

## **OPERATIONAL AND PROCEDURAL CHANGES DUE TO COVID-19 SAFETY CONCERNS**

### **1. OPERATIONS:**

The court is open and operating with a reduced number of staff members. Many operations, however, are being conducted virtually/remotely.

### **2. FILING PAPERS WITH THE COURT:**

All types of petitions, motions and documents are being accepted for filing.

Papers may be:

- e-filed (for more information, visit the NYSCEF web page at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) to review the Nassau County Surrogate's Court e-filing protocols found in the Resources Section of this website); or
- filed by mail; or
- if filed in person, brought to the courthouse and placed in the drop box located on the 3<sup>rd</sup> floor at the entrance of the Surrogate's Court.

All filings must include contact information for petitioner or petitioner's counsel, including an email address and telephone number.

### **3. CITATIONS AND OTHER PROCESS:**

Citations or orders to show cause (as process) will continue to issue. Service shall be by alternative service. **There will be no in-person appearances on the return date of the Citation.** Litigants will be contacted by court personnel to arrange for virtual conferences.

### **4. CONFERENCES, TRIALS AND HEARINGS:**

The court will continue to conduct most conferences, trials and hearings using electronic means (Microsoft Teams), with all parties appearing virtually. Finalizations of adoptions and hearings in 17-A Guardianships will be scheduled and conducted through electronic means as well.

### **5. VISITING THE COURTHOUSE:**

Safety measures and precautions are being taken to protect the health of employees and court users. Court staff is equipped with personal protective equipment ("P.P.E."), including face masks and face shields. Hand sanitizer dispensers and floor markers are in place to assist with hygiene measures and physical distancing.

### **6. SCPA 1404 AND 2211 EXAMINATIONS:**

Until further notice, SCPA 1404 and 2211 examinations will not be conducted at the courthouse. Such exams shall be held at a location and time mutually convenient to the parties.

**7. MOTIONS:**

File all motions through NYSCEF, and provide the court with a hard copy of all papers. Motion papers will not be submitted without a physical hard copy. You may mail your hard copy to Nassau County Surrogate's Court, 262 Old Country Road, Mineola, New York 11501, or you may deliver it in person and place it in the drop box at the court. Whatever is mailed or dropped off must have a clear indication that it must go to the Motion Clerk (ie: ATTN: MOTION CLERK). Any questions regarding motions can be directed to our Motion Department via email at: [NassauSurrogateMotions@NYCourts.gov](mailto:NassauSurrogateMotions@NYCourts.gov).

**NEW PROCEDURES FOR  
CITATIONS AND ORDERS TO SHOW CAUSE (AS PROCESS):  
Effective January 25, 2021**

**I. ALTERNATIVE SERVICE OF CITATION:**

1. All Citations submitted to the court must include the following language:

**NOTICE: THIS CITATION IS SERVED UPON YOU IN ACCORDANCE WITH THE COURT'S ORDER DIRECTING ALTERNATIVE SERVICE OF PROCESS. NO IN-PERSON APPEARANCES SHALL BE HELD ON THE RETURN DATE OF THE CITATION. IF YOU WISH TO APPEAR TO ANSWER OR OBJECT TO THIS PROCEEDING, YOU MAY DO SO IN WRITING IN ACCORDANCE WITH THE ANNEXED NOTICE TO CITED PARTIES.**

Modified Citation Forms can be found on the links below. In the event that a Citation Form has not been created for your proceeding, please cut and paste the required language above to customize your Citation accordingly.

2. The Citation must be served in accordance with the Court's Order for Alternative Service and Appearance.

3. The Citation must be served with the Order for Alternative Service and Appearance, Nassau County Surrogate's Court Notice to Cited Parties, the Appearance Form, and any other necessary documents (i.e. the will or account summary).

4. The links to the Order for Alternative Service and Appearance, Nassau County Surrogate's Court Notice to Cited Parties, Appearance Form, and modified Citation(s) are set forth below:

- Order for Alternative Service and Appearance;
- Nassau County Surrogate's Court Notice to Cited Parties;
- Appearance Form;
- Probate Citation; and
- Administration Citation

5. Affidavit(s) of service must reflect service of the Citation(s), the Order for Alternative Service and Appearance, the Nassau County Surrogate's Court Notice to Cited Parties, Appearance Form, and any other necessary documents (i.e. the will or account summary).

