



RECORDS
RETENTION
AND
DISPOSAL
SCHEDULE
FOR THE
CIRCUIT
COURTS OF
MARYLAND



Records Retention and Disposal Schedule for Maryland Circuit Courts

Table of Contents

Introduction

- 1) Background
- 2) Mandatory Minimum Retention Periods
- 3) Identification of Retention Period
- 4) Review and Sorting of Records
- 5) Destroying Non-Permanent Records
- 6) Transferring Permanent Records to State Archives

Records Retention and Disposal Schedule

Section I - Administrative Records

- | | | |
|-----|--|---|
| 1) | Administrative Operation Records and Files | 2 |
| 2) | Assignment Notice Sheets | 2 |
| 3) | Bond Records and Related Papers | 3 |
| 4) | Commission and Appointment Records | 3 |
| 5) | Election Return Records and Related Papers | 3 |
| 6) | Jury, Grand Jury, Bailiff, and Witness Records | 4 |
| 7) | Military Discharge Records | 4 |
| 8) | Oath and Test Books | 4 |
| 9) | Personnel Files | 4 |
| 10) | Ordinances and Resolutions, County and Municipal | 5 |
| 11) | Mediator Applications and Lists of Mediators | 5 |

Section II - Fiscal Records

- | | | |
|----|------------------------------------|---|
| 1) | General Accounting Records | 6 |
| 2) | Budget and Fiscal Planning Records | 6 |
| 3) | Special Accounting Records | 7 |
| 4) | Payroll Accounting Records | 7 |
| 5) | Miscellaneous Accounting Records | 8 |
| 6) | Business License Records | 8 |

Section III - Civil Records (Includes Pre-1984 Equity/Chancery and Law Records)

- | | | |
|----|---|----|
| 1) | Adoption Dockets, Indexes, and Case Files | 9 |
| 2) | Civil Dockets, Case Files and Indexes | 9 |
| 3) | Divorce Decree Record | 10 |

4)	Equity/Chancery Dockets, Case Files and Indexes	10
5)	Equity/Chancery Record	11
6)	Termination of Parental Rights Cases and Guardianship	11
7)	Judgments, Decrees, and Liens of Judgment Papers, Dockets, and Indexes	12
8)	Law Dockets, Case Files, and Indexes	12
9)	Lien Records/Dockets, Indexes and Papers	13
10)	Paternity Dockets, Case Files, and Indexes	13
11)	State Roads Land Acquisition Dockets, Case Files and Indexes	13
12)	Trust Dockets, Case Files and Indexes	14

**EXHIBIT 1 - Detailed Listing of Civil Case Types by Brief Descriptor and
The Two-Character UCS Case-Type Code**

A.	Case Types for 12-Year Retention	15
B.	Case Types for Permanent Retention	18

Section IV - Criminal Records

1)	Criminal Case Files	21
2)	Dockets and Indexes	22
3)	Search Warrants, Wire Taps, Special Investigations	22
4)	Post Convictions	22
5)	Expunged Criminal Records	23
6)	Miscellaneous Criminal Cases	24

Section V - Juvenile Records

1)	Juvenile Records	25
----	------------------	----

Section VI - Verbatim Proceedings

1)	Verbatim Proceedings of the Court	27
2)	Transcripts of Proceedings	27
3)	Verbatim Proceedings Before a Grand Jury	28

Section VII - Land Records

1)	Block Books	29
2)	Land Records	29
3)	Land Records Indexes	29
4)	Original Land Records Instruments	30
5)	Plats and Maps	30
6)	Homeowners' Association Disclosures	31
7)	Requests for Notice of Sale	31

Section VIII - Marriage Records

1)	Civil Marriage Records	32
2)	Foreign Marriage Records	32
3)	Marriage Applications and License Files	32
4)	Marriage License Books and Indexes	33
5)	Physicians' Certificates, Consents and Waivers	33

Section IX - Discontinued Records

1)	Bills of Sale, Chattel Records, Conditional Contracts of Sale, and Indexes	34
2)	Charter Records, Agency Records, Co-Partnership Records, Corporation Records, Incorporation Records, Indexes, and Related Papers	34
3)	Court Minute Books	34
4)	Financing Statements, Indexes, and Related Papers	35
5)	Miscellaneous Dockets	35
6)	Naturalization Records	35
7)	Professional Medical Registers	35
8)	Motor Vehicles & Natural Resources	36
9)	Criminal/Judgment Records	36
10)	Juvenile Probation Case Files and Indexes	36
11)	Support Case Files	36

EXHIBIT A - Records in Electronic Format

EXHIBIT B – Certificate of Records Disposal

EXHIBIT C - Preliminary Inventory Worksheet of Series Content

EXHIBIT D - Preliminary Inventory Instructions

EXHIBIT E - Pre-Transfer Record Condition Assessment Form

EXHIBIT F - Records Transfer Procedures

EXHIBIT G - Correct Box Labeling

EXHIBIT H - Definitions

General Schedule Number 2330 Records Retention and Disposal Schedule for Maryland Circuit Courts

1) BACKGROUND

This General Schedule No. 2330 Records Retention and Disposal Schedule, which replaces General Schedule Nos. 655, 655A1, 655A2, and 1044, outlines the minimum periods for retention of circuit court records. Several changes and updates have been made to create this Schedule. These updates, along with instructions for transfer of records to the Maryland State Archives and for disposal of court records, should streamline records management throughout the circuit courts while insuring that records are maintained to the end of their useful life.

2) MANDATORY MINIMUM RETENTION PERIODS

Each circuit court must decide how to effectively manage its court records. Some counties may decide to permanently retain every document filed within their court. Other counties may be very aggressive in their disposal of court records. This schedule will give counties guidance for their records management program.

It is important to remember that all time periods set forth in this schedule constitute the minimum retention period. Court records may be retained for any length of time, as long as they are kept for at least the minimum time period provided in this schedule. No court records may be destroyed without the written permission of the County Administrative Judge.

The retention period for a court record applies to the record regardless of the medium in which it is maintained (e.g.: paper, film, electronic). Some court records listed in this schedule are maintained only in electronic format. For more information on retention of electronically stored court records, see Exhibit A.

Court records listed in this schedule which are not required to be retained permanently and which were originally created and/or stored in paper form may be disposed of prior to the expiration of the state minimum retention period if they have been photocopied, microfilmed or electronically stored pursuant to the provision of Maryland Code, State Government Article, § 10-619 and COMAR 14.18.02.14. Actual disposal of the original paper record, however, is still subject to the procedures set forth in this schedule.

3) IDENTIFICATION OF RETENTION PERIOD

Different court records will have various retention periods and varying restrictions. In fact, for some major record types, some records may be destroyed while other records of the same type must be retained permanently. This is especially true of files in court cases. For example, the verdict and sentence imposed in a criminal case resulting from an indictment or criminal information will determine whether it must be retained permanently or may eventually be destroyed. Before making any decision to destroy or transfer court records of a particular type, review the retention requirements in the Retention and Disposal Schedule for that record type.

