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**Clerk of the Allen Circuit and Superior Courts**

Allen County Courthouse ♦ 715 S. Calhoun Street ♦ Fort Wayne, Indiana ♦ 46802

**E-FILING UPDATES**  
**FOR ALLEN COUNTY**

**January 2022**

**This document is an updated version of the e-filing updates that were distributed by the Clerk of the Allen Circuit and Superior Courts in early February 2017. This version incorporates references to new rules and processes as of January 2022. Please note that although every effort has been made to provide accurate information as of today’s date, revisions to the following topics may occur. Always feel free to contact the Clerk’s office with any questions.**

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## **Appearances**

Merely e-filing an *Appearance* on a case is not sufficient. The e-filer needs to also add themselves as a ‘Lead Attorney’ within the fields of the E-Filing Service Provider. Failing to do so at the time of e-filing will result in processing delays.

A new *Appearance* form for attorneys was created by the Indiana Supreme Court for e-filing purposes. Within the new *Appearance* form, attorneys agree to accept E-Notices rather than paper notices. A version of this form, tailored for Allen County, has been posted on the Clerk’s website: [allencoclerk.us](http://allencoclerk.us).

## **Appearances and Party Identifying Fields**

Be sure to completely fill out all of the party identifying fields within your E-Filing Service Provider (EFSP) before submitting an *Appearance*. Merely filing an *Appearance* without completing these fields will cause processing delays and prevents E-Notices from being distributed to the proper person.

## **E-Filing into the Quest Case Management System**

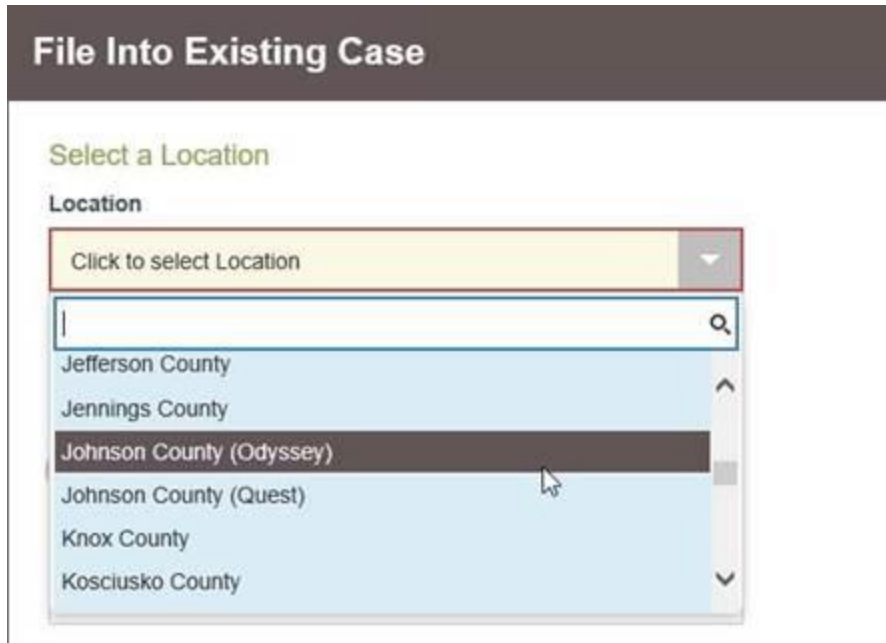
The following case types are handled in the Court’s Quest case management system – not the Odyssey system. When e-filing into Allen County’s Courts, the e-filer will need to choose between *Allen County (Quest)* or *Allen County (Odyssey)* to select the proper case type within their e-filing service provider.

1. JC – Juvenile Child in Need of Services (Juvenile CHINS)
2. JD – Juvenile Delinquency
3. JM – Juvenile Miscellaneous
4. JP – Juvenile Paternity
5. JS – Juvenile Status
6. JT – Juvenile Termination of Parental Rights
7. RS – Reciprocal Support

E-filing for these case types became mandatory for attorneys on February 4, 2019.

