

NOTICE

The Mahoning County Domestic Relations Court has determined the immediate need for Local Rule 46 with regard to eFiling which is to become available on September 6, 2023, and mandatory effective November 6, 2023. Therefore, the court is promptly providing notice of such Rule 46 and an opportunity for comment.

MAHONING COUNTY DOMESTIC RELATIONS COURT LOCAL RULE 46

ELECTRONIC FILING (eFILING) OF COURT DOCUMENTS

46.01 Electronic filing in Mahoning County Domestic Relations Court will be available on September 6, 2023. Electronic filing is mandatory in Mahoning County Domestic Relations Court effective November 6, 2023. Effective November 6, 2023, all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders, judgment entries, or other documents shall be filed electronically through the court's authorized electronic filing system (eFiling System), except as otherwise provided below. The court's authorized eFiling System is hereby appointed the agent of the Mahoning County Clerk of Courts (Clerk) for the purpose of filing, receipt, service, and retrieval of electronic documents. Courtesy paper copies of documents filed electronically shall not be delivered to the court.

46.02 All of the Local Rules of this court remain in effect except as modified by this rule. This rule does not modify the Ohio Rules of Civil Procedure, which shall continue to be enforced by the court.

46.03 Definition of Terms. The following terms in this rule are defined as follows:

(A) **Accepted Filing:** A filing is accepted after a Clerk Review has occurred and the filing is approved for docketing.

(B) **Case Management System (CMS):** The court CMS manages the receipt, processing, storage, and retrieval of data associated with a case and performs actions on the data. The CMS is separate from the eFiling System.

(C) **Clerk Review:** A review of documents by the Clerk in accordance with court rules, policies, practices, and procedure. The Clerk may review the data and documents electronically submitted to ensure compliance with court rules, policies, practices, and procedure before creating a docket entry or before docketing the case.

(D) **Confidentiality or Confidential:** All documents submitted for 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.

(E) **Court Electronic Record:** Any document that the court receives in electronic form via the eFiling System which is docketed in the CMS and stored in its Document Management System (DMS). This includes Court Initiated Filings as well as pleadings, other documents and attachments created by parties or their counsel. It does not include physical exhibits brought into the courtroom.

(F) **Court Initiated Filings:** Official court documents entered into the docket or register of actions, such as notices, judgment entries, or orders. The term “court initiated filings” is a simplification to indicate that documents will be submitted as part of the electronic court record, but could be submitted using exactly the same process as external filings if the court so desires.

(G) **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 as permitted by law.

(H) **Document:** A filing made with the Clerk in either electronic format or paper form, becoming the court’s official record.

(I) **Document Management System (DMS):** A DMS manages the receipt, indexing, storage, and retrieval of electronic and non-electronic documents associated with a case.

(J) **eFiling ID Number:** A number that is assigned to a document upon submission to the eFiling System. A Registered User may log into their account to review the status of documents filed on cases on which the Registered User is a filer, and view the number assigned to each filing for receipt/verification purposes.

(K) **Electronic Filing (eFiling):** The electronic transmission, acceptance, and processing of a filing. A submission consists of data, one or more documents, and images. This definition of eFiling does not apply to facsimile or email transmissions.

(L) **Electronic Filing System (eFiling System):** The internet based computer application that enables electronic filing for the court and authorized justice partners. The Domestic Relations Court will engage with a supplier to provide the computer application. The County Information Technology Department will, with the application vendor, install and support the application. The eFiling System interfaces directly with the Case Management System.

(M) **Notice of Electronic Filing (NEF):** A notice sent by email to the Registered Users of a particular case to indicate that a document has been filed in the eFiling system.

(N) **Public Access:** Documents filed using the eFiling System shall be available to the public via Direct Access and Remote Access.

(O) **Public Access Terminal:** If provided, a terminal shall be located in the Clerk’s office for use by the public during regular business hours. Users shall be charged for printed copies of documents at rates permitted by law.

(P) **Registered User:** A person who has read and agreed to the terms of the eFiling System, has provided their credentials proving their identity, and has been provided with a User ID and password through the eFiling System. A Registered User, by virtue of their registration with the eFiling System, expressly assents to service by email as the default method of service for all documents served pursuant to Ohio Civil Rule 5. A Registered User may log into their account at any time to review their case(s), and shall use the eFiling

System to file any documents electronically, at any time of the day, from any location they choose, using their User ID and password.

