

**Suffolk County Surrogate's Court
Protocols
Including Citations, Process Calendars, Conferences, Hearings and Trials**

**March 24, 2025
(631) 852-1745**

1. The Surrogate's Court staff is available to answer questions during regular business hours. You may call (631)852-1745 to access our menu system or the telephone number of a specific department (Probate: 631-852-1725; Administration: 631-852-1714; Guardianship: 631-852-1735; Accounting: 631-852-1720; Miscellaneous: 631-852-1720; Cashier: 631-852-1730).
2. You may file original wills and death certificates in person at the Surrogate's Court, 320 Center Drive, Riverhead, New York.
3. Court records, with the exception of adoption and guardianship proceedings, are available on WebSurrogate. WebSurrogate provides information on estate proceedings and other filings within New York State Surrogate's Courts. It is a free service that allows you to search files, retrieve documents, and view historical records that are considered to be public information.
4. In pending proceedings, Guardians ad Litem and Attorneys for the Child may schedule an appointment to review the file at the courthouse.
5. Please alert the court by affidavit/affirmation if your proceeding involves a matter of urgency by contacting the Office of the Chief Clerk at sufsur-chiefclerk@nycourts.gov.
6. In-person appearances are required in the following matters:
 - (a) Process Calendar
 - (b) Orders to Show Cause,
 - (c) Orders to Attend and be Examined (SCPA 2103), and
 - (d) Orders to Compel Production of a Will

Virtual appearances may be permitted in the court's discretion.

Responsive pleadings shall be submitted through NYSCEF, if represented by counsel, or by mail or NYSCEF, if unrepresented.

7. We have attached our local form of citation for various proceedings, which follows the official forms for use in Surrogate's Court Practice.

8. Service of process will follow the statutory provisions of Article 3 of the SCPA and Uniform Rule for Surrogate's Court 207.7.
9. Orders to Show Cause with temporary restraints or other interim relief shall be filed with the court with sufficient notice to the respondent/adversary to permit them the opportunity to be heard. The applicant shall contact the court by phone (631-852-1745) to request permission to be heard. The court will then determine the method of hearing this matter and notify parties accordingly.
10. The court will call the process calendar at 9:30 a.m. Unless otherwise provided for in these protocols, or allowed and arranged in advance, all matters will be in person. Calendar markings will be posted on our website each week.
11. Motion Practice

Motions are taken on submission unless oral argument is directed or requested and granted. When filing motions, please be guided by the following:

- a. All motions must be returnable on a Tuesday process day. Please see attached calendar for all process dates through the end of the year.
- b. Motions must be e-filed – hand delivered papers will be deemed rejected and not considered.
- c. All responding papers must be e-filed by noon on the date due.
- d. Requests for adjournments should be received at least two business days prior to the return date.
- e. Supporting Affirmations and Affidavits must be uploaded separately from exhibits.
- f. In pending contested matters, counsel may request a telephone conference with all parties and the assigned law assistant prior to e-filing the application, especially if the motion relates to discovery.
- g. We do not require working copies.

Submissions: In General

Each electronically-submitted memorandum of law, brief, and, where appropriate, affidavit and affirmation and any attached exhibits, shall include a table of contents listing the document's contents as well as a list of the exhibits with a concise description of each. Each exhibit must be numbered and paginated. Any reference to deposition testimony must cite to the exact page and line numbers relied upon and the entire transcript must be submitted as an exhibit.

It is the court's preference, but not a requirement, that all submissions include bookmarks facilitating easy navigation by the reader within the document.

Motions: Length of Papers

- (a) Unless otherwise permitted by the court in advance: (i) affidavits, affirmations, briefs and memoranda of law in support of a motion or in opposition thereto shall be limited to 20 pages each and no more than 7,000 words each: reply affidavits, affirmations, and memoranda shall be limited to 12 pages each and no more than 4,200 words.
- (b) For purposes of paragraph (a) above, the word count shall exclude the caption, table of contents, table of authorities, and signature block.
- (c) Every brief, memorandum, affirmation, and affidavit shall include a page attached to the end of the applicable document certifying that the document complies with the page and word count limits. The person certifying compliance may rely on the word count of a word-processing system used to prepare the document.
- (d) Where a cross-motion is made, the affidavits, affirmations, briefs, or memoranda submitted in support of the cross-motion or in opposition thereto shall be limited to 20 pages and no more than 7,000 words each.
- (e) Where the court permits the submission of affidavits, affirmations, briefs or memoranda which exceed the limitations set forth above, the certification required by paragraph (c) above shall set forth the number of words in the document and certify compliance with the limit, if any set forth by the court.

