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Case No.: ADM-2025
Judy Aldan

IN THE
SUPREME COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIAN ISLANDS

IN RE ADOPTION OF THE
NMI JUDICIARY DOCUMENT RETENTION POLICY

SUPREME COURT NO. 2025-ADM-0004-MSC

ORDER

¶ 1 Pursuant to the Supreme Court's inherent and supervisory powers under Article IV, Section 3 of the NMI Constitution and 1 CMC § 3401(a), the Court finds it appropriate to adopt a comprehensive document retention policy that establishes consistent and secure practices and time periods for the retention, management, and disposal of administrative and court-related documents. A comprehensive document retention policy promotes transparency, ensures compliance with legal and operational requirements, and supports efficient court administration.

¶ 2 IT IS HEREBY ORDERED that the NMI Judiciary Document Retention Policy, attached hereto as Exhibit A and incorporated by reference, is ADOPTED and shall be implemented by all courts and administrative offices within the Judicial Branch effective immediately.

SO ORDERED this 17th day of June, 2025.

/s/

ALEXANDRO C. CASTRO
Chief Justice

/s/

JOHN A. MANGLOÑA
Associate Justice

/s/

PERRY B. INOS
Associate Justice



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NORTHERN MARIANA ISLANDS
JUDICIARY DOCUMENT RETENTION POLICY

Exhibit A

Effective June 17, 2025

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PREAMBLE

The Judiciary Document Retention Policy governs how long the Commonwealth of the Northern Mariana Islands Judiciary must keep documents.

Section 1. Definitions

- (a) **Administrative Record.** Record that is not part of an official case file but relates to the conduct of business by the Judiciary. These records include, but are not limited to: personnel records, financial records, annual reports, memoranda, letters, Judicial Council records, and internal correspondence.
- (b) **Bar Record.** Record that relates to the administration of the CNMI Bar. This includes, but is not limited to: applications for admission, applications for reinstatement, and admission policies.
- (c) **Case Record.** Record that is part of an official case file. This includes, but is not limited to: briefing, judgments, motions, opinions, orders, pleadings, and other information that is filed with or by the court. Materials created or filed during attorney and judicial disciplinary proceedings are considered case records.
- (d) **Court Rules and Policies Record.** Any (1) rules issued by the Supreme Court pursuant to its power under Article IV, Section 9 of NMI Constitution; and (2) policies issued by the Supreme Court, Superior Court, or Judicial Council.
- (e) **Court Record.** All administrative records, bar records, case records, court rules records, exhibits, and non-filed records. Drafts and preliminary versions are not court records.
- (f) **Custodian of Record (“Custodian”).** The Supreme Court Clerk of Court is the custodian for Supreme Court case records, bar records, and court rules records. The Superior Court Clerk of Court is the custodian for all Superior Court case records. The Executive Director of the Law Revision Commission is the custodian for Law Revision Commission records. For all other records, the Director of Courts is the custodian or a designee chosen by the Chief Justice.
- (g) **Exhibit.** A document or object introduced as evidence during trial. A contraband exhibit contains items that may not be legally possessed in the Commonwealth by the owner (e.g. illegal drugs).
- (h) **Non-Filed Record.** Record received by or prepared by the Judiciary relating to a court action where no case is filed. This includes, but is not limited to: arrest records, jail records, and other documents received by or prepared by the Judiciary for the purposes of conducting an initial appearance but where no criminal indictment is subsequently filed.
- (i) **Record.** Any documentary material except for exhibits.

- (j) **Retention Period.** The minimum length of time a court record must be retained. The retention periods are set forth in Appendix A.

Section 2. Retention Requirements

Unless otherwise required by law or court order, the retention period for court records is set forth in Appendix A. A record that is not a court record can be disposed of immediately in a reasonable manner.

Section 3. Ownership

Unless otherwise provided by law, a court record is the property of the Judiciary.

Section 4. Commencement of Retention Period

Unless otherwise provided by law or by Appendix A, the following subsections govern the start of the retention period for each type of record.

