

BRONX COUNTY SURROGATE'S COURT
LOCAL PROTOCOLS FOR ELECTRONIC FILING (NYSCEF)

Purpose

These local protocols supplement the Uniform Rules for the New York State Courts governing electronic filing and describe procedures followed by the Bronx County Surrogate's Court for processing electronically filed matters.

These Protocols are intended to address local practice only. They do not supersede any statute, court rule, or administrative order. Where a conflict exists, the governing statute or rule controls.

Users should also review and consult the NYSCEF website (www.nycourts.gov/efile).

Eligible Proceedings

Mandatory E-Filing. E-filing is mandatory for all new proceedings in the following areas: Probate, Administration, Accounting, Miscellaneous, and in all related and subsequent proceedings thereto, e.g., Small Estates, Petitions/Orders to Examine Safe Deposit Boxes, etc., commenced in this court on or after July 10, 2026. **Guardianship and Adoption proceedings may not be e-filed and must be in paper form.**

Hybrid Proceedings. The Bronx County Surrogate's Court shall accept e-filed documents in proceedings that were previously commenced on paper.

Documents Must Be E-Filed. Unless otherwise provided in the e-filing rules, this protocol, or where a special exemption is granted (e.g., Oversized Exhibits in Section 3, below) all documents to be filed with the court in a NYSCEF case must be filed with the NYSCEF system.

Non-Participation in E-Filing:

Exemptions from Mandatory E-Filing. An attorney who certifies in good faith that he or she lacks the equipment or knowledge needed to e-file and has no staff member or employee under his or her direction who has such knowledge and equipment may opt out of e-filing in each mandatory proceeding by filing an opt out form with the Clerk. Attorneys also may be exempted by the court for good cause shown. Proposed intervenors (non-attorneys) and unrepresented non-parties are exempt from e-filing. Unrepresented litigants are exempt from e-filing but may choose to participate.

E-Filing Documents in Surrogate's Court

Prior to E-Filing. Before commencing a proceeding, you should run an inquiry on the decedent's last name, using the first initial, to determine if a file is already open. Due to the numbering system in Surrogate's Court, an inquiry based on the file number alone may not produce accurate results. In addition, you must contact the Court to ascertain whether there may be another will for the decedent on file with the Court (e.g., filed for safekeeping). **Please do NOT call the court to determine if a proceeding was already filed.**

Initial Entering of Case Information. Any error in the initial entry of case information can significantly delay the proceeding.

Please double check to be sure to select the correct county.

The case name must be entered as follows:

- Initial entry must be identical to the signature on the Will
- If the name on the death certificate is different, that becomes an “AKA”
- If the name on the will does not match the signature, that becomes an “AKA”
- No **punctuation** or **spaces** should be used when entering the name or "AKA"

Notice of Hard-Copy Submission. Where, within the e-filing rules, an attorney or an unrepresented litigant who is participating in e-filing submits a document in hard copy, the document must bear a Notice of Hard Copy Submission – E-Filed Proceeding (see NYSCEF Forms page). Attorneys who are exempt from e-filing are required to attach this form to all hard copy filings, while unrepresented litigants who are not participating in e-filing are not so required.

Original Documents. Paper originals of the decedent’s certified death certificate and Will must be delivered to the Court two business days after their filing. Scan the original Will, but DO NOT UNSTAPLE IT. Original authenticated documents for ancillary proceedings (probate and administration) must be received before a decree can be issued. Original surety bonds must be received before their copies and filing fees will be brought over from NYSCEF.

Citations. Submit a proposed citation electronically through NYSCEF only. The Court will complete the citation and upload the completed version to NYSCEF as quickly as possible. If your proposed citation requires amendment, you will be notified. Otherwise, an e-mail notification will be sent when the completed citation is posted to NYSCEF. After receipt of the notification, print the citation and serve it in accordance with the SCPA. Service of the Citation should be accompanied by a Notice of Commencement of Proceeding Subject to Mandatory Electronic Filing. (See Forms page on NYSCEF site.)

Decrees and Orders. E-file proposed decrees and orders through NYSCEF only. Once the decree or order is signed, the court will upload the signed version to NYSCEF and notify all consenting parties that the decree or order has been signed and posted. Users who have requested a certified copy of the decree or order and have paid the appropriate fee via NYSCEF will receive the certified copy by regular mail.

Stipulations. Stipulations submitted for purposes of being “so ordered” by the Court shall be electronically filed and e-mailed to jjhughes@nycourts.gov. The filer must attach proof that the stipulation has been e-filed (e.g., the thank you page or the email notification) to the back of the stipulation when it is submitted to the Court.

