

## **Family Law E-Filing PPT Notes, December 7, 2021**

### Slide 1: e-Filing: What Does the Family Law Court Change Mean For You?

Hello. Welcome.

As you've probably heard, LASC transitioned to e-Filing on November 15, 2021 for family law. This includes for Domestic Violence Restraining Order cases.

### Slide 2: What is e-Filing?

So let's talk about what e-filing is. It refers to the process of filing documents electronically with the court. The move to e-filing has already happened for probate, civil and perhaps other divisions within the court. E-filing for family law has been anticipated for many years, and it's here.

Before we get started, we wanted to cover some preliminary points:

1. E-filing is new, and there is much that we still need to learn. What we're presenting today is what we have figured out to this point. Please stay tuned for updates and always check with the LA Superior Court website for the most current information.
2. The information in this presentation pertains to e-filing for family law. We will focus on e-filing of domestic violence restraining orders (DVROs) as that is something many of us frequently do and that we became used to filing electronically by email during the pandemic.
3. I'm going to provide an overview of e-filing. Then Kate will share her screen and do a demonstration of how to prepare documents for e-filing and how to e-file through an electronic filing service provider – an EFSP.
4. A copy of this powerpoint with our notes will be shared after the webinar.

### Slide 3: E-filing Basics

Some overarching points related to e-filing:

1. It's mandatory for attorneys and represented litigants.
2. It's optional for self-represented litigants. SRLs can efile but they can also file by conventional means which refers to filing in-person at the court. They can also file by mailing documents to the court.
3. As of November 15, 2021, the court eliminated their email resource accounts and fax filing as options for family law filing. Many of us became accustomed to filing DVROs by email over the past 18 months. Unfortunately, it does not seem like there will be a reconsideration of that change. Compared to email filing, E-filing is more complicated and different. We'll go into those details today.

### Slide 4: E-filing for SRLs

This presentation will focus on e-filing for self-represented or pro per litigants as many of us work with survivors who file restraining orders themselves or with the assistance but not always with a retained attorney. Today we will discuss e-filing from 2 perspectives –

- a. E-filing by self-represented litigants who prepare and file on their own
- b. E-filing for self-represented litigants by an advocate through an organization's EFSP account

### Slide 5: EFSPs

As mentioned, EFSPs are electronic filing service providers, private vendors who provide e-filing (and other services). E-filing in LASC requires filing via an EFSP to communicate and process the filing with the court.

The LASC website lists all the available EFSPs for family law e-filing – 76 total.

The court does not promote or recommend any particular EFSP or provide guidance or information about how the EFSPs compare with each other, what fees they charge, how they operate, etc. Researching all 76 of these companies to feel out which best suits one's needs is a daunting task. Kate and I haven't done this, and we aren't in a position to tell you which is the best EFSP for you to use.

#### Slide 6: EFSPs and Fee Waivers

For purposes of today's presentation we will talk about ones which we happen to have some familiarity and experience. You will hear us mention One Legal and Odyssey, but we are not advancing either as ones you need to use.

Kate will do an e-filing demonstration using the Odyssey EFSP because we know that is an EFSP that allows a registered entity, like Jenesse or my office, to create an account and file on behalf of a SRL. We have learned in the past couple of weeks that that is not true of all EFSPs. We would recommend that if you anticipate e-filing as an organization on behalf of SRLs, first ask the EFSP if they allow for e-filing on behalf of SRLs through an organization account.

There are fees associated with e-filing. The court charges an e-Filing fee of \$2.25/envelope transaction, and different EFSPs may charge separate fees of their own.

There are, however, no court e-filing fees for DVRO cases. For other family law matters, you can include a fee waiver request with the initial e-filing and if it's approved, that can waive both the court's e-filing fee and the filing fees for the documents submitted.

#### Slide 7: Tech Requirements

E-filing, as you may have guessed, requires some level of technology:

- You need an email address to create an account with an EFSP and to receive certain documents with the court
- Since e-filing is done online with an EFSP, one needs internet access
- A SRL or an organization must create an account with an EFSP and
- Electronic payment information may be required as part of the registration process (Note: in the demonstration you'll see, we were able to create a waiver account on the Odyssey EFSP which did not require adding a credit card or payment information to the account)
- Electronic signatures are allowed
- All documents that are efiled must be in PDF format. That means photographs and other images need to be converted to a pdf.
- On Odyssey, the document size limit is 25 MB. If it is more than that, the file needs to be compressed before it's submitted. The transaction size limit is 35 MB. If your file size is greater than 35 MB even after compressing, you may need to file your documents with more than one transaction.

#### Slide 8: e-Filing by Self-Represented Litigants

A couple additional points:

If a SRL e-files a DVRO application or a divorce petition in a case, they are not committed to e-filing for the rest of the case. SRLs can opt to e-file or file in person as they wish during the life of a case.

Litigants who efile also aren't bound to the same EFSP they used for a prior efile. For example, one could use Odyssey for the DVRO application and then another EFSP to file the Proof of Service form.

Once documents are submitted through an EFSP, the court processes the documents and returns the conformed (or court-stamped) documents to the filer in 2 ways:

1. Via the EFSP
2. Directly from the court via the court's resource account email

Documents that are filed but that don't require court action (such as signatures on proposed orders or scheduling information for a hearing) are returned to the filer through the EFSP. In the example of filing a DVRO through Odyssey, the return of the conformed copies are communicated via email.

