VERMONT
JUDICIARY

PROBATE E-FILING GUIDE

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INTRODUCTORY NOTES

Scope of this Filer Guide: This guide is NOT intended to be a comprehensive guide to use of the eFile & Serve System. It provides supplemental division-specific guidance for eFiling in the Civil Division. Detained instructions about registering and using the eFiling system are available at: https://odysseyfileandservecloud.zendesk.com/hc/en-us and additional Vermont-specific user guides and other information and training materials about electronic filing are available on the Vermont Judiciary's website at: https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing.

SYSTEM NAME UPDATES

The Vermont Judiciary's electronic case management and electronic filing systems have recently been rebranded by the vendor that produces them (Tyler Technologies), resulting in some updates to the labels by which those systems are known. For the court's case management system, the name "Odyssey" has been replaced by "Enterprise Justice" or "EJ" for short. For the electronic filing system, the name "Odyssey File & Serve" (OFS) has been replaced by "eFile & Serve" (EFS), with our specific Vermont version also being referred to as "eFileVT." It is understood that many internal and external users may still refer to these systems as Odyssey, and that is perfectly acceptable for purposes of communication to the court and among court users. This notice is being provided to offer context as to why the court's updated instructional materials and announcements will no longer reference the "Odyssey" systems. If there are any questions or concerns about these changes, please feel free to reach out to itsupport@vtcourts.gov

ACCESSING eFILE AND SERVE

All Vermont Courts are adopting universal eFiling in all dockets through the eFile & Serve (EFS) system, which is a web-based platform accessible from any modern browser on a computer or mobile device.

EFS can be accessed via a link on the Vermont Judiciary's website, or directly at: https://vermont.tylertech.cloud/OfsWeb/

REGISTRATION

Registration for eFiling is free and simple. All that is required is a valid email address. There are different registration options for firm/organizational users and independent users such as self-represented litigants. Instructions on how to register are found in the user guides and other materials in the "self-help" section of the EFS homepage.
Attorneys: Must register with BAR number, not ERN number.

Payment Account: Each user will need to set up a Payment Account to pay for court filing fees

(Individual users will be prompted after making their account and logging in to set up a Payment Account).

Note: all users including attorneys and self-represented litigants who choose to eFile must self-register. Court staff cannot complete registrations on behalf of filers or edit any user's registration information.

TRAINING AND SUPPORT

On the EFS homepage there is a "self-help" section with numerous resources:

- Live web training sessions and recorded trainings that can be viewed any time
- A Database of FAQs
- Chat and messaging with support personnel
- Training videos
- Downloadable user guides

Vermont-specific guides about filing in various division and case types are on the Judiciary website's eFiling page https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing, also accessible here from the homepage:

There is also a Judiciary eFiling helpdesk for Vermont-specific eFiling procedural questions at EFileSupport@vtcourts.gov. *Please use this email for eFiling questions and do not send eFiling questions to the main Judiciary Helpdesk email.*

NOTE: eFile and Serve is hosted and managed by Tyler Technologies. Court staff have only a limited ability to provide support for questions and issues related to the eFiling system.

FILING NEW CASES

After logging in to eFile & Serve, while on the Dashboard page, select "Start Filing" followed by "Start New Case."

LOCATION: Select the appropriate county
CATEGORY: Select "Probate or Mental Health" for all probate division case types

CASE TYPES

CHANGE OF NAME

Choose the correct case type:

- Change of Name Adult
- Change of Name Minor

ESTATES

Choose the correct case type based on the value of the Estate:

- Estate 1 – No Will - $10,000 or less
- Estate 1 – with Will - $10,000 or less
- Estate 2 – No Will – $10,001 to $50,000
- Estate 2 – with Will – $10,001 to $50,000
- Estate 3 – No Will - $50,001 to $150,000
- Estate 3 – with Will – $50,001 to $150,000
- Estate 4 – No Will - $150,001 to $500,000
- Estate 4 - with Will – $150,001 to $500,000
- Estate 5 – No Will – $500,001 to $1,000,000
- Estate 5 – with Will – $500,001 to $1,000,000
- Estate 6 – No Will – $1,000,001 to $5,000,000
- Estate 6 – with Will – $1,000,001 to $5,000,000
- Estate 7 – No Will – $5,000,001 to $10,000,000
- Estate 7 – with Will – $5,000,001 to $10,000,000
- Estate 8 – No Will – Greater than $10,000,000
- Estate 8 – with Will - Greater than $10,000,000