The ability to dispose of court records with minimal effort will be dependent upon the ability to easily identify and, if necessary, sort court records. It could prove to be very labor-intensive to go through court records one by one to determine which records should be retained and which may be destroyed. Management of court records may be simplified by developing methods or systems to clearly identify the retention requirements while the court record is still active. Related computer systems may be helpful in this task.

4) REVIEW AND SORTING OF RECORDS

After determining, from the Retention and Disposal Schedule, which court records are eligible to be destroyed and which can be transferred to State Archives for permanent retention, the process of preparing the records for transfer or destruction can begin.

If all records of one type can be destroyed, review the records to be sure those pulled for destruction have reached the age for which destruction is permissible. When working with those types of court records for which some must be retained permanently while others may be destroyed, each county will have to develop its own method or system for sorting those materials accordingly.

5) DESTROYING NON-PERMANENT RECORDS

In accordance with Annotated Code of Maryland State Government Article §10-616, upon the destruction of non-permanent records in accordance with an approved record retention and disposal schedule, the public official shall send to the Archives

- (1) a list specifying what materials were destroyed, including a full and accurate list of case numbers
- (2) a certificate of destruction.

Records are destroyed using one of the following methods:

1. Confidential Court Records and Fiscal Records

Where confidential information may be contained in the court records, shredding is the preferred method of destruction. Once shredded, material may be recycled. In lieu of shredding, incineration or burial at a landfill is acceptable. The custodian or an employee holding a position of supervisor or higher shall oversee the destruction of records containing confidential information to ensure complete destruction.

2. Non-Confidential Records

In addition to shredding, incineration or burial at a landfill, simple recycling is an acceptable method of destruction for records that do not contain confidential information.

6) TRANSFERRING PERMANENT RECORDS TO STATE ARCHIVES

Court records which are required to be permanently maintained may be transferred to the State Archives for permanent storage, subject to availability of space at Archives facilities and acceptance of the records by the State Archivist. Forms and instructions are available online through mdsa.net.

A. Procedure:

1. Custodian prepares the records for transfer.
2. Custodian completes a *Preliminary Inventory Worksheet of Series Contents* and a *Pre-Transfer Record Condition Assessment Form*. See Exhibits C, D and E.
3. Custodian forwards the *Preliminary Inventory Worksheet of Series Contents* and *Pre-Transfer Record Condition Assessment Form* to:
Maryland State Archives
350 Rowe Boulevard
Annapolis, MD 21401
(410) 691-4376, Fax (410) 691-2054, Doris Byrne, Director
4. State Archives will contact custodian to advise whether or not the transfer is approved.
5. Arrange for the Transfer. See Exhibit F.

State Archives will supply a list of vendors familiar with transporting court records. Upon request, the Archives will contract on the custodian's behalf for the transport of court records. In either case the transferring agency is responsible for all costs for delivery and shelving of records. The selected vendor will coordinate with the custodian for the pick-up of records.

