

# ***Overview of Surrogate's Court***

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In New York State, the Surrogate's Court maintains jurisdiction over all actions and proceedings relating to the affairs of decedents. This includes the probate of wills (testate) and the administration of estates (intestate), voluntary administrations (small estates), ancillary proceedings, disputed claims, discovery proceedings, accountings, compromise and settlement of wrongful death actions, guardianships of the person and property of an infant (SCPA Article 17) and guardianships of persons with developmental disabilities (SCPA Article 17A).

Except where otherwise provided, the Surrogate Court is governed by the Surrogate Court Procedure Act (SCPA), the Estates, Powers and Trusts Laws (EPTL), the Mental Hygiene Law (MHL) and the Uniform Rules for Surrogate's Court (22N.Y.C.R.R.). If no provision is found therein, the Civil Practice Law and Rules (CPLR) and other pertinent laws shall apply. All proceedings are commenced by the filing of a petition. Personal jurisdiction is obtained over a party by service of process upon her/him, by his/her waiver of issuance of service of process, or by the party's appearance.

Estate proceedings dating back to 1806 are on file and available to the general public. The Court does not provide searches over the phone, however, you may send written request. The fee for a search under 25 years is \$30, and for over 25 years is \$90. The Court does not accept personal checks, please send bank check or money order payable to Delaware County Surrogate's Court. Cash and credit card payment is accepted in person only. Please be advised there is a credit card service fee of 2.99% of the payment amount.