(Q) **Rejected Filing:** A document that does not comply with the applicable court rules, policies, practices, and procedures and does not meet the requirements of a Clerk Review.

(R) **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.

(S) **Service of Documents on Self-represented Parties after the Filing of the Original Complaint:** All pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders and other documents filed electronically with the Clerk shall be served by the parties to a case and the court in accordance with Ohio Civil Rule 5.

(T) **Submitted Filing:** A document that has been uploaded to the court's eFiling System by a Registered User for Clerk Review and acceptance.

(U) **System Error:** When the court's eFiling System is not operational.

46.04 Registration in eFiling System. Effective November 6, 2023, all counsel of record shall register with the court's eFiling System in order to file pleadings, serve pleadings, and retrieve copies of eFiled pleadings, orders, and other documents in the case.

46.05 Filing Fees and Rejection of Electronically Filed Documents. Any document filed electronically that requires a filing fee may be rejected by the Clerk unless the filer has complied with the mechanism established by the court for the payment of filing fees in accordance with Ohio Civil Rule 5(E)(3).

46.06 Confidential and Unique Electronic Identifier

(A) The court's eFiling System shall assign an individual who has registered a confidential and unique electronic identifier that shall be used to file, serve, receive, review, and retrieve eFiled pleadings, orders, and other documents in the case.

(B) Each person to whom a unique identifier has been assigned shall be responsible for the security and use of such identifier.

(C) All eFiled documents shall be deemed to be made with the authorization of the party who is assigned the specific unique electronic identifier, unless the party proves to the satisfaction of the court that the contrary is demonstrated.

46.07 Official Court Record. The electronic version of documents eFiled pursuant to this rule constitutes the Official Court Record. eFiled documents have the same force and effect as those filed by traditional means.

46.08 Form of Documents

(A) **Format.** All pleadings, motions, briefs, and other documents shall be formatted in accordance with the following:

- (1) Typewritten or printed on 8 ½” x 11” paper, with numbered pages.
- (2) Filings prepared in a pleading format shall reserve a blank space of at least three inches at the top of the first page for endorsements and shall have appropriate side and bottom margins of not less than one inch.
- (3) Forms approved by the court shall reserve an adequate space in the top right-hand corner for endorsements or file stamps and shall have appropriate side and bottom margins proportional with the format of the form or document.
- (4) A filed document shall not contain links to other documents or references to the CMS, unless they are incorporated into the filed documents. External links are prohibited.

(B) Portable Document Format (.pdf)

- (1) Except as provided in Subsection (B)(2) of this Rule, all eFiled documents, pleadings, and papers shall be filed with the Clerk as .pdf electronic files.
- (2) A proposed order, proposed entry, or document containing a notice of hearing shall generally be submitted in Word format and reference the specific motion or pleading to which it applies. However, proposed orders, entries, Qualified Domestic Relations Orders, Division of Property Orders and other orders which would not ordinarily be modified by the court may be submitted in .pdf.

(C) Size of eFiled Documents

- (1) Individual documents included in a submission shall not exceed 10 megabytes in size.
- (2) Any combination of documents eFiled in one submission shall not exceed 30 megabytes in size.

(D) Signatures

- (1) eFiled documents that require the signature of the attorney or self-represented party shall be signed with an ink pen and the document shall be scanned prior to uploading into eFiling. When a stipulation, agreed judgment entry, or other document requires two or more signatures, all persons shall sign the document with an ink pen and the document shall be scanned prior to uploading into eFiling.
- (2) Signature of Judge or Magistrate. eFiled documents may be signed by the judge or magistrate using a digitized image of her/his 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 her or his signature to a paper copy of the order and journalized it. All proposed orders, decrees, judgment entries, and other documents to be signed by the Judge or Magistrate shall generally be submitted to the eFiling System in Word

format, however proposed orders and entries that are not likely to be changed by the court upon submission may be submitted in .pdf.

46.09 **Time, Effect and Process of eFiling**

(A) **Submission.** Any filing may be eFiled with the Clerk 24 hours a day, 7 days a week.

(B) **Receipt.** Upon receipt, the court's eFiling System shall issue a confirmation that the submission has been received. The confirmation shall include the date and time of receipt and serve as proof of receipt. The confirmation is for receipt purposes only and does not signify acceptance by the Clerk.

(C) **Clerk Review.** After Clerk Review, a filer will receive notification from the Clerk that the submission has been accepted or rejected by the Clerk.