**II. RETURN OF CITATION:**

1. In accordance with the Executive Orders of the State of New York and Administrative Orders of the Chief Administrative Judge in effect, and in response to public safety concerns due to the COVID-19 pandemic, no in-person appearances shall be permitted on the return date of the Citation.

2. The Citation has a return date listed on it. If you do not object to the relief requested, no

further action is required. If you want to appear, please file in writing with the court, and serve the petitioner a signed Notice of Appearance Form (pursuant to SCPA 401) prior to the return date of Citation. (If represented by an attorney, the attorney shall sign, file and serve the Notice of Appearance). The Notice of Appearance Form shall be sent to the Nassau County Surrogate's Court via email at [nassausur.citationresponse@nycourts.gov](mailto:nassausur.citationresponse@nycourts.gov) or by mail to 262 Old Country Road, Mineola, New York 11501 (Attn: Citation Response Dept.). If the court does not hear from you by the date set forth on the Citation, it will be presumed that you do not object to the relief requested.

3. If you or your attorney timely file the Appearance Form, the matter will be marked "contested" and a virtual conference (via Microsoft Teams) shall be scheduled. You will be notified of the virtual conference by the court.

4. If you have any questions regarding these procedures you may contact the court via email at [nassausur.citationresponse@nycourts.gov](mailto:nassausur.citationresponse@nycourts.gov). Keep in mind the court is prohibited from giving legal advice and may only give procedural advice.

### **III. ORDERS TO SHOW CAUSE (AS PROCESS):**

1. All Orders to Show Cause (as Process) submitted to the court must include the following language:

**NOTICE: THIS ORDER TO SHOW CAUSE IS SERVED UPON YOU IN ACCORDANCE WITH THE COURT'S ORDER DIRECTING ALTERNATIVE SERVICE OF PROCESS. NO IN-PERSON APPEARANCES SHALL BE MADE ON THE RETURN DATE. IF YOU WISH TO APPEAR TO ANSWER OR OBJECT TO THIS PROCEEDING, YOU MAY DO SO IN WRITING IN ACCORDANCE WITH THE ANNEXED NOTICE TO CITED PARTIES.**

2. The Order to Show Cause, and the papers upon which it is based, must be served with a Nassau County Surrogate's Court Notice to Cited Parties, Appearance Form, and any other necessary documents.

3. Affidavits of service must reflect service of the Order to Show Cause, the papers upon which it is based, the Nassau County Surrogate's Court Notice to Cited Parties, and Appearance Form.

# NASSAU COUNTY SURROGATE'S COURT

HON. MARGARET C. REILLY

Surrogate



262 Old Country Road  
Mineola, New York 11501  
Telephone: 516-493-3800  
Fax: 516-493-3382

## NOTICE TO CITED PARTIES

You have been served with a Citation for a proceeding that has been filed in the Nassau County Surrogate's Court. In order to limit potential COVID-19 exposure, there shall be no physical appearance permitted on the return date listed on the citation.

If you wish to appear, you must file in writing with the court and serve the petitioner a signed Appearance Form (pursuant to SCPA 401) prior to the return date of the Citation. (If represented by an attorney, the attorney shall sign, file and serve the Appearance Form). All signed Appearance Forms shall be sent to the Nassau County Surrogate's Court via email at [nassausur.citationresponse@nycourts.gov](mailto:nassausur.citationresponse@nycourts.gov) or by mail to 262 Old Country Road, Mineola, New York 11501 (Attn: Citation Response Dept.). If the court does not hear from you by the date set forth on the Citation, it will be presumed that you did not object to the relief requested.

If you or your attorney timely notifies the court in writing of your appearance, the matter will be marked "contested" by the court. After receiving notice from you or your attorney, the court will schedule a virtual conference through Microsoft Teams.

If you have questions regarding the procedure for responding to this Citation, you may contact the court at the email address listed above; however, the court is prohibited from providing you with legal advice and may only provide procedural information. If you have questions regarding the specific proceeding you are being cited for, you may contact the attorney or petitioner listed at the bottom of the Citation.

