

FILED

IN THE COMMON PLEAS COURT
PROBATE AND JUVENILE DIVISION
VAN WERT COUNTY, OHIO

MAR 13 2025

KEVIN H. TAYLOR
PROBATE/JUVENILE JUDGE
VAN WERT CO. OHIO

IN RE: ELECTRONIC FILING
OF COURT DOCUMENTS

ADMINISTRATIVE ORDER
NO. 00000221

ORDER

This matter comes on for hearing before the administrative docket on the 13th day of March, 2025.

I. APPLICATION AND SCOPE OF ADMINISTRATIVE ORDER

The Van Wert County Common Pleas Court, Probate and Juvenile Division (hereinafter the "Court") having implemented an updated case management system/new electronic filing system ("CMS") does hereby adopt the following administrative orders governing its use.

If necessary, the Court may adopt additional administrative orders or local rules that supplement this order and may designate case types as mandatory electronic filing case types or non-mandatory electronic filing case types. Case types so designated shall be filed electronically after the effective date of such supplemental orders or local rules.

II. DEFINITION OF TERMS

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

- A. **Case Management System ("CMS").** An electronic document filing system (currently Henschen) that manages the receipt, indexing, processing, storage, and retrieval of electronic documents and data associated with a case and performs actions on the data.
- B. **Case Type.** The designation of a legal matter, which indicates certain legal criteria that may be filed in the Van Wert County Probate and Juvenile Court.
- C. **Clerk.** The Judge as Ex-Officio Clerk of the Van Wert County Common Pleas Court, Probate and Juvenile Division, as defined by the Ohio Revised Code Section 2101.11 and R.C. 2151.12.
- D. **Clerk Review.** A preliminary review of electronically filed documents by the Clerk (which includes by reference all properly designated Court employee; hereafter "Clerk") in accordance with Court rules, policies, procedures, and practices. The Clerk will preliminarily review the data and documents to ensure compliance with Court rules, policies, and procedures prior to accepting the documents and sending such documents to the CMS. If the submitted documents comply with the applicable Court rules, policies, and procedures, the documents will be accepted and noted as such on the

Court docket. If the submitted documents do not comply with the applicable Court rules, policies, and procedures, such documents will not be accepted for E-filing and the Clerk shall mark the document as “Rejected”. See *Rejected Filing*. The filer may view the status of any pending document in his/her/its Registered User Account.

- E. Confirmation.** A notification that a filer will receive once upon submission to the CMS. A registered User may log into his/her/its account to review the status of documents filed on cases on which the Registered User is a Filer, and view each filing for receipting and verification purposes.
- F. Confidentiality or Confidential.** All documents submitted for e-Filing shall not be considered a public record until accepted by the Clerk, and shall remain confidential thereafter if so entitled to confidentiality under rule or law.
- G. Conventional Filing.** The filing of paper documents with the Clerk, pursuant to applicable law and rules, as in case types, if any, for which electronic filing and service is not authorized.
- H. Conventional Service.** The service of documents upon case participants pursuant to applicable law and rules, as in case types for which electronic filing and service is not authorized.
- I. Court Electronic Record.** Any document received in electronic form, recorded in the Court’s Case management System and/or stored in the CMS. “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 capable of capture in electronic format.
- J. Court Initiated Document.** Official court documents entered into the docket or register of actions, such as notices, decisions, orders, decrees, and judgments.
- K. Document.** A filing that becomes the Court’s official record.
- L. eFile Case Type.** A case type that may be designated as a mandatory eFile case type by an administrative order or local rule.
- M. Electronic Documents.** Electronic documents shall be a part of the official court record. Paper versions of the electronic documents, if maintained, shall be considered copies. Electronic filings shall not be followed up by a paper copy unless otherwise required by the Court. See *Sections VI and XII*.
- N. Electronic Filing (eFiling).** The electronic transmission, acceptance, and processing of data, one or more documents, and/or images, **exclusively via the CMS system**. This definition of electronic filing does not apply to facsimile or email.
- O. E-Mail Service.** The electronic transmission of service of a filing from the Clerk and/or Court to all other Registered User case participants via the CMS, as permitted by Ohio Civ. R. 5(B)(2)(f).