- (a) **Administrative Record.** When the document is created.
- (b) **Bar Record.** The latter of: (1) when the record is created or (2) when the record is received by the Judiciary.
- (c) **Case Record.**
 - (1) **Civil.** When all appeals have been exhausted.
 - (2) **Criminal.** The latter of:
 - (A) when all appeals have been exhausted; or
 - (B) when the defendant's sentence has been completed.
 - (3) **Disciplinary.** When all appeals have been exhausted.
 - (4) **Juvenile.** The latter of:
 - (A) when all appeals have been exhausted; or
 - (B) when the defendant's sentence has been completed.
 - (5) **Other.** When all appeals have been exhausted.
- (d) **Exhibit.** When all appeals have been exhausted.
- (e) **Court Rule Record.** The earlier of the court rule's effective date or submission to the Legislature.

Section 5. Storage

- (a) **Storage Location.** All court records should be kept in a manner that is safe, secure, and reasonably accessible. A physical court record should be kept at the Guma' Hustisia or an alternative site designated by the Judiciary. A digital court record may be stored digitally and backed up to a storage medium at least once every three months.
- (b) **Storage Medium.** Unless otherwise required by law or necessity, court records must be retained only in digital format. Custodians are

responsible for digitizing records as they are received and must digitize old records.

- (c) **Compatibility.** The custodian is responsible for ensuring that digital files are maintained in a format that can be read by readily accessible software programs. As needed, the custodian shall comply with this provision by converting existing records into a different digital format.
- (d) **Duplicate Records.** The custodian must dispose of a duplicate court record but does not need to record the disposal in the custodian's logbook.
- (e) **Organization.** The Supreme Court shall approve of an organizational scheme(s) for the storage of digitized court records.

Section 6. Disposal

- (a) **Responsibility.** No Supreme Court record may be disposed of without the written authorization of the Chief Justice or their designee. No Superior Court record may be disposed of without the written authorization of the Presiding Judge or their designee.
- (b) **When to Dispose of a Court Record.** A physical or digital court record may be disposed of in accordance with the following guidelines:
 - (1) **Retention Period Expired.** The custodian, in consultation with the Chief Justice or the Presiding Judge, may dispose of a court record if the retention period has ended. The record may not be disposed of if the Chief Justice or the Presiding Judge has designated the document protected as part of a litigation hold.
 - (A) **Authority.** Once the retention period has ended, the custodian is responsible for deciding whether to dispose of the record in consultation with the Chief Justice or the Presiding Judge.
 - (B) **Re-evaluation.** If a record is not disposed of immediately after the end of its retention period, the custodian must annually re-evaluate whether to dispose of the record in consultation with the Chief Justice or the Presiding Judge.
 - (2) **Accidentally Damaged Record.** The custodian, in consultation with the Chief Justice or the Presiding Judge, may dispose of a court record that has been damaged in a manner that renders the record illegible or unusable.
- (c) **Documentation.** The custodian must document the disposal of a court record in a logbook. The custodian's entry must:
 - (1) Describe the disposed record;
 - (2) Explain the method of disposal;

- (3) Include the date of disposal; and
- (4) if applicable, note the nature of the accident that rendered the document unusable. Once a month, a copy of the logbook must be sent to the Supreme Court Clerk of Court who will retain the logs indefinitely.

(d) Method.

- (1) **Digital Court Record.** A digital court record must be disposed of by securely deleting the record.
- (2) **Physical Court Record.** A physical court record, except for an exhibit, must be disposed of by shredding or incinerating the record.
- (3) **Exhibit.**
 - (A) **Contraband Exhibits.** Before disposing of a contraband exhibit, the custodian must contact the Commonwealth Department of Public Safety and the Attorney General to develop a plan for disposing of the exhibit that complies with all applicable laws.
 - (B) **Other Exhibits.** Before disposing of an exhibit that is not contraband, the custodian must give notice to the owner of the exhibit. If the owner cannot be readily ascertained with reasonable certainty, the custodian must give notice to the party who submitted the exhibit. Notice should be delivered by personal service. If personal service proves difficult, notice must be given by publication or another method that is reasonably likely to inform the intended recipient. The notice must state: (1) the exhibit will be disposed of if it is not picked up within 30 days from the date of notice; and (2) how and where the exhibit can be picked up. If the exhibit remains unclaimed 30 days after notice, the custodian must dispose of the exhibit in a reasonable manner.

