

ORIGINAL
COURT USE ONLY

MAR 24 2017

CUYAHOGA COUNTY
CLERK OF COURTS

COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
CUYAHOGA COUNTY, OHIO

IN RE: ELECTRONIC FILING OF
COURT DOCUMENTS : ADMINISTRATIVE ORDER

I. APPLICATION AND SCOPE OF ADMINISTRATIVE ORDER

- A. In July, 2016, the Cuyahoga County Common Pleas Court, Domestic Relations Division (“the Court”) and the Cuyahoga County Clerk of Courts (“the Clerk”) began a phased implementation of a new electronic filing system (“the e-Filing System”). The phased implementation began with a pilot project that included select participants and case types involving divorce and child support.
- B. On April 17, 2017, the Court and the Clerk began optional e-filing for all domestic relations case types, except domestic violence.
- C. Consistent with Rule 27 of the Rules of Superintendence for the Courts of Ohio, Rules 5(E) and 11 of the Ohio Rules of Civil Procedure, and the Draft Standards for Electronic Filing Processes of the Subcommittee of the Supreme Court of Ohio Advisory Committee on Technology, the Court and the Clerk hereby adopt this Administrative Order governing electronic filing (“e-filing”).
- D. The Court may amend this Order or issue additional administrative orders, or adopt local rules that supplement this Order.

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 Rules of Procedure as being one that may be filed electronically.
- B. **Clerk:** The Clerk of Courts for the Cuyahoga County Common Pleas Court, as defined by the Ohio Revised Code and the Cuyahoga County Charter.
- C. **Clerk Review:** A review of electronically submitted documents by the Clerk in accordance with court rules, policies, procedures and practices. The Clerk shall review the data and documents electronically submitted to ensure compliance

with court rules, policies, procedures, and practices before officially accepting the documents, creating a docket entry, and sending them to the Case Management System. If the submitted documents comply with the applicable court rules, policies, procedures, and practices they will be accepted by the Clerk for e-filing. If the submitted documents do not comply with the applicable court rules, policies, procedures, and practices they will not be accepted for e-filing and the Clerk shall notify the filer of the deficiency or problem with the submission.

- D. **Case Management System:** A system that manages the receipt, processing, storage, and retrieval of data and documents associated with a case and performs actions on the data and documents.
- E. **Confidentiality or Confidential:** All documents submitted for e-filing shall be confidential until accepted by the Clerk.
- F. **Court Electronic Record:** Any document received in electronic form and stored in the Case Management System. This will include notices and orders created by the Court, as well as pleadings, other documents and attachments created by parties. It will not include physical evidence or exhibits that cannot be converted to an electronic form. These documents will be considered to be and maintained as court records as set forth in the Rules of Superintendence.
- G. **Court Initiated Filings:** Official court documents entered into the docket or register of actions, such as notices or orders.
- H. **Document:** A filing submitted to the Court or by the Court in either electronic format or in paper form, which upon acceptance by the Clerk becomes the Court's official record.
- I. **Electronic Filing (e-filing):** The electronic transmission, acceptance and processing of a filing. A filing consists of data, one or more documents, and/or images. Facsimile and electronic mail are not considered electronic filings.
- J. **Electronic Filing System (e-Filing System):** The computer system the Clerk uses to accept, process, and store electronic filings.
- K. **Electronic Service (e-service):** The electronic notice of the filing of a document to all other electronically-registered case participants via the e-Filing System.
- L. **Electronic Signature:** An electronic sound, symbol, or process that is attached to, or logically associated with, an electronic record and that is executed or adopted by a person with the intent to sign the electronic record.

- M. **Original Document:** A document that becomes part of the court record.
- N. **Filer/Filing Party:** Any person, agency or entity that is filing a document in a case pending in the Cuyahoga County Common Pleas Court, Division of Domestic Relations. "Filer" and "filing party" shall include party and non-party filers.
- O. **Registered User:** A person who has read and agreed to the terms of the e-Filing System's User Agreement, has provided his or her credentials through the e-Filing System proving his or her identity, and has been provided with a user name and password through the e-Filing System.

III. ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS

- A. All pleadings, motions, briefs, memoranda of law, or other documents may be e-filed through the Clerk's authorized e-Filing System, except those set forth in Section XIII. For those cases pending prior to the commencement date of e-filing, all subsequently filed documents may be e-filed.
- B. The Clerk shall continue to accept for filing documents in paper form until the Court implements mandatory e-filing. The Clerk shall continue to maintain a paper file that will contain all court records filed in a case until further order of court.

IV. PERSONAL AND PRIVATE INFORMATION IN ELECTRONICALLY FILED COURT DOCUMENTS

- A. Pursuant to the Rules of Superintendence, filing parties and/or legal counsel shall not include personal and private information in any document filed with the Court.
- B. Personal and private information includes, but is not limited to:
 - (1) Social Security Numbers;
 - (2) Financial account numbers;
 - (3) Information protected by law from public disclosure;
 - (4) Other personal identification numbers such as driver's license numbers.
- C. If personal and private information must be included in a document, the filing party shall redact the personal data and identifiers from the pleading.

(1) Pursuant to Sup.R. 45(D)(2), when personal identifiers are omitted from a case document the filing party shall file that information on a separate form provided by the Clerk.

(2) Pursuant to Sup.R. 45(D)(3), the responsibility for redacting personal identifiers rests solely with counsel and the parties. The Clerk will not review each document for compliance with this rule.

V. ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS

The Court shall issue, journalize, and serve notices, orders, and other documents electronically, subject to the provisions of this Order and court rules.

VI. REGISTRATION FOR ELECTRONIC FILING

- A. Parties filing electronically must become registered users in the e-Filing System.
- B. A party can use the Clerk's Public Access Terminals to register to use the Court's authorized e-Filing System and to file documents electronically.
- C. Parties to e-File cases, who are represented by counsel, shall promptly take steps to allow their counsel to file, serve, receive, review, and retrieve copies of the pleadings, orders and other documents filed electronically.
- D. The registered user is responsible for updating any changes to his or her email address in the e-Filing system.

VII. CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER

- A. The e-Filing System shall assign to a party's designated representative(s) a confidential and unique electronic credential that must be used to file, receive, review, and retrieve electronically filed pleadings, orders, and other documents.
- B. Each person who is a registered user of the e-Filing System shall be responsible for the security, use, and confidentiality of his or her unique user name and password.
- C. All documents filed electronically will be deemed to be made by or with the authorization of the party who is assigned to the unique credential, unless the party demonstrates to the Court otherwise, by clear and convincing evidence.

VIII. OFFICIAL COURT RECORD

Documents that have been electronically filed or documents filed in paper format shall constitute the official court record. Electronically filed documents have the same force and effect as those filed in paper form.

IX. FORMAT OF DOCUMENTS ELECTRONICALLY FILED

- A. **Format of Electronically Filed Documents:** All electronically filed documents shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper documents, and in any other format as the Court may require. A filed document shall not contain links to other documents or references in the Court's Case Management System, unless the links are incorporated into the filed document. External links are prohibited.
- B. **Portable Document Format:** All electronically filed documents, pleadings, and papers shall be filed with the Clerk in Portable Document Format (PDF) with the exception of proposed orders.
- C. **Size of Filing:** Submissions shall be limited to twenty megabytes (20MB) in size. No combination of PDF files in one transmission may accumulate to more than 20 megabytes (20MB) in size.
- D. **Signatures:**
- (1) **Attorney/Filing Party Signature:** Documents filed electronically with the Clerk that require an attorney's or filing party's signature shall be signed with a conformed signature of "/s/ (name)".

