

Probate Courts Statewide Records Retention Schedules



SERIES TITLE: **APPLICATIONS, BONDS, AND PERMITS FOR FIREWORKS
DISPLAYS**

Schedule: **84-0088**

Consist of: Applications for public display or exhibition of fireworks. Included are applications, bonds, evidence of liability insurance, and permits.

Retention: Hold in the current files area one (1) year;
Transfer to local records center;
Hold five (5) years;
Then destroy.

Approved October 15, 1984

SERIES TITLE: **ELECTION TALLY SUMMARY FILE**

Schedule: **81-SCO10**

Consists of: Included are election tally sheets.

Retention: Cut off after election;
Retain permanently.

After four (4) years, paper original may be transferred to county records center or a local holding area.

OR

Microfilm.

If originals are microfilmed, retain microfilm permanently.

Paper originals may be destroyed one (1) year after microfilming.

Approved March 3, 1981

SERIES TITLE: **ESTATE CASE FILE EXCLUDING WILLS**

Schedule: **87-0083**

Consists of: The qualification of a legal representative and the management and distribution of the assets of an estate. Included are: original and recorded copies of all proceedings in relation to estates, excluding probate of wills. Examples are: applications for letters of appointment and dismissal of executors, administrators, and conservators under O.C.G.A. Title 53; guardianships; applications for years' support; inventories and appraisements; applications for leave to sell property; and annual and final returns.

Retention: **Recorded copy:**
Cut off when book is completed;
Retain permanently.
Transfer to local records center, local holding area, or county archives is authorized after four (4) years. Microfilming and destroying of post-1900 volumes is authorized. Recording by microfilming is authorized, as well as the production of paper copies from the film by the copyflow method.

Original papers of estates closed prior to the use of photocopying as the method of recording:

Retain permanently.
Immediate transfer to local records center, local holding area, or county archives is authorized. Microfilming is authorized but the paper must be retained.

Original papers filed after the use of photocopying as the method of recording:

Cut off at end of each calendar year;
Hold in current files area twenty-five (25) years;
Then transfer to county records center, local holding area, or county archives for permanent retention.

Microfilming is authorized. If the records are microfilmed, the original paper file may not be destroyed until ten years after the case is closed or 25 years after the file is begun, whichever occurs first.

Note: (1) Any microfilming must be done in accordance with micro film standards established pursuant to the Georgia Microforms Act (O.C.G.A. Title 50, Chapter 18, Article 6).

(2) In any instance in which the records are maintained only on microfilm, a reference copy of the film and a micro film reader-printer must be available in the court.

Approved October 8, 1987

SERIES TITLE: (HOSPITALIZATION) FILES CREATED PURSUANT TO PROCEEDINGS UNDER CHAPTER 3, 4, AND 7 OF TITLE 37 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED AND PROCEEDINGS UNDER PRIOR OFFICIAL CODES RELATING THERETO

Schedule: 85-0019

Consist of: The hospitalization and treatment of mentally ill, mentally retarded, alcoholics, drug-dependent individuals, and drug abusers. Included are originals of petitions, proceedings and orders relating to emergency admission, evaluation, and involuntary hospitalization, writ of habeas corpus, and protective orders, appointments of legal counsel and guardians ad litem, notices to parties, clinical or medical records of individuals, affidavits and certificates of examining physicians, and patient service plans. Hospitalization petitions may also contain guardianship applications.

Retention: Hospitalization petitions filed on or after January 1, 1980:
When notice of discharge from hospital is received or case is dismissed, remove from active file and place in inactive file;
Cut off inactive file at end of each calendar year;
Transfer to local holding area;
Hold twenty (20) years;
Then destroy.

Hospitalization petitions filed before January 1, 1980:
When notice of discharge from hospital is received or verified and guardian of person or property of patient appointed under the hospitalization petition, if any, is dismissed, remove from active file and place in inactive file;
Cut off inactive file at end of each calendar year;
Transfer to local holding area;

Probate Courts Statewide Records Retention Schedules

Hold twenty (20) years;
Then destroy.

Approved March 25, 1985

**SERIES TITLE: LISTS OF PERSONS WHO HAVE BEEN ADJUDICATED AS
MENTALLY INCOMPETENT**

Schedule: 90-0090

Consist of: Records relating to deleting from electors lists the names of those persons who have been adjudicated as mentally incompetent. Included are lists prepared monthly by the Judge of the Probate Court and filed with the registrar giving names, addresses, and ages of persons who appear to be disqualified from voting by reason of an adjudication of mental incompetency during the preceding month.

Retention: Retain two (2) years;
Then destroy.

Approved July 13, 1990

**SERIES TITLE: PEDDLERS LICENSES AND CERTIFICATES OF ELIGIBILITY
FILES**

Schedule: 85-0079

Consist of: Application for peddler's license and certificate of eligibility for disabled, indigent, disabled veterans, and the blind for a free license. Included are books or files containing any of the following:
(1) receipt stubs of certificate or license;
(2) application or affidavit for certificate or license;
(3) letters of character reference;
(4) letters from physicians of U.S. Veterans Administration
(5) copies of applicant's military discharge; and
(6) court copy of license.

