

**IN THE PROBATE COURT OF FRANKLIN COUNTY, OHIO
ELECTRONIC FILING OF COURT DOCUMENTS**

ADMINISTRATIVE ORDER

I. APPLICATION AND SCOPE OF ADMINISTRATIVE ORDER

On August 18, 2011, the Franklin County Probate Court began a phased roll-out of an electronic filing system (e-Filing System). On October 17, 2011, the Court mandated the electronic filing of its Civil Action case types.

On January 9, 2012, the Court began Phase II of the e-Filing System for Adoption documents. The Court mandated the electronic filing of Adoption documents on April 2, 2012.

On July 11, 2012, the Court began Phase III of the e-Filing System for Mental Commitment documents. The Court mandated the electronic filing of Mental Commitment documents on August 30, 2012.

On April 22, 2013, the Court began Phase IV of the e-Filing System for Miscellaneous Case Type documents. Beginning April 22, 2013, Name Change documents shall be filed electronically and beginning May 29th, 2013, all Minor's Settlement documents shall be filed electronically. Beginning September 9, 2013, Structured Settlement Transfers and Ohio Transfer to Minors Act documents shall be filed electronically.

On September 17, 2014, Chapter 5122 enacted provisions for outpatient commitments. All pro se affidavits for outpatient commitments must be submitted personally to the clerk who will e-file said affidavit upon approval by a magistrate.

Consistent with Ohio Sup.R. 27, Ohio Civ.R. 5(E), Ohio Civ.R. 2, the Ohio Supreme Court Advisory Committee on Technology and the Court's draft Standards for Electronic Filing Processes, the Probate Court hereby adopts the following Administrative Order governing electronic filing ("e-Filing").

If necessary, the Probate Court may issue additional Administrative Orders or adopt Local Rules that supplement this Order and designate various other case types as mandatory e-File case types or non-mandatory e-File case types. Case types so designated shall be filed electronically after the effective date of such supplemental Order or Local Rule.

II. DEFINITION OF TERMS

The following terms in this Order shall be defined as follows:

- A. e-File Case Type:** A case type that has been designated by the Administrative Order or Local Rule as being a mandatory e-File case.
- B. Clerk:** The Probate Judge as Ex-Officio Clerk as defined by the Ohio Constitution and 2101.11 of the Ohio Revised Code.
- C. Clerk Review:** Court clerks will review the data and documents electronically submitted to ensure their compliance with Court Rules, policies and procedures prior to accepting the documents and sending them to the Case Management System and Document Management System. If the submitted documents comply with the applicable Court Rules, policies and procedures, they will be accepted by the clerk for e-Filing. If the submitted documents do not comply with the applicable Court Rules, policies and procedures, they will not be accepted for e-Filing and the clerk will return the submission and submit a notice to the filer informing him/her of the deficiency or problem with the submission.
- D. Case Management System (CMS):** A system that manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.
- E. Court Electronic Record:** Any document received in electronic form, recorded in the Court's Case Management System and stored in the Court's Document Management System. Court Electronic Record will include notices and orders created by the Court, as well as pleadings, other documents and attachments created by practitioners and parties. Court Electronic Record will not include physical evidence or exhibits that are not able to be captured in electronic format.
- F. Document:** A filing made with the Court or by the Court in either electronic format or in paper format that is then converted to an electronic record. Does not include electronic media.
- G. Document Management System (DMS):** A system that manages the receipt, indexing, storage and retrieval of electronic documents associated with a case.
- H. Electronic Filing (e-Filing):** The electronic transmission, acceptance and processing of data, one or more documents and/or images. This definition of electronic filing does not apply to facsimile or email.
- I. Electronic Service (e-Service):** The electronic transmission of notice of a filing to all other electronically registered case participants via the e-Filing System.
- J. Mandatory Case Types:** All Civil, Adoption, and Mental Commitment case types.

K. Original Document: A document that becomes part of the Court record.

L. Registered User: A person who has read and agreed to the terms of the e-Filing System's User Agreement, has provided his/her credentials through the e-Filing System proving his/her identity, and has been provided with a user name and password through the e-Filing System. Paralegals cannot access the e-Filing System as a 'registered user'. Paralegals shall access the e-Filing System only through the account of an attorney who is a 'registered user'.

M. Submitted Documents: All documents submitted for e-Filing shall not be considered to be a public record until accepted by the Court for filing. Clerk Review occurs during regular business hours.

III. ELECTRONIC FILING IN MANDATORY E-FILE CASE TYPES

All pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders and other documents submitted in designated mandatory e-File case types shall be filed electronically through the e-Filing System.

