.232

## Adoption

<b>Description</b>	Petition for adoption, final judgment or final order, and accompanying documents in an action brought by a party or parties to create a parent/child relationship. Includes adoptions filed in a juvenile case involving a termination of parental rights.
<b>Related Laws</b>	ORS 7.211(1), 109.304, 109.308 to 109.410, 419B.529 (adoptions during termination of parental rights)
<b>WOLFE Records</b>	All documents
<b>Retention</b>	Do not destroy. May be relinquished to State Archives 18 years after entry of final judgment or final order.
<b>Inventory</b>	Required prior to relinquishing records to State Archives (see rule 2.205).

## Custody & Visitation & Parenting Time

<b>Description</b>	Any case (e.g. divorce, dissolution, separation, petition for custody, filings under the Family Abuse Prevention Act, or foreign restraining orders) where legal custody, visitation, or parenting time is an issue. Includes temporary orders. <i>Does not include adoptions (see rule 2.232).</i>
<b>Related Laws</b>	ORS 107.452, 107.700 to 107.732, 109.710 (repealed, 99 c.649 s.55), 109.720 (repealed, 99 c.649 s.55), 109.737(4), 109.910 (repealed, 99 c.649 s.55)
<b>WOLFE Records</b>	Petition or other starting instrument (including amendments), judgments, financial affidavits and statements of assets, lien certificates, orders modifying judgment, assignments (of judgment), satisfactions, final order, proof of service on foreign restraining order, preliminary records purge order, order sealing record
<b>Retention</b>	<p><b>WOLFE Records from Divorce Cases Filed Prior to 1948:</b> Do not destroy. May be transferred to State Archives.</p> <p><b>Other WOLFE Records (and Any Not Previously Purged):</b> Retention requirement runs until 75 years after filing of the starting instrument or the filing date of the final judgment/final order if starting instrument filed date cannot be determined.</p> <p><b>All Other Records (Preliminary Purge Option):</b> Retention requirement runs until youngest child is 18 years old or 3 years after last document entry in the register of actions (excluding entry of an extension request/order or preliminary records purge order), whichever is later, provided that:</p> <ul style="list-style-type: none"> <li>• a final judgment has been entered in the register of actions, <b>OR</b></li> <li>• a final order has been entered in the register of actions <b>AND</b> the presiding judge has signed a preliminary records purge order for the records.</li> </ul>
<b>Inventory</b>	Required prior to discarding case files (see rule 2.205).

## Filiation

<b>Description</b>	A petition or other starting instrument, final judgment or final order, and accompanying documents in an action brought for the purpose of establishing paternity. <i>For purposes of this schedule, does not include cases where custody, visitation, or parenting time was an issue (see rule 2.233).</i>
<b>Related Laws</b>	ORS 18.360, 109.094, 109.124 to 109.230, 416.400 to 416.470 [especially 416.425(7), 416.427(6), 416.430, 416.435, 416.440, 416.443, 416.450, 416.465]
<b>WOLFE Records</b>	Petition or other starting instrument (including amendments), judgments, Support Enforcement Division “money judgments,” lien certificates, orders, assignments (of judgment), satisfactions, preliminary records purge order

**Retention** **WOLFE Records (and Any Not Previously Purged):** Retention requirement runs until 75 years after filing of the starting instrument or the filing date of the final judgment/final order if starting instrument filed date cannot be determined.

**All Other Records (Preliminary Purge Option):** Retention requirement runs until 3 years after last document entry in the register of actions (excluding entry of an extension request/order or preliminary records purge order) provided that:

- a final judgment has been entered in the register of actions, **OR**
- a final order has been entered in the register of actions **AND** the presiding judge has signed a preliminary records purge order for the records.

