

CaseFile *Xpress*[®]

Special Instructions:

Probate Court

Washington, D.C.

Superior Court

Superior Court of District of Columbia
Probate Division
Special Instructions

Pursuant to Administrative Order, On November 1, 2013, documents submitted in Probate Division cases are to be e-Filed by mandatory e-Filers and by parties who are not mandatory e-Filers but chose to register in a particular case for e-Filing. Mandatory e-Filers 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.

e-Filing 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)

Registration

Go to www.casefilexpress.com to register for e-Filing or contact the Court's e-File vendor, File & ServeXpress, for assistance. Client support questions regarding registration or other information can be directed by email to info@fileandservexpress.com, by phone to 877-433-4533, or by clicking the Live Chat icon on the website.

Registration of Attorneys – DC Bar Number

The Court's case management database and the e-Filing 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

e-Filing 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 e-File system.

If you have been recently admitted to the DC Bar, but the e-Filing system does not recognize your bar number, 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 e-File pleadings with the Probate Division through the Court's e-File vendor. Please register with the e-File vendor at CaseFileXpress or contact 877-433-4533. Client support questions can be directed by email at info@fileandservexpress.com, by phone at 877-433-4533, or clicking the Live Chat icon on the website.

Fees

Please click on <http://info.fileandservexpress.com/dc/training#pricing> for information on e-Filing fees.

Filings excluded from e-Filing (file in paper):

1. Wills and codicils;
2. Initial pleadings that open a Probate Division case (all subsequent filings of proofs of service should be e-Filed);
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.

Case Numbering

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)
- NRT (Notice of Revocable Trusts)
- DIS (Disclaimers)
- LIT (Major Litigation)
- PBM (Probate Miscellaneous)
- WIL (Wills)

Filings excluded from e-Filing (File in Paper)*

PEF Procedure 4. Documents Excluded from e-Filing

(1) Wills and codicils; 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.

(2) Initial pleadings that open a Probate Division case. The Probate Division case types are ADM (Large Decedents' Estates), SEB (Small Decedents' Estates), INT (Intervention Proceedings), IDD (Interventions – Developmental Disability), GDN (Guardianship of Minors' Estates), FEP (Foreign Decedents' Estates), FOI (Foreign Intervention Proceedings), LIT (Major Litigation), TRP (Trusts), NRT (Notice of Revocable Trusts), DIS (Disclaimers), PBM (Probate Miscellaneous), and WIL (Wills); At the time of filing a petition for probate at the Office of the Register of Wills, 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.

(3) Petitions to Reopen the Administration of an Estate and Requests for Extension of Personal Representative's Appointment in a closed case; 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 e-Filed.

(4) Bonds

(5) Verifications and Certificates of Notice when additional court costs are due;

(6) Sealed documents and documents that are requested to be placed under seal, but not the motion to seal. The Administrative Order Certifications (AOC) and Financial Account Information forms (FAI) shall be filed as provided in PEF Procedure 8;

(7) Personal Identification Information (Form 26) forms, generally filed with the initial pleading that opens a Probate Division case. PII: The responsibility for redacting personal identification information rests solely with the e-Filer.

(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; Administrative Order 13-15 excludes from e-Filing 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 e-Filed 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.

(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.

(11) Fee Petitions must be e-filed but do not have the requirement of an active case list (SEE: PEF Procedure 8: Petitions for Compensation (a) Petition for Compensation or Fees e-Filed by Attorney or Lay Persons)

Petitions for Fees or 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 e-Filers, including the following:

(1) ATTORNEYS must NOT e-File 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.

(12) 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.

(13) Receipts of Deposits into Estate Account. The e-Filing 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.

**It is the party's responsibility to e-File a Proof of Service of any documents excluded from e-Filing and filed in paper.*

Draft Filing:

Administrative Order 13-15 requires an e-Filer who files a pleading to open a case to create an e-Service list with the court's e-File vendor.

Every new case needs an e-Service list so that the court and any party to the case who is registered with the e-File vendor may receive pleadings and court orders by e-Service. To create an e-Service 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). Once you have logged onto the e-Filing system, www.CaseFileXpress.com, Click Submit New Filing in to top right corner. Complete the filing details information, then click Add Attorney and Judge button. Start with the last name of the Attorney or registered party that is on the case and then search, select and add them. You must add the judge to the service list but the Probate Division uses a "generic judge"—Search the list as follows: Probate Division (last name); Judge (first name). This will add a "generic judge" to the list which is where the documents must be served.

