

E-Filing Policy Issue - # 6
(Filing Verified Documents)

Issue: (State the issue and whether it is specific to a certain level of court or case type.)

Can a sworn verification be e-filed (in Family Law cases)?

Discussion: (Provide the factual setting or context for the issue.)

The following documents must be signed before a notary for filing in family law cases:

1. Acceptance or waiver of service pursuant to Rule 40(F) ARFLP;
2. Stipulation to substantially change custody or parenting;
3. Affidavit to obtain default judgment without hearing pursuant to 44(B)(1)(b) ARFLP;
4. Consent Decree pursuant to Rule 45 ARFLP.

Authorities: (Provide references to specific statutes, rules, codes or administrative orders you believe are pertinent to the issue.)

Rules of Family Law Procedure

Rule 14. Sworn Written Verification; Unsworn Declarations Under Penalty of Perjury

A. Sworn Written Verification. A sworn written verification is required for: (1) an acceptance or waiver of service under Rule 40(F), (2) a stipulation or agreement that substantially changes the terms of a custody or parenting time order, unless entered into in open court or conciliation services, (3) an affidavit submitted pursuant to Rule 44(B)(1)(b), or (4) a consent decree submitted to the court under Rule 45.

Alternative Solutions: (List all identified alternative solutions for the issue.)

- Require paper filing of these 4 verified documents.
- Allow filers to scan and e-file the verified document. (Is there an issue with the quality of the scan that needs to be addressed?)

Date: April 22, 2009

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Position/Recommendation: (Does the AOC E-filing team have a recommendation on this issue?)

The AOC E-filing team recommends that filers be permitted to scan and e-file all verified documents required by Rule 14, ARFLP (and any other court rule?).

Decision:

In general, TurboCourt forms can include “verification language” followed by /s/. In certain pleadings, statutes require notarization. For only these forms, the notary’s original seal must be scanned and attached or filed in paper form.