

RECORDS RETENTION AND DISPOSITION SCHEDULE



RECORDS OF THE SURROGATE'S COURT

**DIVISION OF COURT OPERATIONS
OFFICE OF RECORDS MANAGEMENT**

Rev. MAY 2009

**RECORDS OF THE
SURROGATE'S COURT**

PLEASE NOTE

A RECORDS DISPOSITION REQUEST FORM must be submitted and approved prior to the disposal of any records in accordance with the Records Retention and Disposition Schedules.

Records Disposition Request Forms can be obtained at:

http://www.nycourts.gov/admin/recordsmanagement/too_forms.shtml

**Return all completed forms to:
N.Y.S. Office of Court Administration
Division of Court Operations
Office of Records Management
25 Beaver Street - Room 883
New York, NY 10004
TEL: 212- 428-2875
FAX: 212- 428-2880
E-mail: DISPOREQ@courts.state.ny.us**

Please Note: This retention schedule is printed in a color format to facilitate identification of purgable records.

Color Codes for Record Series Numbers and Titles:

Red = Permanent Records

Green = Purgable Records

Orange = Both Permanent and Purgable Records

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**NOTE: FISCAL RECORDS: see Records Retention Schedule for Administrative
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http://www.courts.state.ny.us/admin/recordsmanagement/sch_admin_records.shtml**

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NEW YORK STATE UNIFIED COURT SYSTEM
RECORDS OF THE SURROGATE'S COURT
RECORDS RETENTION AND DISPOSITION SCHEDULE

The following list of record series includes the records of the Surrogate's Court, as well as the Court of Probate and other predecessor courts.

CASE FILES

A case file contains Petitions, Wills, Orders, Decrees, Waivers, Citations, Letters, Accountings, Inventories, Appraisals, Tax Fix, Record on Appeal, and all other papers which must be filed with the court. Note that some courts currently store some of the documents listed above separately from the case file. These documents have been distinguished as separate record series in these schedules, but have the same retention requirements as the related case files.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50010.	ADOPTIONS Records of adoption case proceedings.	Retain permanently.
50020.	COMMITMENTS OF GUARDIANSHIP AND CUSTODY Permanent termination of parental rights to custody of a child.	Retain permanently.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50030.	CONSERVATORSHIPS Records of conservatorship case proceedings.	Retain permanently.
50040.	ESTATES Records of estate case proceedings including probate, administration, small estates, tax fixing of estates, accounting of estates and other proceedings relating to the settlement of an estate.	Retain permanently.
50050.	GUARDIANSHIPS Records of guardianship case proceedings, including the appointment, accounting, release and other proceedings relating to the administration of guardianships.	Retain permanently.
50060.	LIVING TRUSTS, INTERVIVOS TRUSTS AND LIFETIME TRUSTS Records of living trusts, intervivos trusts and lifetime trust proceedings.	Retain permanently.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50070.	SURRENDER OF A CHILD Records of cases involving the voluntary surrender of a child by the parent or guardian.	Retain permanently.
50073.	TRANSFERRED CASE FILES Exact copies of files transferred to another court <u>for jurisdiction.</u>	Retain for one year, then destroy.

SUPPLEMENTAL CASE RECORDS

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50075.	AFFIDAVITS FOR TRANSFERRING EXEMPT PROPERTY Affidavits requesting letters of authorization to transfer property when the property is the only asset of the estate. There is no formal estate proceeding or case file.	Retain for one year, then destroy.
50080.	APPLICATIONS FOR ORDERS TO ADVERTISE FOR CLAIMS Petitions, filed by executors or administrators requesting orders for permission to advertise for claims.	Destroy immediately.
50090.	BONDS Undertakings requiring the fiduciary to pay a specified amount if the conditions of the obligation are not fulfilled. This record series includes Bonds of Administration, Guardianship, Executor and any other bond filed with the court.	Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50100.	COURT REPORTER NOTES and ALL OTHER RECORDINGS OF THE COURT NOT LISTED AS A SEPARATE RECORDS SERIES TITLE Stenographic tapes, pads, audio tapes or other machine-readable material which record court proceedings.	Retain for five years, then destroy.
50110.	COURT REPORTER TRANSCRIPTS and TRANSCRIPTS OF ALL OTHER RECORDINGS OF THE COURT NOT LISTED AS A SEPARATE RECORDS SERIES TITLE Transcripts of Court Reporter Notes and transcripts of all other recordings of the Court not listed as a separate record series title.	Retain permanently.
50120.	EXHIBITS Exhibits presented as evidence in a case.	Return to party who introduced it immediately after disposition unless otherwise directed by the court. If not claimed, retain for ninety days, then destroy, provided express notice has been given.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50125.	FINGERPRINT CARDS Fingerprints taken to obtain criminal histories of proposed guardians.	Retain until response is received from New York State Division of Criminal Justice Services (DCJS), then destroy.
50130.	MEASUREMENTS OF DOWER (also known as DOWAGER BOOKS) Engrossed books recording the actions in a land tenure by right of dower proceeding. Includes transcripts of petitions, affidavits, orders and survey reports.	Retain permanently.
50140.	NOTICES TO CREDITORS Notices issued by an executor or administrator to creditors regarding the acceptance or rejection of claims.	Considered part of the case file. Retain permanently.
50145.	PETITIONS AND ORDERS TO OPEN SAFE DEPOSIT BOXES Requests by attorneys and relatives to open decedents safe deposit boxes.	Retain for five years, then destroy.
50150.	PROBATES OF HEIRSHIP Records of the court's determination and designation of the true heirs.	Retain permanently.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50160.	SUBPOENAED RECORDS Records which have been subpoenaed from an outside agency organization or individual.	Return to party who introduced it immediately after disposition unless otherwise directed by the court. If not claimed, retain for ninety days, then destroy provided express notice has been given.
50170.	WILLS: NOT FOR PROBATE Wills of decedents, filed with the Surrogate's Courts, which are not probated.	Retain permanently.
50180.	WILLS/CODICILS: ORIGINAL Original copies of wills/codicils filed with the Surrogate's Courts for probate.	Retain permanently.
50190.	WILLS/CODICILS: SAFEKEEPING Sealed, original wills/codicils deposited with the Surrogate's Courts by the testator.	a) Retain until delivered. b) If will cannot be delivered, retain permanently.

