I.C.A.R. 37. Minimum Standards for Preservation, Destruction, or Disposition of Trial Court Records. --Civil Actions.

Idaho Court Administrative Rules Rule 37. Minimum Standards for Preservation, Destruction, or Disposition of Trial Court Records. --Civil Actions.

(a) General Standards for Retention. This rule requires courts to preserve certain records indefinitely and authorizes the destruction of others. Whenever in this rule it is required that a record be preserved, it may be preserved either in the form of the original document, microfilm, or other archival media. Courts using any type of microfilming process must follow the Idaho Standards for Microfilming Court Records in order to ensure that the film is of archival quality. All equipment purchased and services contracted must meet these standards.

(b) Preservation and Destruction of Court Records. The following schedule sets out the minimum time period that must pass before records can be destroyed and the specific records that must be preserved when destroying a file. It is within each court's discretion to exceed the minimum time period before destruction or to preserve additional records:

Case Type/ Type of Record	**Minimum Time to Keep Entire Record**	**When Destroying, Minimum Record to Preserve**
All civil & special cases (including domestic relations not involving children) unless listed specifically below	1 year from expiration of the time for appeal or determination of an appeal, or the determination of a proceeding following appeal, whichever is later, unless otherwise specifically provided	• ROA • All court minutes • Proof of Service • Findings of Fact & Conclusions of Law • Final Order, Judgment or Decree • Property Settlement • Renewal/Satisfaction of Judgment • Notice of Intent to Destroy • Exhibits
Probate	1 year from expiration of the time for appeal or determination of an appeal, or the determination of a proceeding following an appeal, whichever is later, unless otherwise specifically provided	• ROA • All court minutes • Proof of Service • Will • Letters Testamentary • Letter Intestate • Inventory/Appraisal • Finding of Fact & Conclusions of Law • Final Order, Judgment or Decree • Final Accounting • Notice of Intent to Destroy • Exhibits
Guardianship/Conservatorship	1 year after guardianship or conservatorship has been terminated	• ROA • All court minutes

		• Proof of Service • Finding of Fact & Conclusions of Law • Final Order, Judgment or Decree • Final Accounting • Notice of Intent to Destroy • Exhibits
Child Protective Act (See Rule 38 for Youth Rehabilitation Act/Juvenile Corrections Act)	1 year from expiration of the time for an appeal or determination of an appeal, or the determination of a proceeding following an appeal, whichever is later, unless otherwise specifically provided	• ROA • All court minutes • Proof of Service • Finding of Fact & Conclusions of Law • Final Order, Judgment or Decree • Any Reports Submitted • Notice of Intent to Destroy • Exhibits
Domestic Relations -involving children-	Until the time the youngest child reaches the age of majority	• ROA • All court minutes • Proof of Service • Finding of Fact & Conclusions of Law • Child Support Orders • Decrees/Modified Decrees • Notice of Intent to Destroy • Exhibits • Support Payment Records • Property Settlement Agreements
Adoptions/Termination of Parental Rights	ALWAYS KEEP ENTIRE FILE	• ROA • All court minutes • Entire File
Recordings & Tapes, Stenographic Records, and all related logs and indexes	Recordings, tapes and stenographic records with related logs and indexes 5 years from date of hearing; provided, that recordings of any case may be destroyed when that case is eligible for destruction, and stenographic records with related logs and indexes may be destroyed upon settlement of reporter's transcript on appeal	None
Exhibits -admitted or rejected-	Following 10 days notice to the parties after expiration of time for appeal or from the determination of an appeal, or from the determination of a proceeding following an appeal, whichever is later, unless	None

	otherwise specifically provided	

(c) Notice to Historical Society. The court shall give written notice to the Idaho State Historical Society of the intent to destroy or dispose of any record. No record shall be disposed of or destroyed for 90 days following notice unless the Idaho State Historical Society gives written notice to the court that it has no interest in obtaining or preserving the record.

(d) Sealed Records. Documents in sealed cases may be preserved either in the form of the original document or a microfilmed or other permanent copy thereof; provided, however, that when preserved by microfilm, the microfilm shall be designated as "sealed" or shall be maintained in a separate sealed area. Sealed documents are not sent to the Historical Society, thus no notice to the Historical Society is necessary before sealed documents are destroyed.

(Adopted April 27, 1995, effective July 1, 1995; amended July 17, 1996, effective October 1, 1996; amended March 9, 1999, effective July 1, 1999; amended; amended March 28, 2000, effective July 1, 2000; amended Mary 22, 2000, effective July 1, 2000.)

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