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330 Page 2 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
	<u>Administrative Records</u> <u>Section I</u>	
1.	<u>ADMINISTRATIVE OPERATION RECORDS AND FILES</u> Records and files containing correspondence, reports and miscellaneous administrative papers relating to the operation of the Circuit Court including but not limited to: a) Attorney General opinions; b) reports, correspondence, and miscellaneous papers; c) material relating to policy, administrative orders or history of the court; d) supervisory and management reports that require data sampling and verification. Retain permanently material having continuing legal or administrative value to the operation of the office; transfer periodically to State Archives. Retain all other material three (3) years and until all audit requirements have been fulfilled, then destroy.	
2.	<u>ASSIGNMENT NOTICE SHEETS</u> Record of setting dates of court events in all case types. Retain for three (3) years after the last pertinent entry, then destroy.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 3 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
3.	<u>BOND RECORDS AND RELATED PAPERS</u> Records of bonds of public officials and trustees in court cases with names, dates, sureties, and amounts of bond. (Chapter 454, Acts of 2002, repealed the provision of Maryland Code, Courts Article, § 2-502 requiring recording of bonds filed in court cases. However, other bonds, such as bonds of public officials, continue to be recorded with the clerk.) Retain bond record books permanently; transfer periodically to State Archives. Retain original bonds and related papers twelve (12) years after recordation, then destroy. Original bonds filed in court cases are governed by the retention schedule for the case type to which the bond pertains.	
4.	<u>COMMISSION AND APPOINTMENT RECORDS</u> Governor's appointments of public officers and officials. Retain permanently; transfer periodically to State Archives.	
5.	<u>ELECTION RETURN RECORDS AND RELATED PAPERS</u> Reports of the Board of Canvassers to the Clerks of the Circuit Courts with copies of the Clerks' reports to the Governor and to the State Board of Elections. Retain permanently; transfer periodically to State Archives.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 4 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
6.	<u>JURY, GRAND JURY, BAILIFF, AND WITNESS RECORDS</u> a) Listings of names and dates of service or appearances, and as applicable cases heard. Retain permanently; transfer periodically to State Archives. b) Jury selection papers, including qualification forms, computer listing, record of payment, summons, etc. used to select a jury. Retain for four (4) years, then destroy. (See Maryland Code, Courts Article, § 8-212(a).)	
7.	<u>MILITARY DISCHARGE RECORDS</u> Armed Services discharges recorded pursuant to individual request. Retain permanently; transfer periodically to State Archives.	
8.	<u>OATH AND TEST BOOKS</u> Copies of oaths required from elected and appointed public officers, officials and attorneys admitted to the Bar, with signatures and dates. Retain permanently; transfer periodically to State Archives.	
9.	<u>PERSONNEL FILES</u> Records of office employees including books, records, forms, cards, and correspondence. Retain for five (5) years and until all audit requirements have been fulfilled, then destroy.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 5 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
10.	<u>ORDINANCES AND RESOLUTIONS, COUNTY AND MUNICIPAL</u> Records of ordinances and resolutions adopted by county and municipal governments. Retain permanently; transfer periodically to State Archives.	
11.	<u>MEDIATOR APPLICATIONS AND LISTS OF MEDIATORS</u> Retain until superseded, then destroy.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330 Page 6 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
1.	<u>Fiscal Records</u> <u>Section II</u> <u>GENERAL ACCOUNTING RECORDS</u> a) Certificate of Deposit and Bank Deposit Slips. b) Distribution of Charges. c) Memorandum of Adjustments. d) Monthly Report of State Funds Collected and Deposited. Retain for three (3) years and until all audit requirements have been fulfilled, then destroy.	
	2. <u>BUDGET AND FISCAL PLANNING RECORDS</u> a) Budget Estimates. b) Budget Schedule Amendment. c) Materials and Supplies Physical Inventory d) Report of Fixed Assets. e) Report of Materials and Supplies. f) Request for Position Action. g) Budget Papers and Work Sheets. Retain for three (3) years and until all audit requirements have been fulfilled, then destroy.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 7 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
3.	<u>SPECIAL ACCOUNTING RECORDS</u> a) Reports of audits conducted by the Legislative Auditors. Retain for ten (10) years, then destroy. b) Reports of audits conducted by persons or agencies other than the Legislative Auditors. Retain for ten (10) years, then destroy. c) Books of Final Entry – General Ledgers Retain permanently; transfer periodically to State Archives.	
4.	<u>PAYROLL ACCOUNTING RECORDS</u> a) Employee Roster Card File. b) Payroll and Check Register. c) Payroll Exceptions Time Report. d) Payroll Transmittals. e) Miscellaneous Payroll Records. f) Time Sheets. g) Withholding Tax forms and Statements. (Local, State and Federal) Retain for three (3) years and until all audit requirements have been fulfilled, then destroy.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 8 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
5.	<u>MISCELLANEOUS ACCOUNTING RECORDS</u> a) Bank Books, Statements, and Deposit Records. b) Canceled Checks, Check Copies and Check Stubs. c) Delivery Orders and Receipts. d) Gas Withdrawal tickets and Mileage Reports. e) Memorandum Receipt and Property Condemnation Reports. f) Paid Bills and Invoices. g) Paid bonds and Coupons. h) Periodic Financial Reports to Local/State Agencies. i) Receipt Copies and Stubs. j) Receiving Reports. k) Reconciliation and Trial Balance Sheets. l) Renewable Licenses. m) Requisition and Purchase Orders n) 1099 Forms. o) Fiscal Correspondence. Retain for three (3) years and until all audit requirements have been fulfilled, then destroy.	
6.	<u>BUSINESS LICENSE RECORDS</u> License Ledgers or Registers listing licenses issued. Retain permanently; transfer periodically to State Archives. Other Business License records including applications for business licenses and supporting documentation, and copies of business licenses. Retain for three (3) years and until all audit requirements have been fulfilled, then destroy.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
	<u>Civil Records</u> (Includes Pre-1984 Equity/Chancery and Law Records) <u>Section III</u>	
1.	<u>ADOPTION DOCKETS, INDEXES, AND CASE FILES</u> Adoption dockets and case files are closed records, open to inspection only by order of the Court; indexes, if separate from the dockets, are not closed and are available for inspection. Retain permanently; transfer periodically to State Archives.	
2.	<u>CIVIL DOCKETS, CASE FILES AND INDEXES</u> Dockets, case files and indexes for all cases seeking civil relief. This section covers all civil cases initiated after July 1, 1984. (Effective July 1, 1984, "Equity" and "Law" were merged, by amendment to the Maryland Rules of Procedure, into "Civil". Some courts may have maintained separate Equity and Law records for some period of time after July 1, 1984. This item shall govern retention of case files for cases initiated after July 1, 1984.) Retain all dockets and indexes permanently; transfer periodically to State Archives. Retain permanently case files involving family issues, relating to land, requesting other equitable relief and any case type not listed in Exhibit 1; transfer periodically to State Archives. (See Exhibit 1 for a detailed listing, by case type descriptor and by the two-character UCS Case Management System case-type suffix.) Retain all other case files for twelve (12) years from closure of the most recent post judgment activity, then destroy. (See Exhibit 1 for a detailed listing, by case type descriptor and by two characters UCS Case Management System case-type suffix.)	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330 Page 10 of 36
Agency JUDICIARY OF MARYLAND	Division/Unit CIRCUIT COURTS	
Item No.	Description and Retention	
3.	<u>DIVORCE DECREE RECORD</u> Record of final decrees of divorce, maintained pursuant to Maryland Code, Family Law Article, § 7-106. Retain permanently; transfer original records periodically to State Archives if converted for continued access in the Clerk's office to photographed, photocopied, microfilmed, electronically stored or other acceptable format that meets Hall of Records Commission requirements. (Under Family Law Article, § 7-106, the clerk must "keep the record readily accessible in some permanent form.")	
4.	<u>EQUITY/CHANCERY DOCKETS, CASE FILES AND INDEXES</u> Dockets, indexes, and case files actions in equity initiated prior to July 1, 1984. (Effective July 1, 1984, "Equity" and "Law" were merged, by amendment to the Maryland Rules of Procedure, into "Civil." Some courts may have maintained separate Equity and Law records for some period of time after July 1, 1984. See item 2, "Civil", of this section for provisions related to case files for cases initiated after July 1, 1984.) Retain permanently; transfer periodically to the State Archives, except that, pursuant to Maryland Rule 16-818d2 and 4, case files affecting title to real property must be retained permanently in the clerk's office in their original form or in a photographed, photocopied, microfilmed, electronically stored or other acceptable format that meets Hall of Records Commission requirements.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
Agency JUDICIARY OF MARYLAND		Page 11 of 36
Division/Unit CIRCUIT COURTS		
Item No.	Description and Retention	
5.	<u>EQUITY/CHANCERY RECORD</u> Recorded copies, in photographed, photocopied, microfilmed, electronic or other format approved by the Hall of Records Commission form, of case file records affecting title to real property. Prior to July 1, 1984, former Maryland Rule 1299 b required the clerk to “record the proceedings in every action where the title to real estate has been decided by judgment and where any land or tenement has been seized or sold under execution, together with return of such execution.” Although this provision was not carried over into the revised rules adopted effective July 1, 1984, current Maryland Rule 16-818d2 (formerly Maryland Rule 1299(d)(2)) requires the clerk to retain permanently records affecting title to real estate, and subsection d4 provides that these records may be disposed of, if “the records have been photographed, photocopied or microfilmed in accordance with the Hall of Records Commission procedures and copies have been substituted therefore”. Retain permanently; transfer periodically to the State Archives, except that, pursuant to Maryland Rule 16-818d2 and 4, case files affecting title to real property must be retained permanently in the clerk’s office in their original form or in a photographed, photocopied, microfilmed, electronically stored or other acceptable format that meets Hall of Records Commission requirements.	
6.	<u>TERMINATION OF PARENTAL RIGHTS CASES AND GUARDIANSHIP</u> Dockets, indexes and case files in actions filed by other than Department of Social Services for Terminations of Parental Rights, for Guardianship with Right to Consent to Adoption, or for Guardianship with Right To Consent to Long-term Care Short of Adoption. (See the Juvenile Section of this schedule for cases filed by Department of Social Services.) Retain permanently; transfer periodically to State Archives.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 12 of 36
Agency	Division/Unit	
JUDICIARY OF MARYLAND	CIRCUIT COURTS	
Item No.	Description and Retention	
7.	<u>JUDGMENTS, DECREES, AND LIENS OF JUDGMENT PAPERS, DOCKETS, AND INDEXES</u> Includes judgments entered from other Maryland Courts, Court of Appeals, Court of Special Appeals and United States District Courts. (For Foreign Judgments see item 2 of this section.) Retain dockets and indexes permanently; transfer periodically to State Archives. Retain case files and original papers for twelve (12) years after closure of most recent post judgment activity, then destroy.	
8.	<u>LAW DOCKETS, CASE FILES, AND INDEXES</u> Dockets, indexes and case files in actions in "Law" initiated prior to July 1, 1984. (Effective July 1, 1984, "Equity" and "Law" were merged, by amendment to the Maryland Rules of Procedure, into "Civil". Some courts may have maintained separate Equity and Law records for some period of time after July 1, 1984. See item 2, "Civil", of this section for provisions related to case files for cases initiated after July 1, 1984.) Retain dockets and indexes permanently; transfer periodically to State Archives. Retain permanently case files affecting title to real property, including condemnation, land acquisition, wrongful entry, trespass, executions in which land has been seized or sold, etc. Transfer periodically to State Archives. (See Exhibit 1 of this section for complete list of case-types to be retained permanently.) All other case files, retain for twelve (12) years from the closure of most recent post judgment activity, then destroy.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330 Page 13 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
9.	<u>LIEN RECORDS/DOCKETS, INDEXES AND PAPERS</u> Includes Public Defender Liens, District Court Liens, Boat Liens, Factor Liens, Hospital Liens, Mechanics Liens, Federal and State Tax Liens, etc. Some offices "record" liens by making a copy of the original lien document, in either photographed, photocopied, microfilmed, electronic or other acceptable form meeting Hall of Records Commission requirements for viewing by the public in books, on film or other media. Other offices simply index the lien and file the original document. Retain lien records and indexes permanently; transfer periodically to State Archives. If lien documents are photographed, photocopied, microfilmed, electronically stored or converted to other acceptable format meeting Hall of Records Commission requirements, retain original lien documents for twelve (12) years from date of entry, then destroy.	
10.	<u>PATERNITY DOCKETS, CASE FILES, AND INDEXES</u> Dockets, case files and indexes of paternity proceedings and supporting papers. Retain permanently; transfer periodically to State Archives.	
11.	<u>STATE ROADS LAND ACQUISITION DOCKETS, CASE FILES AND INDEXES</u> Records of land acquired by the State Roads Commission. Retain permanently; transfer periodically to State Archives.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330 Page 14 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
12.	<u>TRUST DOCKETS, CASE FILES AND INDEXES</u> Records in Fiduciary Estates (Guardianships of Property, Receiverships, including claims dockets, trusts under the jurisdiction of the Court, etc.) of inventories, annual accountings, and related filings. Retain dockets and indexes permanently; transfer periodically to State Archives. Retain case files permanently; transfer periodically to State Archives when a minimum of twelve (12) years has passed since the termination of the fiduciary estate.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 15 of 36
Agency	Division/Unit	
JUDICIARY OF MARYLAND	CIRCUIT COURTS	
Item No.	Description and Retention	
	EXHIBIT 1	
	DETAILED LISTING OF CIVIL CASE TYPES BY BRIEF DESCRIPTOR AND THE TWO-CHARACTER UCS CASE-TYPE CODE.	
	A. CASE TYPES FOR 12-YEAR RETENTION	
	The two-character code preceding the description indicates the UCS Case Management System case-type suffix. Some two-character codes may be duplicated as one county may use the co de for a different case type than another county.	
	AA	Administrative Agency Appeal
	AE	Admin. Agency Appeal Ex Parte
	AG	Attorney Grievance
	AI	Arbitration
	AN	District Court DeNovo Appeal
	AO	Asbestos – Other CT 4
	AP	Administrative Agency Appeal – Prison
	AR	District Court Record Appeal
	AS	Asbestos
	AS	Asbestos – Non-Angelos
	AW	Appeal – Worker’s Compensation
	BC	Business/Commercial
	BE	Asbestos – Beth Steel CT 2
	BT	Business and Technology
	CC	Contested Confessed Judgment
	CF	Asbestos-Cluster File
	CJ	Confessed Judgment
	CN	Contract
	CS	Consent Judgment
	CX	Criminal Lien
	CX	Child Support Lien
	CX	Bureau of Support Enforcement

