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PROBATE E-FILING GUIDE

Note: This document is NOT intended to be a comprehensive guide to use of the Odyssey File & Serve System. See information below regarding user guides, trainings and other materials for filers. This document provides supplemental division-specific guidance for e-filing in the Probate Division.

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Accessing Odyssey File & Serve

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

OFS can be accessed via a link on the Vermont Judiciary's website, or directly at:

<https://vermont.tylertech.cloud/OfsWeb/>

Registration

Registration for e-filing 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 OFS 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

Training and Support

On the OFS 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

Note: Odyssey File 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 e-filing system.

Filing New Cases

- a. **Location** – Select the appropriate county
- b. **Category** – Select "Probate or Mental Health" for all probate division case types
- c. **Case Types**

Change of Name - Choose the correct case type

1. Change of Name Adult
2. Change of Name Minor

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

1. Estate 1 – No Will - \$10,000 or less
2. Estate 1 – with Will - \$10,000 or less
3. Estate 2 – No Will – \$10,001 to \$50,000

4. Estate 2 – with Will – \$10,001 to \$50,000
5. Estate 3 – No Will - \$50,001 to \$150,000
6. Estate 3 – with Will – \$50,001 to \$150,000
7. Estate 4 – No Will - \$150,001 to \$500,000
8. Estate 4 - with Will – \$150,001 to \$500,000
9. Estate 5 – No Will – \$500,001 to \$1,000,000
10. Estate 5 – with Will – \$500,001 to \$1,000,000
11. Estate 6 – No Will – \$1,000,001 to \$5,000,000
12. Estate 6 – with Will – \$1,000,001 to \$5,000,000
13. Estate 7 – No Will – \$5,000,001 to \$10,000,000
14. Estate 7 – with Will – \$5,000,001 to \$10,000,000
15. Estate 8 – No Will – Greater than \$10,000,000
16. Estate 8 – with Will - Greater than \$10,000,000

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

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

Guardianships – Choose the correct case type based on the request:

1. Guardianship – Custodial Minor
2. Guardianship – Financial Minor
3. Guardianship – Involuntary Adult
4. Guardianship – Permanent
5. Guardianship – Voluntary

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

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

Vulnerable Noncitizen Child

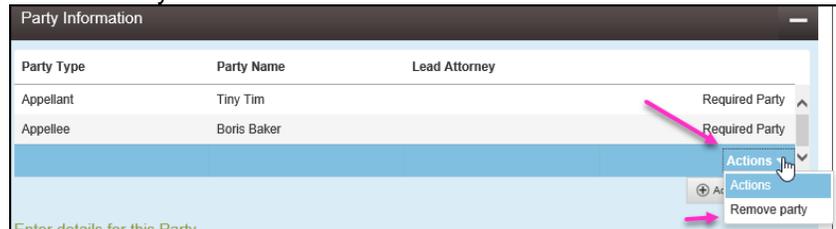
- To file the petition, choose Filing Code of Initial Filing, just like any other Probate case type
- There are no filing fees associated with this case type, and filer must choose a Payment Account of Waiver to avoid the e filing use fee

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 filer must choose a Payment Account of Waiver to avoid the e filing use fee

Party Information

- i. Fill in all party information as completely and accurately as possible
- ii. After first party information entered, filer must click “Save Changes” before moving to enter next party
- iii. Required parties in each case type will be listed by default and must be added.
 - a) Additional parties may be added by clicking the “add another party” button.
- iv. If filer accidentally clicks “Add Another Party”, to remove the line, click Actions, Remove Party:

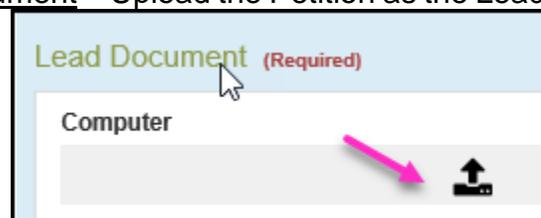


Filing Type and Filing Code

- i. **Filing Type:** If using the “eServe” feature (see info in user guides), select “eFile & 1. Serve” from the Filing Type dropdown menu. Otherwise select “eFile”.
- ii. **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**.
 1. 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.
 2. 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
 - 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 Filing¹, a redacted version must also be filed.
- Lead Document – Upload the Petition as the Lead Document



