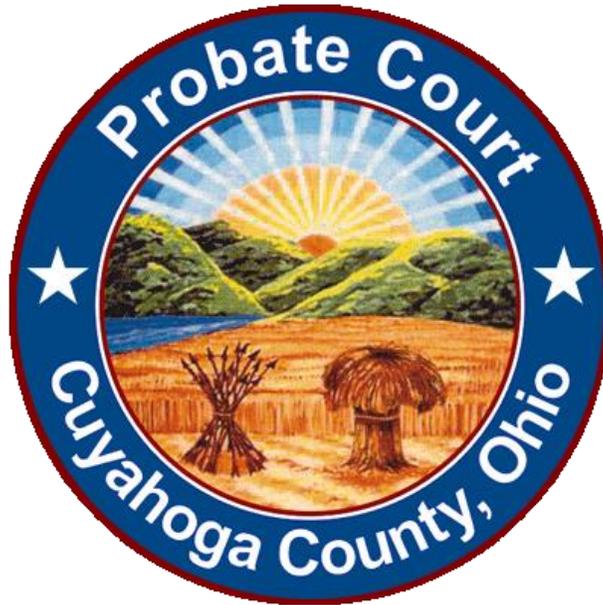


# Probate Court E-File System Policies and Procedures

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*Honorable Anthony J. Russo*

*Presiding Judge*

*Honorable Laura J. Gallagher*

*Judge*

## Introduction

This document states the policies and procedures required for submitting Court filings through the Cuyahoga County Probate Court E-File System.

Attorneys and non-attorneys can electronically file Probate Court documents after registering to use the Court's E-File System. If you should have a legal question regarding your filings, you are advised to consult a licensed Ohio attorney prior to submitting them through the Cuyahoga County Probate Court E-File System.

These policies and procedures constitute a living document and are subject to change by the Probate Court.

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## User Registration and Account Management

### Registration

Any legal adult eighteen (18) years of age or older may apply to register for a Probate Court E-File account. Your registration will be reviewed by the Court within 72 (seventy-two) hours and must be approved by the Court before using the E-File System to submit electronic files.

A name, valid email address, password, security question and answer are required to register.

Attorneys must provide a valid Ohio Attorney Registration Number.

If you are not an attorney, you must register to file Pro Se. **A person filing Pro Se in a court is appearing or filing without the assistance of a licensed attorney.**

Registered users must agree to the Court's Terms of Use. A copy of the Terms of Use is available on the [Court E-File Home Page](#).

### Electronic Notice (E-Notice)

E-File attorneys may request to receive electronic notice of hearings (E-Notices) by email. E-Notices will be sent to the registered user's primary email address, on those cases of which they appear as attorney of record.

Only E-File attorneys may request to receive E-Notices.

The E-Notice will replace printed notices. However, attorneys who are appointed as fiduciaries (ex. Executor, Guardian, etc.) will receive conventional printed copies of notices.

As the Court extends its use of electronic mail delivery, additional forms of notice may become available and will be announced to attorneys and non-attorneys for participation. Until such additions, users shall understand all other forms of notice will be sent by regular, registered, or certified mail, whichever is applicable.

### Setup

Requests may be made during initial account registration (note the check-box on the Registration screen). Existing E-File users may make requests by contacting the E-File department directly at [probate\\_efile@cuyahogacounty.us](mailto:probate_efile@cuyahogacounty.us).

A confirmation email will be sent once the E-File Department has set the attorney's mail preferences to electronic mail.

### Multiple E-Notice Recipients

Existing E-File attorneys may also request up to two (2) additional email copy addresses to receive E-Notices. To submit requests, please download the Request form from the E-File Forms menu, under the Miscellaneous list.

### Account Management

Users are responsible for maintaining their account address and contact information. For detailed instructions on updating your account, please see the [Probate Court E-File User Guide](#).