For the case types listed above, select *Allen County (Quest)* when e-filing. For all other case types, select *Allen County (Odyssey)* when e-filing.

The screenshot below shows an existing example of this step regarding Johnson County.



The public access website for “public” Juvenile Paternity (JP) and Reciprocal Support (RS) case information can be found at <https://quest.acjc.us/equest/publicaccess.jsp>

For any questions regarding e-filing into Quest, please contact the court’s Quest Administrator, Veronika Wristpus-Ortiz, at [veronika.wristpus-ortiz@acjc.us](mailto:veronika.wristpus-ortiz@acjc.us).

### **Select the Proper Case Type**

When filing your case, be sure to select the proper case type. Trial Rule 88(A) requires the Clerk to accept all filings unless an incorrect fee is submitted, the wrong case management system is selected, or the e-filer requests rejection. Once the Clerk opens the ‘envelope’ containing the e-filed documents, it cannot be retracted by the filing party and the filing(s) must be addressed by the Court.

If a document is filed under the wrong case type, the Court may dismiss the case, issue an appropriate order, or order the document to be corrected by a certain date. Please review the ‘Case Type – Quick Reference Sheet’ provided for your convenience by visiting the Clerk’s website (<https://allencoclerk.us/e-filing-updates-for-allen-county/>).

### **Service of Pleading Documents and Other Papers**

Please see Trial Rule 86(B) for the latest language regarding this process.

### **Certified Mail ‘Green Card’ Returns – Local Rule**

As of December 2018, Local Civil Rule LR02-TR4-02 (Service of Process) requires proof of service (green cards) to be returned to the initiating party with a Return of Service regarding such to be e-filed afterwards. Within the *Return of Service* the e-filer must specify in the comment field the name of the document(s), the party’s name who service was attempted on, and an indication whether service was either served or not served.

### **E-Filing Comments**

When the Court and Clerk process e-filings, there is an option for us to send a message to the e-filer with comments for that particular filing or to provide guidance for future filings. The location of these customized messages may vary depending on the EFSP that you use.

### **Confidential Information**

The following link provides a good summary on how to handle confidential information when e-filing in both the trial and appellate Courts:

<http://www.in.gov/judiciary/files/efiling-ar9-guidance.pdf>

The most recent version of the Rules on Access to Court Records is available here:

<https://www.in.gov/courts/rules/records/index.html>

### **Filing Exhibits (Confidential & Public/Redacted Versions)**

When filing a Confidential exhibit, it should be designated as ‘confidential’ and filed as an ‘Attachment’ to the relevant ‘Lead’ Petition/Motion. The Public/Redacted version of the exhibit should also be filed as an ‘Attachment’ to the same ‘Lead’ Petition/Motion. The [Notice of Exclusion of Confidential Information from Public Access](#) should also be completed and filed as a separate ‘Lead’ document and no documents should be attached to this Notice. Please review [Indiana Rules on Access to Court Records](#) for more information on confidential filings.

### **Serving Confidential Addresses**

If you will be serving a document to a confidential address (as is common with Mortgage Foreclosure cases), please designate the related *Summons* as a ‘Confidential’ filing. It is our understanding that e-filers are currently unable to

leave a Defendant's address field blank when building their case. Labeling the *Summons* as "Confidential" will allow the Clerk to correct the address field so that it will not be posted publicly on <https://mycase.in.gov>.

### **E-Filing 'Convenience Fee'**

E-Filing Service Providers (EFSP's) will charge varying rates in the form of a 'convenience fee'. The Clerk does not charge or receive a 'convenience fee'.

### **Additional Information Regarding E-Filing 'Convenience Fees'**

All EFSP's are required to collect an additional fee (currently around 3.5%) when e-filing. The EFSP's then forward this amount to the State to help defray the costs related to the credit card processing fees incurred by the State's system. Some EFSP's will charge an additional fee on top of this 'Convenience Fee'. Fees for the various EFSP's may be researched on the State's e-filing website at <https://www.in.gov/courts/efiling/> or by contacting the individual EFSP's.