Parties shall electronically file their documents by registering to use the Court's e-Filing System. The Court shall provide assistance to the filer during the filing or registration process, if needed. If a party does not have Internet access, the party may bring their documents to the Court and a Court clerk will e-File them on their behalf.

IV. REGISTERED USERS AND AUTHORIZATION IN MANDATORY E-FILE CASE TYPES

All persons filing documents in case types designated as mandatory e-File case types may be registered as users in the e-Filing System.

A. Documents Submitted in Person. If a pro se party, an attorney representing a party, or any other person/filer presents a document in person to the Court for filing in hard-copy/paper format, and that person is not a registered user of the e-Filing System, a Court clerk will e-File them on their behalf.

B. Documents Received by US Mail from Attorneys.

1. If the Court receives, via US mail, documents to be filed from a licensed attorney, the Court will attempt to contact the attorney by phone or email with instructions on how to register as a user of the e-Filing System and how to submit the documents electronically or the documents will be returned to the filer.
2. However, the Court may process Complaints or Adoption Petitions to initiate a case, provided that the required deposit and /or filing fees have been paid. All subsequent filings in any case so initiated, where the case is a mandatory e-File case type, must be e-Filed.

C. Documents Received by US Mail from Pro Se Litigants or other Participants.

If the Court receives, via US mail, documents to be filed from a pro se party or other participant, the clerk will scan and upload the submitted documents on the pro se party's or other participant's behalf, and e-File the same through the e-Filing System. The pro se party or other participant will not receive electronic notification from the e-Filing System of this filing or any future filings. The Court may return the hard copy/paper format of the submitted documents to the sender or the Court will store the original documents according to its Records Retention Schedule.

V. CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER

Upon registration, the e-Filing System shall assign to the party and/or the party's designated representative(s), who will now become registered user(s) of the system, a confidential and unique electronic identifier, i.e., a user name. Registered users will also choose a password that will be used, along with the user name, to file, serve, receive, review and retrieve electronically filed pleadings, orders and other documents filed in the assigned case.

Each person who is a registered user of the e-Filing System shall be responsible for the security, use and confidentiality of his/her unique user name and password.

All documents filed electronically will be deemed to be made with the authorization of the party who is assigned to the specific unique electronic identifier, unless the party demonstrates to the Court otherwise, by clear and convincing evidence.

VI. FORMAT OF DOCUMENTS ELECTRONICALLY FILED

All electronically filed documents shall be formatted in accordance with the applicable rules governing formatting of paper pleadings and in any other format as the Court may require. All electronically filed documents, pleadings and papers shall be filed with the Court in Portable Document Format (PDF) with the exception of Proposed Orders. Proposed Orders shall be submitted in a Microsoft Word compatible format or editable PDF and shall reference the specific motions to which they apply. The e-Filing System will electronically transmit the Proposed Orders to the assigned Judge or assigned Magistrate. Please note that the Court may replace language within a submitted Proposed Order or replace a submitted Proposed Order prior to acceptance.

- A. **Size of Filing.** All submissions must be done according to Local Rules and all submissions shall be limited to five megabytes (5MB) in size. No combination of PDF files in one transmission may accumulate to more than 25 megabytes (25MB) in size.
- B. **Margins.** Margins must be compliant with SupR 52. Documents may be rejected if the electronic stamp affixed to the top of the page will not legible or will overlap the document text.
- C. **Signatures.**

- 1. **Attorney's/Filing Party's Signature (Registered User).** Documents filed electronically with the Clerk that require an attorney's or a filing party's signature shall be signed with a conformed signature of "/s/ (name)." The correct format for an attorney's signature is as follows:

/s/Attorney Name
Attorney Name
Supreme Court ID Number
Attorney for (Plaintiff/Defendant)
Law Firm
Address
Telephone
Email
Fax

The conformed signature on an electronically filed document is deemed to constitute a legal signature on the document for purposes of the signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, and/or any other law.

Loc. R. 57.6 applies to all filings which require the signature of the fiduciary. Where a party's signature is required the attorney may not electronically sign on behalf of the party.

- 2. **Multiple Signatures.** When a stipulation or other document requires two or more signatures:
 - a.) The filing party or attorney shall first confirm in writing that the contents of the document are acceptable to all persons required to sign the document. The filer will indicate the agreement of all other counsel and/or parties at the appropriate place in the document, usually on the signature line.
 - b.) The filing party or attorney shall then file the document electronically, identifying all of the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.

c.) If the attorney would not have been able to sign for the other signatories prior to e-Filing then the attorney will not be able to electronically sign for that individual and must submit scanned signatures.

3. **Third-Party Signatures.** Documents containing signatures of third parties (i.e., affidavits, stipulations, etc.) shall be electronically filed only as scanned images.