**SURROGATE'S COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU**

**In the Matter of the Service of Citations**

**ORDER FOR ALTERNATIVE  
SERVICE AND APPEARANCE**

**PRESENT: HON. MARGARET C. REILLY**

In recognition of Executive Orders of the State of New York and Administrative Orders of the Chief Administrative Judge in effect in response to COVID-19, and in order to maintain safety protocols by limiting personal interaction and potential COVID-19 exposure, the court finds personal service of Citation(s) in court proceeding(s) to be impracticable. The court further finds it appropriate to direct alternative service, pursuant to the authority set forth in SCPA 307 (3), in a manner consistent with the current exigencies and most likely to effectuate actual notice to those cited in proceedings filed in the Nassau County Surrogate's Court. Therefore, without any prior order of the court, on the court's own motion, for good cause, it is hereby

**ORDERED** that the petitioner will serve a Citation, together with this Order for Alternative Service and Appearance, the Nassau County Surrogate's Court Notice to Cited Parties, and the Appearance Form on all interested parties named in the Citation, regardless of their status as domiciliaries or natural persons, not less than thirty (30) days before the Citation return date, by USPS Express Mail (now known as Priority Mail), Certified Mail, Registered Mail, or any form of special delivery service set forth in SCPA 103 (35-a), 103 (36), and 103 (37-a), except that mailings that request return receipts shall not be allowed; and it is further

**ORDERED** that no in-person appearances in court will be permitted on the return date

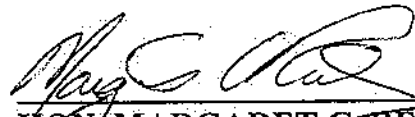
of the Citation; and it is further

**ORDERED** that any Appearance Form to the Citation shall be sent to Nassau County Surrogate's Court either via email to [nassausur.citationresponse@nycourts.gov](mailto:nassausur.citationresponse@nycourts.gov) or by mail to 262 Old Country Road, Mineola, New York 11501 (Attn: Citation Response Dept.); and it is further

**ORDERED** that the affidavit(s) of service of the Citation, the Nassau County Surrogate's Court Notice to Cited Parties, the Order for Alternative Service and Appearance, and the Appearance Form, along with any other necessary documents, shall state whether any such mailing has been returned as not delivered to the addresses and shall be filed with the court on or before the second day preceding the return date in accordance with 22 NYCRR 207.7 (c). A delivery confirmation shall also be attached to the affidavit of service.

Dated: January 25, 2021  
Mineola, New York

**ENTER:**

  
\_\_\_\_\_  
**HON. MARGARET C. REILLY**  
**Judge of the Surrogate's Court**

**ALTERNATIVE SERVICE OF CITATION:**

***All Citations submitted to the Court must include the following language:***

**NOTICE: This Citation is served upon you in accordance with the court's order directing alternative service of process. No in-person appearances shall be held on the return date of the Citation. If you wish to appear to answer or object to this proceeding, you may do so in writing in accordance with the annexed notice to cited parties.**



**SURROGATE'S COURT - NASSAU COUNTY**  
**PROBATE CITATION**  
**THE PEOPLE OF THE STATE OF NEW YORK**  
By the Grace of God Free and Independent

**TO:**

A petition having been duly filed by \_\_\_\_\_ who is domiciled at \_\_\_\_\_

**YOU ARE HEREBY CITED TO SHOW CAUSE** before the Surrogate's Court, Nassau County, at the Nassau County Court House, 262 Old Country Road, Mineola, New York, 11501, on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_noon of that day, why a decree should not be made in the estate of \_\_\_\_\_

lately domiciled at \_\_\_\_\_ admitting to probate a Will dated \_\_\_\_\_, a copy of which is attached, as the Will of \_\_\_\_\_ deceased, relating to real and personal property, and directing that

- Letters of Testamentary to \_\_\_\_\_
- Letters of Testamentary to \_\_\_\_\_
- Letters of Trusteeship to \_\_\_\_\_ for the benefit of \_\_\_\_\_
- Letters of Trusteeship to \_\_\_\_\_ for the benefit of \_\_\_\_\_
- Letters of Trusteeship to \_\_\_\_\_ for the benefit of \_\_\_\_\_
- Letters of Administration c.t.a. to \_\_\_\_\_ without bond.

State any further relief requested: \_\_\_\_\_

\_\_\_\_\_  
**HON. MARGARET C. REILLY, Surrogate**

Dated: Attested and Sealed,  
\_\_\_\_\_, 20\_\_\_\_.