### **Recouping Convenience Fees**

Do **not** incorporate the Convenience Fee amount into the Court Costs portion of the Judgment. According to the Indiana Supreme Court's Office of Court Services, Convenience Fees are not included within the statutory definition of Court Costs. Depending on the circumstances of the case, the Convenience Fee may otherwise be recoverable by a prevailing party.

### **Filing in Old Cases**

If you intend to e-file into a case that hasn't had any activity since before 1995, please contact the Clerk's office. A new electronic case file may need to be created by the Clerk in order for e-filing to occur. If you are facing a statutory filing deadline on an old case, please contact the Clerk as soon as possible before e-filing is attempted.

### **"Description Fields"**

Be careful when completing the 'Description Fields' within your EFSP. These are the fields where one describes the document being e-filed. Any entry may become part of the official Chronological Case Summary (CCS). Avoid using abbreviations (i.e. "Mtn" for "Motion") or entering personal notes here. The CCS is a permanent record of the case and can only be corrected under very limited circumstances.

### **Entering Parties to a Case**

When building your case for e-filing and adding party names, avoid entering acronyms (i.e. “d/b/a”, “f/k/a”, “a/k/a”, etc.) within your E-Filing Service Provider’s party fields. These acronyms, however, can still be listed within the actual document that is e-filed.

### **Avoid ‘All Caps’**

When filling in party names and description fields within your E-Filing Service Provider, please do **not** capitalize every letter (i.e. ‘MACARTHUR’ vs. ‘MacArthur’).

### **Entering Addresses**

When entering the address for a party, be sure to be as specific as possible. If applicable, you need to provide an address number descriptor (“Apt.”, “Lot”, “Suite”, etc.) If a descriptor is not present, the number that was to be associated with that descriptor will be dropped from the notice that is generated by the system.

Example:     [Incorrect]    1212 Main St. #34, Fort Wayne, IN 46802  
                  [Correct]     1212 Main St., Suite 34, Fort Wayne, IN 46802

### **E-Filing Large Documents**

There may be situations where a filing needs to be broken down into several smaller-sized electronic files for e-filing purposes. If necessary, you should label or save the documents in a manner which makes them easily distinguishable from each other. The size of the saved document will vary based on a variety of factors, including but not limited to, the number of pages, scanning resolution, the presence of images/graphs, etc...

Example:     “Medical Records Exhibit – Pages 1-100.pdf”  
                  “Medical Records Exhibit – Pages 101-200.pdf”

### **E-Filing Submission ‘Failed’**

Remove ‘embedded fonts’ from documents to be e-filed. This issue can be caused by ‘cutting and pasting’ portions of webpages directly onto a document that will

eventually be e-filed. In the event that you are unable to eliminate the embedded fonts, it may be necessary to print the document so that you can manually scan it into a PDF format for e-filing purposes.

According to Tyler Technologies, Odyssey's vendor, the presence of the following may prevent the Court and Clerk from being able to process your e-filing:

1. Page size not being 8.5 X 11 inches;
2. Scanning Resolution is higher than 300 dpi (dots per inch);
3. The presence of embedded or unsupported fonts (Wingdings, Symbols, ZapfDingbats, etc.);
4. Password protected PDF documents;
5. URLs or shortcuts within the document; and
6. The PDF was created by a program other than Adobe Acrobat or Microsoft Word.

### **Wait for Electronic Documents to Upload Completely**

Before submitting your documents for e-filing, be sure to allow sufficient time for electronic files to upload completely to your EFSP. Failing to do so has resulted in missing pages.

### **E-Notices and E-Mail Addresses**

The e-mail address listed in your most recently filed Appearance form will automatically receive an E-Notice for all cases (past and present) in which you are listed as an Attorney of Record. If you wish to stop receiving E-Notices for a particular case, you must formally withdraw from the case. The requirements for withdrawing from a case may vary depending on the case type and are outlined in both the Trial Rules and Local Rules.

