

- c. “Clerk” means the Clerk of the Superior Court and designees.
- d. “Court” means the Superior Court of Arizona.
- e. “E-Filed Document” means a document that is electronically filed with a court using an EFSP.
- f. “Electronic Document Management System” (“EDMS”) means a collection of computer software application programs and hardware devices that provide a means of storing, organizing, and controlling the creation, management, and retrieval of electronic documents through their life cycle.
- g. “Electronic Filing Service Provider” (“EFSP”) means a private or public entity authorized by the Administrative Director of the Administrative Office of the Courts (“Administrative Director”) to provide e-filing services.
- h. “Electronic Service” means a method of service using a computerized web-based method such as email or service via an EFSP.
- i. “Filer” means the individual who electronically submits case documents to the court.
- j. “Subsequent Submission” means any non-case initiating filing submitted into an existing case.

2. Applicability

- a. Except as provided in section 3, attorneys shall file family case documents electronically through an EFSP in accordance with this order.
- b. Self-represented litigants may, but are not required to, file family case documents through an EFSP. A self-represented litigant who chooses to electronically file documents using an EFSP must follow the requirements set forth in this order and must pay all applicable fees pursuant to paragraph 4 below.

3. Exclusions

- a. E-filing is not permitted for the following:
 - i. Any document not generated by the EFSP that requires the signature and seal of the clerk such as summonses, subpoenas, and writs and their supporting documentation.
 - ii. Documents filed under seal, including any portion of a document and exhibits. This does not include the sensitive data sheet filed at case initiation.
 - iii. A motion to file documents under seal.
 - iv. Initial and supplemental applications for the waiver or deferral of court fees and costs.
 - v. Any certified copy of a foreign order/decree.

- vi. Requests for a hearing, modification, dismissal, or any other documents relating to an Order of Protection proceeding.
 - vii. Documents that are intended to be used specifically as hearing or trial exhibits.
 - viii. Any documents in restricted or sealed cases.
 - ix. Amicus briefs.
 - x. Documents intended to initiate a Summary Consent Decree process.
 - xi. Petition for Conciliation filed in a pending matter.
- b. E-filing is not permitted for any document used to initiate the below case types. However, filers must e-file subsequent submissions in these case types, except those documents specifically identified in paragraph 3(a) above.
- i. Change of Venue
 - ii. Foreign Judgments
 - iii. County Transfers
 - iv. Request for Transfer (Incoming)
 - v. UIFSA New Complaints Enforcement (ARS § 25-1302)
 - vi. UIFSA New Complaint
 - vii. Registration of Child Custody Determination (ARS § 25-1055)
 - viii. Enforcement of Physical Child Custody Determination
 - ix. Order of Protection
 - x. Any case type initiated with a Petition for Conciliation
- c. The clerk of a court in a county in which e-filing is mandatory must accept a paper filing if the filing requests relief that requires immediate judicial review and if e-filing the document would cause a delay in presenting the request to a judicial officer.
- d. A judicial officer may initiate, permit, or consider ex parte communications with an attorney requesting an exception to the e-filing requirement for the limited purpose of determining why an exception is necessary. Any such communication shall not involve the substance of the pending matter. Such ex parte communication shall be considered an exception to the prohibition against ex parte communication pursuant to Rule 81 of the Rules of the Supreme Court, Canon 2, Rule 2.9(A)(5). If an exception is granted, a copy of the order granting the e-filing exception must be provided to the clerk at the time of filing the paper document.
- e. Any attorney, when working as an employee of an approved legal service organization and representing litigants who are unable to pay the application fee for filing a document in a family case using an EFSP, may file documents on paper.
4. Fees
- a. A non-refundable application fee shall be assessed to support the e-filing and document access services offered by an EFSP, as follows:
 - \$6.50 to initiate a case
 - \$6.50 to e-file an attached document
 - \$3.80 if the filer elects to use optional electronic service

- 3% payment processing fee
- b. All fees must be paid through the EFSP at the time of filing.
 - c. A fee shall not be assessed for documents e-filed on behalf of a public entity or official identified in A.R.S. § 12-304 or for documents e-filed by a child’s best interest attorney, a court-appointed advisor, or any other court-appointed professional in the matter.
 - d. A fee shall not be assessed for documents e-filed by a party for whom a fee waiver or deferral has been granted, while the waiver or deferral is in effect. For a case initiating submission, the order waiving or deferring fees and the corresponding application and affidavit must be attached to the e-filing submission.
 - e. Absent an Order for Fee Waiver or Deferral from the court waiving or deferring filing fees for a case or specific document, the fees listed in 4.a shall not be waived.
 - f. The clerk shall not reject e-filing submissions on the basis of failure to pay fees for a party who has been granted a fee waiver or deferral.

5. Official Record

- a. An e-filed document that resides within the EDMS of the clerk or court is the original document and satisfies the requirements of Rule 1002, Arizona Rules of Evidence.
- b. An electronic transmission or print-out from the clerk’s EDMS that shows seal of the clerk or court attesting to the document’s authenticity shall be considered an official record or certified copy of the original.
- c. Any court rule requiring that a document be an original, be it on paper or another tangible medium, or be it in writing, is satisfied by the electronic image defined as the original document in this section.

