

WICSEC 2015

FORT WORTH
CITY OF COWBOYS AND CULTURE

Shaping the Future for Children

E-Service



wicsec
western interstate CHILD SUPPORT enforcement council
Dalworthington

From Personal Service to E-Service

- Personal service
 - Traditional hand-delivery of documents that initiate judicial legal proceedings
 - Notice required by due process to enable court to exercise personal jurisdiction over individual
 - Once jurisdiction exists and a binding court order has been made,

Meet Noel Biscocho



From Personal Service to E-Service

- Alternative service
 - Court approved alternative service following failure of other attempts at personal service.
 - Examples
 - Service on another person
 - Leaving documents at location
 - Publishing notice in the paper
 - Facebook service: New wine, old bottle

From Personal Service to E-Service

- Service in proceedings that follow judicial exercise of personal jurisdiction
 - By mail
 - Through e-service

Standards for Electronic Filing Processes

- Recommended in 2003 by Joint Technology Committee of NCSC, COSCA & NACM
- Standard 1.2A: *Court rules may provide that electronic transmission of a document through the electronic filing process to opposing counsel or parties who participate in the electronic filing process will satisfy the service requirements of court procedural rules....*

Governed by Court Rules

(a) Methods of Service. Every notice required by these rules, and every pleading, plea, motion, or other form of request required to be serviced under Rule 21, other than the citation to be served upon the filing of a cause of action and except as otherwise expressly provided in these rules, may be served by delivering a copy to the party to be served, or the party's duly authorized agent or attorney of record, in the manner specified below:

(1) ...A document filed electronically under Rule 21 must be served electronically through the electronic file manager if the email address of the party or attorney...is on file with the electronic file manager...

(2) ...A document not filed electronically may be served in person, by commercial delivery service, by fax, by email, or by such other manner as the court ...may direct.

Texas Rule of Civil Procedure 21a

Key Elements

- Not available for service of initial pleadings – e.g., original petition
- Electronically filed → electronically served
- Electronic file manager maintains registry of email addresses for service
- Opt-in for nonlawyers

Early Adopters in IV-D

- Florida: Fla. R. Jud. Admn.2.516
 - Mandatory e-filing statewide
 - Mandatory e-service in family law since 9/1/2012
- North Dakota: N. D. R. Civ. 3.5, 4, 5
 - Mandatory e-service except for original summons & complaint
 - Not required for pleadings by self-represented or by prisoners
- Court rules authorize but not fully implemented in other IV-D jurisdictions

Issues for IV-D Programs

- Unrepresented parties
- Access to technology = access to justice for parents
- Incorporating new technology into old technology systems
 - Functionality for both e-service and traditional service
 - Customer service

Limited Good News

- No evidence of cost v. benefit for e-service
- Potential cost savings
 - Printing
 - Mailing
 - Postage
 - Processing returned mail
- No lost documents with electronic record of service