

## **RULE 11.28. Court Records Management and Retention.**

### **(A) Applicability and intent**

- (1) Sup.R. 11.28 through 11.34 are intended to provide minimum standards for maintaining, preserving, and destroying court records and authorizing alternative electronic methods and techniques. Implementation of Sup.R. 11.28 through 11.34 is a judicial, governmental function.
- (2) Acknowledging that courts use differing methods of records retention, Sup.R. 11.28 through 11.34 shall be interpreted to allow for technological advances that improve efficiency of courts and simplify maintenance, preservation, and destruction of court records.
- (3) Sealed case files shall be retained in accordance with the applicable retention period associated with the case file.
- (4) Effective April 1, 2025, any record that was properly disposed of under a then-effective records retention period does not constitute a violation of these rules.

### **(B) Definitions**

As used in Sup.R. 11.28 through 11.34:

- (1) “Administrative document” means a document and information in a document created, received, or maintained by a court that records the administrative, fiscal, personnel, or management functions, policies, decisions, procedures, operations, organization, or other activities of the court.
- (2) “Case document” means a document and information in a document regarding a case that is submitted to a court or filed with a clerk of court in a judicial action or proceeding, including pleadings, motions, applications, proof or failure of service, exhibits, depositions, transcripts, orders, judgments, and any documents prepared by the court or clerk regarding a case, such as journals, dockets, and indices.
- (3) “Case file” means the compendium of case documents filed in a judicial action or proceeding.
- (4) “Court” means courts of appeal; all common pleas courts and divisions, including, but not limited to, general, domestic relations, juvenile, family, probate, or any combined divisions; and municipal and county courts.

- (5) “Court record” means a case document or an administrative document, regardless of physical form or characteristic, manner of creation, or method of storage.
- (6) “Docket” means the record where the clerk of a court enters all information required by the Revised Code or Supreme Court rule.
- (7) “Filed” means the date or date and time stamping of a document.
- (8) “Final judgment” means the order, disposition, or ruling by a court that terminates the case.
- (9) “Financial record” means any document and information in a document that records a monetary transaction.
- (10) “Index” means the reference record used to locate journal, docket, or case file records.
- (11) “Journal” means the verbatim record of every order or judgment of a court.
- (12) “OHC” means the Ohio History Connection, State Archives Division.
- (13) “Recordings of proceedings” means audio recordings, video recordings, and stenographic notes.
- (14) “Submit” means to deliver a document to the custody of and for consideration by a court.

**(C) Required records**

- (1) Each court, through its clerk, shall maintain an index, docket, journal, and case files.
- (2) A stamp indicating the day, month, and year of filing shall be placed on the paper or electronic entry of any paper or electronic entry permitted by the court.

**(D) Content of docket**

A docket shall include, at a minimum, all of the following:

- (1) Names and addresses of all parties;
- (2) Names, addresses, and Supreme Court attorney registration numbers of all counsel;

- (3) Issuance of documents for service upon a party and the return of service or lack of return;
- (4) Brief descriptions of all records and orders filed in the proceeding, including the date filed and cross-references to other records as appropriate;
- (5) A schedule of court proceedings;
- (6) All actions taken by a court to enforce orders or judgments;
- (7) Any information necessary to document the activity of the clerk of court regarding the case. The docket shall provide the dates and a description of all hearings, pleadings, orders, and other filings in an action, proceeding, or other matter in the court. The docket shall be organized in a case specific and chronological manner.

**(E) Combined records**

Indexes, dockets, journals, and case files may be combined. Combined records must be retained in accordance with the record that has the longest retention period.