Motions: Sur-Reply and Post Submission Papers

Absent express permission in advance, sur-reply papers, including correspondence addressing the merits of a motion are not permitted, except that counsel may by stipulation inform the court of the citation of any post-submission appellate court decision that is relevant to the pending issues, but there shall be no additional argument. Materials submitted in violation hereof will not be read or considered.

- 12. New contested matters will be subject to mandatory Alternate Dispute Resolution (ADR) and otherwise governed by the court's standard and customary procedures.
- 13. Matters referred to mediation through the court's mandatory ADR program will be referred to roster mediators, with an option for private mediation. (See separate protocols for information on mediation).
- 14. Conferences held by a member of the Law Department may be held in-person or by telephone or video. All video conferences will be conducted using Microsoft Teams. We will work with you to set up a convenient time and method to hold the conference. Please call (631)852-1745 if you have any questions.

15. Where a conference or hearing is being conducted via Microsoft Teams, the participants (counsel, parties, etc.) should enter the meeting fifteen (15) minutes prior to its scheduled time and be ready to proceed. Court matters conducted via Microsoft Teams are formal proceedings. Parties and counsel, if represented, should be guided accordingly.

16. Trials

Pre-Marking of Exhibits

(a) Unless permitted by the court in advance prior to trial, the attorneys for the respective parties, or the parties pro se, shall appear at a conference with the court for the purposes of pre-marking trial exhibits.

(b) Each party shall provide the original exhibit, and a paginated copy thereof, for each of their adversaries and any other party who has appeared, as well as a copy thereof for the court.

(c) Each attorney/party shall provide a numbered list of exhibits in Word format to the court prior to the pre-marking conference. Each entry shall concisely describe the exhibit and include the number of pages. The list shall include two columns one labeled "ID Only" and the other labeled "Evidence."

Trials: Post Trial Submissions

(a) Unless otherwise permitted by the court in advance post trial submissions shall be limited to 15 pages each and no more than 5,250 words each.

(b) For purposes of paragraph (a) above, the word count shall exclude the caption, table of contents, table of authorities, and signature block.

(c) Every post trial submission shall include a certification that the document complies with the page and word count limits. The person certifying compliance may rely on the word count of a word-processing system used to prepare the document.

(d) Where the court permits a post trial submission to exceed the limitations set forth above, the certification required by paragraph (c) above shall set forth the number of words in the document and certify compliance with the limit, if any set forth by the court.

COMPULSORY ACCOUNTING CITATION

File No: _____

SURROGATE'S COURT: SUFFOLK COUNTY
CITATION

THE PEOPLE OF THE STATE OF NEW YORK,
By the Grace of God Free and Independent

TO:

A petition having been filed by _____
who is/are domiciled, or in the case of a corporation, its principal office, at _____

YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court, Suffolk County, at 320 Center Drive Riverhead,
New York, on _____, 202__, at _____ o'clock in the _____ noon of that day why _____
_____ should not file his/her account and cause same to be judicially settled, and upon failure
to file his/her account, with petition for judicial settlement, on the return date of citation, that the court issue an order requiring him/her
to file an account in the estate of _____.

[For additional relief pursuant to SCPA §2205 and §2206, check appropriate box]:

[] upon failure to appear on the return date of process without satisfactory excuse therefore, or upon failure to file an account in the
time and manner directed by the court, show cause why his/her letters should not be suspended and why the court should not appoint
_____, an eligible person(s), as temporary fiduciary(ies) and to fix a trial date for a
hearing on the removal of _____ whose letters have been suspended and for the
appointment of _____, as Successor Fiduciary(ies).

[] if the fiduciary's letters are suspended or the fiduciary fails to account in the time and manner directed by the court, why the court
should not fix a date for a hearing to take and state the fiduciary's account, in accordance with the proposed accounting attached to
the petition, the summary statement of such account has been served herewith.

Dated, Attested and Sealed,

HON. VINCENT J. MESSINA, JR.
Surrogate

(Seal)

Doreen A. Quinn, Chief Clerk

Attorney for Petitioner(s): _____ Telephone No.: _____

Address of Attorney: _____

[Note: This citation is served upon you as required by law. You are not required to appear. If you fail to appear it will be assumed you do
not object to the relief requested. You have a right to have an attorney appear for you.