**Inventory** Required prior to discarding case files (see rule 2.205).

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2.235

## All Others

**Description** Petition or other starting instrument, final judgment or final order, and accompanying documents in the following case types: dissolution of marriage or domestic partnership, annulment, separation, child or spousal support, registration of foreign decree. *For purposes of this schedule, does not include cases where custody, visitation, or parenting time was an issue (see rule 2.233).*

**Related Laws** ORS 18.360, 19.255, 25.700, 107.105(1), 107.452

**WOLFE Records** Petition or other starting instrument (including amendments), judgments, financial affidavits and statements of assets, lien certificates, orders modifying judgment, assignments (of judgment), satisfactions, final order, preliminary records purge order, order sealing record

**Retention** **WOLFE Records from Divorce Cases Filed Prior to 1948:** Do not destroy. May be transferred to State Archives.

**Other WOLFE Records (and Any Not Previously Purged):** Retention requirement runs until 75 years after filing of the starting instrument or the filing date of the final judgment/final order if starting instrument filed date cannot be determined.

**All Other Records (Preliminary Purge Option):** Retention requirement runs until 3 years after last document entry in the register of actions (excluding entry of an extension request/order or preliminary records purge order) provided that:

- a final judgment has been entered in the register of actions, **OR**
- a final order has been entered in the register of actions **AND** the presiding judge has signed a preliminary records purge order for the records.

**Inventory** Required prior to discarding case files (see rule 2.205).

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## Juvenile

**Warning!** *Juvenile case files may contain multiple petitions. For retention purposes, handle each petition as if it were a separate case!*

2.240

### Delinquency

<b>Description</b>	A petition or other starting instrument seeking court juvenile jurisdiction, final judgment or final order, and accompanying documents related to allegations that a person broke the law and was under 18 years of age at the time of filing.
<b>Related Laws</b>	ORS 419A.255, 419A.262(21), Chapter 419C (especially 419C.005, 419C.085) [see also 47 OR APP 1109]
<b>WOLFE Records</b>	Petition (including amendments) where any charge if committed by an adult would constitute a felony, and all judgments, lien certificates, orders modifying judgment, assignments (of judgment), satisfactions, disposition orders, commitments, orders creating financial obligations, final order, preliminary records purge order
<b>Retention</b>	<p><b>WOLFE Records (and Any Not Previously Purged):</b> Unless the records are expunged, retention requirement runs until 75 years from subject's date of birth.</p> <p><b>All Other Records (Preliminary Purge Option):</b> Unless the records are expunged, retention requirement runs until 24 years from subject's date of birth provided that:</p> <ul style="list-style-type: none"><li>• all allegations are disposed, <b>AND</b></li><li>• the presiding judge has signed a preliminary records purge order for the records.</li></ul>
<b>Inventory</b>	Required prior to discarding case files (see rule 2.205).

2.241

### Dependency

<b>Description</b>	A petition or request for judicial determination, final judgment or final order, and accompanying documents related to allegations that a juvenile(s) falls within the jurisdiction of the court because the juvenile is beyond control of parents, guardian, or other person having custody; the juvenile's behavior, condition, or circumstances are such as to endanger the welfare of the person or of others; the juvenile is dependent for care and support upon a public or private child-caring agency that needs the services of the court in planning for the best interest of the person; the juvenile's parent, guardian, or other custodian has abandoned, abused, or otherwise failed to provide for the person; or the juvenile has run away from home. <i>Does not include petitions for emancipation (see rule 2.242) or termination of</i>
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*parental rights (see rule 2.243). Also does not include guardianships heard by the juvenile court (see rule 2.271).*

**Related Laws** ORS 419A.255, 419A.262(21), 419B.365

**WOLFE Records** Petitions (including amendments), judgments, lien certificates, orders modifying judgment, assignments (of judgment), satisfactions, orders creating financial obligations, preliminary records purge order

**Retention** **WOLFE Records (and Any Not Previously Purged):** Unless the records are expunged, retention requirement runs until 75 years after filing of the petition or the filing date of the final judgment/final order if petition filed date cannot be determined.

**All Other Records (Preliminary Purge Option):** Unless the records are expunged, retention requirement runs until 24 years from the date of birth of the youngest child included in the petition provided that:

- the presiding judge has signed a preliminary records purge order for the records.

