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E-FILING UPDATES
FOR ALLEN COUNTY

October 10, 2017

This document is a searchable and hyperlinked compilation of the weekly e-filing updates that were distributed by the Clerk of the Allen Circuit and Superior Courts from February 13, 2017 to May 29, 2017. Please note that although every effort has been made to provide accurate information as of today's date, revisions to the following topics may occur. Always feel free to contact the Clerk's office with any questions.

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Appearances

Merely e-filing an *Appearance* on a case is not sufficient. The e-filer needs to also add themselves as a ‘Lead Attorney’ within the fields of the E-Filing Service Provider. Failing to do so at the time of e-filing will result in processing delays.

A new *Appearance* form for attorneys was created by the Indiana Supreme Court for e-filing purposes. Within the new *Appearance* form, attorneys agree to accept E-Notices rather than paper notices. A version of this form, tailored for Allen County, has been posted on the Clerk’s homepage: www.allencountyclerk.us.

Appearances and Party Identifying Fields

Be sure to completely fill out all of the party identifying fields within your E-Filing Service Provider (EFSP) before submitting an *Appearance*. Merely filing an *Appearance* without completing these fields will cause processing delays and prevents E-Notices from being distributed to the proper person.

Certain Case Types for E-Filing

E-Filing is only available for Odyssey case types in Allen County at this time. Documents in the following case types must still be conventionally filed.

Juvenile (JC, JD, JM, JP, JS, and JT) and Reciprocal Support (RS) cases cannot be e-filed because they are maintained in another case management system, Quest. When e-filing is available for cases maintained in Quest, you will notified.

Protective Orders (PO) cannot be e-filed at this point because federal regulations prohibit the exposure of information related to the Petitioner over the internet. The state is working on upgrades to comply with these regulations so that PO’s can eventually be e-filed.

Select the Proper Case Type

When filing your case, be sure to select the proper case type. Trial Rule 86(L) requires the Clerk to accept all filings unless an incorrect fee is submitted. Once the Clerk opens the ‘envelope’ containing the e-filed documents, it cannot be retracted by the filing party and the filing(s) must be addressed by the Court.

If a document is filed under the wrong case type, the Court may dismiss the case, strike the document, or order the document to be corrected by a certain date. Please review the ‘Case Type – Quick Reference Sheet’ provided for your convenience on the Clerk’s homepage (www.allencountyclerk.us).

Certificate of Issuance of Summons

Trial Rule 86(G) requires a *Certificate of Issuance of Summons* to be e-filed after serving an initial complaint or equivalent pleading. A sample version of this new form has been placed on the Clerk’s homepage at www.allencountyclerk.us.

Steps for Certificate of Issuance of Summons by Mail

Here’s the step-by-step process when issuing documents by certified mail in accordance with Trial Rule 86(G):

1. E-file documents to be file-stamped.
2. Receive the electronically file stamped copies.
3. Mail the *Complaint* and *Summons* to Defendant.
4. Complete and e-file the *Certificate of Issuance of Summons*
-New Form Available at www.allencountyclerk.us
5. Receive signed green card from Defendant.
6. E-file a scanned image of green card with a *Return of Service of Summons*.
-New Form available at www.allencountyclerk.us

*Be sure the Court/Clerk can identify which documents were associated with that particular green card. This can be done by either scanning those documents as an attachment to the e-filed *Return of Service of Summons* or by providing a description within a field in your EFSP prior to e-filing the *Return of Service of Summons*.

Certified Mail ‘Green Card’ Returns

Our office has been receiving ‘green card’ returns from the post office with no identifiable information that would allow us to match the return to a particular document or case. Please remember to provide the case number and description of the document on the return receipt or equivalent form.

Ideally, you may also designate your office as the destination for the return card. After receiving the card, you would then match it with the related document, scan both to a single PDF file, and e-file this PDF into the relevant case.

If you've recently been expecting service confirmation on a case via 'green card' and believe there has been an unreasonable delay with your case being updated with a return of service entry, then it may be one of your 'green cards' in our stack of unmatchable cards. You may visit our Central Services office to review and possibly identify your card(s).

E-Filing Comments

When the Court and Clerk process e-filings, there is an option for us to send a message to the e-filer with comments for that particular filing or to provide guidance for future filings. The location of these customized messages may vary depending on the EFSP that you use.