4. **Judge/Judicial Officer Signature.** Electronic documents may be signed by a Judge or judicial officer via a digitized image of his or her signature superimposed over the Court Seal. All decisions, orders, decrees, judgments and other documents signed in this manner shall have the same force and effect as if the Judge or judicial officer had affixed his or her signature to a paper copy of the order.

D. **Proposed Orders.** When submitting a Proposed Order to the Court the signature line for the Court must have typed on it *Signature Page Attached* or the submittance will be rejected.

VII. FILING DATE AND TIME OF ELECTRONICALLY FILED DOCUMENTS

Any document submitted electronically to Probate Court will not be considered filed until accepted at Clerk Review with the exceptions listed below in paragraph A. Clerk review is performed during Court hours. While electronic documents may be submitted to the Court twenty-four (24) hours a day, seven (7) days a week, with the exception of scheduled nightly system backups which are run between the hours of 10:00 PM – 2:00 AM, documents must be submitted by 5:00 PM on the date they are due.

Upon receipt of submitted documents, the e-Filing System shall issue a confirmation that the documents have been received. This confirmation does not mean the documents were accepted for filing. The confirmation shall include the date and time of receipt. An e-Filer will receive subsequent notification through the e-Filing System that the documents have been accepted or rejected for filing. When accepted each document will receive an electronic stamp. This stamp will include the date and time that the filer transmitted the document to the e-Filing system as well as the date and time the document was accepted and filed by the Court.

In the event the Court rejects a submitted document following Clerk Review, the document shall not become part of the Official Court Record and the e-Filer will be required to re-submit the document to meet filing requirements.

A. Civil Action Complaints for *Spouse to Purchase Real Estate, Creditor's Claim, and Will Contest* are deemed filed upon receipt and issuance of confirmation that the documents have been received by the e-Filing system.

- B. In the Mental Commitment process a 'filed' Affidavit signifies that the document has been 'filed'. The Court will then make a decision to accept or reject that filed Affidavit. The decision will be in an Entry Accepting Affidavit or an Entry Denying Affidavit.
- C. Orders of Detention are effective from the date they are signed even if they are filed the next day.

VIII. ELECTRONIC FILING AND ELECTRONIC SERVICE BY THE COURT

For e-File case types, the Court shall issue, file and serve notices, decisions, orders and other documents electronically, subject to the applicable provisions in this Administrative Order and the Court rules.

IX. ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS

All parties shall make service upon other parties who are represented by counsel and are registered to file electronically through the Court's e-Filing System. All other parties shall be served as designated by the Ohio Rules of Civil Procedure. Parties or their designated counsel shall receive all documents electronically filed and electronically served upon them via access to the e-Filing System.

A. Service of Pleadings.

When submitting any pleading for electronic filing, the filing party shall also submit instructions for service or a Certificate of Service as required by the Ohio Rules of Civil Procedure. e-Service shall not replace the methods of service of pleadings prescribed in the applicable Rules of Civil Procedure.

B. Service Copies.

When serving a pleading or when, according to Local Rules of the Court, an applicable statute, or the instructions for service filed in an e-File case, the Court is required to serve hard copies of a motion or order on one or more of the parties to the case (i.e., a pro se party or a party who is not registered in the e-Filing System), the Court shall cause service copies to be produced at the cost of \$.05 per page in lieu of service copies being furnished by the parties.

C. Service of Documents after the Complaint.

1. With the exception of Adoption cases, when a document is filed electronically in accordance with these procedures, the e-Filing System will generate a "Notice of Electronic Filing" to the

filing party and to any other party who is a registered user of the e-Filing System who has also requested electronic service. Pro se filers must submit a Notice of Case Association through the e-Filing System in order to receive a Notice of Electronic Filing. If the recipient is a registered user, the "Notice of Electronic Filing" delivered to the user's e-Filing account shall constitute service in accordance with applicable rules of the Court.

2. A Certificate of Service on all parties entitled to service or notice is still required when a party files a document electronically. The Certificate of Service shall state the manner, including by e-Service if applicable, in which service or notice was accomplished on each party so entitled.
3. A party who is not a registered user of the e-Filing System is entitled to a paper copy of an electronically filed document. The filing party shall serve the non-registered party with the document in accordance with applicable rules of the Court.
4. Parties served electronically are entitled to the same three-day extension of time to respond as if they had been served by US mail.
5. In Adoption cases documents submitted through the e-Filing System are not electronically served upon opposing parties. Any document requiring service by the filer upon other parties shall be served via US mail, and a certificate of service shall be filed.
6. A filer who brings a document to the Court for scanning and uploading to the e-Filing System shall serve paper copies on all non-registered parties in the case. However, such a filer will serve all registered users on that case electronically via the e-Filing System (e-Service).
7. Documents shall be filed under seal only with prior Court order.

