

Rule 22. Facsimile and Email Filing

(A) Definitions

As used in this rule:

- (1) "Email filing" means any filing with the Clerk's Office by facsimile transmission or by email.
- (2) "Facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end. "Facsimile transmission" does not include transmission by email.
- (3) "Facsimile machine" means a machine that can send and receive a facsimile transmission.
- (4) "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
- (5) "Filing" is the delivery of a document to Clerk's Office and the acceptance of the document by the Clerk's Office for placement into the official record. Filings include, but are not limited to, pleadings, motions, briefs, affidavits and exhibits.
- (6) "Email" means a message distributed by electronic means from one computer user to one or more recipients via a network or is a method of exchanging digital messages from an author to one or more recipients.
- (7) "Source document" means the physical document in the possession of the filing person that is subsequently filed with the Clerk of Court by email filing.

(B) Generally

- (1) The following case types are not subject to electronic filing:
 - (a) Unruly and truancy complaints;
 - (b) Applications for permission to marry;
 - (c) Applications for judicial bypass (also known as consent for abortion or Jane Doe); and
 - (d) Petitions for civil protection orders that are requesting ex parte hearings.
- (2) All case types not specifically excluded for email filing in subsection (B)(1) are permitted to be electronically filed by sending the filing to the below designated e-mail inboxes):

- (a) Filings by Assistant Prosecuting Attorneys representing the Cuyahoga County Division of Children and Family Services may be submitted via email to ccdcfsefiling@cuyahogacounty.us. Filings seeking next day shelter care hearings may also be submitted via fax.
 - (b) A Certificate of one or more reputable practicing physicians that a child is in need of emergency medical and surgical treatment and the Complaint and Application for Care filed by a representative of the hospital or physician seeking to provide the immediate medical or surgical treatment may be filed via fax.
 - (c) Filings by Assistant Prosecuting Attorneys representing the Office of Child Support Services ("OCSS") may be submitted via email to jccsfiling@cuyahogacounty.us. Emancipation terminations filed by OCSS may be submitted via email to jccstermination@cuyahogacounty.us.
 - (d) Filings by licensed attorneys or employees of the Court's Probation Department may be submitted via email to eprobation@cuyahogacounty.us.
 - (e) Filings by all other persons may be submitted via email to jcelectronicfiling@cuyahogacounty.us.
 - (f) For faster subpoena processing, subpoenas may be submitted via email to sm-jjc-subpoenas@cuyahogacounty.us; however filers are still also permitted to send them to the normal email filing inbox that applies to them as set forth above.
- (3) No email shall exceed 10 MB in size. All pages of a document must be fully contained in a single email attachment. All documents electronically filed by email shall be submitted in Portable Document Format (PDF) format. When more than one document is contained within a single email, each document shall be a separate, readily identifiable attachment.
- (4) If the Clerk does not time and date stamp the document and enter it in the case docket, the document shall not be considered filed by the Clerk.

(C) Original Filing

A document filed and accepted by the Clerk by fax or email shall be deemed the original filing. The person filing a document by facsimile or email is not required to additionally file a paper copy with the Clerk. The person filing the document shall maintain the source document in his or her records and have available for production upon request by the Court, with original signatures as otherwise required by law. The source document shall be maintained by the person making the filing until the case is closed, and all opportunities for post-judgment relief are exhausted.

All documents filed by facsimile and email shall conform to Sup. R. Rule 45(D) regarding omission of personal identifiers. The Clerk's Office is not responsible for redacting personal identifiers or other confidential information not properly redacted by the filing person.

(D) Signature

All documents filed electronically shall be signed. A document may be signed in either of the following ways:

- (1) A handwritten signature manually affixed to the document; or
- (2) A signature line containing a forward slash followed by an "s" followed by a second forward slash and the filing party's name in print (e.g., /s/ John Doe).
- (3) An electronic signature affixed on documents filed by fax or email shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall order the filing stricken.

(E) Time of Filing

The Clerk's Office permits electronic filings of documents twenty-four hours per day, seven days per week, including holidays. Filings received outside operating hours will not be reviewed by the Clerk's Office until the next business day. All documents filed by facsimile or email that comply with subsections (F) and (G) and have not otherwise been rejected for any other permissible reason under this Rule or other applicable Rules of Court will be accepted by the Clerk and shall be considered filed with the Clerk's Office as of the date and time the fax or email transmission was received by the Clerk's Office.

Upon acceptance by the Clerk, a document will be considered timely filed, in accordance with any deadlines imposed by the applicable Rules of Court or Order of Court, if it was received on or before 11:59:59 p.m. on the date on which it was due and any costs associated with the filing is paid in full within the time limit set forth in (F), below.

(F) Filing Fees for email filings

Fees for any documents filed by email shall be assessed pursuant to the Court's current cost schedule. No document filed by email that requires a filing fee shall be accepted by the Clerk for filing until such fees have been paid. As a courtesy, the filing person will be notified via email by the Clerk's Office that a payment for costs is required in the event payment is not made at the time of filing. The email will come from the same email filing inbox the filer submitted the filing to and will be sent to the email address used by the filer to submit an email filing. The filer shall have two (2) business days after notification by the Clerk in which to make payment. Any required payments must be made through the Clerk's Office Cashier. For payment options as well as acceptable forms of payment contact the cashier at (216) 443-3414 or visit our website at <http://juvenile.cuyahogacounty.us/en-US/Clerks-Office.aspx> and click the "Payment Options and Filing/Motion Fees" link for more information.

(G) Clerk Review

The Clerk's Office shall conduct a preliminary review of all electronically filed documents for compliance with Rules of Practice and payment of any requisite fees prior to accepting any document for filing.

Documents that do not comply with the Rules of Practice and/or for which filing fees have not been paid as required in section (F) above cannot be accepted for filing and will be rejected by the Clerk's Office. The Clerk shall notify the filer of such rejection with an explanation for the rejection. The Clerk will not retain a copy of any rejected filing for purposes of any later submission by a filer. The filing party is responsible for maintaining their source document.

Upon receipt of notice from the Clerk's Office as to a rejected filing, the person may resubmit a corrected filing. However, the corrected filing will be considered filed as of the date and time the corrected filing's fax or email transmission was received.

If a document is rejected due to technical errors during transmission of the filing but the filer wishes to have the corrected filing deemed to be filed as of the date and time of the original transmission, the filer must file a motion with the court seeking such relief.

The Clerk's acceptance of a filing is neither a legal determination nor a guarantee as to the correctness of the documents filed.

(H) Service of Filing

It is the filing person's responsibility to ensure service of all filed documents in accordance with the applicable Rules of Practice. If service through the Clerk's Office is necessary or desired, the filer shall include any Instructions for Service with said document. No action on any Instructions for Service shall be taken until any associated fees are paid.

Timestamped copies of email filings will be made available to attorneys through the case management system appearance docket. During typical processing times, filings will be scanned into the case management system and appear on the docket within 2 - 3 business days.

(I) Risk of failed transmission

The risk of transmitting a document by fax or email to the Clerk's Office shall be borne to the sending party entirely. Technical support is only available through the Court during normal business hours. For questions regarding a fax or email filing, the filer may contact the Clerk's Office.