**(F) Allowable record media**

- (1) A court record may be created, recorded, maintained, copied, replaced, or preserved on paper; electronic media, including text or digital images; or microfilm.
- (2) A court record may be converted from its original medium to another medium. Upon conversion, the original or prior medium may be destroyed.
- (3) Any records and information management process, including photography, microfilm, and electronic data processing, may be used as an alternative to paper, provided that the process produces an accurate record or copy of the record.
  - (a) The court shall cause a backup copy of a record to be made of any record that is created, recorded, maintained, copied, replaced, or preserved. A backup copy shall be made at periodic and reasonable times to ensure security and continued availability of the information. A backup of a record required to be permanently retained shall be stored in a different location than the record it secures.
  - (b) Records shall be maintained in a conveniently accessible and secure location. Provisions shall be made for inspecting and copying any public records in accordance with applicable statutes and rules. Machines and equipment necessary to allow inspection and copying of public records shall be provided.

- (c) In accordance with applicable law and purchasing requirements, a court or clerk of court may acquire equipment, computer software, and related supplies and services for records and information management processes authorized by this division.

**(G) Local rules and general retention schedules**

- (1) By local rule, a court may establish retention schedules for any records not listed in Sup.R. 11.29 through 11.34 and may extend, but not limit, the retention schedule for any record listed in Sup.R. 11.29 through 11.34.
- (2) Any record not listed in Sup.R. 11.29 through 11.34 but listed in a general retention schedule established pursuant to R.C. 149.331 may be retained for the time set by that general retention schedule and then destroyed.

**(H) Extension of retention period for individual case files**

A court may order the retention period for an individual case file extended beyond the period specified in Sup.R. 11.30 through 11.33 for the case file.

**Commentary (July 1, 2026)**

Rule 26 was renumbered to Rule 11.28 as part of the 2026 restructuring of the Rules of Superintendence.

Effective Date: October 1, 1997

Amended: July 1, 2001; April 1, 2025

## **RULE 11.29. Administrative Records Retention Schedule.**

The following retention schedule shall apply for the administrative documents of the courts, regardless of physical form or characteristic, manner of creation, or method of storage:

**(A) Administrative journal**

Administrative journals that consist of court entries, or a record of court entries, regarding policies and issues not related to cases shall be retained permanently.

**(B) Annual reports**

Any required annual report shall be retained permanently.

**(C) Communication, correspondence, calendar, and general office records**

Communication, correspondence, calendar, and general office records, including paper, telephonic, and electronic records, may be destroyed as soon as they are considered to be of no value by the person holding them.

**(D) Drafts and informal notes**

Drafts and informal notes may be destroyed as soon as they are considered to be of no value by the person holding them.

**(E) Employment applications**

Employment applications shall be retained for two years.

**(F) Employee benefit and leave records**

Employee benefit and leave records, including life and medical insurance records, not retained by the appropriate city, county, or state fiscal officer shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

**(G) Employee history and discipline records**

Records concerning the hiring, promotion, evaluation, attendance, medical issues, discipline, termination, and retirement of court employees shall be retained for ten years after termination of employment.

**(H) Financial records**

Financial records, including cash books, bank transaction records, and expense and receipt ledgers, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

**(I) Fiscal records**

Fiscal records, including copies of transactional budgeting and purchasing documents maintained by another office or agency, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

**(J) Grant records**

Records of grants made or received by a court shall be retained for three years after expiration of the grant. Records of unsuccessful grant applications submitted by a court may be destroyed as soon as they are considered to be of no value by the person holding them.

**(K) Payroll records**

Payroll records of personnel time and copies of payroll records maintained by another office or agency shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

**(L) Publications received**

Publications received by a court may be destroyed as soon as they are considered to be of no value by the person holding them.

**(M) Requests for proposals, bids, and resulting contracts**

Requests for proposals, bids received in response to requests for proposals, and contracts resulting from requests for proposals shall be retained for three years after the expiration of the contract that is awarded.

**Commentary (July 1, 2026)**

Rule 26.01 was renumbered to Rule 11.29 as part of the 2026 restructuring of the Rules of Superintendence.

