

APPENDIX

Administrative Policies and Procedures for
Electronic Filing in the Juvenile Division of
the Circuit Courts and the District Courts
of the Alabama Unified Judicial System

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AUTHORIZATION FOR ELECTRONIC FILING OF ORDERS

An order of the Supreme Court dated April 4, 2012, authorizes a pilot project allowing for electronic filing of orders in juvenile cases in the district courts and the circuit courts of the Alabama Unified Judicial System ("UJS"). This pilot project shall terminate on February 28, 2013, unless it is extended by the Administrative Director of Courts ("ADC") for an additional 12 months.

The following procedures will govern electronic filing in juvenile cases. As written, the procedures are broader than necessary for the electronic filing of orders, anticipating eventual general electronic filings in juvenile cases in the district courts and the circuit courts. The ADC is authorized to modify these procedures to ensure that the pilot project meets the needs of parties and counsel involved in juvenile cases in the UJS. Furthermore, the ADC shall ascertain that the pilot project does not interfere with the due-process rights of any juvenile or party in a juvenile case.

Proposed and finalized changes to these policies and procedures and additional information may be found at the following Web site: <http://efile.alacourt.gov>.

PILOT PROJECT

The pilot project for the filing of electronic orders shall initially include only orders (certifications) relating to attorney-fee declarations submitted by counsel appointed to represent indigent parties in cases on the juvenile dockets of the circuit courts and the district courts statewide.

The capability for judges to enter other types of orders electronically in juvenile cases will be made available in the future. The ADC shall determine when it is appropriate to add this capability.

The pilot project will terminate on February 28, 2013, unless extended by the ADC.

THE ELECTRONIC RECORD

In addition to the current physical paper record and the

digital or audiotape recordings of the court proceedings in juvenile cases, the official record in a juvenile case may also include files or document images that exist in electronic format.

If the paper record is considered confidential pursuant to Ala. Code 1975, § 12-15-133, then the electronic records shall be kept confidential as well. Those same records may be electronically accessible to those persons and entities entitled to access as described in Ala. Code 1975, § 12-15-133(c), when the capability is developed and made available.

ELECTRONIC SIGNATURES

Electronic signatures should be in form prescribed by Rule 30(G) of the Alabama Rules of Judicial Administration.

Documents that must contain original signatures or that require either verification or an unsworn declaration under any rule or statute shall be filed electronically with the originally executed copies maintained by the filer. The pleading or other document electronically filed shall indicate a signature, e.g., "/s/Jane Doe," or the original may be scanned and electronically filed. The filing party or attorney shall retain the physical copy of the document containing the original signatures for two (2) years after final resolution of the action, including final disposition and all appeals.

Documents requiring signatures of more than one party shall be filed by submitting a scanned document containing all necessary signatures. The filing party or attorney shall retain the physical copy of the document containing the original signatures for two (2) years after final resolution of the action, including final disposition and all appeals.

REGISTRATION AND RESPONSIBILITIES OF USERS

1. Each attorney or party wishing to file electronically must register online via the "Register" link at <https://alafile.alacourt.gov>.

2. Once the initial registration process is completed, an e-mail will be sent to the user at the e-mail address supplied during registration for verification.

3. Users may change their passwords at any time via the AlaFile application. If a user believes that the security of an existing password has been compromised and that a threat to the system exists, the user must change his or her password immediately.

4. A user whose e-mail address, telephone number, or other information provided during registration has changed shall modify his or her contact information on the AlaFile application on the "Update Account" page and give notice of any changes to all other parties and the Administrative Office of Courts.

5. It is the responsibility of the user to have a valid and working e-mail address that has not exceeded its size limitation in order to receive, initially, the orders and, eventually, other papers transmitted electronically. It is not the responsibility of the trial court, the circuit clerk, the UJS, or the Administrative Office of Courts to ascertain whether an attorney registered for AlaFile is receiving notifications from the system via e-mail. The system provides attorneys with a secondary notification mechanism that can be accessed by logging into the system.

DEFINITIONS

The following definitions shall apply to these policies and procedures for electronic filing:

The term "document" shall include pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or with the court.

The term "party" shall include the State, the juvenile, or any other person or entity who has filed a pleading or motion to intervene that has been granted by the trial judge or who has been made a party pursuant to Ala. Code 1975, § 12-15-113, and Rule 31, Alabama Rules of Juvenile Procedure, in the juvenile case.

The term "attorney" shall mean the juvenile or child's attorney or attorneys or guardian ad litem; or the attorney or attorneys for other parties; and/or the prosecuting attorney or attorneys.

A "user" is a person who is registered to use the electronic-filing-system site designated by the Administrative Office of Courts.

"Electronic filing" means uploading a document directly from a user's computer, using the UJS's Internet-based system to file that document in the court's case file. Sending a document to the court via e-mail does not constitute "electronic filing."

The "e-mail address of record" is the e-mail address of each user as provided by the user during the registration process in AlaFile or as updated by the user through AlaFile.

The "system" is the electronic-filing software application and repository commonly known as "AlaFile." The system is managed by the Administrative Office of Courts.