Attorneys must immediately notify the Court if their license has been revoked or is in any way subject to suspension. Attorneys no longer practicing are asked to notify the E-File Department to deactivate their account.

Pro Se users may contact the Court in writing to request account deactivation.

#### **Note:**

Pro Se users of the Probate Court E-File System may at any time hire an attorney.

However, if you hire an attorney to represent you on your case, use of the Probate Court's E-File System is restricted to your attorney, through an attorney registered account. A Pro Se account cannot be used to submit electronic filings on cases where an attorney is on record representing you and your interests.

Future filings under the Pro Se account will be accepted for review only after a formal dismissal, resignation, or withdrawal has been filed with the Court as follows:

- A notice of dismissal filed in person at the Court indicating the attorney of record no longer represents you
- A notice of resignation filed by your attorney
- A notice of withdrawal filed by your attorney

All dismissals, resignations, and withdrawals will be reviewed by a Magistrate and may need a hearing before Pro Se users can make future filings through the Court's E-File System. When a hearing is necessary, the Court will notify all interested parties of the location, date, and time.

## Case Types Available for Electronic Filing

A complete list of available filings can be found on the Court's web site, under the E-File Home Page tab: **E-Filings Available:** <http://probate.cuyahogacounty.us/efilings.aspx> .

**Note:** Any individual eighteen (18) years of age or older may register for an account to file pleadings on Probate Cases. However, E-Filing on a case does not automatically confer party status for the registered user on the case. If you have any questions, please consult an attorney.

## Conventional Filing of Documents

The following types of documents must be filed in paper form, unless expressly required to be filed electronically by the Court:

- (1) Documents filed under seal: Documents approved by the Court to be filed under seal shall be filed in paper form unless otherwise directed by the Court.
- (2) Documents to be presented to the Court in camera: Any documents approved for filing by in camera inspection shall be submitted to the Court in paper form only.
- (3) Exhibits: Exhibits or other items that cannot be captured or stored in an electronic format must be submitted to the Court in paper form only.
- (4) Notices of Appeal: Notices of appeal shall be filed in paper form with the Court.
- (5) Wills for Deposit or for Admission for Probate.
- (6) Any other documents as directed by the Court.

Unless otherwise directed by the Court, please do not submit paper courtesy copies of E-Filed documents.

## Electronically Filed Documents

Upon acceptance by the Court, any uploaded electronic document shall constitute the official Court record and have the same force and effect as documents filed by traditional means.

## Retention of Source Documents

Source documents are originals of electronic documents that were submitted through the E-File System or originals of documents that were scanned and submitted through the E-File System.

Registered users shall retain an exact copy of the source document upon which the electronic filing was based, either in an unalterable electronic format or on paper, for one year after the related case is closed, and through any appeal period.

At any time throughout the disposition of a case, the Court may require registered users to produce original paper source documents or an exact copy of the unalterable electronic source document uploaded into the Court's E-File System.

Registered users shall make all source documents available for copying at the request of the Court.

## Format of Electronically Filed Documents

Source documents must follow formatting standards before they can be scanned and uploaded into the E-File System.

### Document Format

Only PDF (Portable Document Format) documents submitted through the E-File System will be accepted at this time. The Court will NOT accept encrypted or password protected PDF documents.

All PDF documents shall be formatted in accordance with **Ohio Rule of Superintendence 52** and any other applicable rules governing formatting as the Court may require. External electronic links to material outside the filed document are strictly prohibited. Internal links to other parts of the same document are permissible.

Registered users should utilize Court E-File Forms located on the E-File Home page. The E-File forms have been edited to include digital and electronic signature fields. Forms cannot be edited after submission or during Court review.

### Document Size

Individual files attached for submission shall be limited to twenty megabytes (20MB) in size. No combination of PDF documents in one transmission may exceed 2 gigabytes (2GB) in size.

## Document Signatures

### Attorney and Party Signatures

Documents submitted through the E-File System must be accompanied by signatures, where appropriate. The Court will accept handwritten and electronic signatures when submitted in compliance with Cuyahoga County Probate Court Local Rule 57.2.

