

QUEENS COUNTY SURROGATE'S COURT UPDATE

To maintain and increase access to the Surrogate's court while remaining in compliance with the Administrative Order of Chief A. J. Marks dated April 8, 2020, the following procedures will be in effect commencing April 13, 2020.

As the County courthouse on Sutphin Boulevard remains closed, the Surrogate's Court operations will continue to be in an office at the N.Y.C. Civil Court building. Only a skeleton staff of approximately three employees will be present on any given day. They are tasked with monitoring receipt of physical mail and electronic submissions, responding to emails, processing fees, and issuing letters and certificates.

Until now, by Administrative order, no proceedings were able to be processed other than those deemed essential and/or emergencies. Commencing April 13, we have been given permission to also administer **proceedings which have been previously filed with the court which have not been defined as essential**. Significantly, no authority has been given to entertain new proceedings. The only exception in this regard will continue to be for emergency applications.

To enable staff to accomplish this task, several of our employees have recently been granted remote "virtual" access to our files which are still physically located in the quarantined courthouse. DCAJ Silver was instrumental in providing this assistance and his efforts are greatly appreciated.

Specifically, going forward, the following procedures will be in effect:

The court will identify uncontested matters which have been filed in the Probate, Administration, and Accounting departments where proof is complete. Decrees and certificates will issue as expeditiously as possible. Accordingly, counsel with pending proceedings who need to submit further documentation to complete their filings should do so as soon as possible. To safeguard our employees, **SUCH PAPERS WILL ONLY BE ACCEPTED BY MAIL OR ELECTRONICALLY (email or e-file)**.

In pending matters where citations have or need to issue, and in which, therefore, a contest is possible, counsel should consider applying for Preliminary or Temporary letters as a delay in these matters is certain. No further basis need be shown. A bond will not be required if such letters are restricted to merely marshalling and/or liquidating assets. However, if permission is sought for administrative expenses to be paid a bond will be required. The goal is to enable practitioners to provide their clients with the ability to safeguard estate assets where extended return dates will be the norm.

Inquiries in this regard can be made at gnssurr-probate@nycourts.gov or gnssurr-admin@nycourts.gov; or at the email addresses below.

Guardianship hearings will be conducted remotely via Skype where possible. Petitioners will be contacted by the court to schedule these hearings.

All wrongful death compromise proceedings will be reviewed. Decisions will be issued where files are complete, and counsel will be notified where submissions need to be supplemented.

Importantly, applications to lift restrictions and collect settlement funds pending the submission of compromise proceedings in the future will be considered essential, as will applications to extend previously issued letters, or to re-issue new certificates for a fiduciary.

While all the above matters will be given priority, other pending matters will be reviewed and processed as staffing permits.

With respect to contested matters, parties with SCPA 1404 and 2211 examinations scheduled in the court are free to arrange for examinations to be remotely held elsewhere on a date and time convenient to the parties. However, the court must be notified of such new dates by attorney affirmation.

In matters where preliminary and pre-trial conferences have been scheduled, the parties are not to appear and will be contacted by the court in the coming weeks to arrange new dates. Likewise, parties will continue to be contacted in all proceedings where a citation has issued and is returnable in April or May and given an adjourn date. Petitioners should consider the feasibility of obtaining waivers and consents in these matters to expedite the issuance of decrees.

As a point of general information, all court forms and checklists can be found at the nycourts.gov website under Surrogates Court by clicking "forms".

Additionally, the following email addresses should be utilized for communicating with the court as it is the only method guaranteed to obtain a response to an inquiry:

Qnssurr-info@nycourts.gov or qnssurr-emergency@nycourts.gov .

Telephonic communication will be extremely limited given both the limited number of staff present and the amount of available equipment in our current office space.

The insight and support of the members of the Trusts and Estate sections of the New York State, Queens County, New York City, Latino Lawyers, Macon B. Allen, and Queens County Women's Bar Association in developing these protocols is deeply appreciated.

Finally, the dedication of the Queens County Surrogate's court staff has been extraordinary and must be recognized. Their unbelievable effort and sacrifice is the sole reason this court has been able to function and continue to serve the citizens of Queens during this emergency.