Effective Date: October 1, 1997

Amended: April 1, 2025

**RULE 11.30. Courts of Appeal Retention Schedule.**

**(A) Retention schedule for the index, docket, and journal**

The index, docket, and journal of the courts of appeal shall be retained permanently.

**(B) Retention schedule for case files and recordings of proceedings**

(1) Courts of appeal case files shall be retained for two years after the final judgment in the appellate case, except for files where the death penalty is imposed, which shall be retained permanently.

(2) Courts of appeal recordings of proceedings shall be retained for two years after the final judgment in the case, except for cases where the death penalty is imposed, which shall be retained permanently.

**(C) Judge, magistrate, and clerk drafts, notes, and research**

Judge, magistrate, and clerk drafts, notes, and research may be destroyed as soon as they are considered to be of no value by the person holding them.

**Commentary (July 1, 2026)**

Rule 26.02 was renumbered to Rule 11.30 as part of the 2026 restructuring of the Rules of Superintendence.

Effective Date: October 1, 1997

Amended: April 1, 2025

**RULE 11.31. General, Domestic Relations, and Juvenile Divisions Retention Schedule.**

**(A) Retention schedule for the index, docket, and journal**

The index, docket, and journal of a division shall be retained permanently.

**(B) Recordings of proceedings**

Recordings of proceedings shall be retained for five years after the final judgment in the case, except for cases where the death penalty is imposed, which shall be retained permanently.

**(C) Judge, magistrate, and clerk drafts, notes, and research**

Judge, magistrate, and clerk drafts, notes, and research may be destroyed as soon as they are considered to be of no value by the person holding them.

**(D) Retention schedule for court of common pleas — general jurisdiction case files**

**(1) Death penalty cases**

Case files where the death penalty is imposed shall be retained permanently.

**(2) Real estate**

Case files of matters that resulted in a final judgment determining title or interest in real estate shall be retained permanently.

**(3) Search and interception warrant records**

Search and interception warrant records shall be indexed. Search warrants, returns, and the corresponding index shall be retained for five years after the date of service or last service attempt. Interception warrants, returns, and the corresponding index shall be retained for ten years after the date of service or last service attempt.

**(4) Voluntary dismissals**

Case files of matters that are voluntarily dismissed shall be retained for three years after the date of the dismissal.

**(5) Civil stalking protection order petitions**

(a) Case files of petitions for civil stalking protection orders shall be retained for one year after the expiration of any resulting protection order.

- (b) Case files of petitions for civil stalking protection orders in which no protection order was issued shall be retained for one year after the date the petition was filed.
- (c) Case files of petitions for civil stalking protection orders in which post-decree motions have been filed shall be retained for one year after the adjudication of the post-decree motion.

**(6) Felony convictions**

- (a) Depositions and transcripts filed in cases resulting in a conviction of a felony of the first, second, or third degree or an unclassified felony shall be retained for fifty years after final judgment.
- (b) Depositions and transcripts filed in cases resulting in a conviction of a felony of the fourth or fifth degree shall be retained for twelve years after final judgment.

**(7) Other case files**

Any case file not listed in this division shall be retained for twelve years after the final judgment. Documents within a case file admissible as evidence of a prior conviction, including evidence that a defendant was represented by counsel or waived their right to counsel, shall be retained for fifty years after the final judgment.

**(E) Retention schedule for court of common pleas — domestic relations jurisdiction case files**

**(1) Real estate**

Case files of matters that resulted in a final judgment determining title or interest in real estate shall be retained permanently.

**(2) Divorce, dissolution, legal separation, annulment, custody, parentage, visitation, support enforcement, or Uniform Interstate Family Support Act: with minor children**

Case files of divorce, dissolution, legal separation, annulment, custody, parentage, visitation, support enforcement or the Uniform Interstate Family Support Act that involve minor children shall be retained for twenty-five years after the date of the final judgment.

