

# **Records Retention and Disposition Schedule**



## **Records of the Surrogates Court**

**Division of Professional and Court Services  
Office of Records Management**

**Revised April 2023**

## Procedures for Requesting Disposition Authorization

You must submit a Records Disposition Request Form and receive approval from our office before disposing of **any** records.

You can access a copy of the Records Disposition Request Forms at the following link:

<http://ww2.nycourts.gov/sites/default/files/document/files/2020-12/RDR-fillable20201208.pdf>

Return all completed forms, by mail, fax, or email to one of the following:

NYS Office of Court Administration  
Division of Professional and Court Services  
Office of Records Management  
25 Beaver Street, 7th Floor  
New York, NY 10004

Fax: 212-428-2880

E-mail: [DISPOREQ@nycourts.gov](mailto:DISPOREQ@nycourts.gov)

You can reach us by phone at 212-428-2875.

This retention schedule is printed with color to help you identify whether a series or sub-series of records is or will be eligible for destruction. The guide below explains the color-coding.

### **Red: Permanent Records**

A records series title and number in red indicate records must be retained permanently.

### **Green: Non-Permanent Records**

A records series title and number in green indicate records may be eligible for destruction, depending on the age of the records.

### **Orange: Both Permanent and Non-Permanent Records**

A records series title and number in orange indicate the records series includes permanent and non-permanent records. Be especially careful when reviewing records in this category.

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**New York State Unified Court System  
Records of the Surrogates Court  
Records Retention and Disposition Schedule**

The following list of records 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, Order, 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.

**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.**

**50030      Conservatorships**

Records of conservatorship case proceedings.

**Retain permanently.**

**50040      Estates**

Record 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.**

**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 *for jurisdiction*.  
**Retain for one year, then destroy.**



# Supplemental Case Records

- 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 administrations 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.**
- 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.**

- 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.**
- 50160      Subpoenaed Records**  
Records which have been subpoenaed from an outside agency, organization, or individual.  
**Return to the 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 Court for probate.  
**Retain permanently.**

**50190 Wills/Codicils: Safekeeping**

Sealed, original wills/codicils deposited with the Surrogate's Court by the testator.

**a) Retain until delivered.**

**b) If will cannot be delivered, retain permanently.**

# Case Management Records

## **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.**

## **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**     **Deleted.**

**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.**

**50270      Indexes to Correspondence Searches**

Logbooks documenting reference requests by the public.

**Retain for one year, then destroy.**

**50280      Indexes to Surrogate Proceedings (also known as Indexes to Surrogate Papers Filed, Indexes to Estates, Indexes to Surrogate Records, and General Index Books)**

Logbooks, 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.

**Retain permanently.**

**50290      Minute (File and Entry) Books (also known as Minutes to Probate, Minutes to Administration, and Index to Minutes)**

Logbooks containing descriptions of all proceedings in all cases and a list of papers, orders, and decrees filed in a case.

**Retain permanently.**

**50300      Minute (Hearing) Books**

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.

**Retain permanently for research purposes.**

**50310      Minute (Trial) Books**

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.

**Retain permanently for research purposes.**

- 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 logbooks 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 Logbooks**  
Logbooks recording the filing and entry of papers related to the sale of real property.  
**Retain permanently.**
- 50350 Releases of Estate Tax Lien Logbooks**  
Logbooks recording the notices of satisfaction of estate tax and releases from liens.  
**Retain permanently.**
- 50360 Small Estates Settled Without Administration Logbooks**  
Logbooks 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**  
Logbooks listing the value of the decedents' estates and distributions to the beneficiaries.  
**Destroy immediately.**
- 50380 Wills: Safekeeping – Index**  
Card files, logbooks, or other indexes which provide information on access to the court's safekeeping wills.  
**Retain permanently.**

# Estate Record Books

Recording of documents of the court's estate proceedings.

- 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 the benefit of creditors.  
**Retain permanently.**
- 50470      Conveyance of Mortgages of Interests**  
Recorded copy of conveyance of mortgages of interests.  
**Retain permanently.**
- 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.**

- 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.**
- 50530 Rights of Elections**  
Recorded copy of rights of elections.  
**Retain permanently.**
- 50560 Settlement and Decree on Accounting of Executor (also known as Settlement of Estate and Trusts, Final Settlement, Satisfaction, and Releases)**  
Recorded copy of settlements, satisfactions, and releases.  
**Retain permanently.**
- 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.

**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 indexes 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.**

**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.

- 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.
- 50690      Record Funds and Cases Transferred to the Court of Chancery (J0302)**  
Retain permanently.