

INFORMATION CONCERNING THE FILING OF
OBJECTIONS AND REBUTTALS IN A
PROCEEDING BEFORE A SUPPORT MAGISTRATE

You have received a copy of an order of support signed by a Support Magistrate and a copy of the Support Magistrate's findings of fact upon which the order is based. This order must be obeyed.

Either party has a right to file specific written objections to this order with the clerk of the court. These objections must be filed within thirty (30) days of the date the order was received in court or personally served, or, if the order was received by mail, within thirty-five (35) days of the mailing of the order. The objections then will be reviewed by a Judge of the Family Court. Even if objections are filed, the amount ordered by the Support Magistrate must continue to be paid unless and until a Judge signs a different order. Note that if you were NOT in court for the hearing and this order was issued on default, you may not file objections but may challenge the order only by filing a motion to vacate the order.

Procedure for filing objections

1. The objections must be in writing and contain the name and docket number of the case and the date the order to which an objection is raised was issued. You may use Form 4-7b, which you may obtain from the Clerk of Court or on-line at: <http://www.nycourts.gov/forms/familycourt/index.shtml>.

2. The reasons for your objections and the parts of the order objected to must be clearly stated, but no new evidence or documents not in evidence may be presented with the objections.

3. The opposing party must be served with a copy of the objections, either in person or by mail, and an affidavit of service must be filled out. If the objection is served in person, service must be made by an individual 18 years of age or older who is not a party to this action. If the opposing party was represented by an attorney, the attorney must also be served and an affidavit of service must be filled out and notarized. The objection form, Form 4-7b, contains an affidavit of service form on the second page.

4. The original of the objections and the affidavit of service must be filed with the clerk of the court within (30) days of the date the order was received in court or personally served or, if the order was received by mail, within thirty-five (35) days of the mailing of the order.

5. A transcript will not be necessary unless the Judge requires one. If so, the clerk of the court will provide information on how to obtain a transcript. The person filing objections must pay the cost for the transcript. If an objecting party cannot afford to pay for a transcript, when it is required by a Judge, the clerk of the court will provide information about the procedure for obtaining the transcript without charge.

6. Even if the Judge does not require a transcript, either party may request a transcript, and the requesting party must pay the fee.

7. The party served with objections has a right to file a rebuttal. A rebuttal is an answer to the objections.

Procedure for filing a rebuttal

1. A rebuttal to objections must be in writing and contain the name and docket number of the case.

2. It must state the date the objections were received, the specific objections being answered and the reasons for the rebuttal.

3. The rebuttal must be filed with the Clerk of the Court. The opposing party must be served with a copy of the rebuttal, either in person or by mail, within thirteen (13) days after service of the objections, and an affidavit of service must be filled out. If the rebuttal is served in person, service must be made by an individual 18 years of age or older who is not a party to this action. If the opposing party was represented by an attorney, the attorney must also be served and an affidavit of service must be filled out. The rebuttal form, Form 4-7c, contains an Affidavit of Service on the second page.

Affidavit of ☐ Personal Service ☐ Mail Service ☐ Other: _____

FAMILY COURT
STATE OF NEW YORK

RETURN DATE: _____
PART _____

COUNTY OF _____:

DOCKET NO. _____

I, _____ being duly sworn, depose and say,
(Name of Person Making Service)

**YOU
MUST
Complete
This
Section**

1. That I am at least 18 years of age and I am not a party to the above action, and reside at:

(Street) (City) (County)

2. On the _____ day of __, 20____, at _____
(Specify time)

at _____ in the City of _____, County of _____,
State of New York, I personally served a copy of:

**Check All
that Apply**

☐ Order ☐ Petition ☐ Summons ☐ Order to Show Cause
☐ Objections to Support Magistrate Final Order ☐ Notice of Motion/Affidavit in Support ☐ Rebuttal to
Objections to Hearing Examiner Final Order ☐ UCCJEA Notice
on _____, in the above-mentioned action by:

**If Papers
SERVED**

3. I personally served _____ copies of the said papers by
(Name of Person Served)
delivering and leaving with _____ at the above time and place.
(Name / to whom papers given)

IN PERSON

**Complete this
Section**

- I knew the person so served to be _____
(Name / to whom papers given)
4. a. ☐ the person named in the papers as the ☐ Respondent ☐ Petitioner in this action
b. ☐ I believe this person would give the papers to the ☐ Respondent ☐ Petitioner. (You must also
mail a copy and complete paragraph #6)
5. DESCRIPTION OF PERSON SERVED:
sex: _____ color of skin: _____ hair: _____ approximate age: _____ approximate height: _____
approximate weight: _____ other identifying features: _____

**You Must Complete
IF MAIL
SERVICE
ORDERED BY
COURT or
Paragraph 4b IS
CHECKED**

6. I deposited a true copy of the papers upon _____
(Name of Person Served)
enclosed in a post-paid envelope in the ☐ Post Office ☐ a Branch Post Office ☐ a Post Office Box
regularly maintained by the United States government at _____
County of _____, State of New York, directed to _____
(Address papers mailed to)
☐ the residence of _____
(Person papers mailed to)

OR

☐ the address within the State designated by (him)(her) to receive communication by mail.

7. The court ordered the papers to be served by the following alternative method:

Complete this

Section

IF

ALTERNATIVE

SERVICE OR

DIRECTED BY

COURT

_____. I, therefore, served the papers as follows:
(Specify method ordered by Court)

(Describe all actions taken, including dates, how and to whom papers were transmitted)

**YOU
MUST
Complete
Section**

Sworn to before me this

____ day of _____, 20____.

(Signature / Person Serving)

(Notary Public)