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
	DN DeNovo Appeal DO Dept. of Labor Licensing and Regulation (DOLLAR) DX District Court Lien EM Employment EX Maryland Environmental Lien FD Foreign Decree FJ Foreign Judgment FP Foreign Deposition FS Friendly Suit FX Federal Tax Lien HC Habeas Corpus HX Hospital Lien IG Inmate Grievance IT Intentional Tort JT Jury Trial Prayed from District Court JX Juvenile Restitution KX Criminal Lien LC Liens LP Lead Paint LT Landlord/Tenant LX Maryland State Tax Lien MJ Monetary Judgment ML Mechanics Lien MM Medical Malpractice MT Motor Tort MX Medical Assistance Lien NG Negligence OB Other Civil Ex Parte OC Other Civil	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
	OJ Judgment from Other Court ON Other Law-DeNovo OO Other Non-Domestic OP District Court Appeal – Peace Order OS Out-of-State Subpoena OT Other Tort OV Other Civil OX Other Lien PD Product Liability PM Professional Malpractice PN Peace Order-DeNovo PX Comptroller Lien RA Record Appeal RJ Recorded Judgment RP Replevin RR Railroad – CSX RR Asbestos – Railroad CT3 RX Recognizance Lien SA Special Admission – Out-of-State Attorney SX Maryland State Tax Lien SY Asbestos – Shipyard CT5 TA Asbestos – Trade CT1 TB Asbestos – Tobacco CT6 TS Trustee TT Toxic Torts TV Title Vehicle TX County Treasurer Lien UX Federal Recognizance Lien WC Worker’s Compensation WD Wrongful Death YX City Treasurer Lien	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330																																			
Agency JUDICIARY OF MARYLAND		Page 18 of 36																																			
Division/Unit CIRCUIT COURTS																																					
Item No.	Description and Retention																																				
	B. CASE TYPES FOR PERMANENT RETENTION This list is intended to include every family case-type and every case affecting title to real property, as well as other case-types. The two-character code preceding description indicates UCS Case Management System case-type suffix. Some two-character codes may be duplicated as one county may use the code for a different case type than another county. <table><tr><td>AD</td><td>Adoption</td></tr><tr><td>AL</td><td>Alleged Disabled</td></tr><tr><td>AT or DN</td><td>Annulment</td></tr><tr><td>AV</td><td>District Court Appeal – Domestic Violence</td></tr><tr><td>CD</td><td>Condemnation</td></tr><tr><td>CM</td><td>Correction of Marriage Record</td></tr><tr><td>CT or CU</td><td>Child Custody</td></tr><tr><td>DA</td><td>Divorce – Absolute</td></tr><tr><td>DJ</td><td>Declaratory Judgment</td></tr><tr><td>DL</td><td>Divorce – Limited</td></tr><tr><td>DT</td><td>Declaratory Judgment – Equity</td></tr><tr><td>DV</td><td>Domestic Violence</td></tr><tr><td>EE</td><td>Emergency Evaluation</td></tr><tr><td>EJ</td><td>Complaint for Ejectment</td></tr><tr><td>ER</td><td>Other Equitable Relief</td></tr><tr><td>FC</td><td>Foreclosure</td></tr><tr><td>FF</td><td>Forfeiture</td></tr><tr><td>FR</td><td>Foreclosure of Right of Redemption</td></tr></table>	AD	Adoption	AL	Alleged Disabled	AT or DN	Annulment	AV	District Court Appeal – Domestic Violence	CD	Condemnation	CM	Correction of Marriage Record	CT or CU	Child Custody	DA	Divorce – Absolute	DJ	Declaratory Judgment	DL	Divorce – Limited	DT	Declaratory Judgment – Equity	DV	Domestic Violence	EE	Emergency Evaluation	EJ	Complaint for Ejectment	ER	Other Equitable Relief	FC	Foreclosure	FF	Forfeiture	FR	Foreclosure of Right of Redemption
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DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
Agency JUDICIARY OF MARYLAND		Page 19 of 36
Division/Unit CIRCUIT COURTS		
Item No.	Description and Retention	
	GA Guardianship/Adult GB Guardianship – Person & Property – Adult GD Guardianship Adult Property GE Guardian of the Person – Adult Disabled GI Guardianship Minor Property GM Guardianship – Minor GM Guardianship of the Property – Minor GP Guardianship/Property GS Guardianship GT Guardianship – Specific Transaction IA Involuntary Admission IJ or IT Injunction LA Land Acquisition LN State Roads – Land Acquisition LS Lis Pendens MC or MS Miscellaneous (Two Party) MO Miscellaneous (In the Matter of) MR Minor’s Trust Account NC Name Change OA Orphans Court Appeal OD Other Domestic Relations OE Other Domestic Ex-Parte OG General Equity OK Orphans Court OW Out-of-State Withholding Order PA Paternity PS Specific Performance PT Civil Paternity QT Quiet Title RD Redemption RO Restraining Order RP Real Property	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
	SC Support – Child SL Sale In Lieu of Partition SP Civil Non-Support SS Support – Spousal SU DSS Support TG Trust/Guardianship TM Trust/Guardianship – Minor TS Tax Sale UC Uniform Child Custody Juris UI Uniform Interstate Family Support Act UR URESA/UIFSA VI Visitation WR Writs of Garnishment/Execution	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
1.	<u>Criminal Records</u> <u>Section IV</u> <u>CRIMINAL CASE FILES</u> A. All cases, regardless of case type, in which all charges are disposed of by a disposition of stet or nolle prosequi. Retain for five (5) years from date of disposition, then destroy. B. All cases received from District Court as a result of an appeal or jury trial election. Retain for five (5) years from date of disposition, then destroy. C. Cases initiated by indictment or information. 1) Indictment and information cases in which the total time to be served, before any suspension, modification, etc., is twenty (20) years or more, a life sentence or a death sentence. (Examples of sentences falling under this category: convicted of one (1) count and sentenced to twenty (20) years DOC, eight (8) years suspended, five (5) years probation upon release; convicted of two (2) counts and sentenced on first count to ten (10) years DOC and, on second count, to ten (10) years DOC and, second count, to ten (10) years DOC consecutive to first count for a total of twenty (20) years.) Retain permanently; transfer periodically to State Archives. 2) All other indictment and information cases. Retain for twenty (20) years from date of disposition or closure of most recent post judgment activity, including petitions for post conviction relief, whichever is later, then destroy.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 22 of 36
Agency	Division/Unit	
JUDICIARY OF MARYLAND	CIRCUIT COURTS	
Item No.	Description and Retention	
2.	<u>DOCKETS AND INDEXES</u> Docket entries by case numbers, indexed by names of parties showing all cases and disposition of charges. Retain permanently; transfer periodically to State Archives.	
3.	<u>SEARCH WARRANTS, WIRE TAPS, SPECIAL INVESTIGATIONS</u> Sealed documents related to search warrants, wire tap orders, special investigations, etc., stored separately from criminal cases. Retain twelve (12) years from filing, then destroy.	
4.	<u>POST CONVICTIONS</u> A. Post Conviction matters related to criminal cases disposed of in the Circuit Court. Retain permanently cases where the total time to be served, before any suspension, modification, etc., is twenty (20) years or more, a life sentence or a death sentence; transfer periodically to State Archives. Retain other cases for twenty (20) years from date of disposition, then destroy. B. Post Conviction matters filed in Circuit Court but related to criminal cases disposed of in the District Court. (These may be filed as a civil case or a criminal case, depending upon the practice of the particular court.) Retain for five (5) years from date of disposition, then destroy.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)			Schedule No. 2330 Page 23 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS	
Item No.	Description and Retention		
5.	<u>EXPUNGED CRIMINAL RECORDS</u> – Expunged records, including docket and case file, redacted information, etc., of criminal cases in which an order for expungement has been entered. (See Maryland Rule 4-512(f).) A. Case files in multiple defendant cases. This category covers separate cases for two or more defendants, which have been consolidated for trial. Retain for three (3) years from the date the expungement order was entered and until the prison terms, if any, of all co-defendants have been served; then destroy. B. Cases in which, pursuant to Maryland Rule 4-203, multiple defendants were charged in one charging document. (Depending upon the court, various systems may exist for dealing with multiple defendants in one charging document. (e.g.: One case file may have been set up for all defendants; a separate case file for each defendant may have been created, with either individual case numbers or one case number with some type of prefix or suffix, such as: Defendant 1: Case 1047A; Defendant 2: Case 1047B; Defendant 3: Case 1047C; etc.) Retain for three (3) years from the date the expungement order was entered and until the prison terms, if any, of all co-defendants have been served; then destroy. C. All other expunged cases. Retain for three (3) years from the date the expungement order was entered, then destroy.		