- a. Select document from computer to upload
- b. Click Save Changes if no Attachment to upload

¹ VREF 5(b) (5&6); PACR 7(a)(1)

- Attachment – Upload any supporting document to the Lead document
 - a. Click Save Changes after uploading Attachment
- Add Another Filing – use this function to add documents separate and apart from the original lead document. Filer must click “Save Changes” then click “Add Another Filing.” 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 and Fees: *Service to request copies of documents, exemplified copies, certified copies, or public record retrieval.*

- i. Click “Add Optional Services and Fees”
- ii. Select service in drop down
- iii. If filer accidentally clicks Optional Services and Fees
 - a. Click Actions and Remove Optional Service:



- b. Filer must click “Save Changes”

Fees

- i. Filer selects Payment Account (credit card or bank check or Waiver account if qualifying for in forma pauperis)
- ii. Filer selects person responsible for fees, which is the person party on behalf of whom the filing is being made
- iii. Filing Attorney – will populate when using Attorney Account
- iv. Click “Save Changes”
- v. *Service and Convenience Fees:* There will be a service and convenience fee added to the total due.

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 re-assessed the \$14 charge as a result of merging of system entities in Odyssey (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.*

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

- i. Filer must Certify that filer is in compliance with the Rules for Public Access to Court Records and has complied with all service requirements by checking the boxes
- ii. Click Summary

A summary of the Envelope displays, Filer must click “Submit” to complete filing of the envelope

Filing into Existing Cases

All existing pending and closed cases will be searchable in OFS 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).

- a. Select Location
- b. You can find case by entering case number or search for party name
- c. When case comes up, click Actions and select “File into case”

Estates – Change in Asset Value Pre-Disposition:

- i. File into the Existing Case
- ii. Select Filing Code of “New Asset – New Estate Value...” of the new value of the estate with the additional asset
- iii. Filer will pay the new filing fee amount, and the court will refund the original filing fee
- iv. 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 Asset Value Post-Disposition:

- i. File into the Existing Case
- ii. Select Filing Code of “Motion - Reopen Estate..” of the new value of the estate with the additional asset
- iii. Filer will pay the new filing fee amount, and the court will refund the original filing fee
- iv. 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:

- i. File into Existing Case
- ii. Select Filing Code of “Motion - Reopen Estate..” of the value of the estate

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

- i. File into Existing Case
- ii. 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

- i. Most motions filed after judgment or disposition generally require a filing fee.
- ii. 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.
- iii. Motion to Reopen Estate is based on the value of the Estate (see previous section)
- iv. Motion to Reopen Estate based on asset value change (see previous section)

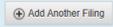
Agency Filers

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 OFS. 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 OFS, 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 OFS account settings).

You must include a completed Application to Waive Filing Fees (form # 228, available on 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”  then use the filing code “Application to Waive Filing and Service Fees.”

Cases will be accepted by the court through OFS regardless of whether the filer qualifies for a waiver or not. Review is completed by court staff after the initial acceptance from the filing 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 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

- a. When a filing is rejected:
 - i. Filer will receive an email with the rejection reason and any comment the court may add
 - ii. Filer can see the envelope on the Dashboard of Filer’s Account
 1. Click Returned Filings
 2. Find rejected envelope
 3. Click Actions
 4. View Envelope Details
 5. Click to Expand Filings Section
- b. If filing was rejected, filer has **7 days** to refile with a correct document in order to retain the original filing date.
- c. **Process to follow to refile after rejection:**
 - i. Click on Returned folder
 - ii. On the rejected filing, to far right, click Actions / “Copy this envelope”



Support and Troubleshooting

- a. 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>.
- b. Technical issues or questions related to the functioning of Odyssey File & Serve:
Please see the resources available in the “Self-Help” section on the OFS 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.
- c. Contact jud.efilesupport@vermont.gov