



Efiling Probate and Guardianship Cases in the Hutchinson County Clerk's office

Our goal is to make sure the transition to eFiling is effective for both the filer and the receiver. We will work with the attorneys and their staff to make every effort to see that your documents are received and processed in a timely fashion. Please call our office if you have questions. Someone from the Clerk's office will call you if we have questions.

Note: All Probate and Guardianship Cases are filed in the County Court

General Information

1. Mandated in Hutchinson County – January 1, 2016 by The Supreme Court of Texas (Misc. docket # 13-9092)
2. County Clerk to begin permissive filing on June 1, 2014.
3. All filings will be through the electronic filing manager (EFM), **eFilexcourts.gov** (Misc docket # 13-9165 pg 2, (f)(3))
4. It is the responsibility of the filer to find and contract with an electronic filing service provider (EFSP). A list of service providers can be found at www.eFiletexas.gov. The filer is responsible for knowing how their EFSP works and who to contact for assistance if needed.

Guides/Requirements & Rules for Electronic Filing

1. Be familiar with the rules for eFiling set out by The Supreme Court of Texas (Misc. docket # 13-9165; 13-9172 and 14-9079).
2. Please **DO NOT** submit cover letter. Comments may be made in comment area of efile indicating what action you need from our office (i.e., requested citations and addresses for persons to be served).
3. **The email address of an attorney or unrepresented party who files electronically must be included on the document.** (Misc docket # 13-9165 pg 2, (f)(2))
4. **eFilexcourts.gov** will send a filing confirmation notice to the filing party.
5. Documents are considered timely filed if it's electronically filed at any time before midnight on the filing deadline (exception see #6 below). (Misc docket # 13-9165 pg2, (f)(5))
6. To ensure your citation is posted, the cut off day and time for filing of Probates and Guardianships is **4:30 PM** each **Thursday**. This allows the Clerk time to get the Citation issued and posted allowing for the 10 days to run.
7. **Copy of Wills should be submitted electronically.** The **Original Will** is due in Clerk's office within **3** business days after application has been submitted. Judge will be notified prior to hearing if original Will has not been received. (Misc docket # 13-9165 pg 3, (12))
8. Acceptable filing format is PDF format/text searchable, converted not scanned if possible. Document must not be locked. (Misc docket # 13-9172 pg 5, 3.1)
9. **Filer is responsible for redacting any sensitive information** (i.e., SSN-last 4 digits, DL#). Filer must retain unredacted version. (Misc docket # 13-9165 Rule 21c, pg 6)

10. Emailing is NOT eFiling. We will not accept your documents via email.
11. A proposed Order is a **LEAD** document, not an attachment. Please **DO NOT** send the order directly to the Judge's office. The order must be sent to the Clerk for filing and we will present it to the Judge for signature.

Citations

Citations served via Process Server: At this time, Personal Citations will still be issued in original format and the attorney will be responsible for picking them up at the Clerks' office.

Exhibits

Items that are scanned and accepted as electronic documents can be filed electronically under the event "No Fee Document" or entered in as attachments to other filings. The current rule does not require exhibits to be filed electronically. Therefore, items that cannot be filed electronically (i.e., hard objects, discs, etc.) may be filed over the counter or during court sessions.

Since exhibits are not required to be submitted electronically, you may choose to submit a document describing the item(s) with a statement in the filing indicating that it will be retained in the attorney's possession until needed (be it for a deposition, request for production of documents or during trial).

Changes of Venues and Transfers

When a transfer occurs because of venue, the filer must provide the court with the original case file and the filings that have occurred with it. All non-criminal pleadings fall under the mandate for electronic filing. Clerks will transfer cases to another county or court per their requirements.

The Clerk will be checking the following:

1. If it's a Hutchinson County Case (by looking at the Style of Case)
2. Case Types— are set by the JCIT Misc Docket No. 14-9197. *See attached OCA "Probate and Guardianship Section" chart for help in determining the case type.*
3. Fees are attached to the case type and cannot be removed by Clerk. We will send back for correction.
4. **Do not submit a cover sheets as lead document.** The lead document receives a file mark. Example: When filing for Letters Testamentary your documents should be submitted as follows:
Application (Lead Document), Civil Case Information Sheet (Lead Document), Will (Add another Lead document)
5. If multiple documents are placed in a single filing – they should be called lead documents to receive a file mark
6. Make sure the document orientation is right side up and in PDF format.
7. Fill in all parties (**please use all CAPS**) such as: Applicant, Decedent, attorney, addresses etc.
8. Explain in detail any action you need for the clerk to perform (i.e., citations) in the comment section when eFiling.
9. Documents with same cause number may be filed as one filing. Different cause numbers have to be filed separately.