

## **TIPS AND TOPICS TO SPEED UP E-FILING WITH SURROGATE'S COURT**

### **I. Essential Step Prior To E-Filing Input**

Prior to inputting any information to an initial file, an inquiry should be run on the Decedent's Last Name, using the first initial to determine if a file is already open. Due to the numbering system at Surrogate's Court, an inquiry based on the file number alone may not produce accurate results.

### **II. Original Input of Case Information**

1. An error in inputting the original case information can significantly delay the proceeding as any changes with respect to the original input cannot be made locally, but must be done at the Statewide level.
2. Case name must be entered as follows:
  - a. Initial entry must be identical to the signature on the Will.
  - b. If the name on the death certificate is different, that becomes an "a/k/a".
  - c. If the name on the Will does not match the signature, that also becomes an "a/k/a".
  - d. No punctuation or spaces should be used when entering the name or the a/k/a. (i.e. Mc Carthy should be input as McCarthy)
3. Most common errors
  - a. Spelling
  - b. Improper entry of date of death (proofreading would resolve many of these issues).
4. Any "comments" indicated in the "comments" section of the e-file on initial input currently remains with the file throughout the proceeding. The court is attempting to rectify this.

### **III. Other Information**

1. Failure to file accurate or correct documents delays the proceeding and requires filing of amendments:
  - a. Review documentation
    1. Scanned documents should be previewed on your computer before they are sent to the Court to make sure that they scanned properly and are legible.
    2. Documents should be scanned right side up as the Court Processor cannot correct the view of the scan.

3. When submitting an attorney certified death certificate, the attorney signed certification should appear on the back of the death certificate. The front and the back of the death certificate should then be scanned to the court.
  4. If death certificate is not legible when scanned, it is suggested to print the scanned death certificate and then rescan.
  5. Dates, names, addresses and values should be proof read before emailing.
2. Like documents can be scanned together, for example:
    - a. Waivers (except Waivers of funeral home)
    - b. Releases
    - c. Notices of Probate
    - d. Proofs of Service
  3. The order of filing the documents does not matter to the Court.
  4. If the drop-down box does not have the name of the document you are looking for with respect to the proceeding you are filing, i.e. if you are filing a release prior to settlement, use "Other Document" and explain this in the Comments Box.
  5. Attached to this Memo is a printed list of the document drop down options for various proceedings.
  6. "Request for Surrogate's Court Action" – a new one must be completed with each filing.
    - a. **Do Not** re-use your original Request for Surrogate's Court Action. Prepare a new one for each filing with comments pertaining to what is being requested.
    - b. **Do Not** submit a blank Request for Surrogate's Court Action.
    - c. For Court certified documents or request for Certificates of Appointment, use a "Request for Surrogate's Court Action Non-Proceeding Relief" form as it speeds up the processing, and it also assists the Court in the credit card billing. To do this, your e-file request must be through "File a Proceeding/Document in an E-filed estate" rather than through "Request for Court Certified Documents in and E-Filed Proceeding."
  7. Credit Cards and Document Return.
    - a. Make sure credit limit is large enough to cover anticipated filings for at least one (1) month.
    - b. To ensure rapid return of requested documents, Surrogate's Court will keep your pre-paid self addressed envelopes on file and when filing your Request for Surrogate's Court Action, you should indicate that the item should be returned to you in the self-addressed envelopes located at the Court. If self-addressed stamped envelopes are not provided, the court

will place the documents into the attorney pick-up drawer located at the main desk.

- c. There are two ways to pay for e-filing:
  1. **Pay with your credit card on e-file Website.** Insert credit card information directly on website. You must insert information with each filing.
  2. **Pay at Court** – You may pay by check, cash, money order or credit card at the court. If you wish to “Pay at Court” using a credit card, you must have a Credit Card Authorization form (see attached) on file with the Court. This authorization should be faxed or e-mailed to the court’s secure mailbox by using the information provided on the form. You must indicate on your e-filed Request for Surrogate’s Court Action form that you wish to “pay at court using your credit card on file.”

8. General.

- a. With respect to filing issues, all questions should go through Jeanette Helms at [jhelms@courts.state.ny.us](mailto:jhelms@courts.state.ny.us) or Joe DeAntonis at [jdeanton@courts.state.ny.us](mailto:jdeanton@courts.state.ny.us) , not through other Court staff members or Court attorneys.
- b. With respect to substantive legal issues, they should be directed to the assigned Court attorney by email.
- c. To determine Court attorney assigned to the proceeding, contact Main Desk at 845-2599 or Joe DeAntonis at 845 -2577 or his email [jdeanton@courts.state.ny.us](mailto:jdeanton@courts.state.ny.us)
- d. Failure to make payment – the Court cannot process the filing
- e. Failure to file original Will or original or attorney certified death certificate - the Court may process, but the Court will not take action, i.e., granting Letters, etc. If an attorney certified death certificate (front and back) is scanned to the court, it is not necessary for an original death certificate to be filed with the original Will.

9. Expedited Procedure.

- a. To Expedite the Court’s handling for filing Wills, death certificates, or sending checks, the Court requests that the cover letter or envelope indicate “**E-FILE.**”
- b. Note that there is a **drop-off bin** at the front desk for e-filed documents including original Wills, death certificates and checks.

10. Guardian Ad Litem.

Consent, Oath & Designation and Reports can be e-filed.

**11. When attorneys e-file, they are responsible to have the ORIGINAL DOCUMENTS in their possession.**