**(3) Divorce, dissolution, legal separation, or annulment: without minor children**

Case files of divorce, dissolution, legal separation, or annulment not involving minor children shall be retained for twelve years after the final judgment.

**(4) Divorce, dissolution, legal separation, or annulment: with adult children**

Case files of divorce, dissolution, legal separation, or annulment that involve children whose parents have a duty to support a child beyond the age of majority shall be retained for five years after the support obligation is terminated or as stated in (E)(2), whichever is later.

**(5) Domestic violence and dating violence protection order petitions**

- (a) Case files of petitions for domestic violence or dating violence protection orders shall be retained for one year after the expiration of any resulting protection order.
- (b) Case files of petitions for domestic violence or dating violence protection orders in which no protection order was issued shall be retained for one year after the date the petition was filed.
- (c) Case files of petitions for domestic violence or dating violence protection orders in which post-decree motions have been filed shall be retained for one year after the adjudication of the post-decree motion.
- (d) Case files of petitions for domestic violence or dating violence protection orders in which the parties are also parties to a divorce, dissolution, or legal separation shall be retained for one year after the expiration of any resulting protection order, until the parties are legally separated, or their marriage is terminated, whichever is later.

**(6) Registration or adoption of foreign decree**

Case files of registrations or adoptions of foreign decrees shall be retained for two years after the emancipation of all of the parties' minor children. Case files of registrations or adoptions of foreign decrees in which post-decree motions have been filed shall be retained for two years after the adjudication of the post-decree motion.

**(F) Retention schedule for court of common pleas — juvenile jurisdiction case files**

**(1) Adult criminal case files**

Adult criminal case files shall be retained for five years after the final judgment. Documents admissible as evidence of a prior conviction, including evidence that a

defendant was represented by counsel or waived their right to counsel, shall be retained for fifty years after the final judgment.

**(2) Delinquency, unruly, and marriage consent case files**

Delinquency, unruly, and marriage consent case files shall be retained for three years after the final judgment.

**(3) Juvenile by-pass case files**

Juvenile by-pass case files shall be maintained in two separate and secure files. The first file shall contain the first page of the complaint and other relevant documents and the second file shall contain the second page of the complaint bearing the signature of the complainant. Each file shall be retained for two years after the final judgment of the juvenile division or court of appeals, whichever is later.

**(4) Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and Uniform Interstate Family Support Act case files**

Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and Uniform Interstate Family Support Act case files shall be retained for two years after the child who is the subject of the case reaches the age of majority. Cases that involve children whose parents have a duty to support a child beyond the age of majority shall be retained for five years after the support obligation is terminated.

**(5) Search and interception warrant records**

Search and interception warrant records shall be indexed. Search warrants, returns, and the corresponding index shall be retained for five years after the date of service or last service attempt. Interception warrants, returns, and the corresponding index shall be retained for ten years after the date of service or last service attempt.

**(6) Traffic case files**

Unclassified and minor misdemeanor traffic case files shall be retained for five years after the final judgment. All other traffic case files shall be retained until the minor child reaches the age of twenty-three.

**(7) Juvenile civil protection order petitions**

- (a) Case files of petitions for juvenile civil protection orders shall be retained for one year after the expiration of any resulting protection order.

- (b) Case files of petitions for juvenile civil protection orders in which no protection order was issued shall be retained for one year after the date the petition was filed.
- (c) Case files of petitions for juvenile civil protection orders in which post-decree motions have been filed shall be retained for one year after the adjudication of the post-decree motion.

**Commentary (April 1, 2025 Amendments)**

**Drafts, notes, and research**

Drafts, notes, and research created by judicial officers and staff are not “case documents” subject to public access, even when stored in the case file. But to avoid inadvertent disclosure in response to public access requests; drafts, notes, and research stored in the case file should be segregated in a clearly marked subfile.

**Commentary (July 1, 2026)**

Rule 26.03 was renumbered to Rule 11.31 as part of the 2026 restructuring of the Rules of Superintendence.