### **E-Notices vs. E-Service**

E-Notices provide updates on case activity and are sent to a party's/attorney's email address by the Odyssey case management system. A link to the relevant document is provided within the E-Notice. This link will expire after 21 days. Whenever you file an *Appearance*, the system will be updated with whatever email address is specified within your most recently filed *Appearance*.



E-Service is the process of serving documents by electronic transmission with the e-filing system. An explanation of E-Service is provided in the ‘*E-Filing Frequently Asked Questions*’ (<https://www.in.gov/courts/efiling/>). A few tutorials which describe E-Service and how to enroll in the Public Service List is also available (<https://www.in.gov/courts/help/efiling/tutorials/>).

### **Origin of E-Notices**

E-Notices originate from the following source: [enotifications@courts.in.gov](mailto:enotifications@courts.in.gov). E-Filers utilizing automatic forwarding features for E-Notices may need to update their email system accordingly.

### **Emergency Relief with E-Filing**

The Civil Division of Allen Superior Court distributed a memo regarding the process for seeking emergency relief. The Allen Circuit Court will also follow this same process. This procedure is summarized here:

*If, upon filing of a case or a motion, a party believes immediate attention of the Court is required (e.g., temporary restraining orders, pre-judgment writs, injunctive relief, replevin, when extremely prompt service is otherwise required, or other such exigent circumstances), that party shall apply to the assigned Judge's administrative staff (Court Reporter or Law Clerk) to inform the administrative staff of the pleading and/or motion, and to arrange for the scheduling of a hearing on the motion and immediate relief sought. The administrative staff will then advise the Court and/or take appropriate authorized action. The party/counsel shall not approach the Court in an ex parte manner to obtain a hearing date or other such action.*

### **Envelopes and Lead Documents**

You may e-file several ‘Lead’ documents within the same e-filing envelope. There is no need to have a separate envelope for each ‘Lead’ document when e-filing.

### **Open a New Case with a Single Envelope**

When opening a new case, combine all related documents (i.e. *Appearance, Summons, Complaint*, etc...) into a single envelope and label each as a “Lead”

document, if applicable. Failing to do so will create processing delays and potential financial issues with the case.

### **Opening Estate Cases**

When filing the various documents to open an estate (ES or EU) case, documents should be scanned separately and labeled as distinct ‘Lead’ documents. Do **not** scan all of the documents into a single PDF file when attempting to open the case. This has also been a common occurrence and will result in case processing delays. Similarly, please select that you are filing on behalf of the party designated as the ‘Personal Representative’ and not the ‘Deceased’ party.

### **Addresses of Decedents**

When adding a Decedent as a party to a case, do not enter a contact mailing address for that person. Entering this information for the Decedent results in wasted postage when the system automatically generates paper notices.

### **E-Filing Expungements**

Only use the ‘XP’ (Expungement) case type for expungements. The ‘XP’ designation was created specifically for these cases in 2015. Do **not** select the ‘MI’ (Miscellaneous) case type for expungements. An expungement case that is designated as an ‘MI’ case may be dismissed.

On a related note, if you’re unsure about which case type to select when e-filing, please refer to the ‘Case Type - Quick Reference Sheet’. It has been posted on the Clerk’s E-Filing webpage for your convenience. Please visit <https://www.in.gov/courts/iocs/files/casetype-quick-reference.pdf>. Failure to select the proper case type will cause processing delays and may result in financial issues with your case.

### **Fee Waivers**

If you are opening a case and requesting a fee waiver, be sure to select the option to waive the fee prior to e-filing. Failing to do so requires the Court to issue a separate *Order* for a refund to be processed. Any refund will not include the convenience charge imposed by your E-Filing Service Provider (EFSP).

## **Trial Court Filing Codes**

If you're unsure what Trial Court Filing Code to assign to the document (e.g., *Answer, Appearance, Complaint/Equivalent Pleading, Motion, Petition, Proposed Notice, Proposed Order, etc.*), please select *Motion* or *Petition*. This will give the Clerk and Court staff more options to possibly correct and process the e-filing.