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 24 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
6.	<u>MISCELLANEOUS CRIMINAL CASES</u> Criminal case files used for miscellaneous matters not included above, such as: requests for attendance of out-of-state witness; grand jury or other miscellaneous subpoena requests; etc. Retain for five (5) years from initial filing, then destroy.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 25 of 36
Agency JUDICIARY OF MARYLAND	Division/Unit CIRCUIT COURTS	
Item No.	Description and Retention	
1.	<u>Juvenile Records</u> <u>Section V</u> <u>JUVENILE RECORDS</u> Records of cases involving juveniles heard by a Juvenile Court or the Circuit Court sitting as a Juvenile Court. These records, files, dockets and indexes, are closed records and available for examination only by order of the court. A. Adoption and Termination of Parental Rights (TPR) Retain dockets, indexes, and files permanently; transfer periodically to State Archives. B. Child in Need of Assistance (CINA), Delinquency, Child in Need of Supervision (CINS) and Juvenile Peace Orders. Retain dockets and indexes permanently; transfer periodically to State Archives. Retain case files until child reaches the age of twenty-five (25), or for twelve (12) years after entry of money judgment, if any, whichever is later, then destroy. (Committee note: The Retention Schedule Committee recommends that any requests for writs of garnishment or writ of execution on a juvenile money be processed through civil. The Committee further recommends that a uniform policy to that effect be considered, due to the fact the Juvenile records are not open to the public, but money judgments in juvenile cases are public, and resulting garnishment and execution actions should be open to the public.)	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330 Page 26 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
	C. Adult Petitions Juvenile Petitions charging adults with contributing to the delinquency of a minor. Retain dockets and indexes permanently; transfer periodically to State Archives. Retain case files for five (5) years from date of disposition or closure of most recent post judgment activity, whichever is later, then destroy. (This provision is the same as for a minor criminal or traffic case.)	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 27 of 36
Agency JUDICIARY OF MARYLAND	Division/Unit CIRCUIT COURTS	
Item No.	Description and Retention	
	<u>Verbatim Proceedings</u> <u>Section VI</u>	
1.	<u>VERBATIM PROCEEDINGS OF THE COURT</u> Records of courtroom and other proceedings before a judge or master, which reflect accurately the spoken word and nonverbal communication and action, and any accompanying notes, "recording logs," etc., recorded by an audiographer, reporter, videographer, courtroom clerk or other individual, through use of an electronic device, digital device, magnetic audio or video tape, steno mask equipment, stenotype machine, written symbols, or other medium. Retain according to the schedule for the particular case type to which the verbatim proceeding pertains. Before destroying any verbatim proceedings, offer to State Archives for evaluation after which material rejected by the State Archives may be destroyed. Transfer periodically to State Archives material required to be retained permanently.	
2.	<u>TRANSCRIPTS OF PROCEEDINGS</u> Original and/or copies of transcripts of courtroom and other proceedings, prepared on behalf of the judiciary by an audiographer, reporter, videographer or other individual, and either filed in the related case file or retained in the custody of judiciary staff. Retain according to the schedule for the particular case type to which the verbatim proceeding pertains. Transfer periodically to State Archives material required to be retained permanently.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 28 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
3.	<u>VERBATIM PROCEEDINGS BEFORE A GRAND JURY</u> Records of proceedings before a grand jury, which reflect accurately the spoken word and nonverbal communication and action, and any accompanying notes, "recording logs," etc., recorded by an audiographer, reporter, videographer, clerk or other individual, through use of an electronic device, magnetic audio or video tape, steno mask equipment, stenotype machine, written symbols or other medium. Retain permanently; transfer periodically to State Archives. (Note: It is recommended that these materials be retained in the custody of the State's Attorneys. The above provision pertains only to those records retained by Judiciary staff.)	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 29 of 36
Agency	JUDICIARY OF MARYLAND	
	Division/Unit CIRCUIT COURTS	
Item No.	Description and Retention	
	<u>Land Records</u> <u>Section VII</u>	
1.	<u>BLOCK BOOKS</u> Supplementary record to Land Records, showing conveyances of Baltimore City property on a block-by-block basis. Under this system, every transfer of property within a block is entered under the number of the block and reference is given to the liber in which the transfer is recorded. The numbers of the blocks are shown on the Block Book Plats. Retain permanently; transfer periodically to State Archives.	
2.	<u>LAND RECORDS</u> Record copy of deeds, leases, assignments, mortgages, releases, rights -of-way, agreements, etc., in photographed, photocopied, microfilmed, electronic or other format approved by the Hall of Records Commission. Retain permanently; transfer periodically to State Archives.	
3.	<u>LAND RECORDS INDEXES</u> Automated and bound book indexes of land records. Retain permanently; transfer periodically to the State Archives.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2230
		Page 30 of 36
Agency	Division/Unit JUDICIARY OF MARYLAND CIRCUIT COURTS	
Item No.	Description and Retention	