CASE MANAGEMENT RECORDS

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50200.	CALENDARS Lists of cases that are scheduled to appear in court. This includes calendars for trials, hearings, filing of papers and all other types of appearances.	Retain for one year or until no longer needed, whichever is sooner, then destroy.
50210.	CASELOAD ACTIVITY REPORTS Court copies of the caseload activity reports (UCS-150) that are filed with the Office of Court Administration.	File original with the Office of Court Administration. Retain court copy for one year, then destroy.
50220.	CERTIFICATES TO LETTERS Clerk certification of the validity of letters of administration and letters testamentary.	Retain for one year, then destroy.
50223.	ELECTRONIC RECORDING LOG SHEET Log containing case identification information for proceedings, trials and hearings which are recorded electronically.	Retain for five years, then destroy.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50227.	ELECTRONIC RECORDING STATISTICAL REPORT	
	Copy of monthly report, sent to OCA, reflecting the activity of electronic recording.	Retain for one year or until no longer needed, whichever is sooner, then destroy.
50228.	ELECTRONIC TAPE TRANSCRIPTION LOG	
	Index to information recorded on audio tapes.	Retain for five years, then destroy.
50230.	ESTATE AND TRUST FUND REGISTERS	
	Registers recording the court-ordered deposit of monies pending distribution to a beneficiary.	Retain permanently.
50240.	<i>DELETED</i>	
50250.	FIDUCIARY ROLLS	
	Lists of fiduciaries available for appointment by the court.	Retain until updated roll is received, then destroy.
50260.	INDEXES: CASE FILES	
	Any manual or machine-readable material that provides access to information in the case files.	Retain permanently.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50270.	<p>INDEXES TO CORRESPONDENCE SEARCHES</p> <p>Log books documenting reference requests by the public.</p>	<p>Retain for one year, then destroy.</p>
50280.	<p>INDEXES TO SURROGATE PROCEEDINGS (also known as INDEXES TO SURROGATE PAPERS FILED, INDEXES TO ESTATES, INDEXES TO SURROGATE RECORDS and GENERAL INDEX BOOKS)</p> <p>Log books, card files, machine-readable material or any other material which provides information on access to the proceedings of the Surrogate Court. This record cross-references the decedent's name with the case number, will liber number and other recording books.</p>	<p>Retain permanently.</p>

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50290.	<p>MINUTE (FILE AND ENTRY) BOOKS (also known as MINUTES TO PROBATE, MINUTES TO ADMINISTRATION and INDEX TO MINUTES)</p> <p>Log books containing descriptions of all proceedings in all cases and a list of the papers, orders and decrees filed in a case.</p>	Retain permanently.
50300.	<p>MINUTE (HEARING) BOOKS</p> <p>Chronological accounts of the court's hearing proceedings. Includes the names of the participants at the hearing, reasons for the hearing, the decision and other information.</p>	Retain permanently for research purposes.
50310.	<p>MINUTE (TRIAL) BOOKS</p> <p>Chronological account of the court's trial proceedings. Includes the names of the participants, an outline of the proceedings, descriptions of the actions brought, an account of the decisions and other information.</p>	Retain permanently for research purposes.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50320.	OATHS OF FIDUCIARIES Sworn oaths of fiduciaries filed with the court. Includes oaths of executors, guardians, trustees and any other fiduciary oath filed with the court.	Retain permanently.
50330.	RECORDS OF GUARDIANS AND MINORS Chronological log books recording the appointment of guardians. Includes the guardian's name, infant's name, age of infant, date of appointment and case number.	Retain for one year from date of last entry, then destroy.
50340.	RECORDS OF PROCEEDINGS TO SELL REAL ESTATE LOG BOOKS Log books recording the filing and entry of papers related to the sale of real property.	Retain permanently.
50350.	RELEASES OF ESTATE TAX LIEN LOG BOOKS Log books recording the notices of satisfaction of estate tax and releases from liens.	Retain permanently.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50360.	SMALL ESTATES SETTLED WITHOUT ADMINISTRATION LOG BOOKS Log books recording the proceedings and which provide information on access to the case files of Small Estates Settled Without Administration.	Retain permanently.
50370.	TAXABLE TRANSFERS OF PROPERTY Log books listing the value of the decedents' estates and the distributions to the beneficiaries.	Destroy immediately.
50380.	WILLS: SAFEKEEPING - INDEX Card files, log books or other indexes which provide information on access to the court's safekeeping wills.	Retain permanently.