ACCOUNTING CITATION

File No. _____

SURROGATE'S COURT - SUFFOLK COUNTY

CITATION

THE PEOPLE OF THE STATE OF NEW YORK,
By the Grace of God Free and Independent,

TO

A petition and an account having been duly filed by _____, whose address is _____

YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court, _____
County, at 320 Center Drive, Riverhead, New York, on _____, 202__ at 9:30 o'clock in
the forenoon of that day, why the account of _____, a summary of which has been
served herewith, as _____, of the estate of _____
should not be judicially settled.

(State any further relief requested)

Dated, Attested and Sealed,

HON. VINCENT J. MESSINA, JR.
Surrogate

_____, 20____
(Seal)

Doreen A. Quinn, Chief Clerk

Name of
Attorney for Petitioner _____ Tel. No. _____

Address of Attorney _____

[Note: This citation is served upon you as required by law. You are not required to appear; however, if you fail to appear it will be assumed you do not object to the relief requested. You have a right to have an attorney appear for you, and you or your attorney may request a copy of the full account from the petitioner or petitioner's attorney.]

File # _____

C I T A T I O N
THE PEOPLE OF THE STATE OF NEW YORK
BY THE GRACE OF GOD, FREE AND INDEPENDENT,

TO: _____
_____, an infant over the age of 14 years, of _____, New York
[List other parties]

being persons interested as creditors, legatees, devisees, beneficiaries, distributees or otherwise of the estate of _____, deceased, who at the time of death resided at _____.

A petition having been duly filed by _____, who is domiciled at _____.

YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court, Suffolk County at 320 Center Drive, Riverhead, New York on _____, at _____ a.m.

WHY the account of the proceedings of _____ as Administrat _____ of the estate of _____, deceased, a copy of which is attached, should not be judicially settled, and

WHY the administrat _____ should not be empowered to compromise and settle a certain claim for wrongful death against _____ for the sum of \$ _____ and to discontinue any claim for conscious pain and suffering, and

WHY the provisions in the limited Letters of Administration issued to the petitioner on _____, restraining the compromise or collecting upon the aforesaid claim and cause of action, should not be modified to permit said compromise, and

WHY the filing of a bond should not be dispensed with, and

WHY the defendant, _____, or defendant's insurance company, should not pay to _____ Esqs., out of the proceeds of the settlement for the claim for wrongful death, the sum of \$ _____ as and for attorneys' fees, together with disbursements in the sum of \$ _____, and

WHY the entire recovery of \$ _____ should not be allocated to the cause of action for decedent's wrongful death, and

WHY the balance of the settlement, to wit the sum of \$ _____, should not be distributed to those distributees having sustained a pecuniary loss as follows:

____ % of the balance to _____ widow/widower of decedent;
____ % of the balance to _____, child of decedent; ____ % of the
balance to _____, child of decedent,

and

WHY the claim of _____ should not be rejected, as a nondistributee, and

WHY the claim of _____ in the amount of \$ _____ should not be rejected, and

WHY upon payments as hereinbefore mentioned the said administrat _____ should not be permitted to execute and deliver general releases and all other necessary papers to the defendant, _____, or defendant's insurance company, releasing them from all claims against them arising out of the aforesaid action for wrongful death, together with any other papers necessary to effectuate the said compromise.

Dated, Attested and Sealed,

HON. VINCENT J. MESSINA, JR.
Surrogate

(Seal)

Doreen A. Quinn, Chief Clerk

ATTORNEY

Name of Attorney: _____

Address of Attorney: _____

Telephone Number of Attorney: _____

NOTE: This citation is served upon you as required by law. You are not obliged to appear in person. You have a right to have an attorney appear for you. If you fail to appear it will be assumed that you do not object to the relief requested.

PROBATE CITATION

File No. _____

SURROGATE'S COURT - SUFFOLK COUNTY
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, Suffolk County, at 320 Center Drive,
Riverhead, New York, on _____ 20____, at _____ o'clock in the forenoon of that day, why
a decree should not be made in the estate of _____

lately domiciled at _____

admitting to probate a Will dated _____

(a Codicil dated _____) (a Codicil dated _____)

a copy of which is attached, as the Will of _____

deceased, relating to real and personal property, and directing that

☐ Letters Testamentary issue to: _____

☐ Letters of Trusteeship issue to: _____

☐ Letters of Administration c.t.a. issue to _____

(State any further relief requested)

Dated, Attested and Sealed

_____, 20____

HON. VINCENT J. MESSINA, JR.
Surrogate

Doreen A. Quinn, Chief Clerk

Attorney for Petitioner

Telephone Number

Address of Attorney

[NOTE: This citation is served upon you as required by law. You are not required to appear. If you fail to appear it will be assumed you do not object to the relief requested. You have the right to have an attorney appear for you.]