4.	<u>ORIGINAL LAND RECORDS INSTRUMENTS</u> Original instruments which have been scanned into the recordation system or converted to other acceptable format approved by the State Archivist can be returned to the makers at any time. If the court is unable to return original instruments to the makers, retain three years after scanned into the recordation system or converted to other acceptable format approved by the State Archivist, then destroy.
	<u>PLATS AND MAPS</u> Records of location, area and ownership of lots, acreage, subdivisions, roads, rights-of-way, towns, etc., and related indexes. Retain permanently; transfer periodically to State Archives.

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330 Page 31 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
6.	<u>HOMEOWNER'S ASSOCIATION DISCLOSURE</u> Documents filed pursuant to Real Property Article, §11B-113, Homeowners Association Depository, and related indexes. Retain permanently; transfer periodically to State Archives. If photographed, photocopied, microfilmed, electronically stored, or converted to other format approved by Hall of Records Commission, originals may be destroyed after three (3) years.	
7.	<u>REQUESTS FOR NOTICE OF SALE</u> Request, filed by lenders, to be notified of foreclosure proceedings. Retain indexes and records permanently; transfer periodically to State Archives. Retain original documents for three (3) years, then destroy.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 32 of 36
Agency	JUDICIARY OF MARYLAND	Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
	<u>Marriage Records</u> <u>Section VIII</u>	
1.	<u>CIVIL MARRIAGE RECORDS</u> Records of marriages officiated by the Clerk of Court or other qualified court officer. Retain permanently; transfer periodically to State Archives.	
2.	<u>FOREIGN MARRIAGE RECORDS</u> Marriages contracted in foreign jurisdictions and recorded by the Clerk of the Circuit Court at the request of one or both of the parties. Retain permanently; transfer periodically to State Archives.	
3.	<u>MARRIAGE APPLICATIONS AND LICENSE FILES</u> A. The application is the basis for preparation of the license. After the marriage has been performed, one copy of the license, with the minister's entries thereon for recording on the original application and entry in the Marriage Record, is returned to the clerk. The authorized official retains a copy of the license, and a third copy with complete entries is forwarded to the Department of Health and Mental Hygiene, Division of Vital Records. The "copy of record" is the entry in the Marriage Record, Item 4. Retain permanently. Transfer original records periodically to State Archives if converted for continued access in the Clerk's office to photographed, photocopied, microfilmed, electronically stored, or converted to other acceptable form that meets Hall of Records Commission requirements.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 33 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
4.	B. Applications for Marriage Licenses for which licenses were never issued or delivered to the parties. Retain for three (3) years and until all audit requirements have been fulfilled, then destroy. <u>MARRIAGE LICENSE BOOKS AND INDEXES</u> After return of the license, complete information from the return is entered into the Marriage License Book chronologically by serial number and by names of the parties in the index. This is the record copy of marriages from which all courts make certified copies as evidence of the marriage. Retain permanently; transfer periodically to State Archives.	
5.	<u>PHYSICIANS' CERTIFICATES, CONSENTS AND WAIVERS</u> Physicians' Certificates, parental/guardian consents and 48-hour waivers required for marriages of minors in cases of pregnancy, are deposited with the Clerk before issuance of the Marriage License and sealed, to be opened only by order of the Court. Retain permanently; transfer periodically to State Archives.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 34 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
	<u>Discontinued Records</u> <u>Section IX</u>	
1.	<u>BILLS OF SALE, CHATTEL RECORDS, CONDITIONAL CONTRACTS OF SALE, AND INDEXES</u> Records pertaining to personal property, which preceded Financing Statements. Retain records prior to 1866, which may contain materials about slaves, permanently; transfer periodically to State Archives. Destroy later records.	
2.	<u>CHARTER RECORDS, AGENCY RECORDS, CO-PARTNERSHIP RECORDS, CORPORATION RECORDS, INCORPORATION RECORDS, INDEXES, AND RELATED PAPERS.</u> Records of companies chartered and licensed to operate in the county. Since July 1991, these records are maintained by Department of Assessments and Taxation. Retain record books and indexes permanently; transfer periodically to State Archives. Destroy original papers.	
3.	<u>COURT MINUTE BOOKS</u> Summaries of court proceedings. Since July 1991, series no longer created. Retain permanently; transfer periodically to State Archives.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 35 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
4.	<u>FINANCING STATEMENTS, INDEXES, AND RELATED PAPERS</u> Replaced Chattel Records, Bills of Sale, and Conditional Contracts of Sale in 1964. Since 1999, these records are maintained by Department of Assessments and Taxation. Retain indexes permanently; transfer periodically to State Archives. Retain records and papers for five (5) years and sixty (60) days, then destroy.	
5.	<u>MISCELLANEOUS DOCKETS</u> Court dockets, case files and indexes of court cases not listed in the Civil, Criminal, and Juvenile sections, and no longer being created. Retain permanently; transfer periodically to State Archives.	
6.	<u>NATURALIZATION RECORDS</u> Documentation of naturalization of aliens, including forms, miscellaneous papers, and record books. Courts have stopped handling naturalizations at various times since the early 20 th century. Retain permanently; transfer periodically to State Archives.	
7.	<u>PROFESSIONAL MEDICAL REGISTERS</u> Registers for listing licensed physicians and surgeons, medical examiners, midwives, chiropractors, osteopaths, etc. Retain permanently; transfer periodically to State Archives.	