- P. Electronic Record.** A record created, generated, sent, communicated, received, or stored by electronic means.
- Q. Electronic Service (eService).** The electronic service of electronically filed documents upon case participants using the Electronic Filing System.
- R. 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.
- S. Filer/Filing Party.** A case participant who electronically files a document using the Electronic Filing System.
- T. Original Document.** A document electronically filed as the original filing that is consistent with Ohio Civ. R. 5€ and/or Crim. R. 3(B)(1) and Crim. R. 12(B), provided the Filer complies with all requirements set forth in this administrative order.
- U. Registered User.** A person who has read and agreed to the terms of the CMS's User Agreement, has provided his/her/ its credentials through the CMS proving his/her/its identity, and has been provided with a User ID and password through the CMS.
- V. Rejected Filing.** A document that does not comply with the applicable Court rules, policies, and procedures and does not meet the requirements of Clerk Review.

III. REGISTERED USERS AND AUTHORIZATION

All attorneys filing documents in any Probate or Juvenile case type may become Registered Users. Attorneys using the e-filing system must be registered as users of the eFile system.

Authorized persons registering as users of the eFile System shall select and be assigned a username and password. Registered Users shall use their username and password to electronically file, serve, and retrieve documents. Registered Users shall be responsible for the security, use, and confidentiality of their username and password. All documents shall be deemed to have been filed with the authorization of the Registered User to whom a username has been assigned, unless the Registered User demonstrates otherwise, by clear and convincing evidence.

IV. MANDATORY CASE TYPES

E-filing will be permitted in all case types in the Probate and Juvenile Court. At the time of this administrative order, there are no case types designated as mandatory for E-filing.

V. PRO SE PARTIES AND LITIGATORS

Pro se parties and litigators are permitted to become Registered Users at this time.

VI. ORIGINATING NEW CASES & E-FILING TO AN EXISTING CASE

The eFile System is hereby appointed the agent of the Clerk for purposes of electronic filing, service, and retrieval of documents.

Registered Users may utilize the eFile System to originate a new case filing or to file any pleadings, motions, memoranda of law, transcripts of depositions, transcripts of proceedings, and Court Initiated Documents. Paper copies of eFiled documents shall not be submitted except for the following:

- A. Original Last Will and Testament or Codicil.** If eFiling a testate estate or other matter requiring the production of a signed Last Will and Testament or Codicil, the original will, or codicil shall be submitted to the Court within seven (7) days of the filing of the Application to Probate Will. Letters of Authority shall not issue until the original will or codicil is received in hard copy format by the Court.

The Court reserves the right to require a hearing on the admission of any document that is represented by be an original that does not appear to the Court to be an original when examined by the Court.

- B. Certified or Authenticated Copies.** Any certified or authenticated documents required by filing by statute, local rule, or the Court shall be presented to the Court within seven (7) days of the eFiling of such document.
- C. Exhibits that Cannot be Captured in Electronic Format.** Such exhibits shall be submitted conventionally, pursuant to the appropriate Ohio Rules of Procedure and/or Ohio Rules of Juvenile Procedure.

The failure of any Filer to produce the requested original or certified document within seven (7) days shall result in a deficient filing. The Court may close the case administratively subject to the case being reopened at a later date.

VII. FILING DATE AND TIME OF EFILED DOCUMENTS

With the exception of planned nightly system backups and unplanned system outages, Registered Users may electronically file documents 24 hours a day, seven days a week.

To be considered timely, documents must be **accepted for filing** on the date they are due. Upon acceptance for filing, the eFile System will issue a notification that the document has been accepted for filing, including the date and time of acceptance. The document will receive an electronic stamp including the date and time the document was **accepted**.

Upon rejection for filing, the eFile System will issue a notification that the document has been rejected for filing and the reason for rejection. The document shall not become part of the Court Record and the Filer shall be required to resubmit the document to meet filing requirements.