**Documents in which multiple attorneys make first appearance must include an ink signature or E-Signature for each attorney. Documents listing attorneys without signature will be rejected.**

The following are the examples of signatures acceptable to the Court:

### *Original signatures*

Handwritten signatures appearing on scanned documents.

### *Signature notation*

The signature of an attorney or a party on a document that is filed electronically may be represented with a conformed signature of “/s/ [name].” A conformed signature constitutes an original signature of the person.

The correct format for a conformed signature is as follows:

#### Attorney Signature:

/s/ Name

Printed Attorney Name

Address

City, State, Zip Code

Telephone Number (include area code)

Attorney Registration Number

Attorney for (Plaintiff/Defendant) Law Firm

#### Non-Attorney Signature:

/s/ Name

Printed Name

Address

City, State, Zip Code

Telephone Number (include area code)

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

Where a party's signature is required, an attorney may not electronically sign on behalf of the party, without receiving express written consent from the party.

### *Digital signature*

A signature captured using a digital interface, i.e., signature pad, tablet or other stylus device.

### Multiple Signatures

When two or more signatures are required on any Court document, registered users must:

*Identify Signatories.* Registered users must identify by conformed signature all other persons required to sign the document, e.g., /s/ Jane Doe, /s/ John Smith, etc. Conformed signatures should appear at an appropriate place on the document, usually the signature line. By including conformed signatures for all other signatories, the registered user confirms that the contents of the document have been discussed with and are acceptable to all signatories.

*Identify Method of Consent.* Registered users must indicate the method by which they obtained the consent of all other signatories on a document, e.g. /s/ Jane Doe (per telephone consent). When consent of a signatory is obtained by written means, the registered user must attach that written consent to the filing which includes the signatory's conformed signature.

### Third-Party Signatures

Documents containing signatures of third parties (i.e., affidavits, stipulations, notaries public, etc.) shall be electronically filed only as scanned images of the document containing the original handwritten signature.

### Judge/Judicial Officer Signatures

Electronic documents may be signed by a Judge or judicial officer via a digitized image of his or her signature. 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.

### Retention of Source Documents Containing Original Signatures

Source documents shall be maintained by the filer for one year after the related case is closed and through any appeal period. At any time prior to the final disposition of the case, the filer may be required by the Court to produce source documents containing original signatures.

## Service Copies

### Service Copies on Adversarial Case (ADV) Filings

For E-Filed Adversarial cases: Do not submit service copies of complaints or petitions. Service copies will be printed by the court for E-Filed cases.

## Filing Date and Time of Electronically Filed Documents

Documents may be submitted to the Court twenty-four (24) hours a day, seven (7) days a week.

Any document submitted after 4:15 p.m., shall be deemed to have been submitted at 8:30 a.m. on the next Court business day and in pending status for review by Court staff. Documents will not be considered filed until reviewed and accepted by Court staff.

Any document filed on a Saturday, Sunday, or legal holiday shall be deemed to have been submitted at 8:30 a.m. on the next Court business day and will follow the same review process outlined above.

All submissions are considered pending until reviewed and accepted by the E-File Department and Court staff, and will not be considered filed for the record until accepted.

All times listed herein refer to Eastern Standard Time or Eastern Daylight Savings Time.

## Submission of Electronically Filed Documents

Any document submitted electronically will not be considered filed until accepted by the Court.

Upon an electronic document submission, the E-File System will issue a confirmation page which serves as proof of receipt of the documents. The confirmation shall include a confirmation number and the date and time of receipt. Documents remain in a pending review status until accepted for filing or rejected for corrections.

After submission and review, the E-File System will send notice of acceptance or rejection of filings to the user's registered email address.

Note: Documents scanned and submitted at the E-File Kiosk in Room 123 at Court will be returned to registered users immediately.

