

eFiling in the Probate Division

eFiling is a method of receiving filings and transmitting orders, as well as accessing filings already made in the following Probate Division case types:

- ADM (Large Decedents' Estates)
- SEB (Small Decedents' Estates)
- FEP (Foreign Decedents' Estates)
- INT (Intervention Proceedings)
- IDD (Interventions-Developmental Disability)
- FOI (Foreign Intervention Proceedings)
- CON (Former Law Conservatorships)
- GDN (Guardianship of Minors' Estates)
- TRP (Trusts)
- NRT (Notice of Revocable Trusts)
- DIS (Disclaimers)
- LIT (Major Litigation)
- PBM (Probate Miscellaneous)
- WIL (Wills)

eFiling will begin on a voluntary basis for all Probate Division cases on **September 24, 2013**, pursuant to [Administrative Order 13-15](#).

On **November 1, 2013**, all documents submitted in Probate Division cases are to be eFiled by **mandatory eFilers** and by parties who are not mandatory eFilers but chose to register in a particular case for eFiling. Mandatory eFilers include all attorneys (whether serving as counsel, fiduciary, or otherwise), all members of the Fiduciary Panel, Examiner Panel, and Visitor Panel, and all participants in the Non-Lawyer Guardianship Pilot Project.

All **mandatory eFilers must register for eFiling** as soon as possible but **no later than September 23, 2013**. See Registration Information, below.

Note that the following filings are excluded from eFiling and must be filed in paper:

1. Wills and codicils;
2. Initial pleadings that open a Probate Division case (all subsequent filings of proofs of service should be eFiled);
3. Petitions to Re-Open the Administration of an Estate and Requests for Extension of Personal Representative's Appointment in a closed case;
4. Bonds;
5. Verifications and Certificates of Notice when additional court costs are due;

6. Sealed documents and documents for which a request to be placed under seal has been filed, but not motions to seal;
7. Personal Identification Information (Form 26) forms, generally filed with the initial pleading that opens a Probate Division case;
8. Filings that require payment of court costs that vary in amount or deposits into the Estate Deposit Account;
9. Inventories and accounts and supporting documents containing financial information;
10. Exhibits or other documents that are real objects, such as x-ray film or blueprints, or that otherwise may not be viewed comprehensively in an electronic format; and
11. Matters reviewed by the Office of the Register of Wills and forwarded to the Judge in Chambers, such as Petitions for a General Proceeding seeking appointment of an emergency guardian or health care guardian, subpoenas for medical records, and applications requesting that the filer be granted permission to proceed *in forma pauperis* in a particular case.

eFiling Services – Registration Information

Register at CaseFileXpress from your home or office computer. Contact the court's eFile vendor (File & Serve Xpress) with questions regarding registration at info@fileandservexpress.com, 877-433-4533, or via Live Chat at <http://casefilexpress.com/contactus.asp>.

eFiling Frequently Asked Questions

What are the costs associated with eFiling?

Please click on http://casefilexpress.com/faqdc_Payment.asp for information on eFiling fees.

What is the docket number format for eFiling?

The Superior Court's case management system requires a certain docket number sequence. In the Probate Division, the case number format is the four-digit year followed by a space, then the case type abbreviation followed by a space, and then a 6-digit docket number. For example, the first large decedents' estate case filed in 2014 would be 2014 ADM 000001. A filing will be rejected automatically if the correct format is not used.

The Probate Division case types and their abbreviations are as follows:

- ADM (Large Decedents' Estates)
- SEB (Small Decedents' Estates)
- FEP (Foreign Decedents' Estates)
- INT (Intervention Proceedings)
- IDD (Interventions-Developmental Disability)
- FOI (Foreign Intervention Proceedings)

- CON (Former Law Conservatorships)
- GDN (Guardianship of Minors' Estates)
- TRP (Trusts)
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- DIS (Disclaimers)
- LIT (Major Litigation)
- PBM (Probate Miscellaneous)
- WIL (Wills)

Administrative Order 13-15 requires a eFiler who files a pleading to open a case to create an eService list with the court's eFile vendor. What does this mean and how is the eService list created?