RECORD BOOKS

ESTATE RECORD BOOKS

Recording of documents of the court's estate proceedings.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50450.	AGREEMENTS, RIGHTS OF ELECTIONS, ASSIGNMENTS, POWER OF ATTORNEYS	
	Recorded copy of agreements, rights of elections, assignments and power of attorneys.	Retain permanently.
50460.	ASSIGNMENT FOR BENEFIT OF CREDITORS	
	Recorded document appointing an assignee for benefit of creditors.	Retain permanently.
50470.	CONVEYANCE OF MORTGAGES OF INTERESTS	
	Recorded copy of conveyance of mortgages of interests.	Retain permanently.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50480.	DECREES Includes decrees probate, admitting will, testamentary, administration, accounting, judicial settlement and other decrees recorded by the court.	Retain permanently.
50490.	EXECUTOR RENUNCIATIONS Recorded copy of executor renunciation.	Retain permanently.
50500.	INDEXES TO RECORD BOOKS Any index to the recording books.	Retain permanently.
50510.	LETTERS Includes letters testamentary, administration, CTA, trusteeship, successor trustee, temporary and other letters recorded by the court.	Retain permanently.
50520.	ORDERS Includes orders admitting will, testamentary, administration, fixing tax, appraiser, publication, on real estate, claims, appointing testamentary trustees, amending special decree and other estate orders recorded by the court.	Retain permanently.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50530.	PROCEEDINGS TO PROBATE WILLS OF REAL ESTATE Recorded papers documenting proceedings to probate wills of real estate.	Retain permanently.
50540.	RECORD OF REAL ESTATE SALES (also known as REAL PROPERTY TRANSFERS) Recorded papers documenting proceedings to probate wills of real estate.	Retain permanently.
50550.	RIGHTS OF ELECTIONS Recorded copy of rights of elections.	Retain permanently.
50560.	SETTLEMENT AND DECREE ON ACCOUNTING OF EXECUTOR (also known as SETTLEMENT OF ESTATES AND TRUSTS, FINAL SETTLEMENT, SATISFACTIONS and RELEASES) Recorded copy of settlements, satisfactions and releases.	Retain permanently.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50570.	TRANSFER TAX PETITIONS - ORDER OF CANCELLATION REVOKING APPRAISER	
	Recorded copy of orders revoking appraiser's appointment.	Retain permanently.
50580.	WILLS	
	Includes wills, wills with ancillary letters testamentary, exemplified copies of foreign wills and other wills recorded by the court.	Retain permanently.

**GUARDIANSHIP RECORD
BOOKS**

Recording of documents of the court's guardian proceedings.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50590.	DECREES Includes decrees of guardianship, guardianship and without bond, discharge of guardian and other guardianship decrees recorded by the court.	Retain permanently.
50600.	INDEXES TO RECORD BOOKS Any index to the guardianship record books.	Retain permanently.
50610.	LETTERS Includes letters of guardianship, special guardianship, guardianship-ancillary, testamentary guardianship, guardianship no bond, guardianship joint custody and other guardianship letters recorded by the court.	Retain permanently.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50620.	ORDERS Includes orders appointing guardian, appointing special guardian, special guardian on accountings and other guardianship orders recorded by the court.	Retain permanently.

PREDECESSOR COURTS

Records of the Court of Probates (1778-1823) and the Prerogative Court (1692-1777). All records followed by a "J" refer to records which are on deposit with the New York State Archives.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50630.	ADMINISTRATION PAPERS (J0033)	Retain permanently for research purposes.
50640.	INVENTORIES AND ACCOUNTS (J0301)	Retain permanently.
50650.	INVENTORY OF WILLS, ADMINISTRATION PAPERS AND INVENTORIES TRANSFERRED FROM THE SECRETARY OF STATE TO THE COURT OF PROBATES (J0036)	Retain permanently.
50660.	LETTERS OF ADMINISTRATION (J0032)	Retain permanently.
50670.	ORDERS AND DECREES (J0208)	Retain permanently.
50680.	PROBATED WILLS (J0038)	Retain permanently.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
50690.	RECORD FUNDS AND CASES TRANSFERRED TO THE COURT OF CHANCERY (J0302)	Retain permanently.

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