## Acceptance of Electronically Filed Documents

Review of submitted documents is performed during the hours of 8:30 a.m. to 4:15 p.m., Monday through Friday, excepting legal holidays. Documents remain in a pending review status until accepted for filing or rejected for corrections.

Any document submitted after 4:15 p.m. shall be deemed to have been submitted at 8:30 a.m. on the next Court business day. Any document filed on a Saturday, Sunday, or legal holiday shall be deemed to have been submitted at 8:30 a.m. on the next Court business day.

Accepted documents will display on the Court's web docket with an appended electronic stamp. The electronic stamp will contain the date and time the document was accepted as an official document of record with the Court.

## Rejection of Electronically Filed Documents

In the event the Court rejects an electronically submitted document, the document shall not become part of the Court Record.

The E-File System will send notice of rejection of filings to the user's registered email address.

The following is a sample list of reasons for rejection:

*Invalid credit card payment*

*Incorrect type of filing selected*

*Document incomplete*

*Missing supporting documentation*

*Signature is missing*

*Not within our venue or jurisdiction*

*Incorrect document attached*

*Party information inconsistent/incomplete*

Additional rejection criteria will be added to this list at the Court's discretion.

## Correction of Electronically Filed Documents

A corrective filing may be edited and resubmitted through the E-File System within 72 hours after the notice of rejection is sent. A corrective filing cannot be resubmitted after the 72-hour period expires but must be submitted as a new filing.

Review of corrective filings is performed during the hours of 8:30 a.m. to 4:15 p.m., Monday through Friday excepting legal holidays.

For example, any corrective filing submitted after 4:15 p.m. shall be deemed to have been submitted at 8:30 a.m. on the next Court business day. Any corrective filing submitted on a Saturday, Sunday, or legal holiday shall be deemed to have been submitted at 8:30 a.m. on the next Court business day.

Any electronically submitted document or corrective filing rejected at 4:15 p.m. on Friday must be corrected by 4:15 p.m. on the following Monday. Any electronically submitted document or corrective filing rejected the day before a legal holiday must be corrected 72 hours from that day.

## Collection of Fees

The E-File System accepts payments electronically.

### Payment Policy

Some Court filings submitted through the E-File System require a payment. For filings that require a payment, a credit or debit card will be required with the filing. Any credit or debit card used for payment must be in the name of the registered user. Third-party credit or debit cards will not be accepted without an E-Firm account (attorneys only) or prior approval from the E-File Department. All other filings submitted with third-party payment will be rejected.

Use of the E-File System constitutes the registered user's consent to charge the credit or debit card provided. The filing fee and accompanying convenience fee will be confirmed at the time of submission and charged at the time of acceptance.

Registered users must provide a valid credit or debit card for the required full filing amount before document(s) can be submitted through the E-File System.

### E-Firm

An E-Firm account allows law firms to list with the Court authorized credit cards and users, which ensures payments by associates are not flagged unnecessarily by the Court as unsecured third-party payments. Initial setup is by email or phone request with the E-File Department and is subject to approval.

An attorney *Administrator* manages and updates the available cards and *Payee* users as needed. It can be updated 24 hours a day and is accessed from the E-File User Settings.

The E-File Department does not store credit card numbers. Only the last four digits are displayed with the names of *Payees* added by each *Administrator*.

All users must be attorneys registered to E-File with the Probate Court.

Credit cards may be in the name of a law firm or an individual attorney.

Attorneys and Law Offices may sign up for an E-Firm account by written request at [probate\\_efile@cuyahogacounty.us](mailto:probate_efile@cuyahogacounty.us) or contacting the E-File Help Desk **(216) 443-8948**.

### Credit Card and Debit Card Convenience Fees

All credit and debit card transactions include a convenience fee based on the amount of the filing. The convenience fee is nonrefundable outside of the same business day and is charged by *Point & Pay, LLC*. The fee will appear as a separate charge on your statement.