VIII. FORMAT OF E-FILED DOCUMENTS

- A. File Format.** Documents shall be submitted in Portable Document Format (.pdf), with the exception of proposed orders and entries, which shall be submitted in editable PDF format and shall reference the specific motions to which they apply.
- B. Size of Filing.** Individual documents shall be limited in size to three megabytes (3MB). Multiple documents in a single transmission shall be limited in size to a combined total of thirty megabytes (30 MB).
- C. Font Style and Size.** With the exception of Standard Probate Forms, local Probate forms, and any other Ohio Supreme Court forms (which shall use the font style and size prescribed by Sup. R. 52 and applicable orders and local rules), documents shall be double-spaced, in Times New Roman or Arial font style and at least 12-point type. An exception is made for state-mandated child support forms and other mandated court forms.
- D. Margins.** With the exception of Standard Probate Forms, local Probate forms, and any other Ohio Supreme Court forms (which shall use the font style and size prescribed by Sup. R. 52 and applicable orders and local rules), the first page of a document shall have a top margin of at least 1.5 inches and side and bottom margins of at least 1 inch. Subsequent pages shall have the top, bottom, and side margins of at least 1 inch.
- E. Signatures.**
- 1. Attorney's Signature.** Documents filed electronically with the Clerk that require an attorney's signature shall be signed with a conformed signature of "/s/(name)" (if not an actual physical signature). The correct format for an Attorney's signature is as follows:

/s/ Attorney Name
Attorney Name
Ohio Supreme Court ID Number
Attorney for (Party Designation)
Law Firm
Address
Telephone Number
Email Address

A conformed signature on an electronically filed document shall be deemed to constitute a legal signature for the purposes of signature requirements imposed by applicable law or rules.

- 2. Case participant signatures.** Documents requiring the signature of one or more case participants for whom the Filer is authorized to sign shall be signed in the following manner:

- a. The Filer shall confirm in writing that the contents of the document are acceptable to all person required to sign the document;
 - b. The Filer shall indicate the agreement of such persons at the appropriate place in the document, usually on the signature line;
 - c. The Filer shall electronically sign the document on behalf of such persons and electronically file the document.
3. **Non-case participant signatures.** Documents requiring the signature of one or more non-case participants, or a case participant for whom the Filer is not authorized to sign, shall be signed in the following manner:
 - a. The Filer shall obtain the signatures of all persons required to sign the document;
 - b. The Filer shall scan, upload, and electronically file the document;
 - c. The Filer shall maintain the signed document until the case is closed and the time for appeal has expired or any appeals have been heard or denied.
4. **Original Signatures.** If an original document requires the handwritten signature (such as a fiduciary, adoptive parent, third party's signature, etc.), a signature on an affidavit or stipulation, or a signature on a waiver of notice/service, the Filing Party shall scan the original signed document into PDF format showing the actual handwritten signature, and electronically file the document to which the signature relates. Any document that is electronically filed that contains an original signature must be retained in hard copy format by the attorney who filed the document.
5. **Judicial Officer's Signatures.** Documents requiring the signature of a Judge or Magistrate shall be signed by placement of a digitized image of the Judge's signature.

All orders, notices, decisions, orders, decrees, and judgments signed in this matter shall have the same force and effect as if the Judge had affixed his signature to a paper copy of the document and journalized it.

IX. REDACTION IN EFILED DOCUMENTS

Documents that are electronically filed shall not include personal or private information, unless such inclusion is necessary and relevant to the case. Personal or private information includes, but is not limited to, social security numbers, financial account numbers, and driver's license numbers. If inclusion of personal or private information is necessary and relevant to the case, the Filer is responsible for redacting the documents and filing a form with the confidential personal identifiers.

The responsibility for redacting personal data identifiers rests solely with the Filer.

X. ELECTRONIC SERVICE BY THE COURT

The Court may issue, file, and serve all notices, decisions, orders and other documents that are created by the Court, subject to the applicable provisions in the Court's local rules. The Court may serve Registered Users by e-mail. The Court may serve all other parties who are not Registered Users with paper copies of all notices, decisions, orders and other documents that are created by the Court.

The electronic transmission of a document that has been electronically signed by the Judge in compliance with procedures herein adopted by the Court shall, upon the receipt of the same by the Clerk, constitute filing of the document for all purposes of the Rules of Superintendence and the Local Rules of this Court.

XI. ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS

A. Service of Initial Pleadings. When electronically filing a complaint, third-party complaint, or any other initial pleading, the Filer shall also electronically file instructions for service. The Clerk shall issue a summons and process the method of service requested. Electronic service shall not replace the methods for service of initial pleadings prescribed by applicable law or rules.