Every new case needs an eService list so that the court and any party to the case who is registered with the eFile vendor may receive pleadings and court orders by eService. To create an eService list, use the case number assigned to the case. This number should have been stamped by the Probate Clerk's Office in the caption of the case (the caption is the heading at the top of a filing). Follow the directions provided by the eFile vendor to create the eService list, which can be found on the vendor's website: www.casefileXpress.com .

If an address is updated with the court's eFile vendor, will it be updated automatically in the court's case management system?

No. To update an address in the court's case management system, eFile a [Praecipe-Change of Address](#) within 14 days of the change so that the court is able to mail court orders, delinquency notices, and notices of court proceedings to the correct address. Your address of record is maintained on the court's case management system, not with the court's eFile vendor. If mail delivered to the address in the court's case management system is returned to the court on more than one occasion as being undeliverable, court orders and notices will no longer be sent to that address by the court.

Why does my bar number not work when I eFile *pro hac vice*?

The court's case management database and the eFiling system only recognize bar numbers of D.C. Bar members. Under SCR-Civil Rule 101(a)(3), an attorney granted permission to appear *pro hac vice* "may participate in proceedings in this Court, *pro hac vice*, provided that such attorney joins of record a member in good standing of the D.C. Bar who will at all times be prepared to go forward with the case, and who shall sign all documents subsequently filed and shall attend all subsequent proceedings in the action unless this latter requirement is waived by the judge presiding at the proceeding in question." Attorneys who are licensed in other states and who are eFiling *pro hac vice* must contact File & Serve Xpress at 877-433-4533 for a registration number to be used in the "bar number" field of the eFile system.

I was recently admitted to the DC Bar, but the eFiling system does not seem to recognize my bar number. What should I do?

Email NewAttorney@dcsc.gov with the following information in order to be added to the court's case management database:

1. Name
2. Address
3. Contact information (phone, fax, email)
4. D.C. Bar number.

The system will be updated within one business day, after which you may eFile pleadings with the Probate Division through the court's eFile vendor. Please register with the eFile vendor at CaseFileXpress or contact 877-433-4533. All questions regarding registration should be directed to File & Serve Xpress at info@fileandservexpress.com, 877-433-4533, or via Live Chat at <http://casefilexpress.com/contactus.asp>.

Why do I have to redact personal identification information?

The Probate Division adopted a privacy rule, SCR-PD 5.1, which requires the filer to redact or remove from the public record the following information: Social Security numbers, dates of birth, and financial account numbers. If you must include such information in a particular filing, a motion should be eFiled (if you are a mandatory eFiler or have registered for eFiling) seeking permission to file the unredacted filing under seal and, upon approval by the court, the unredacted copy can be filed under seal in paper form at the Probate Clerk's Office of the Office of the Register of Wills located at Court Building A, 515 5th Street, NW, 3rd Floor, Washington, D.C. 20001.

What if the document contains sensitive or private information?

You must file a motion to seal. Otherwise the document will be available for any member of the public to review. The motion to seal should be eFiled (if you are a mandatory eFiler or have registered for eFiling) and the unredacted document to be sealed must be filed in paper form either by mail or in person at the Probate Clerk's Office of the Office of the Register of Wills located at Court Building A, 515 5th Street, NW, 3rd Floor, Washington, D.C. 20001.

Can a single filing apply to more than one case?

Only if the cases are consolidated by court order. Otherwise, any document applying to several cases must be filed separately in each case.

Do I have to submit envelopes and mailing labels?

No.

Do I have to submit courtesy copies to judge's chambers?

Do not submit courtesy copies to chambers unless the judge specifically asks you to do so. Any paper courtesy copy must be labeled in bold at the top of the first page "Courtesy Copy Only. Original filed on (Month)/(Day)/(Year)." Remember that delivery of a courtesy copy to a judge's chambers does not constitute filing with the court.