The correct format for an attorney signature is as follows:

/s/Attorney Name
Attorney Name
Bar Number 1234567
Attorney for (Party Name)
ABC Law Firm
Address
Telephone
Email
Fax

The correct formant for a self-represented party signature is as follows:

/s/Name, Pro Se
Party Designation
Address
Telephone
Email

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

- (2) **Multiple Signatures:** When a document requires the signature of two or more individuals:
- a) The filing party or attorney shall confirm that the content of the document is acceptable to all persons required to sign the document. The filer will indicate the agreement of other counsel 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, indicating the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.
- (3) **Third-Party Signatures:** Documents containing signatures of third parties shall be electronically filed only as a hand-signed scanned PDF document.
- (4) **Judge/Magistrate Signature:** Electronic documents may be signed by a Judge or Magistrate via a digitized image of his or her signature combined with a digital signature. All orders, decrees, judgments, and other documents signed in this manner shall have the same force and effect as if the Judge or Magistrate had affixed his or her signature to a paper copy of the document and it had been entered on the journal in a conventional manner.

X. FILING DATE AND TIME OF ELECTRONICALLY FILED DOCUMENTS

- A. Documents may be submitted to the Clerk for e-filing 24 hours a day, seven days a week. Documents electronically submitted for e-filing shall be deemed filed on the date and time as set forth below. All times listed herein refer to Eastern Standard Time or Eastern Daylight Savings Time.
- B. The e-Filing System is the agent of the Clerk for purposes of electronic filing, receipt, service, and retrieval of electronic documents.

- (1) Upon receipt of an electronic document submitted for filing, the e-Filing System shall issue the filer a confirmation that the submission has been received. The confirmation notice shall serve as proof of receipt of submission and shall include the date and time of receipt. The confirmation notice shall also inform the filer that, if the document is accepted for filing, the date and time on the confirmation notice shall serve as the date and time of filing, unless the document was submitted for filing after 11:59 p.m. on a Friday or after 11:59 p.m. on a business day before a Court holiday. In that case, the document will be deemed filed on the following Court business day.
- (2) The e-Filing System shall issue a notice from the Clerk indicating whether the submission has been accepted or rejected by the Clerk for filing.
- (3) If a document submitted for e-filing has been accepted by the Clerk after Clerk Review, the 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. Subject to the exceptions in Section 6 below, the date and time on the electronic stamp is the filing date and time for that document.
- (4) In the event the Clerk rejects a submitted document following Clerk Review, the document shall not become part of the official court record and the filer will be required to re-file the document to meet necessary filing requirements.
- (5) If a document is submitted for e-filing prior to 11:59 p.m. on a Friday or prior to 11:59 p.m. on a business day that is not a Court holiday, and is then accepted for filing after Clerk Review, the date and time on the electronic stamp on the document shall be the date and time the document is deemed to have been filed.
- (6) If a document is submitted for e-filing after 11:59 p.m. on a Friday or after 11:59 p.m. on a business day before a Court holiday, and that document is then accepted for filing after Clerk Review, the document shall be deemed to have been filed on the following Court business day, even though the electronic stamp on the document will bear the date and time of submission of said document.

This does not in any way alter the provision in Civ.R. 6 that allows filing deadlines that fall on a Saturday, Sunday, or legal holiday to run until the end of the following day that is not a Saturday, Sunday, or legal holiday.

XI. SYSTEM OR USER FILING ERRORS

A. User Filing Errors

- (1) A filer cannot make changes to any document once it has been submitted and accepted for filing.
- (2) A document that has been submitted may be withdrawn or cancelled as long as the document has not been accepted for filing by the Clerk.
- (3) In the event of an incorrect case number or a corrupt or unreadable electronic file, the Clerk will reject the submission and notify the filer of the error and the need to re-submit. However, where the error consists of something other than a wrong case number or corrupt or unreadable file, the filer should, as soon as possible after the error is discovered, contact the Clerk and provide the case number and document number for which a correction is being requested. The Clerk may then delete the document from the e-Filing System. The Clerk shall immediately notify the filer of the need to resubmit if appropriate. The Clerk will not delete the relevant docket text, but annotate the docket with a Notice of Correction to show the deletion, the reason for deletion, and that the filer has been notified. If appropriate, the Court will make an entry indicating that the document was filed in error.
- (4) Once a document has been accepted for e-filing by the Clerk, only a Judge can strike the document in the event it has been filed in error.

