

Rule 26. Facsimile and E-mail Filing Rule

(A) Applicability

This rule shall apply to the following:

- (1)**Emergency Custody Motions, Dependency, Neglect and Abuse Complaints, Affidavits in support and associated documents filed by Assistant Prosecuting Attorneys representing the Cuyahoga County Division of Children and Family Services seeking next day shelter care hearings.
- (2)**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.
- (3)**An Ohio Uniform Traffic Ticket, Delinquency Complaint, Unruly Complaint, Adult Case Complaint alleging Interference with Custody and/or Contributing to the Delinquency of a Minor, or a computer generated or electronic Ohio Uniform Traffic Ticket that conforms to Local Juvenile Rule 10 filed by a law enforcement agency.

(B) Definitions

As used in this rule:

- (1)**"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 E-mail.
- (2)** "Facsimile machine" means a machine that can send and receive a facsimile transmission.
- (3)**"Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
- (4)**E-mail 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.

(C) Original Filing

A document filed by a fax or e-mail shall be accepted as the effective original filing. The person filing a document by facsimile or e-mail is not required to file a source document with the Clerk. The person filing the document shall maintain in his or her records and have available for production on request by the court, the source document filed by fax or e-mail, with original signatures as otherwise required under the applicable rules and the source copy of facsimile or e-mail cover sheet used for the subject filing.

The source document filed by facsimile or e-mail 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 faxed and e-mailed and filed shall conform to Sup. R. Rule 45(D).

(D) Cover Page

1. The person filing a document by fax or e-mail shall also include all of the following information in a cover page or in the body of the e-mail:

- (a)** Name of the Court
- (b)** Title of the Case (In Re: and child's initials)
- (c)** Case Number
- (d)** Name of the judge to whom the case is assigned, if any
- (e)** If a judge or a case number has not been assigned, state that fact
- (f)** Name of the child's Guardian ad litem, if one is assigned
- (g)** Title of the document being filed
- (h)** Date of transmission
- (i)** Transmitting fax number
- (j)** Indication of the number of pages included in the transmission, including the cover page
- (k)** Name, address, telephone number, fax number, Supreme Court registration number, and e-mail address of the person filing the fax document if available.

2. If a document is sent by fax or e-mail to the Clerk without the information listed above, the Clerk may do any of the following:

- (a)** Enter the document in the case docket and file the document;
- (b)** Deem the document a failed transmission.
- (c)** Respond to the e-mail with a notation of the reason for failure
- (d)** If the Clerk does not enter the document, the document shall not be considered to be filed by the Clerk.
- (e)** The Clerk will inform the sending party of the failed fax or e-mail filing.

(E) Signature

A party who wishes to file a signed source document by fax or e-mail shall fax or e-mail a copy of the signed source document.

A party who files a signed document by fax or e-mail, represents that the physically signed source document is in his or her possession or control.

(F) Time of Filing

Subject to the provisions of these rules, all documents sent by fax or e-mail and accepted by the Clerk, shall be considered filed with the Clerk as of the date and time the fax or e-mail transmission was received by the Clerk. The Office of the Clerk will be open to receive facsimile and e-mail transmissions of documents twenty-four hours per day, seven days per week, including holidays. In the case of faxed documents, each page of any document received by the Clerk shall be automatically imprinted with the date and time of receipt. In the case of e-mail documents the date and time will be in the sent line in the header of the e-mail. The date and time imprinted on the document shall determine the time of filing, provided that the document is deemed accepted by the Clerk.

(G) Fees and Costs

No fee shall be assessed for facsimile or e-mail filings transmitted pursuant to this rule.

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