

**SURROGATE’S COURT
CONSENSUAL V. MANDATORY E-FILING**

CONSENSUAL	MANDATORY
A party may commence a proceeding by filing the initiating documents electronically <u>or</u> any party may start e-filing at any stage of a proceeding. [207.4-a(e)(1)]	The proceeding must be commenced electronically by filing the initiating documents with the Clerk of the Court via NYSCEF. [207.4-aa(b)(1)]
A Notice Regarding Availability of Electronic Filing [Form SC-1] must be served along with hard-copy citation or order to show cause or the first e-filed documents in any proceeding. [207.4-a(e)(1)]	A Notice of Commencement of Proceeding Subject to Mandatory Electronic Filing [Form SCM- 1] must be served along with hard-copy citation or order to show cause [207.4-aa(b)(3)]
Other parties/attorneys wishing to participate record their consent to electronic filing.	Other parties/attorneys involved in the proceeding must record their representation in the electronically filed proceeding.
Non-consenting parties simply do not record their consent.	Non-participating parties/attorneys must file a Notice of Opt-Out from Mandatory E-Filing [Form SCM-2]. [207.4-aa(e)]
Notice of Hard Copy Submission – E-Filed Proceeding [Form SC-6] must be attached to any hard-copy submission in any Surrogate’s Court proceeding in NYSCEF (with appropriate boxes checked). [207.4-a(e)(10)]	Notice of Hard Copy Submission – E-Filed Proceeding [Form SCM-3] must be attached to any hard-copy submission in any Surrogate’s Court proceeding in NYSCEF (with appropriate boxes checked). [207.4-a(e)(10)]
Filing of initiating documents in hard copy permissible. [207.4-a(c)(1)]	Filing of initiating documents in hard copy permissible under emergency exception. (Form SCM-3 required.) [207.4-aa(b)(2)]
	All subsequent documents must be filed and served (on participating parties) electronically via NYSCEF unless emergency exception applies.
Clerk may not reject hard-copy filings.	Clerk must reject hard-copy filings. [207.4-aa(d)]

All non-participating parties must be served with hard-copy documents as per the SCPA.

If the court requires working copies, the filer must affix a notice identifying the document as a working copy and indicating that the document has been e-filed. [207.4-a(e)(11)]