



1 RECORDS RETENTION SCHEDULE : County Counsel

2 EFFECTIVE DATE: 1/14/2025

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3 CUSTODIAN OF RECORD	4 TITLE & DESCRIPTION OF RECORD	5 VITAL	6 ARCHIVES	7 TOTAL RETENTION	8 LEGAL AUTHORITY & POLICY PREFERENCE & COMMENTS
1 County Counsel	BAIL BOND MOTIONS			Hearing Conclusion + 2 years	The right to enforce a summary judgment against a bondsman expires after 2 years; PC §1306(f), GC §26202
2 County Counsel	CASE MANAGEMENT SYSTEM / INDEX OF CASES	Yes		Permanent	Data is interrelated; GC §26202 et seq.
3 County Counsel	CFS CACI Writs	Yes: Until Closure		Closure + 10 years	Department Preference (Courts want original paper, therefore scanning is not required); GC §26202
4 County Counsel	CFS Civil Lit (involving children of Indian descent)	Yes		Permanent	For an Indian child's case records, in perpetuity. (25 U.S.C. 1915 (e); Welfare and Institutions Code section 361.31(m).)
5 County Counsel	CFS Civil Lit (not involving children of Indian descent)	Yes: Until Closure		Closure + 3 years	A minimum of three years. (California Department of Social Services Manual of Policies and Procedures section 31-075, Welfare and Institutions Code section 10851 (a))
6 County Counsel	CFS Writs and Appeals	Yes: Until Closure		Closure + 10 years	Department Preference (Courts want original paper, therefore scanning is not required); GC §26202
7 County Counsel	CLOSED SESSION - Index/Notes			Permanent	Department Preference; GC §26202
8 County Counsel	CLOSED SESSION - Memorandums			10 years	Department Preference; GC §26202
9 County Counsel	CONSERVATORSHIPS FOR MINORS	Yes		Juvenile 28 years old OR Release to Juvenile upon Written Request after End of Jurisdiction + 5 years	Department preference to be consistent with Court retention for Dependency W&I 300 actions; If applicable, Probation officers may destroy records at age 26; GC §68152(g)(1), 26202; W&I §§300, 826(a)
10 County Counsel	CRITICAL INCIDENTS	Yes: Until Closure		Closure + 10 years	Department preference; Claims must be filed within 6 months or 1 year; CCP §342, GC §§945.6, 26202
11 County Counsel	DELINQUENCY W&I 601, 602 - Sealed records	Yes: Until Closure		Sealing Date + 5 years (or Court Order)	Consistent with Court retention (other agencies "may" destroy); GC §68152(g)(1); W&I §§601, 602, 389(a), 781(d), 826(a); but W&I 707.1
12 County Counsel	DELINQUENCY W&I 601, 602/JUVENILE CASE FILES	Yes: Until Closure		Juvenile 21 years old if WIC 601, Juvenile 38 years if WIC 602 + 5 years, unless unsealed	Probation officers "may" destroy; GC §68152(g)(1), 26202; W&I §§602, 826(a), (c). Do not destroy if records cannot be sealed W&I §781(f), 707.1
13 County Counsel	DEPARTMENTAL / SUBJECT - FILES: County Department / Agencies and/or subject files			When No Longer Required - Minimum 2 years	Department preference: GC §26202
14 County Counsel	DEPARTMENTAL / SUBJECT - ORIGINATING FILES: Establishing a Special District or Agency	Yes		Permanent	Department preference: GC §26202
15 County Counsel	DEPENDENCY W&I §300 ACTIONS / JUVENILE COURT CASE FILES	Yes: Until Closure		Juvenile 28 years old OR Release to Juvenile upon Written Request after End of Jurisdiction + 5 years	Department preference to be consistent with Court retention (Juvenile abuse or neglect cases - Court "Shall" destroy); GC §68152(g)(1), 26202; W&I §§ 300, 826(a); CCP §340.1
16 County Counsel	DEPENDENCY W&I 300 - Sealed Records	Yes: Until Closure		Sealing Date + 5 years (or Court Order)	GC §68152(g)(1), 26202; W&I §§ 389, 826, but W&I 781(a)(1)(D)(iii)(III)
17 County Counsel	EMINENT DOMAIN / Condemnation Proceedings - Excluding Order of Condemnation (Relocations, Appeals, etc.)			Settle + 10 years	Meets all auditing requirements; GC §26202 et seq
18 County Counsel	EMINENT DOMAIN / Condemnation Proceedings - Order of Condemnation			Permanent	Keep original record; Order of Condemnation can serve as Title to Property; GC §26202 et seq

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Legal Authority Abbreviations

