

COURT RECORDS RETENTION SCHEDULE

A Summary of Supreme Court Rule Chapter 72

Prepared by the Office of Court Operations, Updated February 2022

The following is a summary of the records retention rules under Wisconsin Supreme Court Rule Chapter 72. Before destroying any record, consult the full Chapter 72 rule

(https://www.wicourts.gov/supreme/sc_rules.jsp).

DISPOSING OF COURT RECORDS (SCR 72.02, 72.03)

A court records custodian may destroy records after the minimum retention periods in SCR 72.01 expire and after offering the record to the State Historical Society (SHS), if applicable.

Paper court records that have been electronically stored (scanned) following the procedures in SCR 72.05 may be destroyed 48 hours after scanning per SCR 72.03(3). Paper court records that have been suitably microfilmed may be destroyed 2 years after entry of final order or 2 years after filing for records not specifically related to court actions per SCR 72.03(2).

OFFERING TO STATE HISTORICAL SOCIETY (SHS) (SCR 72.04)

All court records custodians must give at least 60-day written notice to SHS prior to the destruction of most court records. The records custodian should complete and submit *Notification to the State Historical Society (GF-110)* form when providing notification. Complete one form for each record series (e.g., family on one form, criminal on another). This form can be printed from the forms section of the Wisconsin Court System website – www.wicourts.gov.

Notification to SHS is not required when paper records have been electronically or optically stored. Notice of destruction to SHS is required when the electronically or optically stored record will be destroyed once the retention period under SCR 72.01 has expired. Notice is not required if SHS has previously approved destruction or waived interest in a particular record series.

Courts are not required to purge confidential information from records prior to transfer to SHS. However, Courts should identify in the Notification form when records with confidential information might be included in the series for transfer.

NOTIFICATION REQUIREMENT WAIVED

The SHS has waived notification under SCR 72.04 for the following records:

- Accounting Records (receipts, bank statements, etc.)
- Complex Forfeitures
- Condominium and Construction Liens
- Court Reporter Notes
- Criminal Misdemeanor Records
- Criminal Traffic (CT) Records
- Exhibits
- Expunged Case Records
- Family Case Records that are Dismissed
- Family Maintenance/Support Records
- Guardianship Records
- Incarcerated Persons Records
- Judgment/Lien Docket Records
- Jury Records (payroll, questionnaires, arrays)
- Juvenile Delinquency/CHIPS Records
- Mental Health Records
- Notary Public Appointments
- Oaths of Office
- Ordinance Violations (FO)
- Other Lien Claims (claims filed as liens only)
- Public Assistance Liens
- Search Warrants
- Small Claims Records

- Subpoenas for Documents (Wis. Stat. 968.135)
- Subpoenas for Electronic Documents (Wis. Stat. 968.30)
- Tax Warrants/Liens
- Traffic/Conservation Forfeiture Records
- Trust Account Ledgers
- Unemployment Compensation Warrants/Liens
- Workers Compensation Liens

RETENTION PERIODS BY RECORD TYPE

- Accounting Records - 7 years
- Adoption/TPR Records - 150 years
- Civil Records - 20 years
- Complex Forfeitures - 20 years
- Coroner's Inquests - None (Wis. Stat. 979.08(6))
- Court Records in Books - Retention period of related case file
- Court Records No Longer Created - 20 years
- Court Reporter Notes - 10 years
- Criminal Felony Records (if disposed as felony) - 50 years or 75 years for Class A felonies
- Criminal Misdemeanor Records (if disposed as misdemeanor) - 20 years
- Criminal Traffic Records (if disposed as misdemeanor) - 20 years
- Delinquent Income Tax Warrants
 - Filed before Aug 1, 1981: 10 years
 - Filed on Aug 1, 1981-April 30, 2004: Permanent
 - Filed on or after May 1, 2004: 20 years
- Estate/Probate Records - 75 years
- Exhibits
 - Felony - the later of 20 years or until every person is discharged
 - Misdemeanor - 10 years
 - Juvenile delinquency - 4 years after 18th birthday
 - Criminal exhibits containing biological material - the later of 50 years after entry of final judgment or until every person in custody is discharged, or until the court otherwise orders disposition of the evidence
 - Non-Criminal - 1 year after time for appeal has expired
 - Ch. 980 - length of time underlying case is retained
- Family Records - 40 years
 - Dismissed divorce, legal separation, annulment, paternity - 2 years
- Family Support/Maintenance Records - 40 years
- Forfeiture (Traffic, DNR, FO) (if disposed as Traffic, DNR, FO) - 5 years
- Grand Jury Records - 75 years
- Guardianship Records - 7 years after termination of guardianship, or 75 years if firearm restriction was ordered, or 7 years after death of the ward
- Incarcerated Persons Records - 5 years
- Information & Indictment Records - None
- John Doe Records - 75 years
- Jury Records - 4 years
- Juvenile Delinquency, JIPS, and CHIPS Records
 - 4 years after 18th birthday
 - 75 yrs. if adjudicated for act punishable as felony, misdemeanor with firearm restriction, or sex offender registry requirement
- Juvenile Guardianships - 7 yrs. after 18th birthday or 75 years if firearm restriction was ordered

