

# Notice Concerning the Operations of the Queens County Surrogate's Court as of July 16, 2020

In furtherance of Chief Administrative Judge Mark's directive to minimize courthouse traffic and limit physical appearances, the Surrogate's Court, Queens County, is implementing the following rules as of July 16, 2020 and lasting until further notice:

## COURTHOUSE FACILITY

Effective immediately, Queens Surrogate's staff are now back working at 88-11 Sutphin Boulevard, Jamaica. In order to ensure the safety of employees and court officers, and in adherence to all current Executive Orders and public health guidelines, restrictions have been established governing personal appearances at the courthouse. Unfortunately, personal appearances at our offices are still not permitted.

## FILINGS

Pursuant to AO 114-20 (<https://www.nycourts.gov/whatsnew/pdf/AO-114-20.pdf>) issued by Judge Marks effective May 25, 2020, all new matters and any further submissions required in currently pending matters must be filed exclusively by electronic filing through NYSCEF (e-filing) (<https://iapps.courts.state.ny.us/nyscef/HomePage>).

## PENDING MATTERS

All unresolved matters calendared prior to the Court's cancellation of in person operations have been administratively assigned new return dates as follows:

<b>ADMINISTRATION DEPARTMENT</b>	<b>August 11, 2020</b>
<b>PROBATE DEPARTMENT</b>	<b>August 12, 2020</b>
<b>MISCELLANEOUS DEPARTMENT</b>	<b>August 18, 2020</b>
<b>ACCOUNTING DEPARTMENT</b>	<b>August 19, 2020</b>

**Personal appearance is neither required nor permitted.** Procedures for the issuance of citations and for objections for pending and new matters are set forth below.

## PROCESS AND PROCESS CALENDARS

As personal appearances are not yet allowed, the Court has had to change procedures with regard to the service and return of process and the process calendar. New citations now must be served along with a **Notice** and a **Citation/Order to Show Cause Response Form**, all of which are included on this site. If the person served with the citation wishes to contest the relief requested, they **MUST** contact the Court in the manner set forth in the Notice and submit a Citation/Order to Show Cause Response Form. If a response form is not received by the Court as set forth in the Notice, the person served will be found to have consented to the relief requested.

If a properly completed Citation/Order to Show Cause Response Form is received by the Court, the parties will be contacted to arrange for a conference via **Skype-for-Business**. Attorneys and unrepresented parties must download Skype-for-Business on their computer (equipped with a microphone and camera) or smart phone in order to participate in the conference. For assistance with the application, you can visit:

<https://www.nycourts.gov/legacyPDFS/courts/5jd/Joining-Skype-For-Business-QA.pdf>  
<https://support.microsoft.com/en-gb/skype-for-business>;  
<https://nysba.org/how-new-yorks-courts-use-skype-for-business-and-what-you-need-to-know/>

Counsel for petitioners in uncontested matters should review, complete and file an **Affirmation of No Contest** upon completion of jurisdiction. A link is included with our Forms.

## **1404 AND 2211 EXAMINATIONS**

Effective immediately, examinations pursuant to SCPA 1404 and 2211 will not be conducted in the courthouse, but will be held at a time and location mutually convenient to the parties on a date approved by the Court. Dates for same are to be arranged through e-mail to the calendar clerk:

[qnssurr-calendar@nycourts.gov](mailto:qnssurr-calendar@nycourts.gov)

## **CONFERENCES**

Preliminary and Pre-trial conferences will be conducted via Skype-for-Business.

## **HEARINGS AND TRIALS**

All hearings and non-jury trials will be held via Skype-for-Business. Parties will be notified by the Court of new dates.

## **EMERGENCY APPLICATIONS**

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

## **ORDERS TO SHOW CAUSE**

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. AS A RESULT OF THE MEASURES ADOPTED BY THE COURT TO COMBAT THE SPREAD OF COVID-19, PHYSICAL PRESENCE AT THE COURTHOUSE ON THE RETURN DATE IS NOT POSSIBLE. THEREFORE, 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 a Notice and a Citation/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 a Citation/Order to Show Cause Response Form.

## **MOTIONS**

Motions in pending matters will be given a briefing schedule or, if all opposition and reply papers are in the file at the time of the calendar date, marked submit. New motions may be made returnable on a Thursday from September 10, 2020 onward. The Court will contact the parties if a virtual oral argument is desired.

Please stay safe and healthy.

Honorable Peter J. Kelly  
Surrogate  
Queens County