Retention: **Receipt books:**
Cut off file series when book is filled;

Probate Courts Statewide Records Retention Schedules

Hold in current files area four (4) years;
Transfer to county records center;
Hold six (6) years;
Then destroy.

Files:

Cut off file series at end of each calendar year;
Hold in current files area four (4) years;
Transfer to county records center;
Hold six (6) years;
Then destroy.

Approved September 19, 1985

SERIES TITLE: **PISTOL TOTER'S BONDS** (This records series is obsolete, ending in 1976.)

Schedule: **D-83-0001**

Consist of: The licensing of county residents to carry a pistol or revolver. Included are applications for licenses to carry a pistol or revolver and bond of licensee. Also included are pistol toters' bonds volumes containing recordings of bonds.

Retention: Destroy immediately.

Approved November 3, 1983

SERIES TITLE: **PISTOL TOTERS' LICENSE APPLICATION FILE**

Schedule: **83-0770-A**

Consist of: The licensing of county residents to carry a pistol or other firearm. Included are approved and denied applications for licenses to carry a pistol or other firearm and supporting documents. Applications contain information supplied by the applicants that is pertinent to their eligibility to apply for the license. Supporting documents include mental health waiver forms, law enforcement reports, rap sheets, and other documents relating to issuance of the license.

Probate Courts Statewide Records Retention Schedules

Retention: Hold nine (9) years;
Then destroy.

As an alternative to maintaining in the office nine (9) years, transfer to a local holding area after five (5) years is possible.

Exception: Any part of record series created prior to 1983 may be transferred to local holding area after three (3) years and destroyed after seven (7) years. (Prior to 1983, licenses were valid for three (3) years only.)

Implementation recommendation: Because licenses are confidential records and because they have short-term value, it is recommended that they be maintained in file cabinets rather than being bound into post binders.

Approved April 4, 1983

SERIES TITLE: **PUBLIC OFFICERS' OATHS AND BONDS**

Schedule: **84-0045**

Consist of: The oaths of office and bonds of public officials filed in the probate court. Included are copies of written oaths of office and accompanying certificates issued by the officer administering the oath which specify the day and year taken; official bonds of county officials; and books containing recorded copies of official bonds.

Retention: **(1) Oaths of office and accompanying certificates:**
Cut off at the end of each calendar year;
Hold four (4) years;
Then destroy.
Exception: For any of these records dated prior to 1900, retain permanently.

(2) Official bonds:
Cut off at end of term;
Hold twenty (20) years;
Then destroy.

(3) Books containing recorded copies of bonds:
Cut off when book is filled;
Retain permanently.

Probate Courts Statewide Records Retention Schedules

Transfer of books to a county records center or local holding area is authorized. Microfilming and subsequent destruction of books is authorized, provided that filming is done in accordance with applicable micro filming standards.

Approved June 25, 1984

SERIES TITLE: REGISTER OF PHYSICIANS, DENTISTS AND OTHER PROFESSIONALS (This records series is obsolete; ending in 1951.)

Schedule: 85-0017

Consist of: The registering of physicians, dentists, attorneys, osteopaths, chiropractors, chiropodists, optometrists, masseurs, public accountants, embalmers, civil engineers, mechanical engineers, hydraulic engineers, and electrical engineers. Included are books in which these professionals were registered by the Ordinary (now Judge of the Probate Court) under the Act of 1935, and repealed in 1951. For each professional registered, the following information was required: their names, the business engaged in, the place where it was conducted, and the date registered.

Retention: Cut off file series immediately.
Transfer to local holding area;
Hold permanently.

Exception: Original records may be destroyed, provided that they are microfilmed in accordance with applicable micro film standards and the security (camera) copy of the film is deposited in the Georgia Department of Archives and History.

Approved September 19, 1985

SERIES TITLE: WILLS

Schedule: 87-0082

Consist of: Wills of decedents. Included are original, photostatic, and recorded copies of probated wills of decedents. Specifically excluded are wills of living persons filed in the Probate Court for safekeeping and wills filed but not probated.

Retention:

Recorded copy:

Retain permanently;

Cut off file when book is complete;

Transfer to a local records center, local holding area, or county archives is authorized after four (4) years.

Microfilming is authorized. Post-1900 volumes may be destroyed after microfilming and verification of the film. Recording by microfilming is authorized, as well as the production of paper copies from the film by the copyflow method.

Original Wills:

(1) Wills filed prior to the use of recording by photocopying:

Retain permanently.

Immediate transfer to a local records center, local holding area, or county archives is authorized. Microfilming is authorized but the paper copy must be retained.

(2) Wills filed after beginning the use of photocopying as the method of recording:

Cut off at the end of each calendar year;

Hold in the current files area twenty-five (25) years;

Then destroy.

Original wills may be transferred during the twenty-five (25) year holding period to a county records center, local holding area, or county archives if the recorded copy is retained in the current files area. Microfilming is authorized but if the records are micro filmed, the original wills may not be destroyed until ten years after probate is completed or 25 years after the cut-off-date, whichever occurs first.

Note: (1) Any microfilming and film storage must be done in accordance with micro film standards established pursuant to the Georgia Microforms Act (O.C.G.A. Title 50, Chapter 18, Article 6).

(2) In any instance in which the records are maintained only on microfilm, a reference copy of the film and a microfilm reader-printer must be available in the court.

Approved October 9, 1987