B. Technical Failures

- (1) The Clerk shall deem the e-Filing System to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. The Clerk will post known system outages on the Clerk's website if possible.
- (2) Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems may also prevent timely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document in PDF format, through the Public Access Computer stations in the office of the Clerk, or file paper documents with the Clerk.
- (3) If a document submitted electronically for filing is not filed because of an error in the transmission of the document to the e-Filing System, whether that error originates with the e-Filing System or at the filer's end, the Court may,

upon satisfactory proof, enter an order permitting the document to be deemed filed as of the date it was electronically submitted. Counsel and parties should not assume that such relief is available on jurisdictional time limits (such as filing of Objections to Magistrate's Decisions).

XII. ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS

- A. Registered users of the Clerk's e-Filing System must consent to receiving electronic service of papers in lieu of other methods of service, unless otherwise provided by law or as ordered by the assigned Judge in the case. Upon electronic filing of a document, the filer shall have the option to have the e-Filing System generate a "Notice of Electronic Filing" which will be served electronically by the e-Filing system on all parties who are registered case participants. This notification will advise the parties of the filing of the document. The parties will be required to access the e-Filing System to read the actual document filed.
- B. All parties who are registered users of the e-Filing System have the option to electronically serve upon all other registered users of the e-Filing System through the e-Filing System. Parties, or their designated counsel, may receive all documents electronically filed and electronically served upon them via access to the e-Filing System.

(1) Service of Original Complaint, Petition, or Post-Decree Motion Invoking the Court's Jurisdiction

When submitting any Complaint, Petition, or post-decree Motion invoking the Court's jurisdiction for electronic filing, the filing party shall also submit instructions for service as required by the Rules of Civil Procedure. The Clerk shall issue a summons and process the method of service requested in accordance with the Rules of Civil Procedure. E-service shall not replace the methods of service of pleadings prescribed in the Rules of Civil Procedure.

(2) Effect of Electronic Service of Subsequent Filings

- (a) The electronic service of a subsequent pleading, filing, or other document in e-File cases shall be considered a valid and effective service on all registered parties and shall have the same legal effect as an original paper document served under current rules.

- (b) Non-registered parties and self-represented parties who have not subscribed to the e-Filing System shall be served in accordance with the Rules of Civil Procedure.

(3) Service of Filings Subsequent to the Complaint

- (a) When a document (other than and subsequent to a Complaint, Petition, or post-decree Motion invoking the Court's jurisdiction) 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. If the recipient is a registered user, a courtesy "Notice of Electronic Filing" e-mail will be delivered to the user's e-filing-designated e-mail account and a similar notification will appear on the user's notifications page in the e-Filing System. This electronic notice through the e-Filing System shall constitute service of that document upon that party in accordance with court rules.
- (b) It is the responsibility of the registered user to check his or her notifications in the e-Filing System for notices pertaining to recent filings, and to not rely solely on the courtesy e-mails delivered to the user's e-filing-designated e-mail account. It is also the responsibility of the registered user to ensure the courtesy e-mails with notices of electronic filings are not blocked by the spam filter of his or her designated e-filing e-mail account.
- (c) A Certificate of Service 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 entitled to service. The Certificate of Service shall set forth the date on which the attached document is being submitted for e-filing, and shall designate that date as the date of service of the document.
- (d) 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 filer shall serve the non-registered party with the document in accordance with the Rules of Civil Procedure or as ordered by the assigned Judge in the case.
- (e) It shall be the responsibility of the filer to serve all proposed entries and orders submitted to the Court for signature on all registered parties and all non-registered parties in paper form by traditional service methods per the Rules of Civil Procedure.

- (f) Pursuant to the Rules of Civil Procedure, specifically Civ.R. 5(B) and Civ.R. 6(D), parties served electronically shall no longer be entitled to the three-day extension of time to respond that they would otherwise be entitled to if they were served by mail or by a commercial carrier service. This limitation to the application of the “three-day rule” applies only to documents served subsequent to the Complaint, Petition, or post-decree Motion invoking the Court’s jurisdiction; it does not apply to responses to service of summons under Civ.R. 4 through Civ.R. 4.6.
- (g) A filer who submits a document to the Clerk for scanning and uploading to the e-Filing System shall serve paper copies on all non-registered parties in the case. Such a filer shall serve all registered parties on that case electronically via the e-Filing System.