D. Service on Parties: Time to Respond or Act. e-Service shall be deemed complete at the time a document has been electronically transmitted, as reflected by the authorized date and time appearing on the electronic transmittal. The time to respond to documents received via e-Service or otherwise shall be computed in accordance with the applicable rules of the Court.

E. Failure of Electronic Service. If e-Service on a party does not occur, the party to be served may, upon motion, be entitled to an order extending that party's response deadline or the period within which any right, duty or act shall be performed.

X. CONVENTIONAL FILING OF DOCUMENTS

Notwithstanding the foregoing, the following types of documents may be filed conventionally, unless expressly required to be filed electronically by the Court.

- A. Documents Filed Under Seal.** A party shall file a document to be sealed only after an order sealing that document has been signed and journalized.
- B. Documents to be presented to the Court for in camera review.** Any documents submitted in connection with a motion in limine for in camera inspection shall be submitted to the Court outside the e-Filing System.
- C. Exhibits.** Exhibits or other items that cannot be captured or stored in an electronic format may be filed and served conventionally.
- D. Notice of Appeal.** In light of *Louden v A.O. Smith Corporation*, 121 Ohio St.3d 95, 2009-Ohio-319, 902 N.E.2d 458, and until such time as the Franklin County Court of Appeals amends its local rules to expressly provide for the electronic filing of notices of appeal, notices of appeal shall be filed in paper copy with the Probate Court.

XI. OFFICIAL COURT RECORD

A document that has been electronically filed, or a document that has been presented in paper format that has then been scanned and uploaded to the e-Filing System, the electronic version of that document constitutes the official Court record.

XII. SYSTEM OR USER FILING ERRORS

If a document submitted electronically for filing is not filed with the Court because of an error in the transmission of the document to the e-Filing System, the Court may, upon satisfactory proof, enter an Order permitting the document to be deemed filed as of the date it was electronically submitted.

XIII. COLLECTION OF FILING DEPOSITS AND FEES

The authorized e-Filing System will establish a method for accepting payments of deposits and fees electronically.

XIV. METHOD OF PAYMENT

In all mandatory e-File case types, deposits as security for costs, filing fees and all other costs shall be paid by credit card through the e-Filing System with the exception listed below in paragraph C. Additional deposits may be made in person to the Court after case initiation in the form of cash, certified check, cashier's check, money order or attorney's check.

A. Deposit Cases:

1. e-Filers required to post a deposit are required to maintain a positive balance. If documents are submitted through the e-Filing system in cases with insufficient funds on deposit, the e-Filer shall pay the cost of the filing or tender an additional deposit before the document can be submitted through the e-Filing system. Any defendant in a civil action is required to pay for pleadings as they are submitted for filing.
2. e-Filers not required to post a deposit shall pay the cost of the filing before the document can be submitted through the e-Filing system

B. Non-Deposit Cases: e-Filers shall be required to pay the cost of the filing before the document can be submitted through the e-Filing system.

C. Child Support Enforcement Agency (CSEA) – CSEA is provided special permission to temporarily waive costs at case initiation but must provide an image of the signed check along with the Complaint. The check must be deposited with the Court within one business day.

XV. PUBLIC ACCESS COMPUTER STATIONS AND PRINT CHARGES

The public can view and print e-Filed documents on public access computer stations located in the Court. Users shall be charged for printed copies of documents at rates established by the Court.

XVI. RETENTION OF HARD COPY DOCUMENTS CONTAINING ORIGINAL SIGNATURES

Hard copy documents containing original signatures shall be maintained by the filer for one year after case is closed. The filer will be required to present original signatures to the Court upon request.

XVII. ELECTRONIC SIGNATURES FOR COURT INVESTIGATOR'S IN GUARDIANSHIP AND CONSERVATORSHIP CASES

Court investigators appointed or designated under R.C. 2101.11 acting in guardianship and conservatorship cases shall be authorized to electronically sign documents submitted for filing, including but not limited to reports, notices and returns of service. The electronic signature shall be either an electronically produced image of the investigator's signature or shall be designated as "/s/ Investigator Name".

The electronic signature shall be deemed to constitute a legal signature on the document for purposes of the signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure and/or any other law.

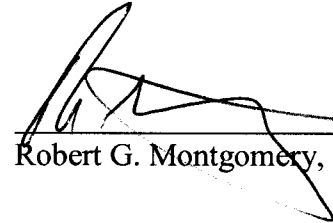
XVIII. EFFECTIVE DATE OF ADMINISTRATIVE ORDER

This Administrative Order shall become effective immediately.

SO ORDERED:

9-5-14

Date



Robert G. Montgomery, Judge