**Inventory** Required prior to discarding case files (see rule 2.205).

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2.242

## Emancipation

**Description** A petition, final judgment or final order, and accompanying documents related to a juvenile's request to be granted specific rights of an adult.

**Related Laws** ORS 419A.255, 419A.262(21), 419B.550 to 419B.558

**WOLFE Records** None

**Retention** Retention requirement runs until 24 year's after petitioner's date of birth.

**Inventory** Not required prior to discarding case files.

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2.243

## Termination of Parental Rights

**Description** A petition, final judgment or final order, and accompanying documents related to allegations that the rights of a parent(s) in relation to a child or children should be terminated. *Does not include documents in an **adoption** filed in a juvenile case following a termination of parental rights (see rule 2.232). Also does not include guardianships heard by the juvenile court (see rule 2.271).*

**Related Laws** ORS 7.211(1), 109.308, 419A.255, 419B.529

**WOLFE Records** Petitions (including amendments), judgments, lien certificates, orders modifying judgment, assignments (of judgment), satisfactions, preliminary records purge order

**Retention** **WOLFE Records (and Any Not Previously Purged):** Retention requirement runs until 75 years after filing of the petition or the filing date of the final judgment/final order if petition filed date cannot be determined.

**All Other Records (Preliminary Purge Option):** Retention requirement runs until 24 years after the date of birth of the youngest child included in the petition provided that:

- the presiding judge has signed a preliminary records purge order for the records.

**Inventory** Required prior to discarding case files (see rule 2.205).

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2.244

## **Expunctions (*Juvenile Only*)**

**Description** Refer to rule 2.513.

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# ***Mental Health***

2.250

## **All Types**

**Description** Notice, final order, and accompanying documents in an action to determine whether or not an individual should be committed on the basis that the individual is alleged to 1) be a mentally retarded person in need of care, treatment, and training, or 2) have a mental disorder that makes the person dangerous to self or others, unable to provide for basic personal needs, or has met other statutory criteria necessitating commitment.

**Related Laws** ORS 427.235 to 427.290 (mental retardation), 426.070 to 426.500 (mental illness)

**WOLFE Records** Notice or other starting instrument (including amendments), judgments, lien certificates, orders modifying judgment, satisfactions, commitments or other dispositional orders, order prohibiting possession of firearm, preliminary records purge order

**Retention** **WOLFE Records (and Any Not Previously Purged):** Retention requirement runs until 75 years after filing of the starting instrument or the filing date of the final judgment/final order if starting instrument filed date cannot be determined.

**All Other Records (Preliminary Purge Option):** Retention requirement runs until 5 years after last document entry in the register of actions (excluding entry of an extension request/order or preliminary records purge order) provided that:

- the presiding judge has signed a preliminary records purge order for the records.

**Inventory** Required prior to discarding case files (see rule 2.205).

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## Offense

2.260

### Felonies

<b>Description</b>	A charging instrument (information, indictment), final judgment or final order, and other accompanying documents specific to a case where the most serious charge is a felony. Includes felonies reduced to or treated as misdemeanors. Also includes order appointing attorney and any documents related to the appointment if maintained in the case file (see rule 2.511 for those not maintained within the case file).
<b>Related Laws</b>	ORS 131.105 to 131.155, 137.225, 138.071, 138.510, 161.585, 161.705
<b>WOLFE Records</b>	Charging instrument (including amendments), not true bill, judgments, orders modifying judgment, satisfactions, final order, order setting aside conviction or arrest, preliminary records purge order, order sealing record
<b>Retention</b>	<p><b>WOLFE Records (and Any Not Previously Purged):</b> Retention requirement runs until 75 years after filing of the initial charging instrument or the filing date of the judgment if charging instrument filed date cannot be determined.</p> <p><b>All Other Records (Preliminary Purge Option):</b> Retention requirement runs until 10 years after last document entry in the register of actions (excluding entry of an extension request/order or preliminary records purge order) provided that:</p> <ul style="list-style-type: none"><li>• a final judgment has been entered in the register of actions, <b>OR</b></li><li>• a final order has been entered in the register of actions <b>AND</b> the presiding judge has signed a preliminary records purge order for the records.</li></ul> <p><i>Warning! See special rule 2.206 before discarding any records on a murder case where the defendant was sentenced to the death penalty or life imprisonment.</i></p>
<b>Inventory</b>	Required prior to discarding case files (see rule 2.205).