Submission of e-Filing as one Document

The Probate Division requires all filings to be submitted as one document. On the document tab, you select the document type from the court fee drop down list, browse and upload each document. Either upload just one attachment containing all documents, or upload all

documents and change the dropdown to “supporting documents” for all documents (no document should be designated as lead document) and then click “Merge Supporting Documents.” This will merge all documents into one lead document as requested by the Probate Division.

Change of Address

If an address is updated with the court’s e-File vendor, it will not be updated automatically in the court’s case management system.

To update an address in the court’s case management system, e-File a [Praeipce- 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 e-File 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.

Redaction of Personal 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 e-Filed (if you are a mandatory e-Filer or have registered for e-Filing) 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.

Sealed Documents

Sealed Documents cannot be submitted through e-Filing. If a document is sensitive or should be filed under seal, 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 e-Filed (if you are a mandatory e-Filer or have registered for e-Filing) 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.

Filing in Single Cases only

Any document applying to several cases must be filed separately in each case. You can only e-File into more than one case if the cases are consolidated by court order into one case number.

Courtesy Copies and Mailing Envelopes

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. You do not need to submit mailing labels or envelopes.

Filing Certain Documents:

1. Submission of Proposed Court Orders*

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 (editable) version of the proposed order* in Word format (*i.e.*, a version that can be modified and/or edited) to: ProbateDivisionE-Filing@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.*, e-Served 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 e-File date and then the title of the pleading (*e.g.*, 2014 ADM 000001, e-Filed 01/05/2014, Petition for relief).

*PEF Procedure 12. Proposed Orders (a) Proposed orders shall be included with the e-Filing, with the service list for the proposed order on a separate page from the substance of the proposed order. (b) An electronic copy of the proposed order shall be separately emailed to ProbateDivisionE-Filing@dcsc.gov. The subject line of email shall be formatted as follows: i. (Four digit year)(case type abbreviation using capital letters)(# of the case), such as 2013ADM115; ii. The date the order was e-Filed; and iii. Title of the filing. 7 (c) An order downloaded from the Probate Division's website that is available in PDF format may be filed as a PDF. Any other order shall be emailed in Word format capable of being edited, and shall not be write-protected. (d) For each party listed on the service list of a proposed order, the e-Filer shall indicate whether that person should be e-Served or served by mail.

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.

2. Inventories

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.

3. Verification and Certificate of Notice

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 e-Filer or a party who opts to e-File, you may e-File 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.

4. Documents with a raised seal

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 e-Filed or filed in paper form.

Electronic Signatures

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.

e-Service of Documents

1. Mandatory Parties

If you are a mandatory e-Filer—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 e-File.

2. e-Serving the Judge

e-Serve the pleading on the court by adding “Judge Probate Division” to the e-Service list (do not add a specific judge assigned to the Probate Division) and by adding each party who has registered with the court's e-File vendor for e-Filing. Parties who are not registered to e-File must be served with a paper copy of the pleading.

3. NonParties

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 e-Service list associated with the case. The Office of the Register of Wills is not responsible for ensuring that the e-Service list is current and accurate.

Other persons can choose to e-File or to be e-Served. In order to be e-Served, you must register at www.caseFileXpress.com 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.

Discovery

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.

Rejected Filings

e-Filings are accepted or rejected by the Office of the Register of Wills. If your e-Filing is rejected, the Probate Division will identify the reason(s) why your e-Filing 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. If your e-Filing is rejected, you must resubmit as soon as practicable. Your filing was not docketed. No e-Filing or court fee will be charged.

Rejected filings have been e-Served on the parties you selected at the time of the submission of the rejected filing.

Hard Copies kept by Probate Division

The Probate Division does not keep hard copies of e-Filed Documents.

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.

Use of Exhibits

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.

Petitions to Proceed In Form Pauperis

Present a completed [Application to Proceed without Prepayment of Costs, Fees, or Security \(In Forma Pauperis\)](#) and the pleading you wish to e-File 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 e-File documents without payment of the e-Filing fee and any court fees in that case and should contact the court’s e-Filing 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 e-Filing vendor to receive court orders and service copies of pleadings filed by the parties by e-Service.