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE (Continuation Sheet)		Schedule No. 2330
		Page 36 of 36
Agency JUDICIARY OF MARYLAND		Division/Unit CIRCUIT COURTS
Item No.	Description and Retention	
8.	<u>MOTOR VEHICLES & NATURAL RESOURCES</u> Records of criminal and civil law violations of motor vehicle and natural resources laws and regulations, composed of case files, tickets, indexes and dockets. Retain dockets and indexes permanently; transfer periodically to State Archives.	
9.	<u>CRIMINAL/JUDGMENT RECORDS</u> Summaries of proceedings in criminal trials with judgments, fines, forfeitures, and liens, including post conviction and criminal acquittal case files. Retain permanently; transfer periodically to State Archives.	
10.	<u>JUVENILE PROBATION CASE FILES AND INDEXES</u> Record of juveniles placed on probation; this record is closed and available for examination only by order of the court. Retain indexes permanently; transfer periodically to State Archives. Retain case files for twelve (12) years after the last pertinent entry, then destroy.	
11.	<u>SUPPORT CASE FILES</u> Accounting records for support payments made for juveniles; these are closed records and available for examination only by order of the court. Retain for twelve (12) years after the case has been closed and until all audit requirements have been met, then destroy.	

EXHIBIT A

RECORDS IN ELECTRONIC FORMAT

RECORDS IN ELECTRONIC FORMAT

Increasingly records are being created and maintained in electronic form, a format with significant ramifications for retention and preservation, especially those materials identified as permanent.

Technology is being deployed in many areas of the Judiciary and the associated equipment and software have a finite life span. When the Judiciary as a whole makes a decision to deploy technology, it is known that at some point in time equipment, software, or record medium will either need to be upgraded or replaced to deal with obsolescence and data integrity. Whether implemented at the state level or in an individual clerk's office, each situation should be evaluated to ensure that the record retention objectives are being met and appropriately budgeted for.

In order to maintain accessibility and knowledge of the data it is important to retain up-to-date hardware and software documentation for each electronic records system that produces, uses, or stores files. The systems should provide a method for retrieval of documents, security to ensure their integrity, and maintenance in a universally accessible format.

Proprietary software should be avoided because it may not come with long term support, a situation that eventually can lead to loss of data. Lost data means loss of the record itself.

Secure back-up copies of electronic records are essential to prevent loss of data by human error, mechanical malfunction, or natural disaster. Ideally, these copies should be located at offsite. At JIS in Annapolis files are backed up nightly and throughout the week, as needed. Copies of the back-ups are taken offsite to a secure location. The ELROI system contains built-in redundancy with images residing on the on-site server, backed up over the network to a central location, and transferred to State Archives where the land records are maintained both on a secure server and on microfilm.

Several media may be used to store electronic records, including servers, mainframes, PCs, disks, tapes, CDs, and DVDs. Selection of a storage medium should take into account portability, capacity to run on equipment made by multiple manufacturers, ability to transfer data to and retrieve it from another medium, and flexibility of the software.

The transfer of permanent electronic records to the State Archives should occur periodically and regularly through a mutually agreeable medium. No one format can be declared the standard since data systems differ so widely and technologies change so rapidly. In some cases, transfers by CD will be acceptable. At other times, transfer by a network connection will function more smoothly. Frequent and regular transfers to the Archives will serve the additional purpose of providing backup through offsite storage.

EXHIBIT B

Certificate of Records Disposal

**(This information can be submitted on paper or
online at <http://disposal.msa.md.gov/>)**

	Maryland State Archives 350 Rowe Boulevard Annapolis, Maryland 21401-1686	_____ Retain one (1) copy and forward original to address on left.
Reporting Agency		
Division or Unit		

CERTIFICATE OF RECORDS DISPOSAL

		Authorization					
No.	Description of Records (Same Title as listed on Schedule)	Retention Schedule No.	Section and/or Item No.	Inclusive Dates of Records Destroyed	Volume Cubic Feet	Date of Disposal	Method of Disposal

I hereby certify that the records listed above were disposed of as indicated.

Signature

Title

Date

EXHIBIT C

PRELIMINARY INVENTORY WORKSHEET OF SERIES CONTENT

Maryland State Archives

Preliminary Inventory Worksheet of Series Contents

Circle
one:
Date:

OTHER
TRANSER SPECCOL _____

Initials: _____

Number: _____

Agency: _____

Series: _____

Box or Volume Number	Title as found on volume or brief description of contents of box	Dates covered by content s	Location

EXHIBIT D

PRELIMINARY INVENTORY INSTRUCTIONS

INSTRUCTIONS FOR COMPLETING A PRELIMINARY INVENTORY WORKSHEET OF SERIES CONTENTS

A separate preliminary inventory worksheet should be prepared for each distinct record series (i.e. land records, wills, general correspondence). Once the worksheets have been completed, they should be forwarded to:

Doris A. Byrne, Director
Record Transfers and Space Management
Maryland State Archives
7465 Candlewood Road, Suites N-P
Hanover, MD 21076
Phone 410- 691-4376, Fax 410- 691-2054

Enter the initials of the individual preparing the preliminary inventory, the date on which this is being done, the agency/organization which created the records, and a descriptive series title identifying the type of records being inventoried (i.e. land records, general correspondence, press releases).