B&P Business and Professions Code	CFR Code of Federal Regulations	GC Government Code	LC Labor Code
CC County Code (San Bernardino)	EC Elections Code	H&S Health and Safety Code	PC Penal Code
CCP Code of Civil Procedure	EVC Evidence Code	IRC Internal Revenue Code	R&T Revenue and Taxation Code
CCR California Code of Regulations	FC Family Code	IRS Internal Revenue Service	UFC Uniform Fire Code

Schedule Abbreviations

USC United States Code	DP Department Preference	Page 1 of 3
VC Vehicle Code	CR Custodian of Record	Form RMP 3
WC Water Code		Rev. 02/2024
W&I Welfare and Institutions Code		



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19 County Counsel	EMPLOYEE CERTIFIED TIMESHEET – Monthly time reports	Yes, until paid		5 years	Consistent with municipal government auditing standards; 3 years is required for payroll records and financial supporting documents see 2 CFR Part 200, Section 200.334 and 8 CCR 11040(7)(c) and see California State Controller's Handbook of Cost Plan Procedures for California Counties Section 2180
20 County Counsel	FREEDOM FROM CUSTODY (FFC)/ADOPTIONS	Yes: Until Closure		Adoptions records to be maintained indefinitely	GC §68152(g)(1), 26202; W&I§§ 12168.7, 10851 (BOS "may" authorize the destruction if over 3 yrs only after a CDSS audit); CCR Title 22 §§89179, 89182; All County Letter 11-23
21 County Counsel	HIPAA privacy-related documents (breach reports, notifications, investigations, accountings for disclosures, authorizations, policies, designation of officers, etc.)			6 years from creation or date in last effective, whichever is later	45 C.F.R. Section 164.530(j)
22 County Counsel	HUMAN RESOURCES FILES (Grievances, Selection Appeals, etc.)	Yes: Until Resolved		When No Longer Required - Minimum 6 years	Department Preference; Statute of limitations for retirement benefits is 6 years from last action; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 - 3 years; 29 CFR 1602.31 & 1627.3(b)(ii), GC §§12946, 26202; 29 USC 1113
23 County Counsel	LITIGATION FILES – NOT Workers Compensation: Complaints, Pleadings, correspondence, etc. (includes Transit Agencies and other clients)	Yes: Until Final Resolution		Closure + 5 years	Department preference. The California Rules of Professional Conduct require an attorney to maintain all records of client funds and other properties for at least five (5) years. (Rule 4-100(B)(3)). Statute of limitations for breach of contract is four (4) years. (CCP § 337). See also GC § 25105.5
24 County Counsel	LITIGATION FILES – Workers Compensation: Complaints, Pleadings, correspondence, etc. (includes Transit Agencies and other clients) (Where there is an award for future benefits)	Yes: Until Final Resolution		Permanent	Claim files with awards for future benefits shall not be destroyed, but two (2) years after the date of the last provision of workers' compensation benefits as defined in Labor Code Section 3207, they may be converted to an inactive or closed status by the administrator, but only if there is no reasonable expectation that future benefits will be claimed or provided. (CCR §15400.2)
25 County Counsel	LITIGATION FILES – Workers Compensation: Complaints, Pleadings, correspondence, etc. (includes Transit Agencies and other clients) (Where there is no award for future benefits)	Yes: Until Final Resolution		Closure + 5 years	For self-insured employers, claims must be kept and maintained for five (5) years from the date of injury or from the date on which the last provision of compensation benefits occurred. (CCR §15400.2)
26 County Counsel	OPINIONS / Formal Opinions	Yes		Permanent	Department Preference; Statewide guidelines propose superseded + 2 years; GC §26202
27 County Counsel	PROBATE & CONSERVATORSHIP CASE FILES - Matters for Public Guardian / Public Administrator	Yes: Until Closed		Closure + 10 years	Department Preference; Statute of Limitations for most contracts is 4 years; taking personal property is 3 years; CCP §§ 337 et seq., 338 et seq.; GC §§ 945, 25105.5; PC §832.5
28 County Counsel	PURCHASE ORDER BACKUP (Confidential) - Including Contracts for Outside Legal Services, Consultants, etc.			5 years	The detail backup is not sent to Procurement; meets municipal government auditing standards; Consistent with Controller's retention and County Accounting Committee recommendations; GC §§26201, 26907

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29 County Counsel	RESEARCH FILES			When No Longer Required - Minimum 2 years	Department preference: GC §26202
30 County Counsel	SETTLEMENT AGREEMENTS			Permanent	Department preference: GC §26202
31 County Counsel	TRANSIT AGENCIES – Client Files (General Advice - also see Claims and Litigation)			When No Longer Required - Minimum 5 years	Department Preference; Originals may be returned to the Client, if mutually agreed; Statute of Limitations for most contracts is 4 years; taking personal property is 3 years; CCP §§ 337 et seq., 338 et seq.; GC §§ 945, 25105.5; PC §832.5

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