SMALL ESTATES

Choose the correct case type based on the value of the Small Estate:

- Small Estate 1 - $10,000 or less
- Small Estate 2 - $10,001 to $45,000

GUARDIANSHIPS

Choose the correct case type based on the request:

- Guardianship – Custodial Minor
- Guardianship – Financial Minor
- Guardianship – Involuntary Adult
- Guardianship – Permanent
- Guardianship – Voluntary

- Guardianship – Consensual Standby

TRUSTS

Choose the correct case type based on the value of the Trust

- Trust 1 – Estate - $10,000 or less
- Trust 2 – Estate - $10,001 to $50,000
- Trust 3 – Estate - $50,001 to $150,000
- Trust 4 – Estate - $150,001 to $500,000
- Trust 5 – Estate - $500,001 to $1,000,000
- Trust 6 – Estate - $1,000,001 to $5,000,000
- Trust 7 – Estate - $5,000,0001 to $10,000,000
- Trust 8 – Estate – Greater Than $10,000,000

VULNERABLE NONCITIZEN CHILD

- To file the petition, choose Filing Code of Initial Filing, just like any other Probate case type
- There are no filing fees associated with this case type, and eFilers must choose a Payment Account of Waiver to avoid the eFiling use fee

PERMISSION TO FILE PURSUANT TO 15 VSA SEC 1185

- To petition the court for an order restricting abusive litigation, choose code of Initial Filing
- There are no filing fees associated with this case type and eFiler must choose a Payment Account of Waiver to avoid the eFiling use fee

At any point in this process, you may select “Save Draft and Exit” in the bottom-left in order to save any current progress and come back to the filing later.

Select “Parties →” in the bottom-right to continue.

PARTY INFORMATION

- Fill in all party information as completely and accurately as possible
- After first party information entered, filer must click “Save” in the bottom-right before moving to enter next party.
- Required parties in each case type will be listed by default and must be added.
- Additional parties may be added by clicking the “add another party” button.
    - If “+ Add More” is clicked by accident, click “Cancel” in the bottom-right to return to the Parties screen.
    - If a party has been mistakenly added and needs to be removed, select the Trash Can icon next to the party’s name under “Actions” to delete the party (hovering over the icon will show text “Delete party.” There will be a confirmation pop-up asking to verify whether or not the party should really be deleted.

Select “Filings” in the bottom-right to continue.

FILINGS

Start by selecting “+ Add Filing.” This will bring you to a section to Edit Filing Details which is split into two sections:

- Filing Requirements
- Additional Services and Fees

FILING TYPE

If using the “eServe” feature (see info in user guides), select “eFile & Serve” from the Filing Type dropdown menu. Otherwise select “eFile Only.” Please see Vermont eService Guide for details on electronic service.

FILING CODE

For all new cases in the probate division, select **“Initial Filing”** as the Filing Code for uploading the **Petition or initial filing document**.

- Other documents that are often filed with the petition such as Bond, Consents, Funeral Bill, Will, etc., should be uploaded as separate documents (not attachments) and properly labeled with the correct Filling code.
- Filer must file Original Will, Death Certificate, and Birth Certificate with the court via mail or hand-delivery.

DOCUMENTS

- Documents must be uploaded in PDF Format
- Documents MUST BE FLATTENED (fillable fields and other embedded objects removed). Usually accomplished by “printing to PDF.” More detailed instructions available in VT Policy and Procedure Guide)
- Documents being uploaded can either be dragged from a folder and dropped into the gray box in eFile & Serve that says “Drag files here or,” or they can be uploaded by selecting “Select file” under the appropriate section (Lead Document or Attachments), and that will allow you to locate and upload files from a File Upload pop-up.
- The Petition or other initiating document should be uploaded as the “lead” document and other supporting documents should be individually as separate filings, which you do by saving changes, and click “Add Another Filing.”
- Each document uploaded must have a Security type selected or filer cannot proceed. Probate Documents should have a Security type of “Public Limited.”
- Documents containing confidential information such as social security numbers must be labeled as a “Confidential Document” from the Security dropdown menu by the document and where required by the new Rules of Electronic Filing (VREF 5(b) (5&6); PACR 7(a)(1)), a redacted version must also be filed.