Effective Date: October 1, 1997

Amended: October 1, 1997; September 23, 2004; March 23, 2005; April 1, 2025

## **RULE 11.32. Probate Division Retention Schedule.**

### **(A) Definition**

“Record of documents” means a collection of single or several page documents, which includes petitions, applications, or affidavits, either original or copies, and information pertaining to those documents, or other information considered necessary by the court.

### **(B) Closed case file**

For purposes of this rule, a case file of an estate, trust, or other fiduciary relationship shall be considered closed when a final accounting has been filed and, if required by law at the time of the filing, the account has been approved and settled. All other case files shall be considered closed when the probate division orders the matter closed or issues a final judgment.

### **(C) Required records**

#### **(1) Dockets**

(a) The probate division shall maintain the following dockets:

- (i) An administration docket showing the grant of letters of administration or letters testamentary, the name of the decedent, the amount of bond and names of sureties in the bond, the date of filing, and a brief note of each order or proceeding relating to the estate with reference to the journal or other record in which the order or proceeding is found;
- (ii) A guardian’s docket showing the name of each ward and, if the ward is a minor, the ward’s age and name of the ward’s parents, any limited powers or limited duration of powers, date of filing, and a brief note of orders and proceedings as described in division (i) of this section;
- (iii) A civil docket showing the names of the parties, commencement date, filings and a brief note of orders, and date of filings and orders in actions and proceedings;
- (iv) A testamentary trust docket showing the names of the testator and trustee or trustees;
- (v) A change of name docket showing the name of the petitioner and the present and proposed name of the person whose name is to be changed;

- (vi) A birth registration and correction docket showing the name of the person whose birth certificate is being registered or corrected. The docket shall be kept in the form and manner that may be designated by the director of health.
  - (vii) A civil commitment docket showing the name of the prospective patient;
  - (viii) A separate adoption docket, in accordance with R.C. 3107.17, showing the name of the child as it would exist after finalization of the adoption and the name or names of the adoptive parent or parents;
  - (ix) A miscellaneous docket showing the names of parties or petitioners and the nature of the action or proceeding. The miscellaneous docket shall be limited to actions within the probate division's jurisdiction that are not kept in one of the other dockets described in division (C)(1) of this rule. A miscellaneous docket may be subdivided or grouped into sections containing files or records of similar content if the number of filings merits.
- (b) All dockets of the probate division shall contain the following information, to the extent applicable:
- (i) The dates of filing or occurrence;
  - (ii) A brief description of any bond and surety;
  - (iii) Letters of authority;
  - (iv) Each filing, order, or record of proceeding related to the case or action, with a reference to the file or record where the bond and surety, letter of authority, filing, order, or record of proceeding is to be found;
  - (v) Such other information as the court considers necessary.

## **(2) Records of documents**

The probate division shall maintain both of the following records of documents:

- (a) A record of wills, if wills are not copied and permanently retained as part of an estate case file under division (C)(1) of this rule. The wills proved in the court shall be recorded with a certificate of the probate of the will. The wills proved elsewhere shall be recorded

with the certificate of the probate of the will, authenticated copies of which have been admitted to record by the court.

- (b) A marriage record showing the names of persons applying for a license, a brief statement of the facts sworn to by persons applying for a license, the names of persons to whom a license is issued, the license, and the return of the person solemnizing the marriage.

**(3) Journal**

The probate division shall maintain an administrative journal for orders, entries, or judgments, including the following:

- (a) Orders of appointment and oaths of office pursuant to R.C. 2101.11 of court personnel and other nonfiduciary appointees;
- (b) Orders of reference to magistrates;
- (c) Changes to the local rules of the probate division.

**(4) Indexes**

The probate division shall maintain an index for each docket, record of documents, and journal described in division (C) of this rule. Each index shall be kept current with names or captions of proceedings in alphabetical order and references to a docket, record or documents, journal, or case file where information pertaining to those names or proceedings may be found.