(Seal)

\_\_\_\_\_  
**DEBRA KELLER LEIMBACH, Chief Clerk**

Name of Attorney for Petitioner \_\_\_\_\_ Tel. No. \_\_\_\_\_

Address of Attorney \_\_\_\_\_

**A TRUE COPY OF THE WILL OFFERED FOR PROBATE MUST BE ATTACHED TO THIS CITATION.**

**NOTICE: THIS CITATION IS SERVED UPON YOU IN ACCORDANCE WITH THE COURT'S ORDER DIRECTING ALTERNATIVE SERVICE OF PROCESS. NO IN-PERSON APPEARANCES SHALL BE HELD ON THE RETURN DATE OF THE CITATION. IF YOU WISH TO APPEAR TO ANSWER OR OBJECT TO THIS PROCEEDING, YOU MAY DO SO IN WRITING IN ACCORDANCE WITH THE ANNEXED NOTICE TO CITED PARTIES.**

**Note: 22 NYCRR 207.7 (c): Proof of Service shall be filed on or before the second day preceding the return date.**

**SURROGATE'S COURT - NASSAU COUNTY  
ADMINISTRATION CITATION  
THE PEOPLE OF THE STATE OF NEW YORK,  
By the Grace of God Free and Independent**

**TO:**

A petition having been duly filed by \_\_\_\_\_ who is domiciled  
at \_\_\_\_\_

**YOU ARE HEREBY CITED TO SHOW CAUSE** before the Surrogate's Court, Nassau County, at the  
Nassau County Court House, 262 Old Country Road, Mineola, New York, 11501, on \_\_\_\_\_  
20\_\_\_\_, at \_\_\_\_ o'clock in the \_\_\_\_ noon of that day, why a decree should not be made in the estate  
of \_\_\_\_\_

lately domiciled at \_\_\_\_\_  
in the County of \_\_\_\_\_, New York, granting Letters of Administration upon the  
estate of the decedent to \_\_\_\_\_ or to such other person as may be entitled  
hereto. State any further relief requested: \_\_\_\_\_

Dated: Attested and Sealed,  
\_\_\_\_\_, 20 \_\_\_\_.

(Seal)

\_\_\_\_\_  
**HON. MARGARET C. REILLY, Surrogate**

\_\_\_\_\_  
**DEBRA KELLER LEIMBACH, Chief Clerk**

Name of Attorney for Petitioner \_\_\_\_\_ Tel. No. \_\_\_\_\_

Address of Attorney \_\_\_\_\_

**NOTICE: THIS CITATION IS SERVED UPON YOU IN ACCORDANCE WITH THE COURT'S ORDER DIRECTING ALTERNATIVE SERVICE OF  
PROCESS. NO IN-PERSON APPEARANCES SHALL BE HELD ON THE RETURN DATE OF THE CITATION. IF YOU WISH TO APPEAR TO  
ANSWER OR OBJECT TO THIS PROCEEDING, YOU MAY DO SO IN WRITING IN ACCORDANCE WITH THE ANNEXED NOTICE TO CITED  
PARTIES.**

**Note: 22 NYCRR 207.7 (c): Proof of Service shall be filed on or before the second day preceding the return date.**

**NASSAU COUNTY SURROGATE'S COURT  
APPEARANCE FORM**

**I. PLEASE PROVIDE ALL OF THE FOLLOWING REQUIRED INFORMATION:**

Estate Name: \_\_\_\_\_

File No.: \_\_\_\_\_

Name of Litigant: \_\_\_\_\_

Address: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Do you authorize an attorney to represent you in this proceeding? Yes \_\_\_ No \_\_\_

**II. IF REPRESENTED BY AN ATTORNEY, THE ATTORNEY MUST FILL OUT:**

**PLEASE TAKE NOTICE**, that \_\_\_\_\_  
of \_\_\_\_\_ is hereby authorized to appear in the  
above entitled proceeding by the undersigned who has been retained as the attorney for  
\_\_\_\_\_ (respondent) and all papers in this proceeding should be served upon  
the undersigned at the office or post office address stated below.

Dated: \_\_\_\_\_

Signature of Attorney: \_\_\_\_\_

Firm Name: \_\_\_\_\_

By: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Facsimile: \_\_\_\_\_

Email: \_\_\_\_\_

TO:

\_\_\_\_\_

By: \_\_\_\_\_

**You will be notified by the court after the return date set forth in the Citation regarding the date and time of the conference to be held in this proceeding.**

**Any questions should be directed to [www.nassausur.citationresponse@nycourts.gov](mailto:www.nassausur.citationresponse@nycourts.gov)**