LEAD DOCUMENT

Upload the Petition as the Lead Document.

ATTACHMENT

Upload any supporting document to the Lead document. Click Save after uploading Attachment.

ADD MORE

use this function to add documents separately and apart from the original lead document. Filer must click "Save" then click "+ Add More." This can be used for documents such as Bond, Consents, Funeral Bill, Will, etc.

ORIGINAL WILL, CERTIFIED COPY OF DEATH CERTIFICATE, CERTIFIED COPY OF BIRTH CERTIFICATE

Filer must file Original Will, Death Certificate, and Birth Certificate with the court via mail or hand-delivery.

OPTIONAL SERVICES

To request copies of documents, exemplified copies, certified copies, or public record retrieval.

- Click "Additional Services and Fees" directly under "Edit Filing Details" and to the right of "Filing Requirements" OR click "Add Additional Services →" in the bottom-right when scrolled to the bottom of the Filing Requirements Section.
- Check the box or boxes of whichever services you wish to use.
- If you wish to remove additional services that have been previously added, you can go back into the filing, go back into the Additional Services and Fees section, uncheck the boxes, and Save.
- Once all filings are set up (Additional filings can be entered by selecting "+ Add More" at the bottom of the Filings box), either select "Service →" or "Skip to Fees" in the bottom-right of the page depending upon whether the filing is eFile Only or eFile and Serve.

SERVICE FOR eFILE AND SERVE FILINGS

- Add service contacts by selecting "Add" and then picking an option from the dropdown menu. You can add yourself, someone from the Party List, someone from a Firm List, someone from a Public List, or choose to Add a New Contact.
  - You may add as many service contacts as you need. Contacts can also be edited or removed by clicking on the three stacked dot icon next to the contact's name and then selecting either "Edit Service Contact" or "Delete Service Contact."
- Select "Fees" in the bottom-right corner to proceed.

FEES

- Either select a payment account from the dropdown menu or add a new payment

account.
- If you are filing with an Application to Waive Filing Fees, you will need to create a Waiver Account to use for the filing fee, which will waive all filing fees.
- Select the person responsible for fees (The filer is responsible for fees)
- Filing Attorney – will populate when using Attorney Account
- Click "Calculate Fees" to see a breakdown of the fees for the filing(s).
- Select "Summary" in the bottom-right of the page to continue.

The Vermont Judiciary instituted a new per case filing fee structure for the e-Filing system, effective April 1, 2021. This new fee structure is the result of a collaborative effort and the culmination the e-Filing Fees Study Committee, as well as continued dialogue with the Vermont Bar Association and Tyler Technologies. The new per-case fee is $14.00 per filer or firm, payable upon a party's first filing. Convenience fees remain in place with a 2.89% processing fee for credit card payments and $1.00 per case for eCheck payments. However, a number of exemptions remain in place. All criminal filings are automatically exempt from the case fee and for any case type where there is no court fee, the party filing will not incur the user fee either.

PLEASE NOTE:

- The new per case fee is $14 per party, per filer within a firm, charged once upon first filing. If a party's representation changes from one firm to another, the fee will be charged again upon the new firm's first filing into the case. A pro se litigant who chooses to use the eFiling system is also required to pay the fee upon first filing. If a pro se litigant later seeks representation, the fee would be charged again upon the firm's first filing against the firm's payment account.

- Some filers may be erroneously reassessed the $14 charge as a result of merging of system entities in Enterprise Justice (a process to correct duplicate records for the same individual). When a party entity for whom the per case fee has been paid is merged into another entity for whom the fee has not been paid, the fee will assess again. Filers in those situations may contact Tyler Technologies for a refund.

EXEMPTIONS

For the following exemptions, parties must still choose a waiver account when filing:

STATUTORY OR RULE EXEMPTIONS

- Government and appointed filers, pursuant to 32 V.S.A. § 1433 and Rule 10(d)(1) of the Rules for Electronic Filing (2021)
- Stalking & Sexual Assault cases, pursuant to 12 V.S.A. § 5133(f)
- Relief from Abuse cases, pursuant to 15 V.S.A. § 1103(f)
- Abuse Prevention for Vulnerable Adult, pursuant to 33 V.S.A § 6933(b)

AS APPLIED ECONOMIC HARDSHIP EXEMPTIONS

- Fee waiver determination, pursuant to 32 V.S.A. § 1431(h) or 32 V.S.A. § 1434(b) in Probate cases, and

- Fee waiver determination, pursuant to V.R.C.P. 3.1 and V.R.P.P. 3.1

Government agency filers and others who are statutorily exempt from paying filing fees may file via a "waiver" account that can be set up for each registered user. There is a guide to creating a waiver account posted at https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing.