**(D) Destruction and preservation of probate records**

- (1) All records, vouchers, inventories, accounts, pleadings, applications, petitions, records of adoptions, marriages, and mental health commitments, wills, trusts, journals, indexes, dockets, records, or documents related to estate or inheritance taxes, and other papers and filings of the probate division, may be preserved in accordance with Sup.R. 11.28(F).
- (2) In the probate division's discretion, any note, notice, letter, form, or other paper, document, or memorandum in a case file that is not essential to providing a record of the case and the judgment of the probate division may be destroyed as soon as they are considered to be of no value by the person holding them. Evidence of service of notice of the initial complaint, petition, or application that establishes the probate division's jurisdiction shall be retained in accordance with the applicable retention period associated with the case file.

- (3) Judge, magistrate, investigator, and clerk drafts, notes, and research may be destroyed as soon as they are considered to be of no value by the person holding them.

**(E) Case file and probate record retention schedule**

**(1) Adoption records**

Adoption records shall be retained permanently.

**(2) Birth and death registrations**

Birth and death registrations occurring within the county, reported as provided by law, shall be retained permanently.

**(3) Civil commitment records**

Civil commitment records shall be retained for three years after the case is closed.

**(4) Dockets, journals, and indexes**

Dockets, journals, and indexes shall be retained permanently.

**(5) Recordings of proceedings**

Recordings of proceedings shall be retained for five years after the proceeding.

**(6) Evidence filed in support of expenditures or distributions**

Vouchers, proof, or other evidence filed in support of expenditures or distributions stated in an account may be returned to the fiduciary or retained in accordance with division (C)(1) of this rule for five years after the Court's approval of the final account.

**(7) Marriage license records**

Marriage license records shall be retained permanently.

**(8) Trust accountings**

Trust accountings shall be retained for twelve years after the court approves the accounting.

**(9) Deposited wills**

A deposited will that is not delivered or disposed of shall be retained for one hundred years after the date it was deposited. An electronic copy of the will shall be made before disposing of the will and retained permanently.

**(10) Guardianship guide**

The form executed by a guardian confirming receipt of the guardianship guide shall be retained permanently.

**(11) All other records**

All other records shall be retained for twenty-one years after the date the case, cause, proceeding, or matter is closed or completed.

**Commentary (July 1, 2026)**

Rule 26.04 was renumbered to Rule 11.32 as part of the 2026 restructuring of the Rules of Superintendence.

Effective Date: October 1, 1997

Amended: October 1, 1997; September 23, 2004; March 23, 2005; April 1, 2025

**RULE 11.33. Municipal and County Courts Retention Schedule.**

**(A) Retention schedule for financial records**

**(1) Auditor reports**

Auditor of State reports shall be retained permanently.

**(2) Separate account of receipts and disbursements records**

A separate account of receipts and disbursements in civil and criminal cases shall be retained permanently.

**(3) Rental escrow account records**

Rental escrow account records shall be retained for five years after the last date of deposit.

**(B) Retention schedule for the index, docket, and journal**

The index, docket, and journal shall be retained for twenty-five years.

**(C) Recordings of proceedings**

Recordings of proceedings shall be retained for five years after the final judgment in the case.

**(D) Judge, magistrate, and clerk drafts, notes, and research**

Judge, magistrate, and clerk drafts, notes, calendars, and research may be destroyed as soon as they are considered to be of no value by the person holding them.

**(E) Retention schedule for case files**

**(1) Civil case files**

Civil case files shall be retained for two years after the final judgment and issuance of an audit report by the Auditor of State, unless a longer minimum retention period is established by local rule.

**(2) OVI case files**

Operating a vehicle under the influence of alcohol or drug case files shall be retained for fifteen years after the final judgment. Documents within a case file admissible as evidence of a prior conviction, including evidence that a defendant

was represented by counsel or waived their right to counsel, shall be retained for fifty years after the final judgment.