B. Service of Other Documents. With the exception of initial pleadings, documents that are electronically filed may be electronically served on case participants who are represented by counsel who are Registered Users.

1. **Certificate of Service.** A certificate of service shall be required when a Filer electronically files a document. The certificate of service shall state the date and manner in which service was accomplished, including electronic service if applicable, on each case participant.
2. **Notice of Electronic Filing.** When a document is electronically filed in accordance with these procedures, the eFile System will generate and deliver a Notice of Electronic Filing (NEF) to the Filer and to case participants who are represented by counsel or who are Registered Users.

Exceptions to this are the confidential case types of Adoption and Mental Illness. Therefore, these types of filings must be served by regular mail.

Delivery of the NEF to a Registered User's eFiling account shall constitute official service in accordance with applicable law and rules. Registered Users shall be responsible for checking their notifications page in the eFile System for NEFs.

In addition to the NEF, the eFile System shall generate and deliver an email to the email address associated with the Registered User's eFiling account. Such emails are sent as a courtesy and do not constitute official service.

C. Service Copies. When the Court is required by applicable law or rules to serve a paper copy of a document on a case participant, the Court shall cause service copies of the

document to be produced. The fee for producing service copies shall be assessed as costs against the funds on deposit, at a rate established by the Court.

D. Time to Respond or Act.

- 1. Completion of eService.** Electronic service of a document that has been electronically filed shall be deemed complete when the NEF is delivered to the Registered User's eFiling account. Documents that are electronically served on a Saturday, Sunday, or a Court holiday shall be deemed served on the next Court day.
- 2. Completion of Conventional Service.** Service of a paper copy of a document that has been electronically filed shall be deemed complete on the date set forth in the certificate of service.
- 3. Mail Rule.** The time to respond or act in response to documents that have been electronically served or conventionally served shall be computed in accordance with applicable law and rules. Pursuant to Civ. R. 6(D), case participants who receive electronic service of a document are not entitled to the three-day extension of time to which case participants who receive service by mail are entitled.

E. Failure of eService. If electronic service of a document on a case participant fails, the case participant to be served may, upon motion, be entitled to an order extending the deadline by which to respond or act in response to the document.

XII. OFFICIAL COURT RECORD

The electronic version of a document that has been electronically filed, or has been scanned, uploaded, and electronically filed with assistance from the Clerk, shall constitute the Official Court Record.

When the law requires the filing of an original document, such as a voucher, bond, oath, mortgage, birth certificate, foreign judgment, or other certified or verified document, the Filer must scan the original document and electronically file the scanned document. The Filer must either (1) retain the original document until the case is closed and the time for appeal has expired or any appeals have been heard or denied or (2) file the original document with the appropriate agency or office as may be required by law.

Original wills shall be presented to the Court as described in the previous section VI.

XIII. SYSTEM OR USER EFILING ERRORS

If a document that has been electronically submitted is not electronically filed because of a system or user error, the Court may, upon satisfactory proof, enter an order permitting the document to be deemed filed as of the date it was submitted.

XIV. PAYMENT OF FILING DEPOSITS AND FEES

When eFiling, deposits required as security for costs and filing fees shall be paid electronically. Filers who are required to post a deposit are required to maintain a positive balance on deposit. If a positive balance is not maintained and a document is electronically submitted, the Filer must tender an additional deposit before the document may be accepted for electronic filing.

Filers who are not required to post a deposit must pay the cost of the filing before a document that has been electronically submitted may be accepted for electronic filing, unless they have filed, and the Court has approved, an affidavit of indigency.

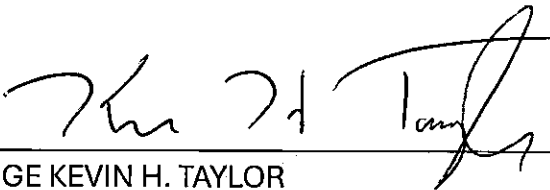
XV. COLLECTION OF FILING DEPOSITS AND FEES

The eFile System shall establish a method for accepting electronic payment of deposits and fees, including the process for filing an affidavit of indigency.

XVI. EFFECTIVE DATE OF ADMINISTRATIVE ORDER.

This Administrative Order will become effective March 13, 2025.

IT IS SO ORDERED.



JUDGE KEVIN H. TAYLOR