

**INFORMATION CONCERNING THE FILING OF OBJECTIONS AND REBUTTAL
IN A PROCEEDING BEFORE THE 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. Objections are reviewed by a Judge of the Family Court. Even if you file an objection, the amount ordered by the Support Magistrate must be paid until a new order is entered. (*Objections cannot be taken on an order entered on *consent*, and the respondent may not file an objection on an order entered on *default*.)**

INSTRUCTIONS FOR FILING OBJECTIONS

Objections must be filed within **30 days** of the date the order was received by you *in court*, or personally served to you (or, if the order was received by mail, within **35 days** of the mailing of the order).

1. Complete all required case file information in caption area on side two of this form.
2. Attach a statement of your reason(s) for objection to the order. Sign and date the statement.
3. Attach a copy of the *order* that you are objecting to.
4. Have a copy of the *objection package* served on the opposing party either in person or by mail. (*The party serving the papers must be over 18 years of age and not a party to the action.*)
5. The *party who served the papers* must complete the *affidavit of service* on side two of this form and have his or her signature notarized.
6. File the *original* objection and attachments, including the *affidavit of service*, with the Court, and maintain a *copy* for your own records.

INSTRUCTIONS FOR FILING A REBUTTAL TO OBJECTION

The party that has been served with an objection has a right to file a rebuttal to the objection. A rebuttal is an answer to the objection.

1. Complete all required case file information in the caption area on side two of this form.
2. Attach a statement of your reason(s) for rebuttal. Sign and date the statement.
3. Have a *copy* of the rebuttal package served on the opposing party either in person or by mail within **13 days** of the receipt of the objections. (*The party serving the papers must be over 18 years of age and not a party to the action.*)
4. The *party who served the papers* must complete the *affidavit of service* on side two of this form and have his or her signature notarized.
5. File the *original* rebuttal, including the *affidavit of service*, with the Court, and maintain a *copy* for your own records.

INFORMATION ABOUT TRANSCRIPTS

The party filing the objection **MAY** be required to provide a transcript of the proceeding. **This will not be necessary unless the judge requires one.** If the judge requires a transcript, the party filing the objection must pay the cost for the duplicate recording or the transcript. If the party cannot afford to pay for a duplicate recording or transcript, the clerk of the court will provide information about procedures for obtaining a duplicate recording or transcript without charge. Even if the judge does not require a transcript, either party may request a duplicate recording or transcript. The requesting party must pay the cost for such duplicate recording or transcript.

CASE CAPTION

NAMES OF PARTIES: VS.

DOCKET # FILE #

I, [] OBJECT TO SUPPORT ORDER DATED
(Enter your name)
[] REBUT OBJECTIONS RECEIVED ON

Attach a separate sheet of paper(s) stating your specific objection to the order (or a rebuttal to objection filed). Follow the instructions on reverse side on how to prepare and properly serve and file these papers. Failure to comply with procedure may result in your application being denied by the court.

AFFIDAVIT OF SERVICE

The party serving the papers either by mail or in person, MUST be eighteen years of age and NOT a party to the action. The party serving the papers must complete the following information, and sign the form in front of a notary public.

I,being duly sworn deposes and says: I am over eighteen years of age: **not a party to the action**: and have served a true copy of objection/rebuttal documents on the party named below who I personally know to be the same person to whom the said process is directed:

[] **BY MAIL** in a sealed envelope addressed to: (Name)
(Address)
(Date of mailing)

[] **IN PERSON** by delivering to: (Name)
(Date) (Time)
(And place)..... of service.

Complete this section for personal service ONLY

Describe the party who was served with the papers ►

Approximate age Sex
Approximate weight Height
Skin color Hair color
Identifying marks, if any

The person who served the papers must SIGN HERE X
Print name ►

Sworn to before me on
Notary Public of the State of New York,
appointed in and for the County of
Commission expires on

(Signature must be notarized by a notary public)