**(3) Felony criminal case files**

Felony criminal case files shall be retained for two years after the final judgment of the municipal or county court.

**(4) Misdemeanor criminal case files**

Except for minor misdemeanor criminal cases, misdemeanor criminal case files shall be retained for fifteen years after the final judgment of the municipal or county court. Documents within a case file admissible as evidence of a prior misdemeanor criminal conviction, including evidence that a defendant was represented by counsel or waived their right to counsel, shall be retained for fifty years after the final judgment.

**(5) First through fourth degree misdemeanor traffic files**

Except for operating a vehicle under the influence of alcohol or drug case files, first through fourth degree misdemeanor traffic files shall be retained fifteen years after the final judgment of the municipal or county court. Documents within a case file admissible as evidence of a prior conviction including evidence that a defendant was represented by counsel or waived their right to counsel, shall be retained for twenty-five years after the final judgment.

**(6) Unclassified misdemeanor, minor misdemeanor traffic, and minor misdemeanor criminal case files**

Unclassified misdemeanor, minor misdemeanor traffic, and minor misdemeanor criminal case files shall be retained for five years after the final order of the municipal or county court.

**(7) Parking ticket records**

Parking ticket records shall be retained until the ticket is paid and the Auditor of State issues an audit report.

**(8) Real estate**

Case files of matters that resulted in a final judgment determining title or interest in real estate shall be retained permanently.

**(9) Search warrant records**

Search warrant records shall be indexed and the warrants and returns retained in their original form for five years after the date of service or last service attempt.

**Commentary (July 1, 2026)**

Rule 26.05 was renumbered to Rule 11.33 as part of the 2026 restructuring of the Rules of Superintendence.

Effective Date: October 1, 1997

Amended: October 1, 1997; September 23, 2004; March 23, 2005; April 1, 2025

## **RULE 11.34. Destruction of Court Records.**

### **(A) Destruction of records**

- (1) Subject to the notification and transfer requirements of division (A)(2) of this rule, a record and any back-up copy of a record produced in accordance with Sup.R. 11.28(F)(3)(a) may be destroyed after the record and its back-up copy have been retained for the applicable retention period set forth in Sup.R. 11.29 through 11.33.
- (2) If Sup.R. 11.29 through 11.33 set forth a retention period greater than ten years and the record was created more than fifty years ago, the court shall notify the OHC in writing of the court's intention to destroy the record at least sixty days prior to the destruction of the record. Upon request of the OHC, the court shall transfer the record to the OHC or to a designated agency or institution.

### **(B) Exhibits**

- (1) Exhibits containing biological evidence shall be returned to the party who tendered the exhibit after final judgment for retention or destruction in accordance with the Revised Code.
- (2) Unless otherwise provided by any other provision set forth in Sup.R. 11.28 through 11.33, exhibits may be destroyed at the conclusion of litigation, including times for direct appeal, if all of the following conditions are satisfied:
  - (a) The party who tendered the exhibits is notified in writing, at their last known address, that the party may retrieve exhibits, depositions, or transcripts within sixty days from the date of the written notification;
  - (b) The written notification informs the party that the exhibits will be destroyed if not retrieved within sixty days from the date of the notification;
  - (c) The written notification informs the party of the location for retrieval.
- (3) Exhibits may be destroyed one year following the date from the written notification if the notification is returned addressee unknown, undeliverable, or moved, with no forwarding address.
- (4) For cases concluding on or after April 1, 2025, after one year from the conclusion of litigation, including times for direct appeal, exhibits may be destroyed without prior notice to the party who tendered the exhibits.

**Commentary (July 1, 2026)**

Rule 26.06 was renumbered to Rule 11.34 as part of the 2026 restructuring of the Rules of Superintendence.

Effective Date: April 1, 2025