ENTERED
AUG 26 2019

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

Case No: M1900004
ADMINISTRATIVE ORDER

I. APPLICATION AND SCOPE OF ADMINISTRATIVE ORDER

On June 24, 2019, the Hamilton County Court of Domestic Relations ("the Court") and the Hamilton County Clerk of Courts ("the Clerk") began phased implementation of a new electronic filing system ("the E-Filing System"). The phased implementation began with a soft launch that included selected participants.

Upon completion of the soft launch, the Hamilton County Court of Domestic Relations and the Hamilton County Clerk of Courts began optional electronic filing ("e-filing") for all domestic relations filing types, except domestic violence civil protection petitions, inner court transfers, and registration actions.

Consistent with the Rules of Superintendence for the Courts of Ohio, Rule 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 hereby adopts this Administrative Order governing electronic filing.

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 Filing 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 Hamilton County Common Pleas Court, as defined by the Ohio Revised Code.
C. **Court.** The Hamilton County Court of Common Pleas, Division of Domestic Relations, as defined by the Ohio Revised Code.
D. **Court and Clerk Review.** A preliminary review of electronically submitted documents by the Court in accordance with Court rules, policies, procedures, and practices. Docket Clerks will preliminarily review the data and documents to ensure their compliance with Court rules, policies, and procedures prior to accepting the documents and sending the document to the Clerk for filing through the Case Management System. If the submitted documents comply with the applicable court rules, policies, and procedures, they will be submitted to the Clerk for e-filing. The Clerk will then secondarily review the data and

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documents to ensure their compliance with Clerk's rules, policies, and procedures. If the submitted documents do not comply with the applicable rules, policies, and procedures, they will not be accepted for e-filing and the Clerk shall notify the filer of deficiency or problem with the submission.

E. **Case Management System ("CMS").** A system that manages the receipt, processing, storage, and retrieval of data associated with a case and performs action on the data and documents.
F. **Confidentiality or Confidential.** All documents submitted for e-filing shall be confidential until accepted by the Clerk.
G. **Court Electronic Record.** Any document received in electronic form, recorded in the Court's 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.
H. **Court Initiated Filings.** Official court documents entered into the docket or register of actions, such as notices or orders.
I. **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.
J. **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.
K. **Electronic Mail (email).** Messages distributed by electronic means from one computer user to one or more recipients via a network or internet.
L. **Electronic Signature.** An electronic sound, symbol, or process that is attached to, or logically associated with, an electronic record and executed or adopted by a person with the intent to sign the electronic record.
M. **Electronic Record.** A record created, generated, sent, communicated, received, or stored by electronic means.
N. **Filer/Filing Party.** Any person, agency, or entity that is filing a document in a case filed in the Hamilton Court of Common Pleas, Division of Domestic Relations. The use of the words "filer" and 'filing party" shall include party and non-party filers.
O. **Original.** A document that becomes part of the court record.
P. **Registered User.** A person who has read and agreed to the terms of the E-Filing Systems 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.

III. ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS

A. All pleadings, motions, briefs, memoranda of law, or other documents may be filed through the Clerk's authorized E-Filing System, except those set forth in Section XII. For those cases pending prior to the commencement date of e-filing, any subsequently filed documents may be e-filed.
B. The Clerk shall continue to accept filing documents in paper form.

C. Proposed entries, orders, and decrees may be submitted to the Court electronically through the E-Filing System. These documents will be forwarded to the Court for review and approval or rejection. These proposed documents will not be filed by the Clerk until the documents follow the appropriate Court process for approval, signature, and costing out.
D. Unless modified by approved stipulation or order of the Court or a judicial officer, all applicable Federal Rules of Civil procedure, Ohio Rules of Civil Procedure, Local Rules, and orders of the Court shall apply to documents filed electronically.

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 to be recorded on the Clerk's docket.
B. Personal and private information includes, but is not limited to:
    a. Social Security Numbers;
    b. Financial account numbers;
    c. Information protected by law from public disclosure;
    d. 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.
    a. 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 Court or Clerk. The Questionnaire (CDR Form 1.1) is a required document that must be submitted to the Court that will contain personal identifiers but will not be made part of the Clerk's record.
    b. 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 Clerk shall issue, journalize, and serve notices, orders, and other documents subject to this order and court rules.