2.261

### Extradition/Fugitive Complaint

<b>Description</b>	A complaint or waiver and related documents filed with the court to force or permit return of a person to another state to face criminal charges.
<b>Related Laws</b>	ORS 133.743, 133.787, 133.803, 133.807, 133.843
<b>WOLFE Records</b>	None
<b>Retention</b>	Retention requirement runs until 10 years after last document entry in the register of actions (excluding entry of an extension request) provided that:

- a final judgment or final order has been entered in the register of actions.

**Inventory** Not required prior to discarding case files.

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2.262

## Misdemeanors

**Description** A charging instrument (citation, complaint, information, or indictment), final judgment or final order, and other accompanying documents specific to a case where the most serious charge is a misdemeanor (whether or not maintained in a file folder). Includes misdemeanors reduced to or treated as violations. Also includes order appointing attorney and any documents related to the appointment if maintained in the case file (see rule 2.511 for those not maintained within the case file).

**Related Laws** ORS 131.105 to 131.155, 137.225, 138.071, 138.510, 161.565 (repealed, 99 c.1051 s.49)

**WOLFE Records** Charging instrument (including amendments), judgments, orders modifying judgment, satisfactions, final order, order setting aside conviction or arrest, preliminary records purge order, order sealing record

**Retention** **WOLFE Records (and Any Not Previously Purged):** Retention requirement runs until 75 years after filing of the initial charging instrument or the filing date of the judgment if charging instrument filed date cannot be determined.

**All Other Records (Preliminary Purge Option):** Retention requirement runs until 3 years after last document entry in the register of actions (excluding entry of an extension request/order or preliminary records purge order) provided that:

- a final judgment has been entered in the register of actions, **OR**
- a final order has been entered in the register of actions **AND** the presiding judge has signed a preliminary records purge order for the records.

**Inventory** Required prior to discarding case files (see rule 2.205).

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2.263

## Violations and Infractions

**Description** A charging instrument (citation, complaint, or information), final judgment or final order, and other accompanying documents specific to a case where the most serious charge is an infraction, violation, or other charge where jail time cannot be imposed (whether or not maintained in a file folder). *Does not include parking and minor local ordinance offenses described under rule 2.264.*

**Related Laws** ORS 137.071, 137.073, 137.129, 137.225, 497.415, 497.435, 809.210, 810.370, 810.375, 811.590

**WOLFE Records** None

<b>Retention</b>	Retention requirement runs until 7 years after: <ul style="list-style-type: none"> <li>• all financial and nonfinancial sanctions imposed in the final judgment are fulfilled or written off pursuant to OJD policy, <b>OR</b></li> <li>• the last document entry in the register of actions (excluding entry of an extension request/order) if all financial obligations are fulfilled or written off pursuant to OJD policy <b>AND</b> the presiding judge has signed a discard order for the records. [Note: Discard orders are not required to be entered in the register of actions. If entered, however, they do not affect the retention period for violation and infraction records. (See rule 1.115.)]</li> </ul>
<b>Inventory</b>	Not required prior to discarding case files.

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2.264

## Parking and Minor Local Ordinance Offenses

<b>Description</b>	A citation or other charging instrument and accompanying documents (whether or not maintained in a file folder) specific to a case where the sanctions cannot include jail time and the most serious charge is a: <ul style="list-style-type: none"> <li>• local ordinance (not state law), or</li> <li>• state law parking offense not reportable to DMV under ORS 810.370.</li> </ul>
<b>Related Laws</b>	ORS 3.136, 221.333, 498.154, 809.210, 810.370
<b>WOLFE Records</b>	None
<b>Retention</b>	Retention requirement runs until 3 years after dismissed, paid in full, or written off pursuant to OJD policy.
<b>Inventory</b>	Not required prior to discarding case files.