Why do I have to submit proposed orders in a format that can be edited and why do I have to email a copy to the court?

The court rules require that a proposed order and service list be included with a motion or petition requesting action by the court. The court may need to edit the

proposed order and service list, so the filer is required to email a non-write-protected version of the proposed order* and service list in Word format (*i.e.*, a version that can be modified and/or edited) to: ProbateDivisionEfilings@dcsc.gov. The proposed order and the service list should be attached to the email as two separate documents, and the service list must indicate the method by which each party should be served with the order (*e.g.*, eServed or served by mail). When the proposed order and service list are emailed, the subject line of the email must begin with the case number, followed by the eFile date and then the title of the pleading (*e.g.*, 2014 ADM 000001, eFiled 01/05/2014, Petition for relief).

**There is one exception: Proposed orders downloaded from the court's website are in PDF format and may be emailed as a PDF. The service list, however, should be created in Word and attached to the email as a Word document.*

When I file the original will or codicil at the Office of the Register of Wills, what other related documents can I file in paper?

At the time of filing the original will or codicil, you may also file in paper the [Certificate of Filing Will](#), any [Affidavits of Witness](#), and any [Renunciations](#).

When I file a petition for probate at the Office of the Register of Wills, what other related documents can I file in paper?

At the time of filing a petition for probate, you may also file in paper all documents associated with the opening of the case, such as the *Notice of Appointment*, *Notice to Creditors and Notice to Unknown Heirs*, the *Notice of Standard Probate*, the Personal Identification Information (Form 26) form, the bond or waivers of bond, any consent to appointment of personal representative, any renunciations, and the proposed order of appointment with service list on a separate page from the substance of the order.

Administrative Order 13-15 excludes from eFiling inventories, accounts and supporting documents containing financial information. What does "supporting documents" mean?

"Supporting documents" include bank account statements, broker's statements, cancelled checks, the Financial Account Information (Form 27) form referred to in SCR-PD 5.1, receipts, and other financial statements.

When the account is audited and additional information is requested by an auditor, the fiduciary's response to the auditor's requirements letter may be eFiled if the response does not include supporting documents containing financial information. If the response includes financial information, it must be filed in paper either by mail or in person at the Duty Auditor station at the Office of the Register of Wills located at Court Building A, 515 5th Street, NW, 3rd Floor, Washington, D.C. 20001.

Are there any special instructions for filing an Inventory?

Yes. When the inventory is filed by a supervised personal representative, the proofs of publication must accompany it. Effective September 24, 2013, the Office of the Register of Wills will no longer accept proofs of publication separately from the inventory.

Are there any special instructions for filing a *Verification and Certificate of Notice*?

Yes. When the [Verification and Certificate of Notice](#) (VCNO) is filed by an unsupervised personal representative, the proofs of publication must accompany it. Effective **September 24, 2013**, the Office of the Register of Wills will no longer accept proofs of publication separately from the VCNO.

If you are a mandatory eFiler or a party who opts to eFile, you may eFile the VCNO and proofs of publication *if* the value of the probate estate matches the value listed in the petition for probate previously filed with the court or is less. However, if the value of the estate assets has increased, court costs may need to be paid. (Please review Superior Court Probate Division Rule SCR-PD 425 carefully to make this determination.) If court costs are due, the VCNO and proofs must be filed in paper with your payment, preferably in person at the Probate Clerk's Office of the Office of the Register of Wills located at Court Building A, 515 5th Street, NW, 3rd Floor, Washington, D.C. 20001.

Are there special instructions for filing a document that has been notarized with a raised seal (rather than an inked seal)?

Yes. Highlight the impression of the seal or the raised seal with a pencil so that the impression of the seal can be captured electronically. This should be done whether the document is being eFiled or filed in paper form.