Section 7. Use of Digital Copies

Where a physical copy does not exist, a digital copy retained by the Judiciary shall constitute an official record for all purposes under the law. The custodian may certify such copies as true and correct copies.

Section 8. Digitizing Prior-Court Records

The custodian is responsible for digitizing court records.



NORTHERN MARIANA ISLANDS

JUDICIARY DOCUMENT RETENTION POLICY

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Section 1. General Terms

- (a) The retention period specified in this Appendix applies to both hard and digital documents. Hard copies, however, may be disposed once digitized in accordance with the Retention Policy and/or Appendix.
- (b) Divisions are encouraged to digitize hard copies in accordance with their Standard Operating Procedure (“SOP”).
- (c) Documents not specified in this Appendix may be disposed of at the discretion of the Division/Office Manager (“Manager”) in consultation with the Presiding Judge for the Superior Court, the Chief Justice for the Supreme Court, and the Director of Courts for the Administrative Office. If the documents must be retained, the retention period shall be determined by the Manager, with the approval of the Presiding Judge, Chief Justice, or the Director of Courts.
- (d) Letters and memoranda that are to be retained permanently may be designated as such by the Chief Justice, Presiding Judge, Director of Courts, or Managers in consultation with the appropriate authority: the Presiding Judge for the Superior Court, the Chief Justice for the Supreme Court, or the Director of Courts for the Administrative Office.
- (e) Any documents or items under audit shall not be disposed of until the audit is complete, and all issues are resolved.
- (f) Any documents or items that have been ordered to be preserved by a court of competent jurisdiction shall not be disposed of until ordered to do so.
- (g) Documents may be disposed of only after receiving written approval by the Presiding Judge, Chief Justice, or the Director of Courts. Managers must utilize the form attached to this Appendix.
- (h) In the event any of the retention periods in this Appendix conflict with federal or local laws, regulations, statutes, or rules, the retention period specified in the law, regulation, statute, or rule shall control.
- (i) This Appendix may be amended at any time with the approval of the Presiding Judge, Chief Justice or the Director of Courts.

Section 2. Retention Period Applicable to All Divisions and Offices

Period of retention starts from document creation or receipt

- (a) Permanent: SOP, Internal Operating Procedure (“IOP”), Memorandum of Understanding (“MOU”), quarterly and annual reports

- (b) 7 years: federal grant award and associated documents, including but not limited to, reports, receipts, correspondences, unless specified longer

Section 3. Supreme Court Chambers

Period of retention starts from document creation

- (a) Permanent: annual budget submission to the legislature, annual report, internal memoranda, letters of appointment, letters from and to external agencies or government
- (b) 7 years: timesheets and associated records

Section 4. Bar Admission

Period of retention starts from document creation

- (a) Permanent: admission log sheets
- (b) 50 years or upon death, whichever is earlier: admission application, application of reinstatement
- (c) 2 weeks after test date: test booklets and answer sheets

Section 5. Judicial Council

Period of retention starts from document creation

- (a) Permanent: meeting minutes, recordings, agendas and associated documents, resolutions, and policies

Section 6. Supreme Court Clerk of Court

Start of the retention period is governed by the Retention Policy

- (a) Permanent: filings, orders, rules, policies, and judicial and attorney disciplinary records
- (b) 10 years: recordings of oral argument, admission ceremony and other events (i.e. proclamation, investiture, etc.)