A waiver account would also be used by anyone filing an Application to Waive Filing and Service Fees (*formerly IFP/In Forma Pauperis)*. Filers upload the completed application in PDF format along with their other filing(s) and are notified after court review whether the application has been granted. If the request is denied, the filing will still be accepted but the filer will be sent a notice of a deadline for making payment of the appropriate fee.

Case filing fees paid to the Court are established by statute. Current fees and authorizing statutes are available at https://www.vermontjudiciary.org/fees

The latest updates and answers to frequently asked questions regarding electronic filing are available on the Judiciary website at https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing

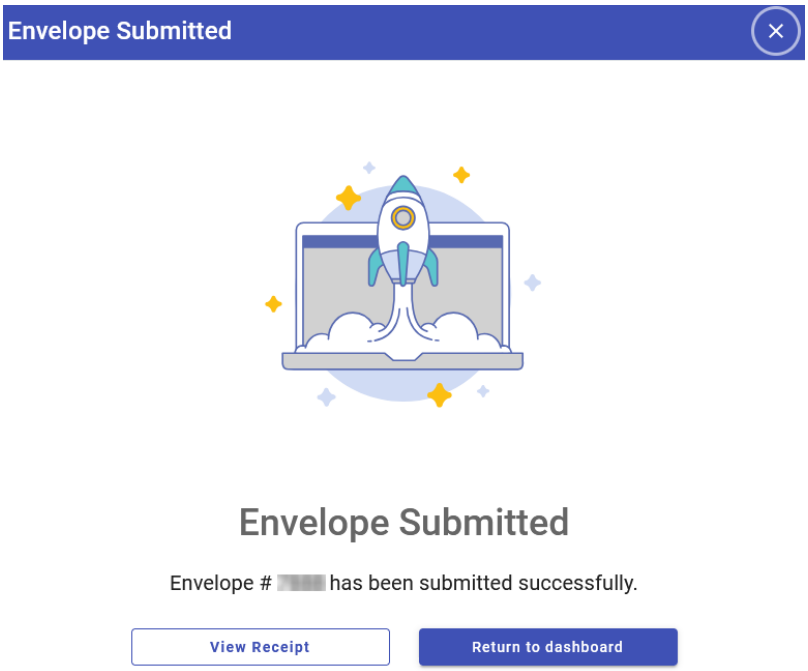
SUBMISSION AGREEMENTS

In order to submit a filing, boxes must be checked to certify:

- Compliance with the Rules for Public Access to Court Records
- Compliance with service obligations under V.R.E.F.

Along with the submission agreement checkboxes, this page also has a summary of the envelope information, including Case Information, Parties, Filings, and Fees. Each section has an Edit button in the top-right of the section that can be clicked to go back and make changes in that particular section. Once the boxes are checked under Submission Agreement and all information looks good in the summary, click on "Submit →" in the bottom-right of the page to submit the filing.

Once submitted, there should be a pop-up window in eFile & Serve indicating that the envelope submitted successfully and offering options to either view a receipt of the filing or to return to the eFile & Serve dashboard.



FILING INTO EXISTING CASES

All existing pending and closed cases will be searchable in EFS and available for making subsequent filings. For older cases that originated in the previous case management system, use the existing docket number in its full original format (including the 4 letter county initial/docket code at the end).

To start filing into an existing case, while logged into eFile & Serve and on the Dashboard page, select “Start Filing” followed by “File Into Existing Case.”

Location: Select the county where the case being filed into.
Search Options: Select the bubble to search for a case either via the Case Number or by searching the Party Name.

A Case Number will bring up one individual case while a Party Name search will bring up more cases if the party searched is/was involved in more than one case.

When the case being searched for appears, click on “Actions” in the top-right of the case followed by “File Into Case” to begin filing into the existing case.