VI. REGISTRATION FOR ELECTRONIC FILING

A. Parties filing electronically must become registered users in the E-Filing System.
B. All parties shall be required to complete the Clerk's on-line registration with a valid email address, a valid credit card, and accept the User Agreement and the Credit Card Authorization.
C. During registration, attorney parties shall be required to deposit funds into a copy cost account with the Clerk's Office. Self-represented parties will not be required to maintain a copy cost account.

D. Upon receipt of the required information, the Clerk shall set up an electronic filer account and assign a unique user ID with an initial password to be used for e-filing documents.
E. The e-filer shall be notified of the new account information via email.

VII. CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER

A. Upon registration, the E-Filing System shall assign to the party and/or 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 ID, 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 their unique user ID and password.
C. All documents filed electronically will be deemed to be made with the authorization of the party who is assigned to the unique user ID, 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

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. Format: All electronically filed documents, pleadings, and papers shall be filed with the Clerk in Portable Document Format (PDF) on 8 ½ x 11 inch pages with the exception of proposed orders, entries, and decrees. Proposed orders, entries, and decrees may be submitted in Microsoft Word (.doc or .docx) format and, if appropriate, reference the specific motion to which it applies.

B. Size of Filing: Submissions shall be limited to twenty megabytes (20MB) in size per document. Larger sized documents shall be broken down and filed according to the directions maintained on the Clerk's website e-filing page.

C. Notarization: All documents containing notarizations shall be electronically filed only as a hand-signed scanned PDF document. The notary seal must be visible.

D. Signatures:

1. **Attorney/Filing Party Signature:** Documents filed electronically with the Clerk that require an attorney's or filer's signature shall be signed with a conformed signature or "/s/ (name)" (if not with an actual physical signature).

   The correct format for an attorney's signature is as follows:

   /s/ Attorney Name
   Attorney Name
   Supreme Court ID Number 1234567
   ABC Law Firm
   Address
   Telephone
   Email
   Fax

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

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

2. **Multiple Signatures:** When a document requires the signature of two or more individuals (and there are not actual physical signatures):

   a. The filing party or attorney shall sign the document as follows: /s/John Smith.
   b. The filing party or attorney shall then confirm 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, along with the method they obtained the agreement (i.e. via email), usually on the signature line.
   c. The filing party or attorney shall then file the document electronically, identifying all of the signatures, 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 Signatures:** Electronic documents may be signed by a Judge or Magistrate via a digitized image of his or her signature. All orders, decrees, judgments, and other documents signed in this manner, through the use of the Judge's or Magistrate's unique username and password, 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.

X. FILING DATE AND TIME OF ELECTRONICALLY FILED DOCUMENTS

A. The E-Filing System is hereby appointed the agent of the Clerk for purposes of electronic filing, receipt, service, and retrieval of electronic documents. Electronic filings can be submitted at any time. The e-filed document will be considered filed as of the date and time that the Clerk receives the entire transmission of documents. The time of transmission will follow Eastern Standard Time or Eastern Daylight Savings time as it is the time in which the Court governs, not the time zone from which the e-filing is submitted.

B. Upon receipt of submitted documents, the E-filing System will send email notification to the filer that the documents have been received. This email notification will include the case number, case caption, and the date filed. The filer will receive a subsequent email notification through the E-filing System that the documents have been processed or rejected for filing. The email notification for a rejected e-filing will include the confirmation number, case number, case caption, date filed, and reason for rejection. The email notification for a successfully processed e-filing will include the confirmation number, case number, case caption, date filed, and date processed.

C. Each accepted and processed document will receive an electronic stamp. This stamp will include the date and time the document was submitted by the filer. The stamp will also include the confirmation number. Once a document is electronically stamped and entered on the docket, it is considered part of the Official Court Record.