(4) Service on Parties; Time to Respond or Act

- (a) E-service of an e-filed document shall be deemed complete when a registered user receives the notice on his or her e-service notifications page through the e-Filing System.
- (b) Service of a paper copy of an electronically filed document on a non-registered user shall be deemed complete on the date set forth on the Certificate of Service attached to said documents. Non-registered users served with paper copies of documents that have been electronically filed are entitled to response times per the Rules of Civil Procedure as if the electronic documents had been filed in paper form with the Court.
- (c) The time to respond shall be in accordance with the Rules of Civil Procedure, unless otherwise ordered by the assigned Judge. For the purpose of computing time to respond to documents received electronically by the Court, any document filed after 4:30 p.m. Eastern Standard Time or Eastern Daylight Savings Time, shall be deemed filed on the next Court business day that is not a Saturday, Sunday, or legal holiday.

(5) Failure of Electronic Service

If electronic service on a party does not occur, the party to be served may be entitled to an order extending the date for any response or the period within which any right, duty or act must be performed.

XIII. FILING OF DOCUMENTS IN PAPER FORM

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

- A. **Documents Filed Under Seal:** A motion to file documents under seal may be filed and served electronically. However, the documents to be filed under seal shall be filed in paper form unless otherwise directed by the Court.
- B. **Documents Submitted In Camera:** Any documents submitted for an in camera inspection shall be submitted to the assigned Judge or Magistrate outside the e-Filing System.
- C. **Exhibits:** Exhibits that cannot be captured or stored in an electronic format may be filed and served in paper form.
- D. **Any Other Documents as Directed by the Court.**

XIV. COLLECTION OF FILING DEPOSIT AND FEES

- A. Any document requiring payment of a filing deposit or a fee to the Clerk in order to achieve valid filing status shall be filed electronically in the same manner as any other e-filed document.
- B. The authorized e-Filing System will establish a means to accept payment of deposits and fees electronically. The e-Filing System will establish a process for filing an affidavit of indigency.

XV. Public Access Terminals

The public can view electronically filed documents on Public Access Terminal located in the Clerk's office. Users will be charged for printed copies of documents at rates established by the Clerk.

XVI. HELP DESK


The Clerk has established a Help Desk in the Clerk's Office located in the Justice Center for users of the e-Filing System and it shall be maintained until further order of court. The Help Desk shall provide telephone support and any other support set forth in this Order. The Help Desk shall have dedicated staff able to provide support from 8:30 a.m. to 4:30 p.m. each business day that the Clerk and the Court are open. The Help Desk shall:

- A. Answer any questions from the public concerning the e-Filing System;
- B. Assist the public with establishing new accounts and registrations;
- C. Assist e-Filing System users with resetting of passwords;
- D. Coordinate and provide end user training;
- E. Facilitate the resolution of any issues associated with the e-Filing System.

XVII. EFFECTIVE DATE OF ADMINISTRATIVE ORDER

This Administrative Order shall be effective immediately.

IT SO ORDERED




JUDGE ROSEMARY GRDINA GOLD
 Administrative Judge, on behalf of all Judges
 of the Cuyahoga County Common Pleas Court,
 Division of Domestic Relations

03/22/2017

 Date

RECEIVED FOR FILING

MAR 24 2017

CUYAHOGA COUNTY
 CLERK OF COURTS
 By  Deputy

THE STATE OF OHIO 7 SS I, THE CLERK OF THE COURT
 Cuyahoga County OF COMMON PLEAS WITHIN
 IN SAID COUNTY,
 HEREBY CERTIFY THAT THE FOREGOING IS TRULY
 TAKEN AND
Minute Book
 NOW ON FILE
 WITNESS MY HAND AND SEAL OF OFFICE THIS 24
 DAY OF Mar 17
 CUYAHOGA COUNTY CLERK OF COURTS
 By Maquid, Deputy