An "E-filing receipt" is a receipt generated automatically by the system upon completion of an electronic filing. The notice of electronic filing, when e-mailed to the e-mail addresses of record in the case, acts as the proof of service.

The term "PDF" refers to "portable document format." A PDF document allows anyone to open the document across a broad range of hardware and software, with layout, format, links, and images intact. For information on PDF, users may wish to visit the Web sites of PDF vendors by using their favorite search engine.

All hours stated herein shall be Central Time.

TECHNICAL SPECIFICATIONS

Although the system requirements may be set forth more completely in a user's manual or other publication, it is expected that the following hardware and software will be needed to file documents electronically:

A computer system or systems that operate in a Windows operating system.

The ability to convert documents from WordPerfect or Word to PDF.

Internet access.

Internet Explorer.

A document scanner, if documents need to be imaged.

When scanning documents to be filed electronically, filing parties should make certain their scanners are configured for 200 dpi and black and white, rather than color, scanning. The filing party is responsible for the legibility of the scanned document. If for any reason a document cannot be easily read after scanning, the filing party should not electronically file the document. Instead, the filing party must file the document conventionally with the clerk's office.

Because large documents may not upload properly to the system or may not download within a reasonable amount of time for users with a 56K modem, documents over 10 megabytes will be rejected by the system and must be filed conventionally or in 10-megabyte segments as attachments.

SYSTEM AVAILABILITY/INABILITY TO FILE

The system is designed to provide service 24 hours a day. Users, however, are encouraged to file documents in advance of filing deadlines and during normal business hours.

The Administrative Office of Courts has established a help desk for questions relating to electronic filing. The help desk may be reached at 1-866-954-9411, option 1, option 4, or by e-mail at applicationsupport@alacourt.gov. The help desk will be staffed from 8:00 a.m. to 5:00 p.m. on days on which State offices are open for business.

Additionally, a list of frequently asked questions and the answers to those questions are available at <http://efile.alacourt.gov>.

If a party misses a court-imposed filing deadline because of an inability to electronically file based upon the unavailability of the system, the party must submit the untimely filed document accompanied by a declaration stating the reason or reasons for missing the deadline. The document and declaration must be filed no later than 12:00 noon of the first day on which the court of jurisdiction is open for business following the original filing deadline. The untimely filing and accompanying declaration may be filed either electronically or conventionally. A model form of the declaration is available at <http://efile.alacourt.gov>.

FILING

Electronically filed documents must meet the requirements in the Code of Alabama and the Alabama Rules of Juvenile Procedure or other applicable Alabama court rules.

Initially, the system will have the capability only for orders. Upon the issuance of an order of the Alabama Supreme Court expanding the scope of the pilot project authorized by the order dated April 4, 2012, electronic filing of other documents commonly filed in juvenile cases may be added as the capabilities of the system are expanded.

E-mailing a document to the clerk's office or to the assigned judge shall not constitute "filing" of the document. A document shall not be considered filed until a system-generated E-filing receipt has been generated. The time and date stamp generated by AlaFile on the E-filing receipt controls. Personally e-mailing a document directly to a party or an attorney shall not constitute service of the document.

SERVICE

Whenever a document is filed electronically in a juvenile case in accordance with these policies and procedures, the system shall generate a "notice of electronic filing" to the e-mail address of record of the filing party and any attorneys of record or pro se parties in the case who are users in the system and who are required by the Alabama Rules of Juvenile Procedure or other procedural rules to receive service copies. A copy of the electronically filed document shall be attached

to the "notice of electronic filing."

If the attorney or party is a user in the system, the e-mailing of the "notice of electronic filing" by the system shall be the equivalent of service pursuant to the Alabama Rules of Juvenile Procedure and any other applicable Alabama court rules.

Service of the "notice of electronic filing" on an attorney or party who is not a user in the system shall be accomplished by conventional means of service as provided by the Alabama Rules of Juvenile Procedure or other Alabama court rules. When mailing paper copies of documents that have been filed electronically, the filing party should include the "notice of electronic filing" to provide the recipient with proof of the filing.

EFFECT OF ELECTRONIC DOCUMENTS AND SIGNATURES

Any order signed and filed electronically has the same force and effect as if the judge had affixed his or her signature to a paper copy of the order. Any document signed electronically by the circuit or district clerk shall also have the same force and effect as a document bearing the original signature of the clerk. Any other document signed and filed electronically by the user has the same effect as if the attorney or party had affixed his or her signature to a paper copy of the document.

TITLE OF DOCKET ENTRIES

The user electronically filing a pleading or other document shall be responsible for designating a title for the document as part of the filing process that will be used to label the document in the online case-action summary. The system shall record on the online case-action summary that the electronic document has been filed.

PRIVACY AND SECURITY

As a general rule, certain enumerated records, reports, and information acquired or generated in juvenile courts concerning children are considered confidential pursuant to Ala. Code 1975, § 12-15-133(a). Therefore, any equivalent

electronically filed document or order considered confidential by law shall be kept confidential and shall be accessible only to those persons and entities listed in Ala. Code 1975, § 12-15-133(c).