The fees are assessed as follows:

Transaction Amount	Convenience Fee
\$1.00-\$50.00	\$2.00
\$51.00-\$100	\$2.95
\$101-\$200	\$4.95
\$201-\$300	\$6.95
\$301-\$400	\$8.95
\$401-\$500	\$10.95

### Access to Electronically Filed Documents

Probate Court records are presumed open to public access pursuant to Ohio Rule of Superintendence 45(A), except as otherwise provided in Rule 45(E). Most accepted documents electronically filed with the Court will be available for public viewing both by direct access at the Court, and remote access via the Court’s online web docket.

Direct access to electronically filed documents will be available immediately at the Court. However, remote access to electronically filed documents will not be available for a period of at least ten (10) days via the Court’s online web docket. All documents accepted for filing are subject to the Court’s review for confidentiality and privacy redaction and may display in redacted form on the Court’s online web docket.

Pursuant to Ohio Rule of Superintendence 45(D)(3), the responsibility for omitting personal identifiers from an electronically submitted document shall rest solely with the attorney or filing party. The Court is not required to review the document to confirm that the attorney or filing party has omitted personal identifiers. Pursuant to Ohio Rule of Superintendence 45(D)(2), when personal identifiers are omitted from a document submitted to the Court, the attorney or filing party shall submit or file that information on a separate Confidential Disclosure of Personal Identifiers form.

### Errors

#### User Filing Errors

A filer cannot make changes to any document once it has been submitted for filing.

A document that is incorrectly submitted to the E-File System (e.g., as a result of entering a wrong case number, selecting an incorrect document type, attaching an incorrect PDF file to a submission for e-Filing, or where the electronic file is corrupt or unreadable), may be cancelled from the E-File System by the registered user provided that the document has not been accepted for filing by the Court.

### Technical Failures

If the E-File System is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour, the Court will post the system outage on the Court website.

Errors in the transmission of a document to the E-File System due to the user's Internet Service Provider (ISP), hardware or software malfunctions, or because of general user error, may prevent successful submission.

Any filing that cannot be submitted due to an error, whether that error originates with the E-File System or the registered user, must be filed at the Court.

Routine maintenance to the Court's network may affect the E-File System for a limited duration of time; whenever possible, the Court will post such maintenance on the Probate Court [website](#).

If a time-sensitive document submitted for electronic filing is not submitted to the Court because of an error in the transmission of the document to the E-File System, the Court may, upon satisfactory proof, enter an Order permitting the document to be deemed filed. Attorneys and parties should not assume that such relief is available on jurisdictional time limits such as statutes of limitation or deadlines for objection.

### E-File Help Desk

The E-Filing Department Help Desk shall provide telephone and kiosk support. The Help Desk will provide the following assistance to users of the E-File System:

- A. Address general questions from the public concerning the E-File System;
- B. Assist the public with new account registration;
- C. Assist registered users with the resetting of passwords;
- D. Assist in the scanning and uploading of documents into the E-File System
- E. Facilitate the resolution of technical issues associated with the E-File System.

If a user does not have the ability to access the E-File Gateway System, the user may bring their completed documents to the E-File Department at the Probate Court Room 123 for assistance.

Kiosks in the E-File Department may only be used for the purpose of scanning and uploading source documents. All source documents scanned at the Court and submitted through the E-File System will be immediately returned to registered users.

Cuyahoga County Probate Court E-File clerks are not attorneys, and are therefore not permitted to give legal assistance to users of the E-File System. Registered users are strongly recommended to consult a qualified licensed Ohio attorney to ensure that filings are proper, complete, and accurate.

If you have questions about the following policies and procedures, please direct them to the Court E-File Department Help Desk at (216) 443-8948 or by email: [probate\\_efile@cuyahogacounty.us](mailto:probate_efile@cuyahogacounty.us).