Section 7. Office of the General Counsel

Period of retention starts from document creation

- (a) Permanent: filings, legal memoranda, and written advisory communications

Section 8. Judiciary Administrative Office

Start of the retention period is governed by the Retention Policy

- (a) Permanent: strategic plan, annual budget submission to the legislature, annual reports, continuity of operations (“COOP”) plan, MOUs with other government or external entities, letters to and from external agencies or government entities, directives or memoranda, directives or memoranda
- (b) 7 years: audit reports

Section 9. Information Technology Office

- (a) Life of system plus 5 years: system architecture diagrams, network and server configuration files, system development documentation, disaster recovery plans
- (b) 10 years: emails for managers and executive positions
- (c) 7 years: software licenses and agreements (after expiration), security and incident report
- (d) 5 years: hardware and software inventories
- (e) 3 years from date of creation: system downtime and outage logs
- (f) 2 years from date of creation: user access logs, access control list, system vulnerability scans, help desk tickets / service requests
- (g) 1 year: firewall and IDS/IPS logs, virus and malware scan logs
- (h) 30 days: security camera footage

Section 10. Human Resources Office

Period of retention starts from document creation or end of employment contract, whichever is later

- (a) 7 years: employee personnel files (after termination), payroll records, disciplinary records, performance reviews, termination/separation records, and benefits records
- (b) 4 years: I-9 forms, FMLA records, EEO records, and training records
- (c) 2 years: job applications and resumes (not hired), interview notes, and background checks/reports

Section 11. Budget and Finance Office

Period of retention starts from the end of the fiscal year in which the document was created

- (a) 7 years: all expenditures and BFO related documents, including but not limited to, budget files, e-filing fees, bank statements, requests for replenishments, issued checks, receipts, fiduciary materials, clerical files, log sheets for court-appointed billings, signature card files, travel vouchers, daily collection, statements, and fees
- (b) 3 years: daily collection count and summary of report file which shows how much the court has received and how much needs to be deposited

Section 12. Procurement Section

Period of retention starts from close of solicitation or the contract end date or date of final payment, whichever is later

- (a) 7 years: for all procurement documents, including but not limited to, competitive bidding documents, contracts, notices, and correspondences

Section 13. Marshals Service Division

Period of retention starts from document creation or receipt

- (a) 7 years: daily transmittal, radio log, training records, certification, equipment inventory, ammunition inventory, firearms inventory, receipts, armory entry log, MSD operations plan, incident reports
- (b) 5 years: court processes, summons, and orders for execution, including but not limited to warrants, subpoena, jury summons, proof of service, entry logs for judicial facilities, fire watch and prevention records, key inventory, master record, uniform inventory, vehicle inventory, mail logs
- (c) 2 years: fleet log, registration, service log, purchase requisition and order
- (d) 1 year: request for official assistance, incident reports, memos
- (e) Permanent until replaced or updated: door access code, access code log, Judiciary emergency responder list

Section 14. Grants Management Section

Period of retention starts from document creation or grant close-out date

- (a) 7 years: All grant documents, including but not limited to reports, memos, correspondences, data and statistics, templates, financial records, fund status, grants roster,

inventory, records of disposal, applications, rewards, compliance records, close-out reports, program reports

- (b) Permanent until replaced or updated: log-in information and password for all grant-related websites

Section 15. Facilities Maintenance Section

Period of retention starts from document creation or receipt

- (a) Permanent: Maps/blueprints, preventative and regular maintenance and improvement records
- (b) 15 years: Safety Inspection Reports (Fire, Elevator, etc.), Incident Reports (Facility-related)

Section 16. Commonwealth Recorder's Office

Period of retention starts from document creation or receipt

- (a) Permanent: filings and records under the control of CRO, including but not limited to land documents, certificate of title, marriage certificate, UCC filings, maps, logbooks and transmittals