A *Proposed Notice* designation should only be used for anything that requires the Clerk's signature (e.g., *Record of Adoption, Letters of Guardianship, Letters of Estate Administration*). A *Proposed Notice* designation should not be used to file a *Notice of Hearing, Notice of Automatic Stay, etc.* If you choose *Proposed Notice*, the document will not have a file stamp when it's 'accepted' by the Clerk and transmitted back to you. Similarly, anything that requires a Judge's signature should use the *Proposed Order* designation.

## **MyCase.in.gov Financial Information & Service by Sheriff**

Case-related financial information is available for certain cases on mycase.in.gov. Financial information may be found at the bottom of the case's summary.

The Sheriff of Allen County will accept printouts of these summaries as proof of payment for Service by Sheriff Fees that were collected by the Clerk prior to January 1, 2017.

## **Circuit Court Hearings (Criminal v. Civil & Domestic Relations)**

**Criminal Cases:** The e-filer only needs to file a *Motion*. Do not contact the Circuit Court in advance for a hearing date/time. A *Notice of Hearing* is not required to be e-filed, as well. The Circuit Court will set a hearing date/time only if deemed necessary and will issue an *Order* to the parties which specifies the date/time.

**Domestic Cases:** If there are two attorneys involved, the attorney filing the *Motion* contacts the Court to receive tentative hearing dates. The attorney will then contact opposing counsel to agree on a date. The attorney filing the *Motion* contacts the court so the chosen hearing date can be added to the calendar. The e-filer completes a *Notice of Hearing* with the chosen date and e-files it with the Circuit Court. If there is no opposing counsel, the attorney filing the *Motion* gets a date from the Court, completes the *Notice of Hearing* and e-files it.

If a pro-se person files a *Motion* with the Circuit Court, they should file a blank *Notice of Hearing*. The Court will still accept their *Motion* without a *Notice of Hearing*. The Court will complete the *Notice of Hearing*, if one is filed, or issue a Court order with the hearing date.

Civil Cases: Local Rules state the attorney should file a *Notice of Hearing* when filing a *Motion* but do not need to coordinate a date with the Court. The Court will set the hearing date and either issue the *Notice* or enter an order with the hearing date after the *Motion* is filed.

### **Employers and Income Withholding Orders**

When submitting an Income Withholding Order, please add the Employer to the case as a party. Failing to do so will result in case processing delays.

### **Attach Interrogatories to the Proceedings Supplemental**

*Interrogatories* must be attached to the *Proceedings Supplemental*. See Trial Rule 69(E). The Court may strike the filing for noncompliance with this rule.

### **Lead Documents vs. Attachments**

When e-filing multiple documents, you are given the option to designate a particular document as a ‘Lead’ or ‘Attachment’ file. The ‘Attachment’ designation should only be used when you need to supplement the relevant ‘Lead’ document (e.g., *Exhibits to a Motion or Complaint, Appendices to a Brief, etc.*)

For example, when filing multiple documents to initiate a case (*Summons, Complaint/Petition, and Appearance*) do not designate just one document as a ‘Lead’ document and the others as ‘Attachments’. The *Summons, Complaint/Petition* and *Appearance* should each be filed as a ‘Lead’ document within the same envelope. If you are unsure, lean towards designating a filing as a ‘Lead’ document.

When filing both a Public/Redacted and Confidential version of a document, make the Public/Redacted version the ‘Lead’ document and make the Confidential version an ‘Attachment’.

### **Submit Proposed Orders as ‘Lead’ Documents**

A *Proposed Order* should be labeled and submitted as a ‘Lead’ document. Do **not** label it as an ‘Attachment’ to the related *Motion*.

### **Notice - ‘Letters’ in Guardianship and Estate Cases**

A few attorneys reported that some financial institutions questioned the validity of the *Letters* that are issued in Guardianship and Estate cases. Under the old paper way, *Letters* were embossed with the Clerk’s raised seal. In the electronic world, an electronic seal is applied to the document and electronically sent to the attorney. The attorney then prints out a copy and presents it to the financial institution.

