

Suffolk County Surrogate's Court
Updated Protocols
Including Citations, Process Calendars, Conferences, Hearings and Trials

May 19, 2022
(631) 852-1745

1. The Surrogate's Court is open. If you have any questions, please call (631)852-1745 or the telephone number of a specific department.
2. You may file original wills and death certificates in person at the Surrogate's Court, 320 Center Drive, Riverhead, New York.
3. As we move forward with a return to normalcy, court appearances, including conferences, hearings and trials, will be in-person. Virtual appearances may be permitted in the court's discretion. The process calendar will continue to be handled by submission only, with the following types of matters presumptively an in-person appearance:
 - (a) Orders to Show Cause,
 - (b) Orders to Attend and be Examined (SCPA 2103), and
 - (c) Orders to Compel Production of a Will

Responsive pleadings shall be submitted through NYCEF, if represented by counsel, or by mail or NYSCEF if unrepresented.

4. COVID protocols and social distancing requirements may limit access to the courthouse.
5. COVID protocols require a temperature check upon entrance to the courthouse and the wearing of appropriate face covering – which covers both the nose and mouth – at all times.
6. We will continue our normal electronic filing rules and process matters in the order in which they are received. However, the court continues to give estates involving COVID-19 related deaths a priority (AO/115/20). Please alert the court by affidavit/affirmation if your proceeding involves a COVID-related death.
7. In pending proceedings, Guardians ad Litem and Attorneys for the Child may schedule an appointment to review the file at the courthouse.
8. Conferences held by a member of the Law Department may be held in-person or by telephone or video. All video conferences will be conducted using Microsoft Teams.

We will work with you to set up a convenient time and method to hold the conference. Please call (631)852-1745 if you have any questions.

9. Matters referred to mediation through the court's mandatory Alternate Dispute Resolution (ADR) program will be referred to roster mediators, with an option for private mediation. (See separate protocols for information on mediation).
10. Motions are taken on submission unless oral argument is requested and granted. All oral arguments will be conducted remotely until further notice. Please confine any request for oral argument to urgent matters. When filing motions, please be guided by the following:
 - a. All motions must be returnable on a Tuesday process day. Please see attached calendar for all process dates through the end of the year.
 - b. Motions must be e-filed – hand delivered papers will be deemed rejected and not considered.
 - c. All responding papers must be e-filed by 4:00 p.m. on the date due.
 - d. Requests for adjournments will only be considered if received at least one day prior to the return date.
 - e. Supporting Affirmations and Affidavits must be uploaded separately from exhibits.
 - f. In pending contested matters, counsel may request a telephone conference with the assigned law assistant prior to e-filing the application, especially if the motion relates to discovery.
 - g. We do not require working copies.
11. The court will call the process calendar at 9:30 a.m. Unless otherwise provided for in these protocols, or allowed and arranged in advance, all matters will be on submission. Calendar markings will be posted on our website each week.
12. Petitioners and/or counsel must submit proposed citations with following language:
 - a. advising interested parties that no physical court appearance is required and the steps that must be taken to preserve his/her right to oppose the relief requested on the citation, namely, that if they object to the relief requested, they must notify the court in writing prior to the return date. In the absence of either timely filed objections, a stated intention to file objections or a request for adjournment from the cited party, the court will assume that the party has no objection.
13. We have attached our local form of citation for various proceedings, which includes the required language.
14. Service of process will follow the statutory provisions of Article 3 of the SCPA. The Order for Alternative Service and Appearance Rules promulgated during COVID-19 will no longer be issued.