1. Circle "Box" or "Volume" as appropriate in the left-hand column, depending upon whether the basic series unit is a book or a box of papers.
2. Next enter a brief description of the contents of each box or volume.
3. Enter the dates covered by the contents of each box or volume.
4. DO NOT enter any information in the location column. Locations will be assigned by Archives staff prior to the transfer of records.
5. The Archives will solicit estimates from vendors familiar with transporting records. The transferring agency is responsible for all costs for delivery and shelving the records.

Confidential records will be marked restricted. Please provide the Annotated Code Section and procedures for access to these records.

If you have any questions, please contact Doris A. Byrne at (410) 691-4376.

NOTE: Records must be packed using one cubic foot record center boxes. State Use Industries supplies these boxes, call (410) 540-5400.

EXHIBIT E

PRE-TRANSFER RECORD CONDITION ASSESSMENT FORM

Maryland State Archives
PRE-TRANSFER RECORD CONDITION ASSESSMENT FORM

Agency Name, Address, and Phone:

Current Storage Conditions: (e.g. in boxes on floor, on shelves; offsite storage, etc.)

Has Storage area ever had problems with any of the following (circle all that apply)?

Flooding leaks fire mildew insects rodents other

If so, please explain the problem and how it was resolved:

Were the records damaged as a result: If so, please explain:

GENERAL CONDITIONS OF THE RECORDS (check any conditions that apply):

☐ surface dirt	☐ separate pages
☐ tearing	☐ brittle paper
☐ folds/creases	☐ lacy paper
☐ stains/discoloration	☐ tunnels in pages
☐ residues/accretions	☐ sawdust accumulation
☐ insect damage/remains	☐ broken/detached cover
☐ water damage/mildew	☐ odor

ADDITIONAL COMMENTS:

EXHIBIT F

RECORDS TRANSFER PROCEDURES

RECORDS TRANSFER PROCEDURES

The Archives has four facilities for the storage of permanent records, the Hall of Records in Annapolis and adjunct warehouses in Glen Burnie, Linthicum and Hanover. Lack of space in the Annapolis facility means that most record transfers must be housed in the warehouses.

Preparing Records for Transfer

Boxes or volumes should be clearly identified with the information contained in the inventory worksheet. If preliminary inventories received are not in an acceptable format, the transferring agency will be liable for the cost incurred by Archives staff for conversion to an acceptable format.

The descriptions of records should be at the unit level, one record entry for each box or volume to be transferred. The description should be sufficient to facilitate retrieval of the materials: series title as designated by the records retention schedule, box or volume number, date of contents, and file numbers or general description of contents. All descriptions of materials shall be furnished before the records are transferred.

Bound volumes require no additional containerization for transfer to the Archives. Flat files must be boxed using one cubic foot capacity record center boxes available from State Use Industries (410) 540-5400. DO NOT OVER-FILL BOXES when packing. Materials received in containers not compatible with Archives shelving will not be accepted and will be returned to the transferring agency at its expense.

Arranging for the Transfer

The Archives will solicit estimates from vendors familiar with transporting records. The transferring agency is responsible for all costs for delivery and shelving of records.

For further information contact: Doris A. Byrne, Director, Record Transfers & Space Management (410) 691-4376, or dorisb@mdsa.net

EXHIBIT G

CORRECT BOX LABELING

CORRECT BOX LABELING

1. Box Number
Each box should be numbered sequentially, beginning with one or a continuation number from a previous transfer.
2. Accession Number
State Archives will fill this in.
3. Total Boxes
This is the total number of boxes in the series of records.
4. Agency
Write “Circuit Court of County?” and the circuit number on this line.
5. Division
Indicate the location and division, department or section of the sending court: Criminal, Civil, Accounting, etc.
6. Inclusive Dates
These are the beginning and ending dates for the records in each box.
7. Record Title
List the type of record: Fiscal/Accounting, Administrative, Civil, Criminal, etc.
8. Last Blank Line
Use this line to detail, if necessary the contents of the box: beginning to ending case numbers, traffic docket sheets, accounting records, etc.

EXHIBIT H

DEFINITIONS

Accession Number: A unique number assigned sequentially to a set of records for purposes of identification and control within an archives or records center.

Administrative Records: Records generated by the routine budgetary, personnel, or other administrative operation of any office.

Archives:

1. A place where public, historical, or institutional records are systematically preserved.
2. Collected and preserved public, historical, or institutional papers and records.
3. Any systematic compilation of material, esp. writings, in physical or electronic form.

Archivist: A professional person trained to work in archives.

Audit: A meticulous examination of records to determine whether established procedures and policies were or are being followed.

Correspondence: Any form of or electronic written communication sent or received in the course of business, including letters, postcards, memoranda, notes, electronic mail, facsimiles, telegrams, or cables.

Court Record: Papers, dockets, books, files or other documentary materials in any form made or received in the Maryland Judiciary pursuant to law, statute, or rules of court, in connection with transactions of its business and the discharge of its responsibilities.

Custodian: The supervisor in the agency or locality having physical possession and control of records.

Destruction date: The date which marks the end of the legally-required retention period for temporary records and the date after which records should be destroyed unless they are involved with or relevant to audit, litigation, or continuing administrative action.

Electronic Records: "Electronic Records" include numeric, graphic, and text information, which may be recorded, on any medium capable of being read by a computer and which satisfies the definition of record as defined in Exhibit A. This includes, but is not limited to magnetic media such as computer tapes, disks, optical disks, diskettes and other electronic storage devices and electronic filing systems containing minicomputers or mainframe computers, in network or stand-alone configurations.

Incinerate: to burn to ashes

Medium: Physical form of the stored data, such as paper, photo, audio or video tape, optical disc, microfilm, motion picture or electronic on tape or discs.

Non-permanent Records: Those records which need to be retained for a specified period of time and which may then be disposed of in accordance with an approved record records schedule and Annotated Code of Maryland State Government Article §10-616.

Original Record: The original, first, or prime copy of a record.

Public Record: The original or any copy of any documentary material that

(i) Is made by a unit of instrumentality of the State government or of a political subdivision or received by the unit or instrumentality in connection with the transaction of business; and

(ii) is in any form, including:

1. a card;
2. a computerized record;
3. correspondence;
4. a drawing;
5. film or microfilm;
6. a form;
7. a map;
8. a photograph or photostat;
9. a record; or
10. a tape

Permanent Records: Those records which will be preserved for historical, legal, or administrative purposes, and may not be destroyed. Permanent records may, however, be disposed if they are replicated as required by State Government 10-642 and provided that prior approval has been received from the Hall of Records Commission

Records Transfer: The physical relocation and transfer of control or custody of records to another entity.

Retention Period: The length of time a record is held before disposal or transfer action takes place. Unless otherwise specified, the retention period for a record is to be counted in the following manner. For Administrative and Fiscal Records, the retention period begins at the time the record is created. If more than one record is retained (e.g., within the same book or ledger), the retention period for all records is calculated from the creation of the latest record. For Case Records, the retention period begins upon the filing of the last pertinent docket entry.

Sealed Records: Records protected by a court order which cannot be accessed or unsealed without another court order.

Shredding: A means of destroying paper records by mechanical cutting.

State Archivist: The person appointed to oversee the state's archival program.