6. Signature Standards

Any document displaying the symbol “/s/” with the printed name of the filer is deemed signed by the named person for purposes of rules and statutes governing practice and procedure in the courts of this state.

- a. Attorney. An attorney is responsible for all documents filed under the attorney’s registered login ID and password and under the registered login ID and password of any person the attorney has authorized to e-file documents using services provided by an EFSP.
- b. Judicial Officer or Clerk. Documents e-filed under the registered login ID or password of a judicial officer or clerk are deemed to have been filed by that judicial officer or clerk.

- c. **Self-Represented Litigant.** Documents e-filed by a self-represented litigant must be filed under the self-represented litigant's registered login ID and password and are deemed signed by that self-represented litigant for purposes of rules and statutes governing practice and procedure in the courts of this state.
 - d. **Signing for Another Party.** A person filing a document containing more than one place for a signature, such as a stipulation, may sign on behalf of another party only if the person has actual authority to do so. The person may indicate such authority either by attaching a document confirming that authority and containing the signatures of the other persons who have authority to consent for such parties, or, after obtaining a party's consent, by inserting "/s/ [the other party's or person's name] with permission" as any non-filing party's signature.
7. *Date and Time of E-Filing.* A submission is deemed filed on the date and time it is received by the EFSP. If the clerk determines that the electronically submitted document is deficient pursuant to local rule or order, the clerk may reject the submission and must provide the filer an explanation of the reason for the rejection.
 8. *Required Exhibits, Attachments to Pleadings, and Proposed Orders.* Any court rule that requires a copy of a document be attached as an exhibit to a document is satisfied by electronically attaching either a scanned image of the exhibit or attaching a copy of the exhibit in an approved format.
 9. *Electronic Format and Size.* Any document submitted through an EFSP must be in a format that complies with Rule 20(c), Rules of Family Law Procedure. A proposed order or judgment shall not be password protected and must be in a format that allows the court to make changes as necessary to reflect the provisions of the order or judgment it intends to enter. Documents shall not exceed the size limitation permitted by the Arizona Supreme Court.
 10. *Certified Mail, National Courier, Return Receipt Card.* When submitting a return receipt as proof of service by mail, the filer must scan and file both sides of the signed return receipt and attach it to a properly formatted document.
 11. *Notary Requirement.* A notarization requirement is satisfied by an electronic notarization or by scanning and e-filing the document that contains the notary's original signature and seal.
 12. *Family Law Cover Sheet.* Initiating a case through services provided by an EFSP meets the requirement to file a family law cover sheet.
 13. *Copy for Court.* Except as authorized by order of the county's presiding judge of the superior court, a judicial officer shall not require a filer to provide a paper copy of any document submitted through an EFSP. If required by the receiving court, a filer must identify individual documents necessary for a judicial ruling.

14. Responsibility for Filing and Service. A person who e-files a document is responsible for ensuring that the document is properly filed, that it is complete and readable, and that a copy has been provided to the other parties in the case to the same extent as provided via a paper filing.
15. Distribution of Notices, Orders, and Other Documents by the Clerk or Court. The clerk or court may electronically distribute notices, orders, and other documents to a party in any case in which the party has e-filed a document, and to an attorney in any case in which the attorney has entered an appearance. The electronic delivery of documents by the clerk or court is complete upon transmission.
16. Hyperlinks and Bookmarks. A filer may include a hyperlink only to static textual information or documents. Materials accessed via hyperlinks are not part of the official court record. A filer may include a bookmark to another page within the same document.
17. Extension of Time Due to Interruption in Service.
If a filer fails to meet a filing deadline imposed by court order, rule, or statute because of a failure at any point in the electronic transmission and receipt of a document, and the matter cannot be resolved to the satisfaction of the filer and the clerk, the filer may file the document on paper or electronically as soon as practicable thereafter and accompany the filing with a motion to accept the document as timely filed. For good cause shown, the court may enter an order permitting the document to be filed nunc pro tunc on the date the filer originally sought to electronically transmit the document. When an interruption of service is caused solely by a technical malfunction of the court's or EFSP's system, the court may sua sponte enter an order documenting the interruption and allowing an alternative manner of filing or extension of filing deadlines.
18. Additional e-Filing Policies. The presiding judge of the superior court and the clerk, in consultation with the administrative director, may establish additional policies to implement e-filing. Any such policies must be posted online at <http://www.azcourts.gov/efilinginformation> and on court and clerk websites.
19. Destruction of Paper Records. All documents in the clerk's EDMS are subject to the provisions of Rules 29(C) and 94, Rules of the Supreme Court and § 1-507 of the Arizona Code of Judicial Administration regarding destruction of records.

IT IS FURTHER ORDERED that any e-filed document that meets the requirements described herein shall be accepted by the clerk, and that provisions of this Order that are inconsistent with the Arizona Rules of Court shall supersede procedural requirements of those rules.

IT IS FURTHER ORDERED that the presiding judge of the superior court and the clerk, in consultation with the administrative director, may make modifications to these procedures not inconsistent with rules or orders of this Court.

Dated this 8th day of December, 2021.

FOR THE COURT:

ROBERT BRUTINEL
Chief Justice