

OBJECTIONS

When an attorney or self-represented party objects to the case, that person is required to respond to the court case in writing in an “OBJECTION”, which must be signed and verified (sworn/affirmed).

Your “OBJECTION” must be **received** by the Surrogate’s Court **on or before the court date (return date) on the Citation.** You must serve your OBJECTIONS on the Petitioner or the attorney for the Petitioner and any other party who has filed a Notice of Appearance or OBJECTIONS if you are self-represented, by regular first class mail, and prepare and file an affidavit of service showing that you sent the OBJECTIONS to the required parties. No OBJECTIONS will be accepted for filing without the required Verification and Affidavit of Service showing that the OBJECTIONS have been served on all necessary parties.

You are required to pay a fee to file OBJECTIONS. You may get information on all of the filing fees for the Surrogate’s Court including the fee for filing OBJECTIONS (SCPA §2402) at: <https://www.nycourts.gov/forms/filingfees.shtml>. Your filing fee may be deferred (postponed) or waived (you never have to pay the fee) by the Surrogate’s Court if you submit an application for “Poor Persons Relief” and present written documents to prove that you cannot afford to pay the fee. “Poor Persons Relief” is granted or denied on a case-by- case basis.

Please fill out the “OBJECTIONS” form that is enclosed in this notice to you.

“OBJECTIONS” **MUST** contain the following:

- A Caption (the name of the case)
- File number of the case

- Legal reasons for opposing the court case (petition)
- Affirmative defenses, if any
- Verification (sworn to before a Notary Public)

Please be further advised that if a self-represented party or an attorney on their behalf files **OBJECTIONS**, the Court will deem the case as “**CONTESTED**”.

All **CONTESTED** cases will be put on a conference calendar by the Law Department of Surrogate Harriet Thompson and notice of the **CONFERENCE DATE** will be sent to the parties by regular first class mail and/or by email, if requested by any party, in writing, with the correct email address.

After reading this notice, if you still have any questions or concerns about this procedure, you may contact the Surrogate’s Court at our email address at: KingSurr-lawdept@nycourts.gov.

The staff members of the Surrogate’s Court are prohibited by law from providing you with any legal advice but may provide you with procedural information only. You are strongly encouraged to contact the lawyers or other resources for assistance from the enclosed “Resources for Court Users that are Self -Represented” form.