

**INFORMATION CONCERNING THE FILING OF OBJECTIONS AND
REBUTTAL IN A PROCEEDING BEFORE A SUPPORT MAGISTRATE**

You have received a copy of an order of support signed by a Support Magistrate and a copy of the Support Magistrate's findings of fact upon which the order is based. **This order must be obeyed.**

Either party has a right to file specific written objections to this order with the Clerk of the Court. These objections must be filed within thirty (30) days of the date the order was received in court or personally served or, if the order was received by mail, within thirty-five (35) days of the mailing of the order. The objections then will be reviewed by a Judge of the Family Court. **Even if objections are filed, the amount ordered by the Support Magistrate must continue to be paid unless and until a Judge signs a different order.**

PROCEDURE FOR FILING OBJECTIONS

1. The objections must be in writing and contain the name and docket number of the case.
2. The reasons for your objections and the parts of the order objected to must be clearly stated.
3. The opposing party must be served with a copy of the objections, either in person or by mail, and **the affidavit of service on the reverse side must be filled out and notarized.**
4. The **original** of the objections and the affidavit of service must be filed with the Clerk of the Court, **One Niagara Plaza, Buffalo, NY 14202, within (30) days of the date the order was received in court or personally served or, if the order was received by mail, within thirty-five (35) days of the mailing of the order.**
5. A transcript will not be necessary unless the Judge requires one. If so, the Clerk of the Court will provide information on how to obtain a duplicate copy of the recording or a transcript. The person filing objections must pay the cost for the duplicate recording or transcript.
6. Even if the Judge does not require a transcript, either party may request a duplicate recording or transcript, and the requesting party must pay the fee.
7. If an objecting party cannot afford to pay for a duplicate recording or transcript, when it is required by a Judge, the Clerk of the Court will provide information about the procedure for obtaining the duplicate recording or transcript without charge.
8. The party served with objections has a right to file a rebuttal. A rebuttal is an answer to the objections.

PROCEDURE FOR FILING A REBUTTAL

1. A rebuttal to objections must be in writing and contain the name and docket number of the case.
2. It must state the date the objections were received, the specific objections being answered and the reasons for the rebuttal.
3. The rebuttal must be filed with the Clerk of the Court. The opposing party must be served with a copy of the rebuttal, either in person or by mail, **within thirteen (13) days after receipt of the objections, and an affidavit of services must be filled out.** The Clerk of the Court will make a sample affidavit available.

The Affidavit of Service must be filled out and the copy of objections served by the Deponent. The Deponent must serve a copy of the Objections upon the **OPPOSING PARTY**, unless the opposing party has a lawyer, in which case the Deponent must serve a copy of the Objections upon the attorney for the opposing party. In cases where the Erie County Department of Social Services is acting "on behalf of" (o/b/o) the opposing party, a **copy** of the Objections must be served upon the Erie County Department of Social Services, Office of Counsel, 746 Rath Building, 95 Franklin Street, Buffalo, NY 14202. **The Affidavit of Service together with the Objections must be timely filed with the Court at One Niagara Plaza, Buffalo, NY 14202.**

AFFIDAVIT OF SERVICE

For Personal Service or Service by Mail

FAMILY COURT
STATE OF NEW YORK
COUNTY OF ERIE SS:

Docket No: _____

_____, being duly sworn, deposes and says, that Deponent is
(Print Deponent's Name)

over 18 years of age, and resides at _____; and further:
(Print Deponent's address -- Include Number, Street, , City and State)

Personal Service

That on the _____ day of _____, 20____ at approximately _____ M., Deponent served a copy of the Objections to an
(Day) (Month) (Year) (Time - A.M. or P.M.)
order of support issued under Docket Number _____ upon _____, by delivering
(Docket No.) (Name of opposing party or opposing attorney)
a true copy of the Objections to h_____ personally at _____.
(Him/Her) (Address at which Objections were served on opposing party or opposing attorney - Include No., Street, City, State)

Deponent knew the person so served to be the person mentioned and described as follows:

- | | | | | | | |
|---------------------------------|--------------------------------------|--------------------------------------|-------------------------------------|---------------------------------------|------------------------------------|---|
| <input type="checkbox"/> Male | <input type="checkbox"/> White Skin | <input type="checkbox"/> Black Hair | <input type="checkbox"/> White Hair | <input type="checkbox"/> 14-20 Yrs. | <input type="checkbox"/> Under 5' | <input type="checkbox"/> Under 100 lbs. |
| <input type="checkbox"/> Female | <input type="checkbox"/> Black Skin | <input type="checkbox"/> Brown Hair | <input type="checkbox"/> Balding | <input type="checkbox"/> 21-35 Yrs. | <input type="checkbox"/> 5'0"-5'3" | <input type="checkbox"/> 100-130 lbs. |
| | <input type="checkbox"/> Yellow Skin | <input type="checkbox"/> Blonde Hair | | <input type="checkbox"/> 36-50 Yrs. | <input type="checkbox"/> 5'4"-5'8" | <input type="checkbox"/> 131-160 lbs. |
| | <input type="checkbox"/> Brown Skin | <input type="checkbox"/> Gray Hair | | <input type="checkbox"/> 51-65 Yrs. | <input type="checkbox"/> 5'9"-6'0" | <input type="checkbox"/> 161-200 lbs. |
| | <input type="checkbox"/> Red Skin | <input type="checkbox"/> Red Hair | | <input type="checkbox"/> Over 65 Yrs. | <input type="checkbox"/> Over 6' | <input type="checkbox"/> Over 200 lbs. |

Other Identifying Features: _____

OR *****

Mail Service

That on the _____ day of _____, 20____ Deponent served a copy of the Objections to an Order of support issued under
(Day) (Month) (Year)
Docket No. _____ by mailing a true copy of the Objections to _____, addressed to
(Docket No.) (Name of opposing party or opposing attorney)
_____, that being the address
(Address to which Objections were mailed to opposing party or opposing counsel - Include No., Street, City, State)
designated by the said opposing party in the petition filed herein or is the last known address of the opposing party, by depositing a
copy of Objections, properly enclosed in a post-paid wrapper in a Post Office Mailbox regularly maintained by the United States
Government in the City of _____, County of _____.
(City of Post Office Mailbox) (County of Post Office Mailbox)
from where Objections were mailed) from where Objections were mailed).

Sworn before me this _____ day of _____, 20____

Notary Public

Signature of Deponent (Server)

Printed Name of Deponent (Server)