Similarly to filing into a new case, there are sections for Case Information, Parties, Filings, Service, Fees, and a Summary. Case Information and Parties cannot be altered or amended here, however, additional parties can be added. Filings, Service, Fees, and Summary all follow the same general instruction as when filing a new case.

There are some specific things to note for particular filings that go into existing cases:

ESTATES—CHANGE IN ASSET VALUE PRE-DISPOSITION

- File into the Existing Case
- Select Filing Code of "New Asset – New Estate Value…" of the ***new value*** of the estate with the additional asset
- Filer will pay the new filing fee amount, and the court will refund the original filing fee
- Alternatively, filer can file the document with a different filing code (Document or whatever filing code is most appropriate), and mail a check to the court for the difference in fees. Filer should indicate their intention to mail a check in the Comments to the Court field or the Filing Description field.

ESTATES—CHANGE IN VALUE POST-DISPOSITION

- File into the Existing Case
- Select Filing Code of "Motion - Reopen Estate" of the new value of the estate with the additional asset
- Filer will pay the new filing fee amount, and the court will refund the original filing fee
- Alternatively, filer can file the document with a different filing code (Document or whatever filing code is most appropriate) and mail a check to the court for the difference in fees. Filer should indicate their intention to mail a check in the Comments to the Court field or the Filing Description field.

MOTION TO REOPEN ESTATE FOR REASON OTHER THAN ASSET CHANGE

- File into Existing Case
- Select Filing Code of "Motion - Reopen Estate" of the value of the estate

MOTIONS THAT REQUIRE A FEE

Motions that require a fee – such as "Motion to Allow Account – Estate" that is over 1 year and "Motion to Allow Account – Trust"

- File into Existing Case
- Select Filing Code of Motion to Allow Account (not Summary of Account) so that a fee will be assessed – otherwise the filing may be rejected

MOTION FOR PERMISSION TO FILE PURSUANT TO 15 VSA SEC 1182

To petition the court for an order to restrict abusive litigation in an existing case. There is no filing fee and filer may use a waiver account to avoid all fees.

POST JUDGMENT MOTIONS

- Most motions filed after judgment or disposition generally require a filing fee.
- If filing a post judgment motion, select the existing motion with a post-judgment fee or if there is not a listed motion, select Motion Miscellaneous with $90.00 fee.
- Motion to Reopen Estate is based on the value of the Estate (see previous section)

- Motion to Reopen Estate based on asset value change (see previous section)

AGENCY FILERS

Government Agency Filers and other entities who are exempt by rule or statute from paying any court filing fees will continue to be exempt from paying fees when filing in EFS. Such filers should set up a "waiver" payment account when registering and use this for filings made in the course of their official job duties.

WAIVER OF FILING FEES (FORMERLY KNOWN AS "IN FORMA PAUPERIS" PROCESS)

To request a waiver of filing fees when submitting either a new or a subsequent case filing through EFS, select "waiver" as the payment method (the filer must have a waiver account set up as a payment method – this can be done in the filer's EFS account settings).

You must include a completed Application to Waive Filing Fees (form # 228, available on http://www.vermontjudiciary.org) in PDF format.

Do not upload the form as an attachment to your lead document; rather, after uploading your other documents, click on "Add another Filing" and then use the filing code "Application to Waive Filing and Service Fees."

Cases will be accepted by the court through EFS regardless of whether the filer qualifies for a waiver or not. Review is completed by court staff after the initial acceptance from the eFiling system. If the request to waive fees is denied, or if the filer fails to submit the application form, they will receive notice from the court instructing them on how much is due and the date by which it must be paid to avoid dismissal of the filing.

APPEAL

When filing an Appeal of a Probate case, file the Notice of Appeal in the existing Probate case and pay the filing fee to the Probate Division.

REQUESTING COPIES, PUBLIC RECORD RETRIEVAL AND OTHER OPTIONAL SERVICES

Regular photocopies, certified copies and exemplified copies of court documents may be requested in the "optional services" section when submitting a filing.

IMPORTANT: When selecting any of these services, please also upload the document (the format does not specifically matter, and the filing code of "Document(s)" can be used) clearly stating the request including the specific documents for which you want printed copies, and

whether you need a regular, certified or exemplified copy. There are different fees for each so be sure to select the correct option.

