

PROBATE COURT ADMINISTRATIVE ORDER 98-04

PROBATE COURT FORM REPRODUCTIONS; CERTIFICATION

The probate court recognizes that advances in technology enable individuals to reproduce probate forms from a variety of sources for use in the probate courts. Form reproductions are acceptable for use in the probate courts if the reproduction contains the identical wording, format, and pagination as an original court-furnished form. The font size or style may be different from that of the original form, and reproductions or photocopies of multi-paged probate forms may be single-sided. Facsimile or photocopied signatures, however, are not acceptable for any probate court.

Effective immediately, the previously required "Certification for Computer Generated Replica of Probate Form" is no longer necessary for any acceptable probate court form reproductions, including computer generated replicas. Rather, all probate courts shall consider that the party who signs and/or files the form reproduction has agreed that:

The document is a reproduction of the form of the same import furnished by the Register of Probate.

The party who signs and/or files the form reproduction shall be held accountable for its form and content. Discrepancies between a form reproduction and a court-furnished original may subject the party who signs and/or files the reproduction to court-imposed sanctions or penalties, including removal as fiduciary.

This Administrative Order does not abrogate that portion of Probate Court Rule 3 which states: "The Register may refuse to accept any petition, motion, or pleading that he or she determines does not comply with these rules or statutory procedure. If an objection is made to such determination, a written motion may be made to the court for a ruling upon such determination." Registers should note, however, that parties might continue for some time to file form reproductions containing the previously required certification language. The presence of the previous certification on an otherwise acceptable form reproduction should not be cause for a Register to reject the form reproduction.

This Probate Court Administrative Order supersedes Administrative Order 96-02 (Revised), of May 13, 1996, which is rescinded.

Effective Date: December 7, 1998

John R. Maher

Administrative Justice of Probate Court