How should my signature appear on the pleading I intend to eFile?

Your signature may appear either as "/s/" or as a typographical or imaged signature on the signature line, followed by your typed name, address, telephone number, email address and, if applicable, Bar number. An "/s/" or typographical signature shall be treated as a personal signature for all purposes under the Superior Court rules, including SCR-Civil Rule 11.

How do I serve my pleading on the court and the parties when some parties have registered to receive eService and others have not?

eServe the pleading on the court by adding "Judge Probate Division" to the eService list (do not add a specific judge assigned to the Probate Division) and by adding each party who has registered with the court's eFile vendor for eFiling. Parties who are not registered to eFile must be served with a paper copy of the pleading. Persons who are no longer parties to a case (*e.g.*, heirs in a testate decedent's estate case after the 6-month notice/objection period has expired) should not be served and should be removed from the eService list associated with the case. The Office of the Register of Wills is not responsible for ensuring that the eService list is current and accurate.

Can I serve discovery electronically?

Yes. You may serve discovery documents electronically through the system. Pursuant to Rule Promulgation Order 07-04, effective September 4, 2007,

Certificates Regarding Discovery need not be filed when discovery is served. Instead, a Certificate Regarding Discovery that has occurred in the case must be filed as an attachment if any of the following three pleadings are filed:

- (1) a motion regarding discovery;
- (2) an opposition to a dispositive motion based on the need for discovery; or
- (3) a motion to extend Scheduling Order dates. SCR-Civil Rule 5(d).

If Certificates Regarding Discovery are already in the court record, the Certificate Regarding Discovery may incorporate those certificates by reference and also list additional discovery, if any, which has occurred.

Discovery is not served on the court unless it is necessary to a motion regarding the discovery.

Are there any special instructions for filing a petition for fees/compensation?

All petitions for fees/compensation filed with the court must comply with the requirements of [Administrative Orders 04-06 \(for attorneys\)](#) and [04-07 \(for lay fiduciaries\)](#). However, special provisions of Administrative Order 13-15 apply to eFilers, including the following:

- (1) **ATTORNEYS** must NOT eFile the list of cases in which he/she serves as guardian, conservator, personal representative, or counsel for any them. Attorneys must include as part of their petition the following certification:

I, (name of attorney), certify that in each case in which I am guardian, conservator, personal representative, or counsel for any of them:

(A) within the last 30 days I have personally verified the current location and health status and ongoing availability of placements for wards in guardianship cases except guardianships of the property of minors, and except that in the event a ward cannot be located, I have diligently sought to locate the ward as follows: (detailed description of efforts to locate the ward) and for wards that have no fixed address, it is for the following reasons (detailed explanation):

(B) in cases in which I am a fiduciary, other than petitions or requests for compensation to me, I have filed all reports, verifications of notice, accounts, and subsequent requirements due as of the date of this petition or request, and

(C) In cases in which I am counsel to the fiduciary, I have verified that the filing requirements are current or within the last 10 days I have advised my client in writing of the necessity for bringing them current.

- (2) **NON-LAWYER FIDUCIARIES** need not submit an affidavit; instead they are to include the following certification as part of the petition:

I, (name of lay fiduciary), certify that:

(A) within the last 30 days I have personally verified the current location and health status and ongoing availability of placements for wards in guardianship cases except guardianships of the property of minors, and except that in the event a ward cannot be located, I have diligently sought to locate the ward as follows: (detailed description of efforts to locate the ward) and for wards that have no fixed address, it is for the following reasons (detailed explanation):

(B) In all guardianships and conservatorships, with the sole exception of petitions or requests for compensation to me, I have filed all reports, verifications of notice, accounts, and subsequent requirements for which I am responsible as fiduciary due as of the date of this petition or request.

I do not want to eFile, but would like to be eServed. Is this possible?