Photocopies: Regular printed copies of court documents cost 25 cents/page and there is a $1.00 minimum for any copies, so if the document is 1-4 pages long the cost will be $1.00 (select the option for “photocopies 1-4”).

Printed copies of documents longer than 4 pages will be [# of pages X 25 cents] (select the option for “photocopies 5+” and enter the total # of pages of the document(s)).

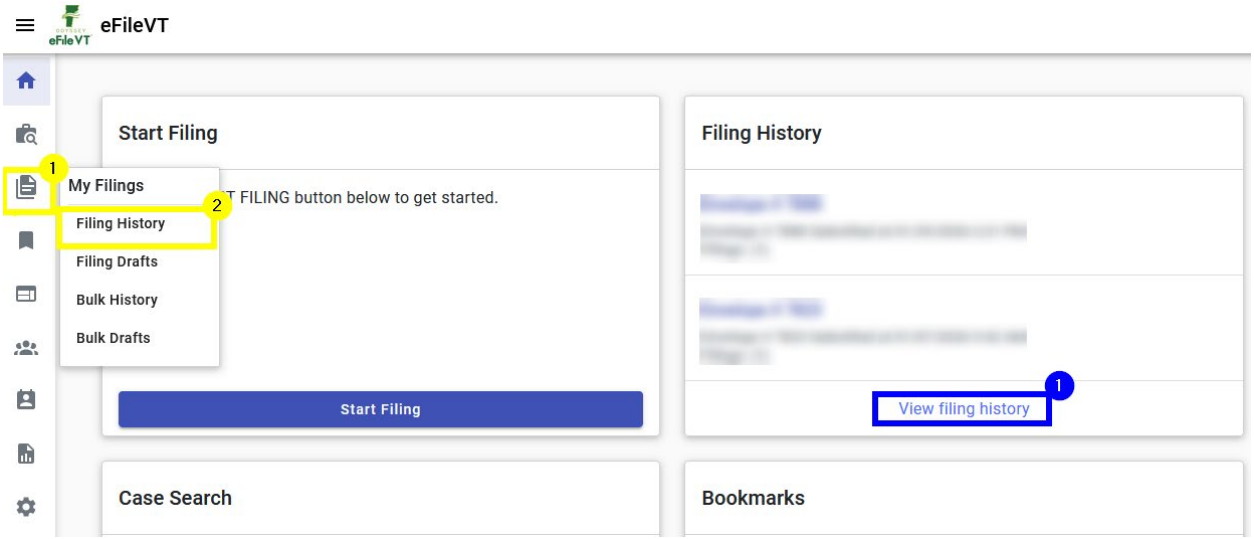
Please also indicate clearly on your filed request document whether you want the documents mailed to you (if so, specify address), or whether you wish to be notified when the copies are available for pickup (if so, specify notification method).

Certified Documents: Documents may be certified electronically and delivered to you via email if electronic certification is suitable for your purposes. Please specify if you would like that option (likely shorter turnaround time) or need a hard copy with a raised/embossed seal (may be required for some foreign jurisdictions).

REFILING AFTER REJECTION

When a filing is rejected:

- Filer will receive an email with the rejection reason and any comment the court may add
- Filer can see the envelope on the Dashboard of Filer’s Account
    - Click on either “View Filing History” in the middle of the dashboard page, or on the “My Filings” icon followed by “Filing History” on the left-side toolbar.



    - Find rejected envelope

- Locating the envelope can be made easier by changing sort options or changing search filters.
  - Click Actions
  - Click Envelope Details
- If filing was rejected, filer has 7 days to refile with a correct document in order to retain the original filing date. Process to follow:
  - On the rejected filing click “Copy this envelope”

SUPPORT AND TROUBLESHOOTING

CASE AND DOCKET-SPECIFIC QUESTIONS

Examples include which forms to file for a particular case type, or to check the status of a submitted filing please contact court staff or consult information available at https://www.vermontjudiciary.org/probate.

TECHNICAL ISSUES OR QUESTIONS RELATED TO THE FUNCTIONING OF eFILE AND SERVE

Please see the resources available in the “Self-Help” section on the EFS homepage. These resources include live assistance with Tyler Technologies support staff through various methods (phone, email, live chat) as well as a variety of user guides, FAQs and other sources of information.

Contact EFileSupport@vtcourts.gov