Section 17. Limited English Proficient Section

Period of retention starts from document creation or receipt

- (a) Permanent: interpreters/translators registration, applications, police clearance, copies of ID, copies of academic and professional credentials, screening sheet, registered court interpreters/translators listing, LAPP Committee meetings, agendas, minutes, templates and forms: language assistance services public notices, LEP identification cards, language ID poster, How to use a Court Interpreter Pamphlet, reports, statistics of interpreter/translator requests by date, name, language, case no., case type, case caption, requesting party, reason, judge, amount paid, date paid, claim no.
- (b) 4 years: LAPP interpreter training, registration forms, training evaluation forms, interpreters/translators' services, request for interpreter in-take sheet, daily report requesting for interpreter, request for compensation of interpreter/translator services (includes SS and Tax ID number), acknowledgement of request for compensation of interpreter/translator service billings for approval and signature of LAAP Coordinator, volunteer service agreements, copies of checks

Section 18. Superior Court Chambers

Period of retention starts from document creation or receipt

- (a) Permanent: memoranda and letters to and from external agencies, budget notices, personnel records, oaths of offices and associated documents, Superior Court grant-related documents, Superior Court division directives, Superior Court division strategic plans, Superior Court division Standard Operating Procedures (SOPs) and Internal Operating Procedures (IOPs), Superior Court division official travel documents, resolutions, Judiciary Historical Society Actions and Consents, Memorandum of Understandings (MOUs) with partner agencies, Judge Pro Tempore requests, CNMI Bar Association correspondences, Canon 6C Reports, Superior Court internal memoranda
- (b) 7 years: timesheets and associated records, courthouse utilization requests
- (c) 3 years: event invitations, notices affecting other branches of government

Section 19. Superior Court Clerk of Court

Start of the retention period is governed by the Retention Policy

- (a) Permanent: filings, case records including civil, criminal, non-payable traffic unserved arrest and bench warrants, wills, notary log sheets
- (b) Permanent until superseded: jury panel registry
- (c) 15 years: small claims and payable traffic
- (d) 10 years: cassette tapes and reporters note of felony proceedings, docket registers which includes filing date, type of cases, name of parties, judge assignments, and digital recordings of all court proceedings
- (e) 5 years: cassette tapes and reporters note of misdemeanor (including negligent, reckless or drunk driving) and civil proceedings and civil motions
- (f) 2 years: Cassette tapes and reporters notes of small claims, traffic (other than negligent, reckless or drunk driving) and juvenile proceedings, clerk of court general records
- (g) 1 year: Jury expense reports

Section 20. Treatment Courts

Start of the retention period is governed by the Retention Policy

- (a) Permanent: filings and judicial orders
- (b) 7 years from date of creation: participant files including treatment records, case management files, drug testing sheets, and staff meeting/progress notes

Section 21. Family Court

Start of the retention period is governed by the Retention Policy

- (a) Permanent: filings and judicial orders, including divorce decrees, adoption (sealed), custody and visitation orders
- (b) 10 years: domestic violence orders (after expiration)
- (c) 5 years: child support worksheet and support documents including check stubs and/or 1040, income withholding order with parties' information (bank, account type, account number, and social security number)

Section 22. Juvenile Court

Start of the retention period is governed by the Retention Policy

- (a) Permanent: filings and judicial orders
- (b) Until youth turn 25 or case closed + 10 years (whichever is longer): juvenile case file
- (c) 10 years: neglect case files and status offenses

Section 23. Office of Adult Probation Supervision

Period of retention starts from case closure for case-related documents and for non-case-related documents, the period starts when the document is created

- (a) 15 years: Post sentence offender files, victim files, and pre and post sentence investigative records
- (b) 7 years: inter-office and inter-departmental memoranda, inter-governmental agency memoranda and correspondences, off-island law enforcement agency correspondences, federal grant files (JAG, VOCA, STOP VAWA, etc.), judicial directives, travel vouchers

Section 24. Law Revision Commission

Period of retention starts from document creation or receipt

- (a) Permanent: historical documents including registers, directives, public laws, code books, court decisions and

opinions, reporters, court rules, trust territory documents,
Constitution, Covenant, etc.

- (b)** 7 years: administrative documents, meeting minutes and recordings