

IN THE DISTRICT AND COUNTY COURTS
SEVENTH JUDICIAL DISTRICT
STATE OF COLORADO

ADMINISTRATIVE ORDER 97-2 FACSIMILE COPIES — Amended May 2011

C.R.C.P. 121 section 1-25 states that facsimile (Fax) copies may be filed with the courts in lieu of original documents. While the use of e-filing is the primary filing method for a number of case types with those case types expanding in the future, the use of Faxes provides some locations with flexibility to provide better service. It must be emphasized that the acceptance of facsimiles is neither guaranteed nor mandatory. Attorneys, parties and the general public should send Faxes only after approval by the court or by the clerk of court and only because the e-filing, mailing or delivery are not possible.

I. **Acceptance of Facsimiles (FAX)**. The only means of filing in civil, domestic relations, water, and probate case types is by e-file except pro se parties may use Faxes if approved. If a case is a mandatory e-file case, Faxes will **NOT** be accepted from attorneys. The courts of the Seventh Judicial District may accept Fax filings for all other case types upon approval by the court or by the clerk of court for limited and or emergency purposes. **Faxes** received without permission will be not be accepted. Filings requiring a fee will not be accepted by Fax. Employees/clerks will not have discretion to hold the document pending receipt of the required fee except by approval of the court or clerk of court. Any items filed by Fax that requires a fee or without prior approval will be returned to sender.

II. **Filing Location**. All Fax filings that are approved shall be sent to the court of record. This means the Fax shall be sent to the clerk in the location of the court, by county, where the case was originally filed or where a change of venue may have been granted. The clerk in the court of record shall date stamp the filing, enter the filing in ECLIPSE and place it properly in the case file or download to the e-file as appropriate. If the case file is out of county, the clerk shall hold the filing at his/her location for proper filing once a file is returned unless otherwise ordered by the assigned judge.

III. **Originals**. If a Fax is used for filing, the original **shall not** be mailed to the court of record by the filing party. (See CRCP 121 section 1-25 (2)). The facsimile copy shall be treated as an original for all court purposes. The original, if mailed, will be discarded upon receipt by the court. A certificate of filing (mailing/delivery) by Fax shall be included with each approved filing.

IV. **Fees**. All Fax filings shall be billed to the party sending the Fax or when requested by the party for the court to send a Fax. The fees for receiving or sending, at request of parties, shall be:

Fax filing/sending fee as per CJD 06-01 Section II(c)(iii) - \$1.00 per page.

CJD 06-01 Section II (c) (iii) - Faxes. A fee of \$1.00 per page may be charged for both incoming and outgoing faxes, unless the fax is requested by the court in which case the fee shall be waived.

There will also be no fee for documents received or sent from one court location to another or from other governmental agencies or political subdivisions.

Failure to pay the Fax bills as presented by the courts within 30 days of receipt shall result in the individual debtor being denied Fax privileges in all 7th Judicial District Court locations until all outstanding Fax debts are satisfied. No notice except the original bill will be sent to parties regarding payment except that the first page of the pleading with the notice of non-acceptance will be returned via Fax to the sender. The remainder of the document will be discarded and not filed. It is the responsibility of the party who filed the document to notify all parties that it was not accepted and not filed as noted.

V. All other specifics of CRCP 121 section 1-25 shall be complied with when filing by facsimile copy in the Seventh Judicial District.

Done this 4th of May 2011



J. Steven Patrick
Chief Judge

Colorado Rules of Civil Procedures
Rule 121
Section 1-25

1. *Facsimile copy, defined.* A facsimile copy is a copy generated by a system that encodes a document into electrical signals, transmits these electrical signals over a telephone/data line, then reconstructs the signals to print exact duplicate of the original document at the receiving end.
2. *Facsimile copies which conform with the quality requirements specified in C. R. C. P. 10(d)(1) may be filed with the court in lieu of the original document. Once filed with the court, the facsimile copy shall be treated as an original for all court purposes. If a facsimile copy is filed in lieu of the original document, THE ATTORNEY OR PARTY FILING THE FACSIMILE SHALL RETAIN THE ORIGINAL DOCUMENT FOR PRODUCTION TO THE COURT, IF REQUESTED TO DO SO.*
3. *The court is not required to provide confirmation that it has received a facsimile transmission.*
4. *Any facsimile copy transmitted directly to the court shall be accompanied by a cover sheet which states the title of the document, case number, number of pages, identity and voice telephone number of the transmitter and any instructions.*
5. *Payment of any required filing fees shall not be deferred for documents filed with the court by facsimile transmission.*
6. *This rule shall not require courts to have a facsimile machine nor shall the court be required to transmit orders or other material to attorney or parties via facsimile transmission. (See Comments C.R.C.P 121 Sec 1-25)*