If you are a mandatory eFiler—someone who is an attorney (whether serving as counsel, fiduciary, or otherwise), a member of the Fiduciary Panel, Examiner Panel, and Visitor Panel, or a participant in the Non-Lawyer Guardianship Pilot Project—you must eFile. Other persons can choose to eFile or to be eServed. In order to be eServed, you must register with the court’s eFile vendor at [CaseFileXpress](#) or contact 877-433-4533, and file in paper (either in person or by mail) the Notice of Registration (Administrative Order 13-15, Attachment B) with the Probate Clerk’s Office of the Office of the Register of Wills located at Court Building A, 515 5th Street, NW, 3rd Floor, Washington, D.C. 20001.

What should I expect when my eFiling is rejected?

eFilings are accepted or rejected by the Office of the Register of Wills. If your eFiling is rejected, the Probate Division will identify the reason(s) why your eFiling was not accepted for filing. Please make any necessary changes before re-submitting your document to increase the likelihood that the document will be accepted for filing. No eFiling or court fee will be charged.

I received a court order authorizing the deposit of funds into the Estates Deposit Account. Can I eFile the deposit?

No. The eFiling system cannot process this type of transaction. Submit payment in paper either by mail or in person at the Probate Clerk’s Office of the Office of the Register of Wills located at Court Building A, 515 5th Street, NW, 3rd Floor, Washington, D.C. 20001.

The decedent’s estate is closed. Can I eFile my pleading to re-open it?

No. To re-open an estate, an unsupervised personal representative may file a [Request for Extension of Personal Representative's Appointment](#) or a petition to re-open. A supervised personal representative must file a petition to re-open. If an estate needs to be re-opened, but the personal representative is no longer available to serve, then a petition to re-open and appoint a successor personal representative

should be filed. Please see [Re-opening a Decedent's Estate in the District of Columbia](#). All of these pleadings must be filed in paper at the Legal Branch of the Office of the Register of Wills located at Court Building A, 515 5th Street, NW, 3rd Floor, Washington, D.C. 20001. None of them can be eFiled.

When a document is eFiled, will the Probate Division keep a hard copy of the document in the case file?

No.

When a document is filed in paper (either in person or by mail), will the Probate Division keep a hard copy of the document in the case file?

The Office of the Register of Wills will maintain in the case file wills, codicils, bonds, sealed documents and documents requested to be placed under seal. All other documents filed in paper will be returned to the filer—starting on October 25, 2013—after the filing is docketed and imaged into the court’s case management system.

The filer must maintain the original document while the case is pending and until any appeals or appeal time periods are exhausted and must be prepared to show the original document to the parties or the court upon demand.

How will exhibits admitted into evidence in the courtroom by a Probate Division judge be maintained?

If an exhibit can be viewed comprehensively in an electronic format, it will be scanned into the court’s case management system and then returned to the presenting party to maintain while the case is pending and until any appeals or appeal time periods are exhausted.

If the exhibit cannot be scanned, such as x-ray film or blueprints, it will be maintained by the court while the case is pending and until any appeals or appeal time periods are exhausted.

I cannot afford to pay eFiling fees and court fees, but I want to participate in eFiling. What should I do?

Present a completed [Application to Proceed without Prepayment of Costs, Fees, or Security \(In Forma Pauperis\)](#) and the pleading you wish to eFile to the Legal Branch of the Office of the Register of Wills located at Court Building A, 515 5th Street, NW, 3rd Floor, Washington, D.C. 20001. If they are acceptable for filing, you will be referred to the office of Judge-In-Chambers, 4th Floor, Moultrie Courthouse, at 500 Indiana Avenue, N.W., Washington, D.C. 20001, for a decision on the merits. If, after a hearing, the court issues an order granting the application, you may eFile documents without payment of the eFiling fee and any court fees in that case and should contact the court’s eFiling vendor at 877-433-4533 to request the Probate promotion code to waive fees. If your application is denied, you may still register with the court’s eFiling vendor to receive court orders and service copies of pleadings filed by the parties by eService.