(1) If the submission is rejected, the document shall not become part of the court record.

(2) If the submission is accepted, the document shall be docketed and filed and the eFiling System will reflect the date and time of the submission.

(D) **Official Time Stamp.** Upon acceptance, the submission shall be deemed filed and shall receive an electronic stamp that includes the date and time that the filer submitted the document to the court's eFiling System.

(E) **System Errors.** If a submission is not received by the court because of a System Error, the court may, upon satisfactory proof, enter an order permitting the document to be filed nunc pro tunc retroactive to the date it was submitted.

46.10 **Service**

(A) **Instructions for Service.** For all documents that require service by the Clerk or documents for which a party is requesting that service be made by the Clerk, Instructions for Service shall be filed. The Clerk shall not accept Instructions for Service that do not designate the name(s) and address(es) of the parties to be served.

(B) **Complaint and Related Documents in Domestic Relations Cases**

(1) Upon filing the original complaint, any counterclaim, or third party complaint, in addition to the Instructions for Service required by Subsection (A) of this Rule, the filer shall include the address of the plaintiff(s) and defendant(s) in the caption of the document. If the address of any plaintiff or defendant is unknown, the filer shall substitute "unknown" for the address in the caption.

(2) The Clerk shall issue a summons and process the method of service in accordance with the Ohio Rules of Civil Procedure.

(C) **Documents Filed after the Complaint**

(1) The filer, not the Clerk, shall be responsible for serving all documents filed after the original complaint on all self-represented parties in accordance with the Ohio Rules of Civil Procedure.

(2) When an order is deemed filed, the eFiling System shall generate a Notification of Electronic Filing (NEF) to the filer and any other party on the case who is a registered user of the eFiling System. The Notification of Electronic Filing shall constitute service under Civ. R. 5 unless otherwise ordered by the Court.

(3) Certificate of Service by attorneys or self-represented parties

(a) Proof of service of all documents required or permitted to be served shall be made in compliance with the Ohio Rules of Civil Procedure.

(b) The Certificate of Service shall be signed in accordance with applicable Ohio court rules and laws, including these Rules, and shall contain the following language for each party entitled to service:

“I hereby certify that on [date] this document was eFiled via the Court’s eFiling System which shall send notifications of this filing to the following: [list parties or their counsel who are registered users of the Court’s eFiling System].”

AND/OR

“I hereby certify that on [date] I served this document in accordance with Civ. R. 5 by [method used] on the following: [list self-represented parties with addresses who are not registered users of the court’s eFiling System].”

46.11 Personal and Private Information in Documents Filed with the Clerk

(A) **Definition.** Personal and private information includes, but is not limited to, social security numbers, financial account numbers, driver’s license numbers, information protected by law from public disclosure, or any other personal identification numbers.

(B) **Exclusion.** The filer shall not include personal and private information in any document filed with the court unless such inclusion is necessary and relevant to the case, unless it is filed as a separate document (e.g. Title IV-D application) which shall be stored in the eFiling System as secure documents not subject to public access. This requirement extends to and includes exhibits or addenda attached to filings.

(C) **Redaction.** If personal and private information is necessary and must be included in a document, the filer shall redact the personal and private information from the document in the following manner:

(1) Social security numbers shall be completely redacted.

(2) When necessary, the last four digits of financial account numbers or other personal identification numbers shall be used.

(3) For any other personal or private information, the information shall be replaced with “[redacted]”.

(D) **Responsible Party.** The filer is responsible for redacting personal and private information. The Clerk shall not review each document for compliance with this Rule, however, the Clerk or Court may refuse to accept any document that contains personal and private information that has not been redacted or submitted in accordance with this Rule.

(E) **Entries and Orders.** Personal and private information required to be included in entries and orders shall be redacted in the manner set forth in Subsection (C) of this Rule.

46.12 **Self-represented parties.** Self-represented parties who are not registered users of the court’s eFiling system shall deliver their documents in paper form to the court. The documents shall be scanned and uploaded into the eFiling system. Documents filed in accordance with this Rule shall be deemed filed and shall become the court’s official record when they are entered in the court’s eFiling system.

46.13 **Collection of Filing Deposit and Fees:** The court’s eFiling system accepts payment of deposits and fees electronically. The eFiling system can accommodate the filing of a poverty affidavit. In order to achieve valid filing status, all filing fees must be paid at the time of filing unless waived by the court.