

Notice Concerning the Operations of the Queens County Surrogate's Court as of October 5, 2020

Until further notice, and in furtherance of Chief Administrative Judge Marks' directive to minimize courthouse traffic and limit physical appearances, the Surrogate's Court, Queens County is implementing the following rules as of October 5, 2020.

COURTHOUSE FACILITY

A limited number of Queens Surrogate's staff are now 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 admittance to the courthouse. Unfortunately, personal appearances at our departmental offices are still not permitted.

However public access to the record room is now 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"

FILINGS

Pursuant to AO 115-20 (<https://www.nycourts.gov/whatsnew/pdf/AO-115-20.pdf>) issued by Judge Marks effective May 28, 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>).

Parties seeking to file original documents can do so by overnight or special mail service OR by leaving the documents in a drop box located on the first floor of the courthouse. PAPERS CANNOT BE PERSONALLY DELIVERED TO THE DEPARTMENTS.

PROCESS AND PROCESS CALENDARS

Procedures for the issuance of citations and for objections are set forth below.

As limitations on personal appearances are still in effect, the Court has implemented new procedures governing the service and return of process as well as the process calendar.

A new form of citation must now be served along with a **Notice** and a **Citation Response Form**, all of which are included on this site. Citations are still returnable on Thursdays.

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. 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 e-mail address), the parties will be notified of a conference date to determine how and when responsive pleadings are to be filed.

All such conferences held prior to Oct. 31, 2020 will be held via **Skype-for-Business**. Thereafter, all such conferences will be held via **Microsoft Teams**.

Attorneys and unrepresented parties must download Skype-for Business and Microsoft Teams 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 may visit:

<https://www.nycourts.gov/legacyPDFS/courts/5jd/Joining-Skype-For-Business-QA.pdf>

[https://support.microsoft.com/en-gb/skype-for-business;](https://support.microsoft.com/en-gb/skype-for-business)

[https://pulse.microsoft.com/uploads/prod/2020/03/Microsoft Teams Quickstart.pdf](https://pulse.microsoft.com/uploads/prod/2020/03/Microsoft_Teams_Quickstart.pdf)

Attorneys for petitioners who do not expect opposition, but have served citations instead of obtaining waivers and consents, may review, complete and file an **Affirmation of No Contest** which is posted on this site.

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.

Given the current mandates regarding social distancing, the court has determined that personal delivery of citations and orders to show cause are impracticable and has issued an order permitting alternate service upon respondents. Citations may be served by mail in the first instance and the Order to Show Cause will reflect the manner of service permitted in its body.

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. 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 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 - are NOT required on the return dates of Citations or Orders to Show Cause.

1404 AND 2211 EXAMINATIONS

Until further notice, SCPA 1404 and 2211 examinations 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 will be arranged at the scheduling conference held after the return date of the matter upon proper submission of a Citation or Order to Show Cause Response Form.

CONFERENCES

Preliminary and Pre-Trial conferences will be scheduled by the Court and will be held remotely. Pending matters previously scheduled for a conference prior to Oct 31, 2020 via Skype for Business will continue to use that platform. **All new conferences, as well as any conferences on pending matters scheduled after Oct. 31, 2020, will be held via Microsoft Teams.**

HEARINGS AND TRIALS

Article 17-A Guardianship hearings, lost-will hearings, kinship trials and other non jury trials which are currently scheduled are being held via Skype-for-Business. After October 31, 2020 these matters will be held **exclusively** by Microsoft Teams. Jury trials will not be scheduled until the courtroom is fitted with proper plexiglass partitions.

EMERGENCY APPLICATIONS

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

MOTIONS

Motions will be given a briefing schedule or marked submit if all opposition and reply papers are in the file at the time of the calendar date. The Court will contact the parties if a virtual oral argument is desired.