Confidential Information

The following link provides a good summary on how to handle confidential information when e-filing in both the trial and appellate Courts:

<http://www.in.gov/judiciary/files/efiling-ar9-guidance.pdf>

Filing Exhibits (Confidential & Public/Redacted Versions)

When filing a Confidential exhibit, it should be designated as 'confidential' and filed as an 'Attachment' to the relevant 'Lead' Petition/Motion. The Public/Redacted version of the exhibit should also be filed as an 'Attachment' to the same 'Lead' Petition/Motion. The [Notice of Exclusion of Confidential Information from Public Access](#) should also be completed and filed as a separate 'Lead' document and no documents should be attached to this Notice. Please review [Indiana Administrative Rule 9](#) for more information on confidential filings.

Serving Confidential Addresses

If you will be serving a document to a confidential address (as is common with Mortgage Foreclosure cases), please designate the related *Summons* as a 'Confidential' filing. It is our understanding that e-filers are currently unable to leave a Defendant's address field blank when building their case. Labeling the *Summons* as "Confidential" will allow the Clerk to correct the address field so that it will not be posted publically on <https://mycase.in.gov>.

E-Filing ‘Convenience Fee’

E-Filing Service Providers (EFSP’s) will charge varying rates in the form of a ‘convenience fee’. The Clerk does not charge or receive a ‘convenience fee’.

Additional Information Regarding E-Filing ‘Convenience Fees’

All EFSP’s are required to collect an additional fee (currently around 3.5%) when e-filing. The EFSP’s then forward this amount to the State to help defray the costs related to the credit card processing fees incurred by the State’s system. Some EFSP’s will charge an additional fee on top of this ‘Convenience Fee’. Fees for the various EFSP’s may be researched on the State’s e-filing website at <http://courts.in.gov/efile> or by contacting the individual EFSP’s.

Recouping Convenience Fees

Do **not** incorporate the Convenience Fee amount into the Court Costs portion of the Judgment. According to the Indiana Supreme Court’s Office of Court Services, Convenience Fees are not included within the statutory definition of Court Costs. Depending on the circumstances of the case, the Convenience Fee may otherwise be recoverable by a prevailing party.

Filing in Old Cases

If you intend to e-file into a case that hasn’t had any activity since before 1995, please contact the Clerk’s office. A new electronic case file may need to be created by the Clerk in order for e-filing to occur. If you are facing a statutory filing deadline on an old case, please contact the Clerk as soon as possible before e-filing is attempted.

“Description Fields”

Be careful when completing the ‘Description Fields’ within your EFSP. These are the fields where one describes the document being e-filed. Any entry may become part of the official Chronological Case Summary (CCS). Avoid using abbreviations (i.e. “Mtn” for “Motion”) or entering personal notes here. The CCS is a permanent record of the case and can only be corrected under very limited circumstances.

Entering Parties to a Case

When building your case for e-filing and adding party names, avoid entering acronyms (i.e. “d/b/a”, “f/k/a”, “a/k/a”, etc.) within your E-Filing Service

Provider's party fields. These acronyms, however, can still be listed within the actual document that is e-filed.

Avoid 'All Caps'

When filling in party names and description fields within your E-Filing Service Provider, please do **not** capitalize every letter (i.e. 'MACARTHUR' vs. 'MacArthur').

Entering Addresses

When entering the address for a party, be sure to be as specific as possible. If applicable, you need to provide an address number descriptor ("Apt.", "Lot", "Suite", etc.) If a descriptor is not present, the number that was to be associated with that descriptor will be dropped from the notice that is generated by the system.

Example: [Wrong] 1212 Main St. #34, Fort Wayne, IN 46802
 [Correct] 1212 Main St., Suite 34, Fort Wayne, IN 46802

E-Filing Large Documents

There may be situations where a filing needs to be broken down into several smaller-sized electronic files for e-filing purposes. If necessary, you should label or save the documents in a manner which makes them easily distinguishable from each other. The size of the saved document will vary based on a variety of factors, including but not limited to, the number of pages, scanning resolution, the presence of images/graphs, etc...

Example: "Medical Records Exhibit – Pages 1-100.pdf"
 "Medical Records Exhibit – Pages 101-200.pdf"

E-Filing Submission 'Failed'

Last week, the Court and Clerk were unable to process an envelope of e-filed documents because of the presence of embedded fonts. This issue can be caused by 'cutting and pasting' portions of webpages directly onto a document that will eventually be e-filed. In the event that you are unable to eliminate the embedded fonts, it may be necessary to print the document so that you can manually scan it into a PDF format for e-filing purposes.

