

ELECTRONIC FILING IN FAMILY COURT MATTERS FREQUENTLY ASKED QUESTIONS¹

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¹ Compiled by Judge Deborah Kunselman, 7/12/07

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What are the Rules for e-filing?

- Pa. R.C.P. 205.4 and Local Rule 205.4

What has to be e-filed?

- All pleadings and motions in divorce actions filed on or after 4/16/07 - all cases with numbers 20146 of 2007 and forward. This includes custody actions within the divorce case. (Hint: these cases start have a Prothonotary case number that starts with a number 2).
- All pleadings and motions in straight custody matters (Hint: these cases start have a Prothonotary case number that starts with a number 1).

What is NOT e-filed?

- All pleadings and motions in divorce cases with numbers 20145 of 2007 and earlier are NOT e-filed; they should be presented in Motions Court or filed in person with the Prothonotary as they were before e-filing. This includes custody actions within the divorce case.
- All qualified domestic relations orders (for further information, see below)
- Support cases and PFA cases are NOT e-filed. (Hint: these cases have DR or PACSES numbers or they have a Prothonotary number that starts with a 7).
- Certain documents in e-filed cases do not need to be e-filed, including Pre-trial statements, briefs, notices of deposition, and notices of service of interrogatories.
 - You can drop off a copy at the Court Administrator's Office or email to the Judge: dkunselman@beavercountypa.gov or the Judge's law clerk bcothen@beavercountypa.gov

How do I set up a Lexis Account?

- Call Lexis at 888-529-7587 and ask to set up an account for File and Serve.

How do I receive copies of documents that are e-filed?

- Make sure that you have entered your appearance in the case and that you are listed on the Lexis system with a valid email address for E-Service. You can call Lexis to verify this.
- If there is a pro se party on the other side of your case, please verify that you are not listed on Lexis File and Serve as the attorney for both parties. We have noticed that in some cases where there is only one attorney, that attorney is appearing on the Lexis system as attorney of record for both parties.
 - If you observe this on one of your cases, please call the Prothonotary's office or Lexis Customer Support at 888-529-7587 to have this corrected

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What are the fees for e-filing?

- In divorce actions, the fee is **\$100 per case** for unlimited e-filing and e-service in the case.
 - Lexis charges the fee to the first lawyer who e-files a document in the case, but the Court can order the fee to be reimbursed in full or in part, by the other party.
 - The fee will be waived for In Forma Pauperis and Neighborhood Legal Service referral clients.
 - (An additional fee will be charged if you request Lexis to serve someone by U.S. Mail).
- In custody cases, the fee is **\$5 per transaction for filing** and \$7 per transaction to serve unlimited parties.
 - You do not need to use Lexis to serve your documents; you can serve them any way permissible under the Rules of Civil Procedure (see Rule 1930.4 for original process and Rule 205.4(g)).
 - You do not need to file your proof of service, unless the other party does not show up for the hearing; in that case, you should e-file it. Rule 1930.4(h). If the party appears for the hearing, he is deemed to have been served. Rule 1930.4(i).
 - You can attach more than one document in each transaction (e.g. a custody complaint, and a special relief petition can be filed in the same transaction) and you will only incur one transaction fee.
- The Prothonotary is charging a \$1 per page fee for scanning the documents to those individuals who do not have access to a computer or the capability to set up a Lexis account. All lawyers are strongly encouraged to set up a Lexis account.

How do I sign a document for e-filing?

- According to the local rule for e-filing, LR205.4, you must sign:
 - /s/ Your Name, Esq.
Your Name
Your Address
Your Telephone Number
Your Supreme Court I.D. Number
- Verifications: Don't forget to e-sign the verification on behalf of your clients
 - /s/ Joe Client
- Remember to electronically sign **ALL** documents with a signature line
 - If you do not, the document may be rejected by the Prothonotary and you will have to re-file, possibly incurring another transaction fee

Do I have to scan my documents for e-filing? (What format do I use to e-file?)

- You can file all documents in Microsoft Word or Corell WordPerfect format. You may scan the documents with original signatures and file them in PDF format if you wish.
- The Court prefers all proposed ORDERS to be e-filed in Word or WordPerfect format. (You can e-file your complaint or motion in PDF format, but please attach a separate document for the order in Word or Wordperfect, in the same transaction. Otherwise, the Court has to retype the order before it can be signed and filed electronically.)

What about Exhibits?

- Exhibits will have to be scanned to be e-filed. If you do not have a scanner, you may check with other attorneys who may be able to assist you, or you can ask the Prothonotary to scan exhibits for a fee of \$1 per page.
- You can also fax your Exhibits to Lexis for e-filing. Lexis charges a fee for this.

What do I do with the original documents?

- You must keep the original signed documents in your file. You may have to present them to the Prothonotary if the case is appealed to Superior Court or upon request of any other party (Pa.R.C.P. 205.4(b)(2)(ii)).

What if I cannot find my existing custody case on the File and Serve System?

- Some cases filed before 4/16/07 may not have been added to the Lexis File and Serve System when we made the transition to e-filing. If you cannot find your case, first make sure you are entering the number correctly. Numbers are entered with the case number, a hyphen, and the year (e.g. 10001-2004). If you entered the number correctly, but still cannot find your case, call the Prothonotary's Office or Lexis and request that they add the case file to the Lexis System.

How do I get a date for a new Custody Complaint or a Petition to Modify Custody on a case that is e-filed?