A *Notice* explaining this change was created and will hopefully alleviate the concerns of the financial institutions. If you practice in these fields and would like an electronic copy of this *Notice* that you can print out to accompany the *Letters*, please send an e-mail to [chris.nancarrow@allencounty.us](mailto:chris.nancarrow@allencounty.us).

### **Mandatory E-Filing**

Any attorney seeking an exemption from the e-filing requirements will need to file a petition with the Court in accordance with IN Trial Rule 87(B)(2). Any such exemption will only be granted upon showing of good cause.

### **No More “Combo Forms” & New Forms Available**

“Combo forms” combine a *Motion/Petition* and *Proposed Order* on the same page or within the same document. With e-filing, the system can no longer process such combined filings. There should be a separately scanned PDF file for the *Motion/Petition* and a separately scanned PDF for the *Proposed Order*. Both PDF files may be submitted simultaneously in the same ‘envelope’ so long as they are distinguishable from each other. Both should be filed as ‘Lead’ documents.

New forms, including templates that break up the “combo forms”, have been posted on the Clerk’s website. Please visit [www.allencoclerk.us](http://www.allencoclerk.us) to access PDF versions of some documents. Additional forms will be revised and added as required.

### **Remote Access to Records Order from IN Supreme Court**

On February 7, 2017, the Indiana Supreme Court issued an Order outlining how and when court documents will be posted on [mycase.in.gov](http://mycase.in.gov). Access to documents will depend on the type of document, the case type, and one's relationship to the case. Attorneys will generally have greater access to court documents, especially if they are the Attorney of Record. The actual Order may be read here: <http://www.in.gov/judiciary/files/order-other-2017-94S00-1702-MS-52.pdf>

### **Release of Judgment – Small Claims**

Filing a *Release of Judgment* by itself is sufficient. There is no need to also file a related *Motion* or *Proposed Order*.

## **SMALL CLAIMS TOPICS**

### **Accounts Calendar Hearings**

Remember that the Court will not hold more than 1000 hearings a day and no more than 250 per office on a single day.

At this time, hearing dates for the accounts calendar can only be accessed by opening an individual case and searching for the *Order* or the *Notice of Claim* which specifies the date. The Indiana Supreme Court allowed for Orders that were scanned after March 10, 2017 to be made available on mycase.in.gov.

### **Chronological Case Summary Entry Sheets**

*CCS Entry* sheets regarding hearings must be filed with the Court before leaving the Courthouse Annex. Attorneys must e-file any *CCS Entry* sheets with the Court on the same day as the hearing. If the *CCS Entry* sheet is not e-filed on the same day as the hearing, an *Affidavit* which summarizes the hearing and affirms the attorney's attendance must accompany the *CCS Entry* sheet.

### **Appearances**

Self-represented parties will now be required to file an *Appearance*. At this time, unless a self-represented party agrees to accept e-service, notices sent to their e-mail addresses will not constitute sufficient service for contempt purposes or default judgments.

### **Proceedings Supplemental**

The Court has determined that plaintiffs do not have to send a copy of a *Motion* for a *Proceeding Supplemental* to the defendant(s) prior to the *Order* being signed. Plaintiffs may wait until receiving the signed Order from the Court before sending a copy of both the *Order* and the related *Motion* to the defendant(s).

### **Case Numbers and Notice of Claims**

After an e-filed *Notice of Claim* is accepted in the e-filing review system, a case number is automatically assigned by the case management system.

### **Possession and Money Judgments**

Paper judgments with the Agreed Judgment ‘AJ designation’ will still be issued for possession and money judgments after court so that it can be provided to the debtor.

### **Garnishment Orders**

If a proper *Proceedings Supplemental* and *CCS Entry Sheet* have been filed then a *Proposed Order for Garnishment* is all that is necessary to obtain the *Garnishment Order*.