According to Tyler Technologies, Odyssey's vendor, the presence of the following may prevent the Court and Clerk from being able to process your e-filing:

1. Page size not being 8.5 X 11 inches;
2. Scanning Resolution is higher than 300 dpi (dots per inch);
3. The presence of embedded or unsupported fonts (Wingdings, Symbols, ZapfDingbats, etc.);
4. Password protected PDF documents;
5. URLs or shortcuts within the document; and
6. The PDF was created by a program other than Adobe Acrobat or Microsoft Word.

Wait for Electronic Documents to Upload Completely

Before submitting your documents for e-filing, be sure to allow sufficient time for electronic files to upload completely to your EFSP. Failing to do so has resulted in missing pages.

E-Notices and E-Mail Addresses

The e-mail address listed in your most recently filed Appearance form will automatically receive an E-Notice for all cases (past and present) in which you are listed as an Attorney of Record. If you wish to stop receiving E-Notices for a particular case, you must formally withdraw from the case. The requirements for withdrawing from a case may vary depending on the case type and are outlined in both the Trial Rules and Local Rules.

E-Notices vs. E-Service

E-Notices provide updates on case activity and are sent to a party's/attorney's email address by the Odyssey case management system. A link to the relevant document is provided within the E-Notice. This link will expire after 45 days. In order to enroll in E-Notices, send your attorney number and email address to chris.nancarrow@allencounty.us. Keep in mind, however, that whenever you file an *Appearance*, the system will be updated with whatever email address is specified within your *Appearance*.

E-Service is the process of serving documents by electronic transmission with the e-filing system. An explanation of E-Service is provided in the '*E-Filing Frequently Asked Questions* (<http://www.in.gov/judiciary/files/efiling-faq.pdf>). A few tutorials which describe E-Service and how to enroll in the Public Service List is also available (<http://www.in.gov/judiciary/4703.htm>).

Origin of E-Notices

It has been brought to our attention that E-Notices are now originating from the following source: enotifications@courts.in.gov. E-Filers utilizing automatic forwarding features for E-Notices may need to update their email system accordingly.

Emergency Relief with E-Filing

The Civil Division of Allen Superior Court recently distributed a memo regarding the process for seeking emergency relief. The Allen Circuit Court will also follow this same process. This new procedure is summarized here:

If, upon filing of a case or a motion, a party believes immediate attention of the Court is required (e.g., temporary restraining orders, pre-judgment writs, injunctive relief, replevin, when extremely prompt service is otherwise required, or other such exigent circumstances), that party shall apply to the assigned Judge's administrative staff (Court Reporter or Law Clerk) to inform the administrative staff of the pleading and/or motion, and to arrange for the scheduling of a hearing on the motion and immediate relief sought. The administrative staff will then advise the Court and/or take appropriate authorized action. The party/counsel shall not approach the Court in an ex parte manner to obtain a hearing date or other such action.

Envelopes and Lead Documents

You may e-file several 'Lead' documents within the same e-filing envelope. There is no need to have a separate envelope for each 'Lead' document when e-filing.

Open a New Case with a Single Envelope

When opening a new case, combine all related documents (i.e. *Appearance*, *Summons*, *Complaint*, etc...) into a single envelope and label each as a "Lead"

document, if applicable. Failing to do so will create processing delays and potential financial issues with the case.

Opening Estate Cases

When filing the various documents to open an estate (ES or EU) case, documents should be scanned separately and labeled as distinct ‘Lead’ documents. Do **not** scan all of the documents into a single PDF file when attempting to open the case. This has also been a common occurrence and will result in case processing delays. Similarly, please select that you are filing on behalf of the party designated as the ‘Personal Representative’ and not the ‘Deceased’ party.

Addresses of Decedents

When adding a Decedent as a party to a case, do not enter a contact mailing address for that person. Entering this information for the Decedent results in wasted postage when the system automatically generates paper notices.

E-Filing Expungements

Only use the ‘XP’ (Expungement) case type for expungements. The ‘XP’ designation was created specifically for these cases in 2015. Do **not** select the ‘MI’ (Miscellaneous) case type for expungements. An expungement case that is designated as an ‘MI’ case may be dismissed.

On a related note, if you’re unsure about which case type to select when e-filing, please refer to the ‘Case Type - Quick Reference Sheet’. It has been posted on the Clerk’s homepage for your convenience. Please visit www.allencountyclerk.us. Failure to select the proper case type will cause processing delays and may result in financial issues with your case.