GUARDIANSHIP CITATION

File No. _____

SURROGATE'S COURT- SUFFOLK COUNTY
17-A GUARDIANSHIP CITATION
THE PEOPLE OF THE STATE OF NEW YORK
By the Grace of God Free and Independent

TO:

A petition having been filed by _____ who is/are
domiciled at _____

YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court, Suffolk County, at 320 Center Drive,
Riverhead, New York, on _____, 202__ at _____ o'clock in the _____ noon
of that day, why letters of guardianship of the

[] person [] property [] person and property [] limited guardianship of the property
of _____ should not be granted to _____.

why the appointment of _____ as Standby Guardian of the
[] person [] property [] person and property [] limited guardianship of the property
of _____ should not be granted;

why the appointment of _____ as First Alternate Standby Guardian of the
[] person [] property [] person and property [] limited guardianship of the property
of _____ should not be granted;

why the appointment of _____ as Second Alternate Standby Guardian of the
[] person [] property [] person and property [] limited guardianship of the property
of _____ should not be granted;

and why a hearing [] should be held [] should not be held;
and why the appearance of Respondent [] should be [] should not be required at the hearing;
and why the guardian(s) of the person should not be authorized and empowered to make all decisions with respect to the
medical and dental needs of the Respondent and to render consent to any medical procedures which are necessary to the
health and welfare of the Respondent, unless the court directs otherwise. A health care decision may include a decision to
withhold or withdraw life-sustaining treatment as defined in Section 1750-b(1) of the Surrogate's Court Procedure Act.
[State further relief requested]:

Dated, Attested and Sealed,

(Seal)

HON. VINCENT J. MESSINA, JR., Surrogate

Doreen A. Quinn, Chief Clerk

Attorney for Petitioner(s): _____ Telephone Number: _____

Address of Attorney: _____

[NOTE: This citation is served upon you as required by law. You are not required to appear. If you fail to appear it will be assumed you do no object to
the relief requested. You have the right to have an attorney appear for you.]
GMD-7 (6/1/2024)

ADMINISTRATION CITATION

File No. _____

SURROGATE'S COURT - SUFFOLK COUNTY
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, Suffolk
County, at **320 Center Drive, Riverhead, New York**, on _____, 202__ at 9:30 o'clock in
the forenoon 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 thereto.

(State any further relief requested)

Dated, Attested and Sealed,

HON. VINCENT J. MESSINA, JR.
Surrogate

_____, 20____
(Seal)

Doreen A. Quinn, Chief Clerk

Name of
Attorney for Petitioner _____ Tel. No. _____

Address of Attorney _____

[NOTE: This citation is served upon you as required by law. You are not required to appear. If you fail to appear it will be assumed you do not object to the relief requested. You have the right to have an attorney appear for you.]

**SURROGATE'S COURT : STATE OF NEW YORK
COUNTY OF SUFFOLK**

-----X
PROBATE PROCEEDING, Will of

**SCPA 1404
STIPULATION**

File No. _____

Deceased

-----X
It is hereby stipulated and agreed that all examinations of pursuant to SCPA 1404 are to be completed and any objections are to be filed on or before _____.

Absent formal application, any adjournment of the date set forth above may only be granted by further order of the Surrogate for good cause shown.

Attorney for Petitioner(s)

Attorney for Petitioner(s)

Print Name and Address

Print Name and Address

Email: _____

Email: _____

Attorney for Respondent(s)

Attorney for Respondent(s)

Print Name and Address

Print Name and Address

Email: _____

Email: _____

"So Ordered"

DATE:

VINCENT J. MESSINA, JR., Surrogate

**SURROGATE'S COURT : STATE OF NEW YORK
COUNTY OF SUFFOLK**

-----X
ACCOUNTING PROCEEDING, ESTATE OF

**SCPA 2211
STIPULATION**

File No.

Deceased.
-----X

It is hereby stipulated and agreed that all examinations of the fiduciary(ies) pursuant to SCPA 2211 are to be completed and any objections are to be filed on or before _____.

Absent formal application, any adjournment of the date set forth above may only be granted by further order of the Surrogate for good cause shown.

Attorney for Petitioner(s)

Attorney for Petitioner(s)

Print Name and Address

Print Name and Address

Email: _____

Email: _____

Attorney for Respondent(s)

Attorney for Respondent(s)

Print Name and Address

Print Name and Address

Email: _____

Email: _____

"So Ordered"

DATE:

VINCENT J. MESSINA, JR., Surrogate