D. While electronic documents may be submitted to the Court twenty-four (24) hours a day and seven (7) days a week, documents submitted on a Saturday, Sunday, or Court holiday will be deemed filed on the following business day regardless of the electronic stamp. This does not in any way alter the provision of Civ.R.6 which states that filing deadlines that fall on a Saturday, a Sunday, or a legal holiday run until the end of the following day that is not a Saturday, a Sunday, or a legal holiday.

E. In the event the Court or Clerk rejects a submitted document, the document shall not become part of the Official Court Record and the filer will be required to resubmit the document to meet filing requirements. If the resubmitted document is accepted and processed, the electronic stamped date will be the resubmission date.

XI. SERVICE OF ELECTRONICALLY FILED DOCUMENTS

Service is not automatically done by using the e-filing system. The filer shall perfect or request service on all parties as provided in the Civil Rules of Procedure.

A. Civil complaints and summonses will be served by the Clerk in accordance with Civ.R.4-4.6. The filer must serve all other e-filed documents in the manner provided in applicable Civil Rules. Each e-filed document submitted to the Clerk that requires service must include a completed certificate of service which shall state the manner of service and address to be served as provided in this rule.

B. The filer may request that the Clerk serve an e-filing by the means provided in the operating procedures for e-filing on the Clerk of Courts website.

XII. FILING OF DOCUMENTS REQUIRED IN PAPER FORM

The following types of documents must be filed in paper form.

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. **Civil Protection Orders and any other documents filed under a DV case number**
C. **Documents to Register, Enforce, and Modify Foreign Orders**
D. **Motions for Change of Venue**
E. **Any other documents as directed by the Court**

XII. *USER FILING ERRORS AND TECHNICAL PROBLEMS*

A. User Filing Errors

A filer cannot make changes to any document once it has been electronically submitted for filing. A document that is incorrectly submitted (e.g. as a result of entering the wrong case number, attaching an incorrect file to a submission for e-filing, choosing the incorrect filing type, or where the electronic file is corrupt or unreadable) will be rejected and the filer will be notified of the rejection with a reason. The e-filing can then be corrected and resubmitted. If the filer discovers an error on an e-filing that has been submitted but not processed by the Clerk, he or she may contact the Clerk as soon as possible to have the e-filing rejected for resubmission. Once the document has been accepted and processed by the Clerk, only a Judge can strike the document in the event it has been filed in error.

B. Technical Failures

Any e-filer whose filing is made untimely as the result of a technical failure of the Clerk of Courts E-Filing System, or the filer's computer hardware or software, phone lines or internet service provider (ISP), may move for leave to file instanter or for other appropriate relief from the Court. Such technical failures cannot extend jurisdictional deadlines. The motion shall be accompanied by an affidavit stating the circumstances of and reason for missing the deadline and must be filed no later than noon of the first day on which the Clerk of Courts is open for business following the original filing deadline. The Court will consider the matters as stated in the affidavit and may order appropriate relief.

XIV. COLLECTIONS OF FILING DEPOSITS 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 with an affidavit of indigency.
C. Any document and/or court action requiring a filing fee will be made using a valid credit card through the E-Filing System.
D. Any document filed electronically that requires a filing fee may be rejected by the Clerk unless the filer has complied with the rule concerning payment of fees.

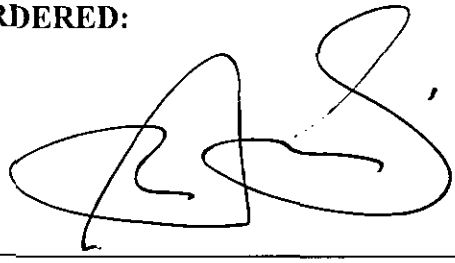
XV. OPERATING PROCEDURES AND INSTRUCTIONS

The Clerk of Courts is authorized to prepare and maintain operating procedures and instructions for electronic filing. These are available on the Clerk's website, https://www.courtclerk.org/.

XVI. EFFECTIVE DATE OF ADMINISTRATIVE ORDER

This Administrative Order shall be effective immediately.

SO ORDERED:



Administrative Judge Jon H. Sieve,
on behalf of all Judges of the
Hamilton County Court of Common Pleas,
Division of Domestic Relations

8-26-2019
Date