Fee Waivers

If you are opening a case and requesting a fee waiver, be sure to select the option to waive the fee prior to e-filing. Failing to do so requires the Court to issue a separate Order for a refund to be processed. Any refund will not include the convenience charge imposed by your E-Filing Service Provider (EFSP).

Trial Court Filing Codes

If you're unsure what Trial Court Filing Code to assign to the document (e.g., *Answer, Appearance, Complaint/Equivalent Pleading, Motion, Petition, Proposed Notice, Proposed Order, etc.*), please select *Motion* or *Petition*. This will give the Clerk more options to possibly correct and process the e-filing.

A *Proposed Notice* designation should only be used for anything that requires the Clerk's signature (e.g., *Record of Adoption, Letters of Guardianship, Letters of Estate Administration*). A *Proposed Notice* designation should not be used to file a *Notice of Hearing, Notice of Automatic Stay, etc.* If you choose *Proposed Notice*, the document will not have a file stamp when it's 'accepted' by the Clerk and transmitted back to you. Similarly, anything that requires a Judge's signature should use the *Proposed Order* designation.

MyCase.in.gov Financial Information & Service by Sheriff

In accordance with the Order from the Indiana Supreme Court mentioned below, case-related financial information became available on March 1st for certain cases on myCase.in.gov. Financial information may be found at the bottom of the case's summary.

The Sheriff of Allen County is now accepting printouts of these summaries as proof of payment for Service by Sheriff Fees that were collected by the Clerk prior to January 1, 2017.

Hearings in Circuit Court

Do not e-file a blank *Notice of Hearing* for the Circuit Court to fill in. Contact the Circuit Court so that you can first obtain a date/time. Enter this date/time into the *Notice of Hearing* that will be e-filed with your *Motion for Hearing*.

Circuit Court Hearings (Criminal v. Civil & Domestic Relations)

The Circuit Court has recently provided additional clarification regarding hearings.

Criminal Cases: The e-filer only needs to file a *Motion*. Do not contact the Circuit Court in advance for a hearing date/time. A *Notice of Hearing* is not required to be e-filed, as well. The Circuit Court will set a hearing date/time only if deemed necessary and will issue an *Order* to the parties which specifies the date/time.

Civil Cases & Domestic Relations: Do not e-file a blank *Notice of Hearing* for the Circuit Court to fill in. Contact the Circuit Court so that you can first obtain a date/time. Enter this date/time into the *Notice of Hearing* that will be e-filed with your *Motion for Hearing*.

Employers and Income Withholding Orders

When submitting an Income Withholding Order, please add the Employer to the case as a party. Failing to do so will result in case processing delays.

Attach Interrogatories to the Proceedings Supplemental

Interrogatories must be attached to the *Proceedings Supplemental*. See Trial Rule 69(E). The Court may strike the filing for noncompliance with this rule.

Lead Documents vs. Attachments

When e-filing multiple documents, you are given the option to designate a particular document as a ‘Lead’ or ‘Attachment’ file. The ‘Attachment’ designation should only be used when you need to supplement the relevant ‘Lead’ document (e.g., *Exhibits to a Motion or Complaint, Appendices to a Brief, etc.*)

For example, when filing multiple documents to initiate a case (*Summons, Complaint/Petition, and Appearance*) do not designate just one document as a ‘Lead’ document and the others as ‘Attachments’. The *Summons, Complaint/Petition* and *Appearance* should each be filed as a ‘Lead’ document within the same envelope. If you are unsure, lean towards designating a filing as a ‘Lead’ document.

When filing both a Public/Redacted and Confidential version of a document, make the Public/Redacted version the ‘Lead’ document and make the Confidential version an ‘Attachment’.

Submit Proposed Orders as ‘Lead’ Documents

A *Proposed Order* should be labeled and submitted as a ‘Lead’ document. Do **not** label it as an ‘Attachment’ to the related *Motion*.

New Notice - ‘Letters’ in Guardianship and Estate Cases

A few attorneys have reported that some financial institutions are recently questioning the validity of the *Letters* that are issued in Guardianship and Estate

cases. Under the old paper way, *Letters* were embossed with the Clerk's raised seal. In the electronic world, an electronic seal is applied to the document and electronically sent to the attorney. The attorney then prints out a copy and presents it to the financial institution.

A new universal notice explaining this change has been created and will hopefully alleviate the concerns of the financial institutions. If you practice in these fields and would like an electronic copy of this notice that you can print out to accompany the Letters, please send an e-mail to chris.nancarrow@allencounty.us.