- Juvenile Ordinance Violations - 5 years
- Juvenile Search Warrants (if not filed w/case) - 15 years
- Liens
 - Condominium liens - 7 years from date of filing
 - Construction liens - 6 years from date of filing
 - Public assistance liens - 20 years
 - Liens not specifically covered in another rule - 30 years
- Mental Health Records - 7 years or 75 years if firearm restriction was ordered
- Ministers' Credentials - None (not filed with court)
- Misdemeanor Traffic Records (CT) - 20 years
- Naturalization Records - Transfer to SHS
- Notary Public Appointment - None (not filed with court)
- Oaths of Office - 7 years
- Paternity Records - 40 years
 - Dismissed divorce, legal separation, annulment, paternity - 2 years
- Proceedings Commenced Under 968.02 - 75 years
- Register of Officials - 2 years
- Registry of Wills - 100 years
- Search Warrants (if not filed w/case) - 75 years
- Sexually Violent Person Commitments (CI) - 75 years
- Small Claims Records - 20 years
 - Dismissed small claims cases - 2 years
- Trust Account Ledgers - Retention of related case file
- Unemployment Compensation Warrants - 20 years
- Workers Compensation Warrants - 20 years
- Wills
 - Deposited for safekeeping - 100 years
 - Deposited after death, but no probate filed - 100 years
 - Admitted to probate - 2 years after case closure (as long as electronically or optically stored)

RETENTION PERIODS BY LENGTH OF RETENTION

1 YEAR

- Non-Criminal Case Exhibits (+120 days for appeal time)

2 YEARS

- Dismissed Small Claims Cases
- Dismissed Family and Paternity Cases
- Register of Officials
- Wills that have been admitted to probate and have been electronically or optically stored (2 years after case closure)

4 YEARS

- Juror Questionnaires
- Jury Array and Records of Jurors
- Juvenile Delinquency, JIPS, CHIPS (4 years after 18th birthday, unless felony, misdemeanor with firearm restriction, or sex offender registry requirement)
- Juvenile Delinquency Exhibits – 4 years after 18th birthday

5 YEARS

- Incarcerated Persons Records
- DNR Forfeiture Cases (cases disposed as forfeiture)
- Juvenile Ordinance Violation Cases
- Ordinance Violation Cases (FO) (cases disposed as forfeiture)
- Traffic Forfeiture Cases (cases disposed as forfeiture)

6 YEARS

- Construction Liens

7 YEARS

- Bank Statements, Checks, Deposit Slips
- Certificates of Payment/Vouchers
- Condominium Liens
- Guardianship Cases (unless firearm restriction)
- Jury Payrolls
- Juvenile Guardianships (7 yrs. after 18th birthday, unless firearm restriction)
- Mental Health Cases (unless firearm restriction)
- Oaths of Office
- Receipts

10 YEARS

- Verbatim record of in-court proceedings
- Misdemeanor Exhibits (cases disposed as a misdemeanor)

15 YEARS

- Juvenile Search Warrants (if not filed w/case)

20 YEARS

- Civil Cases
- Complex Forfeitures
- Court Records No Longer Created
- Criminal Traffic Cases (cases disposed as a misdemeanor)
- Felony Exhibits (the later of 20 years or until every person in custody has been discharged - does not include exhibits w/ biological material)
- Misdemeanor Cases (cases disposed of as a misdemeanor)
- Public Assistance Liens
- Small Claims Cases (except for dismissed small claims)
- Unemployment Compensation Warrants/Docket
- Workers Compensation Warrants

30 YEARS

- Liens not specifically covered by another rule

40 YEARS

- Family Cases
- Family Maintenance & Support Records
- Paternity Cases

50 YEARS

- Felony Cases (cases disposed as a felony, except for Class A)

75 YEARS

- Estate Cases
- Felony Case Files (Class A) (cases disposed as a Class A felony)
- Grand Jury Proceedings
- Guardianship Records (if firearm restriction was ordered)
- John Doe Cases
- Juvenile Delinquency (if adjudicated delinquent for act punishable as a felony, misdemeanor w/ firearm restriction, or sex offender registry requirement)
- Juvenile Guardianships (if firearm restriction was ordered)
- Mental Health Records (if firearm restriction was ordered)
- Probate Cases
- Proceedings commenced Under 968.02
- Search Warrants (if not filed w/case)
- Sexually Violent Person Commitments (CI) and exhibits

100 YEARS

- Registry of Wills
- Wills Deposited for Safekeeping
- Wills Not Admitted to Probate

150 YEARS

- Adoption and TPR Cases

VARIABLE RETENTION PERIODS

- Criminal Case Exhibits Containing Biological Material
- Court Records in Books - Retention of related case file
- Delinquent Income Tax Warrants
- Trust Account Ledgers - Retention of related case file
- Group File (GF) cases (see below)

NO RETENTION REQUIRED

- Coroner's Inquest Records (Wis. Stat. 979.08(6))
- Information & Indictment Records
- Judgment & Order Records
- Minister's Credentials
- Naturalization Records (Transfer to SHS)
- Notary Public Appointments

OTHER USEFUL RETENTION PERIODS

- General Judicial Assignments - Current year plus 10 years after the year assigned
- County Board Reports/Admin. Files - Retain for current year plus 6 years (Wis. Stat. 59.52(4)(c) requires 6 years)

Retention Period for GF Cases

There is no specific retention period for GF cases under Supreme Court Rule (SCR) 72.01. Given the wide variety of documents filed in GF cases, there is no one retention period that works well for all situations. To determine when to destroy GF documents, clerks should examine the documents, consider what case type those documents are most akin to, and destroy the GF file using the corresponding retention period under SCR 72.01 for those case types. (*E.g.*, denied restraining order petitions filed in a GF case should be retained for 20 years, consistent with the civil case retention period under SCR 72.01(1).)