

ELECTRONIC FILING REQUIREMENTS OF THE

SAN DIEGO SUPERIOR COURT PROBATE

These requirements are issued pursuant to California Rules of Court (“CRC”), rules 2.250 et seq., Code of Civil Procedure section 1010.6, and San Diego Superior Court General Order *In re Procedures Regarding Electronic Filing*.

Effective November 1, 2013, documents that are determined to be unacceptable for eFiling by the Court due to eFiling system restrictions or for failure to comply with these requirements will be rejected subject to being allowed to be filed nunc pro tunc to the original submittal date upon ex-parte application to the court and upon good cause shown.

It is the duty of the petitioner to provide a copy of the General Order of the Presiding Department, Order No. “TBD”, and Electronic Filing Requirements of the San Diego Superior Court when serving the Petition or other case initiating pleading.

PERMISSIVE eFILING

Effective October 1, 2013, documents may be filed electronically in non-mandated probate cases court-wide where either: (1) the case is first initiated on or after October 1, 2013; or (2) the case is already pending as of October 1, 2013 and has been imaged by the court.

REQUIREMENTS FOR ALL eFILERS

EFile documents can only be filed through the court’s Electronic Filing Service Provider (the “Provider”). See www.onelegal.com.

EFile rs must comply with CRC 2.250-2.261. Also, all documents electronically filed must be in a pdf format using Adobe Acrobat version 7 or higher that is also a text

searchable format, i.e., OCR. The court is unable to accept documents that do not comply with these requirements, or documents that include but are not limited to: digitized signatures, fillable forms, or a negative image.

Documents that contain exhibits must be bookmarked, as set forth on the Provider's site. Documents not so bookmarked are subject to rejection. Moving papers with exhibits that are not bookmarked will be rejected. (See CRC 3.1110(f) with bookmarking being the substitute for plastic tabs in electronically filed documents.)

Exhibits to be considered via a Notice of Lodgment shall not be attached to the electronically filed Notice of Lodgment; instead, the submitting party must provide the probate business office with hard copies of the exhibits with a copy of the Notice of Lodgment that includes the eFiling Transaction ID# noted in the upper right hand corner.

Unless otherwise required by law, per CRC 1.20(b) only the last four digits of a social security or financial account number may be reflected in court case filings. Exclusion or redaction is the responsibility of the filer, not the clerk, CRC 1.20(b)(3). Failure to comply with this requirement may result in monetary sanctions, CRC 2.30(b).

Any document filed electronically shall be considered as filed with the Clerk of the Superior Court when it is first transmitted to the vendor and the transmission is completed, except that any document filed on a day that the court is not open for business, or after 5:00 p.m. (Pacific Time) on a day the court is open for business, **shall be deemed to have been filed on the next court day.**

An original of all documents filed electronically, including original signatures, shall be maintained by the party filing the document, pursuant to CRC 2.257.

DOCUMENTS INELIGIBLE FOR ELECTRONIC FILING The following documents are **not eligible for eFiling** in cases subject to either mandatory or permissive filing, and shall be filed in paper form:

- Out-of-State Commission Subpoena
- Undertaking/Surety Bonds
- Request for Payment of Trust Funds
- Writs
- Compromise of Minors Claim (No Civil Case Filed)
- Abstracts
- Warrants
- Settlement Conference Briefs (to be lodged)
- Confidential documents lodged conditionally under seal
- Wills
- Real Property of Small Value (Prob. C. 13200)

The following documents **may be filed in paper form**, unless the court expressly directs otherwise:

- Documents filed under seal or provisionally under seal pursuant to CRC 2.551 (although the motion to file under seal itself must be electronically filed)
- Exhibits to declarations that are real objects that otherwise may not be comprehensibly viewed in an electronic format may be filed in paper form

DOCUMENTS DISPLAYED ON THE PUBLIC-FACING REGISTER OF ACTIONS

Any documents submitted for eFiling (and accepted) will be filed and displayed on the San Diego Superior Court's public-facing Register of Actions with the exception of the following documents:

- Confidential Conservator Screening Form
- Confidential Cover Page for Financial Accounting Statement
- Confidential Cover Sheet False Claims Action
- Confidential Guardian Screening Form
- Confidential Statement of Debtor's Social Security Number
- Confidential Supplemental Information

- Financial Statement
- Guardianship Annual Status Report
- Guardianship Questionnaire – Estate
- Referral Information and List of Relatives (Confidential)
- Request for Accommodations by Persons with Disabilities and Response Sealed Document(s)
- Request to Waive Court Fees
- Request to Waive Additional Court Fees

Documents not included in the list above, that are intended to be kept confidential, should NOT be eFiled with the court.