Oversized Exhibits. If an exhibit or attachment is unsuited for electronic filing (e.g., a large map or a videotape), it shall be submitted to the court and served on the other parties in hard copy. Attach a

Notice of Hard Copy Submission – E-Filed Proceeding. In addition, a Notice of Hard Copy Exhibit must be completed and electronically filed. (See Forms page on the NYSCEF site.)

Working Copies. The court require filers to submit paper copies, also known as working copies, of the following: pleadings (see SCPA 302), motions (including all exhibits, supporting documents and responding papers), and accountings. The filer must attach proof that the document has been e-filed (e.g., the thank you page or the e-mail notification) to the back of all working copies submitted to the court. **Working copies must be exact paper copy duplicates of the e-filed documents. The court will not begin reviewing a filing which requires submission of a working copy until the working copy is received.** Working copies do not become part of the official record and will be destroyed by chambers at the disposition of the case.

Payment. This court accepts payment of fees required by the SCPA by credit card payments made via NYSCEF or by payments made at the court. There are no additional fees to use the NYSCEF System. Fees are calculated in accordance with SCPA § 2402 based on the documents filed with NYSCEF and the representation of the filing user regarding the value of the estate assets. Review by the Court may result in a modification of the fees initially anticipated or charged in connection with the e-filed transaction. In the event of any such modification, the Court will contact the filing user by e-mail with the proper amount and request an additional fee, if applicable. The Bronx County Surrogate's Court will not allow the filing of additional documents by the filer if the filer owes an outstanding fee in that proceeding.

If choosing to pay by credit card at time of filing on the NYSCEF website, enter credit card information directly on the website. You must input the credit card information with each filing; your credit card will be charged at the time of filing. Make sure credit limit is large enough to cover anticipated filings.

If choosing to pay at the court, be aware that documents are not "filed" until payment is received. The court cannot process the filing until payment is received in full and may delete the filing if payment is not made within two business days after e-filing.

Notifications. Notification of defective filings will be sent out by e-mail or by telephone, depending on the circumstances.

Return of Requested Documents. Self-addressed stamped envelopes with at least 2 ounces of postage or adequate postage for the return of any requested documents are **required**. The Court will not mail documents back to the filer without proper stamped envelopes.

To ensure rapid return of documents you have requested from Surrogate's Court, the court will keep your pre-paid self-addressed envelopes on file. When filing your Request for Surrogate's Court Action, you should indicate that the item should be returned to you in the self-addressed envelopes you will be providing the Court. If self-addressed stamped envelopes are not provided, the court will place the documents into an attorney pick-up bin drawer located in each department.

Certificates and Letters. Upon request made via NYSCEF, the court will mail out Certificates of Appointment and Letters. When a request for Certificates is made in any e-filed proceeding, please pay at the time of the request. Do NOT choose the pay at court option.

General Correspondence. All general correspondence, adjournment requests and conference requests should be e-filed. A courtesy copy of adjournment requests should be e-mailed to VirtualBronxSurrogatesCourt@nycourts.gov. Do not send a hard copy of any correspondence, adjournment requests, or conference requests that have been e-filed.

Signatures. Documents requiring signatures shall be considered in accordance with Uniform Rule §207.4-a(f). When e-filing a document bearing an actual signature, the e-filer is responsible for maintaining the original, executed document pursuant to Uniform Rule 207.4-a(f)(2).

Problem Filings and Notifications. If it is determined that there is an issue with e-filing, the filer will be notified by court staff either by phone or e-mail notification (via the NYSCEF system). Filers are welcome to call the Court directly for any needed assistance or the E-filing Resource Center at 646-386-3033 or efile@nycourts.gov.

Decrees, Orders, and Judgments:

Decrees, orders, and judgments will be signed in hard copy by the Surrogate and forwarded to the Clerk for filing and scanning into the NYSCEF system, which will then transmit notification to all parties. However, the notification does not constitute service of notice of filing upon any party (see Uniform Rule § 207.4-a[h]).

Court issued Letters and Certificates of Appointment will be provided in hard copy to the filer via the usual means (SASE, USPS mailing, messenger).

Sealed Documents and In Camera Review:

Applying for a Sealing Order. A party who wishes to file a document under seal must file a hard copy of the document, along with the “Notice of Hard Copy Submission” with the Surrogate’s Court. Unless the document is being filed ex parte, the filing party shall serve all parties with hard copies of the document, along with the “Notice of Hard Copy Submission” form, in the traditional manner. (See Forms page on the NYSCEF site.)

If the Court grants the sealing request, the Surrogate Clerk will then file the documents in the appropriate manner, as directed. If the application is denied, an order will be issued that directs the party to file the document electronically.

In Camera Documents. Documents submitted to the Court for in camera review should be delivered to the Court in a sealed envelope conspicuously marked “FOR IN CAMERA REVIEW BY THE COURT” with a Notice of Hard Copy Submission form attached. (See Forms page on the NYSCEF website.)