#### Slide 9: e-filing for SRLs

When you efile on behalf of a SRL through your org's EFSP account, the organization/advocate is the filer

Survivor/client's email can be added as CC to receive copies of documents both when filed and after conformed

#### Slide 10: Add emails as CC

When you do the e-filing through Odyssey, you can designate additional emails to receive notifications regarding the submission of the filing (preliminary copies) and the courtesy copies of the conformed copies. This means if you are an organization filing on behalf of a SRL, you can add the client's email address for the client to receive those notifications.

#### Slide 11: Preliminary Copies via EFSP

There are several different forms in a DVRO filing. Each form is filed separately under one transaction. Odyssey sends a notification email for each form which means the filer will receive a series of emails for each form with separate links to access/download the filed documents.

#### Slide 12: Electronic Conformed Copies

Here's an example of how the court electronically "stamps" an e-filed document.

As you can see, instead of the typical stamp and case number listed on the right hand side of the form, the electronic stamp appears as a banner at the top of the document.

#### Slide 13: Court Emailed Documents

Documents that require court action – court generated orders such as the DV-100 (Temporary Restraining Order), notice forms like the DV-109 Notice of Hearing or mediation notices, are emailed directly by the court to the filer using the court's resource account email. These documents are not communicated through the EFSP.

Here's an example of the email that you receive from the court's resource account with the signed court orders and other court prepared documents. In a DVRO filing, this will include documents like the DV-109 (Notice of Hearing), the DV-110 (Temporary Restraining Order), a blank DV-120 (Response to Request for DVRO) and info sheet, a blank DV-800 (Proof of Firearms Turned In, Sold or Stored) and info sheet, and a blank DV-200 (Proof of Personal Service) and info sheet.

The court stamps these documents manually. You will see the stamp and case number on the left side, not the electronic banner at the top.

Remember, the court only sends these documents using their resource account to the email that is registered with the EFSP, not to emails that are added as a “cc” to the original e-filing.

As a result, if you filed on behalf of a SRL, you’ll have to forward these documents to the litigant once you receive them from the court. Each courthouse has its own resource account email as you’ll see in the next slide.

#### Slide 14: Court Resource Account Emails

Here are the court’s email resource accounts. This can be helpful to reference when you’re expecting an email from a resource account with court orders, etc.

Note – You cannot use these resource accounts to file documents with the court.

#### Slide 15: Guide & File

For SRLs who are able to e-file on their own, not through an organization EFSP account, Guide & File is an option.

Odyssey Guide & File is a free program from Tyler Technologies, the same company that operates the Odyssey EFSP. It’s available as a free program on the court’s website and is structured as an interactive guided interview to complete many family law forms, including DV restraining orders. A litigant can save their work as they go and attach documents and exhibits in support of their filing. It also allows you to add an electronic signature to the pleadings.

<https://california.tylerhost.net/SRL>

#### Slide 16: Filing w/ Guide & File

At the end of the interview, the program populates and prepares the forms as pdfs for review and download. At that stage, you can print all the forms to file them in person or submit the documents for e-filing through the Guide and File program.

The interview takes time and requires some ease with navigating interactive websites. It could be helpful for self-represented survivors who prefer to prepare their own application or who have an in-person advocate available to help navigate the program. Guide & File, if used for e-filing, is less helpful as a program for advocates to complete while providing remote assistance to self-represented survivors. That is because the electronic signature attesting to the information in the form should be “signed” by the litigant, not the person preparing the form.

#### Slide 17: Court Access

A note about access and the digital divide. So much has changed at the court during the pandemic to increase the use of remote technology. These changes brought on many benefits – ease of remote hearings and less time spent on transportation, parking, childcare and time waiting at court. Email filing via the resource accounts gave advocates and attorneys the ability to easily incorporate the filing of DVRO applications with remote assistance. At the same time, these changes made the digital divide more salient. The court’s technological innovations have mostly served to benefit the most resourced litigants and attorneys and has left behind many low-income self-represented litigants particularly low-income Black, Indigenous and people of color (BIPOC) and litigants from linguistically marginalized communities. During the pandemic, the lack of clear and comprehensible communications by the court of evolving changes resulted in more of our pro per and low income litigants appearing in person because they did not have access to information about other options. E-filing is another example of this dynamic. Resourced and represented litigants have the means to benefit from

efiling. A small example is They can file their pleadings until 11:59pm in order to meet filing deadlines while SRLs who file in person must be at the filing windows by 4:30pm. That provides more resourced litigants with time to prepare and make their filings.

A note specific to DVRO filings - efileing does not change the court's current policy of processing DVRO applications the same day when they are filed by 3pm.

On the upside, the family court is open to hearing from us and has been helpful in facilitating our understanding of efileing to do this presentation today.

Also, as mentioned before, the court is waiving its efileing fee for DV restraining order cases so you do not need to file a fee waiver request with your DVRO application. When you are efileing a DVRO application, check the fee waiver.

Slide 16: For More Information ...

If you'd like to learn more about efileing, here are some links to the court's efileing order, FAQs, etc.