## Definition of Terms

The following terms are defined as follows:

**Affidavit:** A voluntary written statement of facts that is sworn to or affirmed before a notary public. It is signed by the person making the statement and the notary and contains the notary's jurat.

**Attorney:** A person who is admitted to the practice of law; also referred to as a lawyer, counselor, or counsel.

**Case Number:** A unique number assigned to a case by the Probate Court.

**Conformed Signature:** A method of displaying a person's signature on Probate Court filings which constitutes an original signature of the person. See section *Attorney and Party Signatures* (page 6) for examples.

**Court:** The Cuyahoga County Probate Court, Judges, Magistrates and any deputized clerk that represents the Cuyahoga County Probate Court.

**Direct Access:** The ability of any person to inspect and obtain a copy of a court record at all reasonable times during regular business hours at the place where the record is made available.

**Digital Signatures:** A signature captured using a digital interface, i.e., signature pad, tablet or other stylus device.

**Docket:** The list of all proceedings and filings in a case.

**E-File Case Type:** A case type that can be filed using the Probate Court's E-File System.

**E-Firm Account:** An E-Firm account is a Court-approved method of third-party payment for law firms and attorneys using the E-File Gateway System.

**E-Notice:** An electronic mail notice sent from the Probate Court.

**Electronic Filing:** The electronic transmission, acceptance, and processing of a filing. A filing consists of data, one or more documents, and/or images. This definition of electronic filing does not apply to facsimile or e-mail.

**Electronic Signature:** As defined per Local Rule 57.2(B), "electronic signature" means any of the following attached to or associated with an electronic record by an individual to authenticate the record:

- (1) A code consisting of a combination of letters, numbers, characters, or symbols that is adopted or executed by an individual as that individual's electronic signature;
- (2) A computer-generated signature code created for an individual;
- (3) An electronic image of an individual's handwritten signature.

**Filer/Filing Party:** Any person, agency or entity that is filing an action or a document with the Cuyahoga County Probate Court. "Filer" and "filing party" shall include party and non-party filers.

**Filing Fee:** The sum of money that must be paid before a document can be filed with the Probate Court.

**Notary Public:** A person authorized to administer oaths, certify documents, and attest to the authenticity of signatures.

**Original Document:** A document that becomes a source document.

**Party:** A person concerned with or taking part in Court proceedings.

**Party with Standing:** A person having a legally protectable interest in the outcome of the Court proceedings.

**Personal Identifiers:** Social security numbers, except for the last four digits; all account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers; Tax identification numbers, State ID and Driver License Numbers, Passwords, PINs, Medical Record numbers, Retirement

Fund numbers, Annuity Contract numbers, Bonds, Passport numbers, and Alien Registration numbers; and any other personal identifiers pursuant to Ohio Rule of Superintendence 45.

**Pro Se:** A person filing Pro Se in a court is appearing or filing without the assistance of a licensed attorney.

**Public Access:** Both direct access and remote access.

**Record:** The official report of the proceedings in a case. The record includes the original papers and exhibits to those papers, the transcript of proceedings and tangible exhibits, certified copies of the journal entries, and dockets.

**Registered User:** A person who has read and agreed to the Electronic Filing System's Terms of Use, has provided his/her credentials through the E-File System proving his/her identity, and has a user name and password through the E-File System.

**Remote Access:** The ability of any person to electronically search, inspect, and copy a court record at a location other than the place where the record is made available.

**Review:** An inspection of electronically filed documents in accordance with Court rules, policies, procedures, and practice. The Court shall review the data and documents electronically submitted to ensure compliance with Court rules, policies, procedures and practices before officially receiving the documents for filing and creating a docket entry.

**Signatories:** Persons or entities that sign a document, personally or through an agent, thereby becoming a party to an agreement.

**Source documents:** Originals of electronic documents that are submitted through the E-File System or originals of documents that are scanned and submitted through the E-File System.

**Submitted Documents:** All documents presented by a registered user as filings for Court review through the Probate Court Electronic Filing System.