



# County Technical Assistance Service

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## Juvenile Court Records Retention Schedule

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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## Juvenile Court Records Retention Schedule

**Reference Number:** CTAS-2055

**Juvenile Court Records.** The records included in this schedule are those specific to the Juvenile Court. For more general court records, see the retention schedules for the Circuit, Criminal or General Sessions Courts. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules in this manual. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record, or the frequency of its occurrence. This is particularly true of court records which may vary according to local rule and practice and especially confusing concerning the varying forms of docket books that courts may have utilized over the years. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record's existence to include it in future revisions of this manual.

There are a number of special considerations that should be kept in mind with records of juvenile proceedings. First of all, a juvenile court is a court of record, even when a general sessions court is exercising juvenile jurisdiction ( T.C.A. § 37-1-159). It is important that a good record is maintained for the purpose of appeals (T.C.A. § 37-1-159), for transfer of the case to the county of the child's residence (T.C.A. § 37-1-112), and for hearings to determine whether a juvenile charged with delinquency should be transferred to the jurisdiction of the criminal court to be tried as an adult (T.C.A. § 37-1-134).

The second important point to keep in mind is that many juvenile records are confidential under the law. Except for juvenile traffic offenses, files and records of the court in proceedings under Title 37, Chapter 1, Part 1 are open to inspection by certain parties. Those parties are, the judges, officers and professional staff of the court exercising juvenile jurisdiction; the parties to a proceeding and their counsel and representatives; public or private agencies or institutions providing supervision or having custody of the child under order of the court; a court and its probation and other officials or professional staff and the attorney for the defendant for use in preparing a pre-sentence report in a criminal cases for defendants who were previously a party to a proceeding in juvenile court; and, with the permission of the court, any other person or agency or institution having a legitimate interest in the proceeding or in the work of the court ( T.C.A. § 37-1-153). Under certain circumstances, the records may be open to public inspection. See T.C.A. § 37-1-153(b) for details. Inspection of the law enforcement records regarding the child is similarly restricted (T.C.A. §§ 37-1-154–155).

This listing of juvenile records is short and is only intended to include those records that are specific to the juvenile court and do not appear in other court retention schedules. Where juvenile records mirror those in civil or criminal courts, consult the appropriate retention schedule for the proper period to retain the record.

<b>Retention Schedule for Juvenile Court Records</b>		
<b>Description of Record</b>	<b>Retention Period</b>	<b>Legal Authority/Rationale</b>
<b>07-001 Investigative Files and Reports</b> —Written reports from probation officers, professional court employees or consultants; any materials on file with the courts from a social services agency; and any similar reports or records for delinquency, unruly child, or dependency and neglect cases. Note: This record series may be kept in the Juvenile Court Services Office or some other appropriate office instead of with the court itself.	Keep 10 years after disposition of case or 3 years after child reaches age of majority.	T.C.A. § 18-1-202(a) and T.C.A. § 37-1-134(b)(1). Complete juvenile record used in making determinations of transfer to criminal court.

<b>Retention Schedule for Juvenile Court Records</b>		
<b>Description of Record</b>	<b>Retention Period</b>	<b>Legal Authority/Rationale</b>
<b>07-002 Judge and Referee Orders</b> —Orders and opinions making determinations of status or disposition of child.	Permanent record.*	T.C.A. § 18-1-202(a).
<b>07-003 Juvenile Court Docket</b> —Record of first appearance of all causes in court, showing date filed, names of attorneys, action taken, etc.	Permanent record.*	Similar to appearance docket. T.C.A. § 18-1-202(a).
<b>07-004 Juvenile Court Minutes</b>	Permanent record.*	T.C.A. § 18-1-202(a).
<b>07-005 Petitions</b> —Original pleading initiating delinquency, unruly child, or dependancy and neglect cases.	Permanent record.*	In the nature of original process. T.C.A. § 18-1-202(a).
<b>07-006 Rule Dockets and Indexes</b> —A record of original processes issued and filed incident to cases tried in court, showing number of case, date and hour filed, names of petitioner, defendant, and solicitors; also date and nature of process, date process served, note of officer's return, and rules and orders of the court.	Permanent record.*	T.C.A. § 18-1-202(a).

\* In 2019 the general assembly amended T.C.A. § 18-1-202 to provide that the clerks of the juvenile courts are empowered and authorized under the direction and order of the judges of their respective courts to dispose of original pleadings, process, opinions, records, dockets, books, ledgers, and all other documents in delinquent and unruly juvenile court cases after a period of ten (10) years following the juvenile reaching eighteen (18) years of age. Prior to ordering the clerk to dispose of original documents, the court must notify the district attorney general of the proposed order and provide the district attorney general reasonable time to file a notice of opposition to the proposed order.

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