

Notice Concerning the Operations of the Queens County Surrogate's Court as of June 25, 2021

In light of the announcement from the Governor that the declaration of a state of emergency has been rescinded, which, in turn, extinguishes the Executive Orders that were predicated on such declaration, the Surrogate's Court, Queens County is modifying some of its current procedures, effective immediately.

COURTHOUSE FACILITY

While all personnel have now returned to our offices, some restrictions still remain pertaining to admittance to the courthouse. Unscheduled personal appearances at our departmental offices are still not permitted.

Public access to the record room remains available by prior appointment for defined time periods. Further information regarding such access, including how to make an appointment, can be found on the Court's website under

"Important Information - Record Room Access"

Unfortunately, online access to our record room through WebSurrogate is still not available. We will notify the public as soon as updates by the Department of Technology are finished and this useful feature is operating again.

FILINGS

All submissions will continue to be made exclusively by electronic filing through NYSCEF (e-filing)

(<https://iapps.courts.state.ny.us/nyscef/HomePage>).

Original documents (certificates of birth or death; wills; trusts; original bonds) may be submitted as follows:

By Mail: A party may submit original documents by overnight or special mail service only. First class mail is not permitted. This is to ensure submissions may be tracked.

In Person: Original documents may be left in a drop box currently located on the first floor of the courthouse.

PAPERS OF ANY TYPE CANNOT BE PERSONALLY DELIVERED TO THE DEPARTMENTS.

All Petitions and Orders to Show Cause submitted to the Court MUST contain a valid e-mail address and phone number before a proceeding will be filed.

PROCESS AND PROCESS CALENDARS

Procedures for the issuance of citations and for objections currently in effect shall remain the same.

All Citations must still be served with a **Notice** and a **Citation Response Form**. Copies are included on this site.

Citations are still returnable on Thursdays. Appearances-virtual or otherwise-will NOT be required on the return dates of Citations or Order to Show Cause unless expressly directed by the court.

If a person served with a citation wishes to contest the relief requested, they **MUST** contact the Court in the manner set forth in the Notice and file a Citation Response Form. If a Citation Response Form is not sent to the Court as set forth in the Notice, the person served will be found to have consented to the relief requested.

If a Citation Response Form is sent to the Court in accordance with the Notice (containing a valid email address), the parties will be notified of a conference date subsequent to the citation return date to determine how and when responsive pleadings are to be filed. All such conferences will be held via **Microsoft Teams**.

Attorneys and unrepresented parties must download Microsoft Teams on their computer (equipped with a microphone and camera) or smart phone in order to participate in these conferences.

For assistance with the application, you may visit:

https://pulse.microsoft.com/uploads/prod/2020/03/Microsoft_Teams_Quickstart.pdf

SERVICE OF PROCESS

Affidavits of service **MUST** properly reflect the service of the Citation, Notice, and Citation Response Form, along with any other required documents.

In matters commenced by Orders to Show Cause, affidavits of service must reflect the service of the Order to Show Cause, supporting papers, and the Order to Show Cause Response Form.

The court is adhering to its prior determination that personal delivery of Citations and Orders to Show Cause are impracticable. Accordingly, Citations may still be served upon NY residents by mail in the first instance. Orders to Show Cause will reflect the manner of service permitted in their content.

ORDERS TO SHOW CAUSE

Proceedings instituted by Order to Show Cause must follow the same procedures set forth above, including the insertion of the required Notice in the body of the Order to Show Cause and an **Order to Show Cause Response Form**.

All Orders to Show Cause submitted to the Court must have the following language:

NOTICE: THIS ORDER TO SHOW CAUSE IS SERVED UPON YOU AS REQUIRED BY LAW. PHYSICAL PRESENCE AT THE COURTHOUSE ON THE RETURN DATE IS NOT REQUIRED. HOWEVER, IF YOU WISH TO CONTEST THE RELIEF REQUESTED, YOU, OR AN ATTORNEY ON YOUR BEHALF, MUST CONTACT THE COURT PRIOR TO THIS DATE IN THE MANNER SET FORTH IN THE ATTACHED NOTICE. IF YOU DO NOT CONTACT THE COURT AS SET FORTH IN THE NOTICE IT WILL BE FOUND YOU CONSENT TO THE RELIEF REQUESTED.

The Order to Show Cause must be served with the Notice and an Order to Show Cause Response form.

Affidavits of service must reflect service of the Order to Show Cause, the papers upon which it is based, the Notice, and an Order to Show Cause Response Form.

Appearances - virtual or otherwise – will NOT be required on the return dates of Citations or Orders to Show Cause unless expressly directed by the court.

CITATION/ORDER TO SHOW CAUSE RESPONSE FORM

A Citation or Order to Show Cause Response Form must contain the information requested of the PARTY objecting, or responding-NOT their counsel.

counsel will separately file a Notice of Appearance.

IMPORTANT: The filing of a Notice of Appearance by counsel does NOT constitute the filing of a Response Form. Many parties appear, not all object and the clerk is unable to make such distinction on filing.

1404 AND 2211 EXAMINATIONS

SCPA 1404 and 2211 examinations will be held at a time and location mutually convenient to the parties on a date approved by the Court. Dates for same will be ordered at a scheduling conference held after the return date of the matter if a proper Citation or Order to Show Cause Response Form has been submitted.

CONFERENCES

Conferences will be scheduled by the Court and parties will be notified by email of the particulars.

All Preliminary and Calendar scheduling conferences will be held remotely.

Pre-Trial conferences will be held either remotely or in person at the courthouse at the sole discretion of the Court. Parties defaulting in appearing at said conferences shall be bound by any and all orders issuing therefrom.

HEARINGS AND TRIALS

Article 17-A Guardianship hearings will be held remotely via Microsoft Teams.

All other hearings and non-jury trials will be conducted in person or remotely depending on the number of parties involved, complexities of the issues, or time constraints at the sole discretion of the Surrogate.

Jury trials will be calendared and held in the Surrogate's Court as its schedule and safety precautions dictate.

EMERGENCY APPLICATIONS

Parties seeking to file Emergency Applications MUST FIRST e-mail : qnssurr-emergency@nycourts.gov prior to coming to the courthouse.

MOTIONS

Working copies of all Motions, Opposition, Reply, and Exhibits, MUST be submitted on or before the return date. Exhibits must be tabbed. Commencing with the Aug 5, 2021 calendar all motions may be scheduled for oral argument in Courtroom 62. The parties will be advised on the date of submission of the date for oral argument.

MEDIATION

As a reminder, all cases filed in Surrogate's Court are presumptively qualified for mediation. Accordingly, the Court reserves the right to refer any matter to mediation and will notify the parties of the same at the original conference.