- Call the judge's secretary (presently, Judge Deborah Kunselman's secretary, Nora) to get a hearing date, add the hearing date to your proposed order, then e-file your complaint or petition the same day.
- The Court will e-sign the order. You will receive it through e-service, and you can serve the opposing party as you wish.

How do I e-file and present Motions?**Motions for Special or Emergency Relief:**

- You should file the Motion electronically, with notice to the other side, but still come to motions court to present it.
- You should use the "Note to Clerk" box when you e-file it, to inform the Prothonotary's office to send it to the family law judge ASAP for Judge Review.
- After presentation in Motions Court, the Court will e-sign order and you can serve it.

- The Court prefers at least a 24 hour notice to the other side, except in cases of true emergency (i.e. flight risk, threat of harm to child, threat of dissipation of marital assets). If you do not give proper notice, you may be required to give the notice and come back at a later date.
- On a NEW case with a special relief motion, make sure you file the Complaint and the Motion for Special Relief in the same transaction. If you do not, you will not be able to file the Motion in a separate transaction, after the Complaint is filed, until the Prothonotary assigns a case number, which may not be for a day or two. If this happens, you can still present the Motion in Motions Court, but you will have to e-file it later and the judge will e-sign an order, if appropriate.

Petitions for a Rule to Show Cause (and a hearing date):

(Contempt, Enforcement of MSA/divorce decree, Exclusive Possession)

- To get a hearing date for these petitions, call the Judge's secretary (presently Judge Deborah Kunselman's Secretary, Nora) and get a date, then e-file the document the same day.
- Court will e-sign the rule to show cause and e-file the rule. You can serve it as you wish.
- Because you are only requesting a hearing date, the court is assuming the entry of a rule will be unopposed. Thus, you do not need to give the 6 day notice prior to filing these Petitions. However, at the hearing, or by petition prior to the hearing the opposing party may object to the entry of a rule and a hearing on the matter. (e.g. jurisdiction questions).
- If an objection is made, the Court will resolve it at the time it is made.

Motions to Continue:

- You should e-file the Motion.
- If the Motion is unopposed/consented, state in your Notice of Intention to Present, that the Motion is unopposed or consented; you will not need to give 6 days notice pursuant to Local Rule 206B. Call the judge's secretary to coordinate a new date, and include the new date in your proposed order. The court will e-sign the order.
- If the Motion is opposed/contested, give appropriate notice, and present the Motion in Motions Court. If the Motion is granted, you will get a new date in Motions Court, and the Court will e-sign the order.
- If the other party is pro se, you should assume the Motion will be opposed, unless you have received notification from the pro se party that he or she consents to the continuance.

Motions for Pre-trial Conferences in Divorce Cases:

- You should e-file the Motion. You do not need a proposed order.
- If the Motion is unopposed/consented, state in your Notice of Intention to Present, that the Motion is unopposed or consented; you will not need to give 6 days notice pursuant to Local Rule 206B. Call the judge's secretary (Barbara for Judge Steege) to coordinate a date. The Court will e-file an order.

- If the Motion is opposed/contested, give appropriate notice, and present the Motion in Motions Court. If the Motion is granted, you can coordinate a date with the Judge's Secretary, and the Court will e-file an order.
- If the other party is pro se, you should assume the Motion will be opposed, unless you have received notification from the pro se party that he or she consents to the Motion.

Motions to Withdraw Appearance:

- You should e-file the Motion.
- If the Motion is consented to by both the opposing party and your client, state this in your Notice of Intention to Present; you will not need to give 6 days notice pursuant to Local Rule 206B. The court will e-sign the order.
- If the Motion is opposed/contested, or you have not heard from your client, give appropriate notice (6 business days), and present the Motion in Motions Court. The Court will e-sign an order granting or denying the relief.
- Make sure to include the information necessary for these Motions, in particular, the last known address of your client. See Rule 1012.

Motions to Compel Discovery and Motions for Sanctions

- You should e-file the Motion.
- If the Motion is unopposed/consented, state in your Notice of Intention to Present, that the Motion is unopposed or consented; you will not need to give 6 days notice pursuant to Local Rule 206B. The court will e-sign the order.
- If the Motion is opposed/contested, give appropriate notice (6 business days), and present the Motion in Motions Court. The Court will e-sign the order.
- If the other party is pro se, you should assume the Motion will be opposed, unless you have received notification from the pro se party that he or she consents to the Motion.

How do Pro Se parties file Pleadings and Motions?

- All pro se parties will continue to file Pleadings and Motions on paper. They will then be scanned and e-filed at the Prothonotary's Office. The pro se litigant will incur a \$1 per page filing fee, unless he/she is in forma pauperis.
- All pro se motions will be presented in Motions court.

What do I do with the certificates from the transparenting seminar?

- You can e-file this certificate, by scanning and filing it. In a custody case, there will be \$5 filing fee. Or, you can file it at the Prothonotary's office, where you will incur \$1 per page scanning fee.

How do I get a certified copy of an Order or Decree?

- You can request certified copies of Orders or Decrees at the Prothonotary's office; the clerk will print the e-filed order and certify it for you. You will incur the Prothonotary's fee for this.

How do I file a Qualified Domestic Relations Order (QDRO)?

- All QDROs will be presented on paper in Motions Court. They will be filed with the Prothonotary who will redact sensitive information prior to entering the document in the system. The Prothonotary has agreed to waive the scanning fee for QDROs.

What if the case is appealed?

- If the case is appealed, you will be required to produce all original documents to the Prothonotary's office to prepare the record for the appellate court.