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## Probate

2.270

### Estate

<b>Description</b>	Petition, affidavit of claiming successor, or other starting instrument, final judgment or final order, and accompanying documents in an action brought to determine the distribution of an individual's assets following death.
<b>Related Laws</b>	ORS 30.030, 30.040, 30.070, 116.063, 116.083, 116.093, 116.253, 117.075
<b>WOLFE Records</b>	Petition (including amendments), will and codicils, inventory, judgments, lien certificates, orders modifying judgment, decree of final distribution, documents contesting the probate of the estate, genealogical documents, final order discharging personal representative or other final order, affidavit of claiming successor, assignments (of judgment), satisfactions, preliminary records purge order, order sealing record
<b>Retention</b>	<p><b>WOLFE Records:</b> Do not destroy. Continue to retain until State Archives is willing to accept. Except as specified by State Archives, non-WOLFE records must be purged prior to transfer. (State Archives is currently willing to accept cases filed prior to 1921 <i>without</i> purging of non-WOLFE records.)</p> <p><b>All Other Records (Preliminary Purge Option):</b> Retention requirement runs until 10 years after last document entry in the register of actions (excluding entry of an extension request/order or preliminary records purge order) provided that:</p> <ul style="list-style-type: none"><li>• a final judgment, final order discharging the personal representative or administrator, or affidavit of claiming successor has been entered in the register of actions, <b>OR</b></li><li>• a final order has been entered in the register of actions <b>AND</b> the presiding judge has signed a preliminary records purge order for the records.</li></ul>
<b>Inventory</b>	Required prior to relinquishing records to State Archives (see rule 2.205).

2.271

### Conservatorship and/or Guardianship

<b>Description</b>	A petition or other starting instrument, final judgment or final order, and accompanying documents in a case regarding the appointment of a conservator or guardian charged with the care and management of the person or the estate of a child during the child's minority or a person considered incapable of administering his/her own affairs. Includes guardianships heard by the juvenile court (see rules 2.241 and 2.243).
<b>Related Laws</b>	ORS 30.810, 109.910 (repealed, 99 c.649 s.55), Chapter 125 (especially 125.530), 419B.365, ORCP 27

**WOLFE Records** Petition or other starting instrument (including amendments), judgments, orders modifying judgment, lien certificates, assignments (of judgment), satisfactions, final order of discharge or other final order, preliminary records purge order, order sealing record

**Retention** **WOLFE Records:** Do not destroy. Continue to retain until State Archives is willing to accept. Except as specified by State Archives, non-WOLFE records must be purged prior to transfer. (State Archives is currently willing to accept cases filed prior to 1921 *without* purging of non-WOLFE records.)

**All Other Records (Preliminary Purge Option):** Retention requirement runs until 10 years after last document entry in the register of actions (excluding entry of an extension request/order or preliminary records purge order) provided that the youngest protected person is at least 28 years old **AND:**

- final judgment or final order discharging the conservator/guardian has been entered in the register of actions, **OR**
- final order has been entered in the register of actions **AND** the presiding judge has signed a preliminary records purge order for the records.

**Inventory** Required prior to relinquishing records to State Archives (see rule 2.205).

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2.272

## Recorded Will

**Description** A will deposited with the court for safekeeping.

**Related Laws** ORS 21.310(4), 112.435

**WOLFE Records** All documents

**Retention** Retention requirement runs until 75 years after entry of the will filing in the register of actions.

**Inventory** Not required prior to discarding case files.

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2.273

## Trust

**Description** Refer to rule 2.218.

**Related Laws** ORS 128.115, 128.125, 128.135, 128.145, 128.181, 128.183, 128.185, 128.234, 128.246

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