Mandatory E-Filing

On April 7th, it became mandatory for attorneys to e-file subsequent filings on a case in Allen County. On May 5th, it became mandatory for attorneys to e-file **both** initial and subsequent filings on a case.

The Indiana Supreme Court sent a notice of this development to attorneys on March 6th with additional information. This will be required in the AD, CB, CC, CT, DC, DN, EM, ES, EU, GU, MF, MH, MI, PC, PL, SC, TP, TR, and XP case types. In Allen County, JP and RS case types are maintained in the Quest case management system and cannot be e-filed at this time.

Any attorney seeking an exemption from the e-filing requirements will need to file a petition with the Court in accordance with IN Trial Rule 86(D)(2). Any such exemption will only be granted upon showing of good cause.

No More "Combo Forms" & New Forms Available

"Combo forms" combine a *Motion/Petition* and *Proposed Order* on the same page or within the same document. With e-filing, the system can no longer process such combined filings. There should be a separately scanned PDF file for the *Motion/Petition* and a separately scanned PDF for the *Proposed Order*. Both PDF files may be submitted simultaneously in the same 'envelope' so long as they are distinguishable from each other. Both should be filed as 'Lead' documents.

New forms, including templates that break up the "combo forms", have been posted on the Clerk's website. Please visit www.allencountyclerk.us to access

PDF and Word versions of some documents. Additional forms will be revised and added as required.

Remote Access to Records Order from IN Supreme Court

On February 7, 2017, the Indiana Supreme Court issued an Order outlining how and when court documents will be posted on mycase.in.gov. Access to documents will depend on the type of document, the case type, and one's relationship to the case. Attorneys will generally have greater access to court documents, especially if they are the Attorney of Record. The actual Order may be read here:

<http://www.in.gov/judiciary/files/order-other-2017-94S00-1702-MS-52.pdf>

Orders Posted on Mycase.in.gov

On March 10th, the Indiana Supreme Court's Office of Trial Court Technology made Orders available for public viewing on mycase.in.gov. At this time, Orders will only be made available in the specified case types (IF, OV, SC, CB, CC, CT, PL, MF, EM, EU, MI, and RS). Only Orders entered into the Odyssey case management system after March 10th will be posted. Pleadings and Orders entered on the record on or after March 10th in Expungement (XP) cases will be available until an Order grants the Expungement. In Allen County, documents in RS cases will not be shown until documents from Quest can be posted online.

Release of Judgment – Small Claims

Filing a *Release of Judgment* by itself is sufficient. There is no need to also file a related *Motion* or *Proposed Order*.

SMALL CLAIMS TOPICS

Accounts Calendar Hearings

Remember that the Court will not schedule more than 1000 hearings a day and no more than 250 per office on a single day.

At this time, hearing dates for the accounts calendar can only be accessed by opening an individual case and searching for the Order which specifies the date. The Indiana Supreme Court allowed for Orders that were scanned after March 10, 2017 to be made available on mycase.in.gov.

Chronological Case Summary Entry Sheets

CCS Entry Sheets regarding hearings must be filed with the Court before leaving the Courthouse Annex. These can be either e-filed directly from your electronic device or by filling out a paper copy and placing it in the Court's designated basket. If a CCS Entry is e-filed after leaving the Courthouse Annex, an Affidavit which summarizes the hearing and affirms the attorney's attendance must accompany the CCS Entry.

Appearances

Self-represented parties will now be required to file an Appearance. At this time, unless a self-represented party agrees to accept e-service, notices sent to their e-mail addresses will not constitute sufficient service for contempt purposes or default judgments.

Proceedings Supplemental

The Court has determined that plaintiffs do not have to send a copy of a Motion for a Proceeding Supplemental to the defendant(s) prior to the Order being signed. Plaintiffs may wait until receiving the signed Order from the Court before sending a copy of both the Order and the related Motion to the defendant(s).

Case Numbers and Notice of Claims

After an e-filed Notice of Claim is accepted via the case management system, a case number is automatically assigned.

Printing Documents at Courthouse Annex

The ability to print documents directly from the Court's public access computers is being looked into. You will be notified if/when this becomes an option.

Possession and Money Judgments

Paper judgments with the Agreed Judgment ‘AJ designation’ will still be issued for possession and money judgments after court so that it can be provided to the debtor.

Garnishment Orders

If a proper Proceedings Supplemental and CCS Entry Sheet have been filed then a Proposed Order for Garnishment is all that is necessary to obtain the Garnishment Order.