

How to File an Objection or Rebuttal for a Child Support Order



This information is provided by Albany County Family Court.

If I do not agree with a child support order, can I do anything about it?

If you disagree with your FINAL child support order, you have the right to object. This means you can ask the judge to look at your case again. This is called filing an **objection**.

Either **party** in a child support case is allowed to object. Here, party refers to either the person paying child support or the person who is being paid.

Who will review my case if I file an objection?

The person who made the child support order is a **support magistrate** (MAH-jis-trate). Support magistrates make decisions about child support cases. When you object, a Family Court judge reviews, or looks at, your case.

Do I have to pay child support if I am objecting to the order?

Yes. Even if you file an objection, you must continue to pay the amount of child support ordered until the judge makes a new order.

What documents do I need to file an objection?

To object, you will need (use this list as a checklist for yourself to gather the documents you will need):

- ___ An Objection to Support Order form
- ___ A copy of the signed, final child support order
- ___ A copy of the **Findings of Fact**, if it exists.

A Findings of Fact is a written statement by the support magistrate of the facts that they used to decide the order.

You can get copies of court orders or Findings of Fact by submitting a Records Request Form at the Clerk's Office or by mail. You must include the caption and date of the order or court appearance, along with a self-addressed, stamped envelope. You must show a photo ID in person, or include a copy of your ID with your letter to the court.

You can get an Objection to Support Order form in person from the clerk's office or from the court's website at www.nycourts.gov/Forms/FamilyCourt/ChildSupport.html. You can also get an objection form by sending to the court a self-addressed, stamped envelope with a request for the clerk to send you an objection form back.

The mailing address for Albany County Family Court is:
Albany County Family Court
30 Clinton Avenue
Albany, New York 12207

How do I file an objection?

1. Gather the documents you will need to file an objection (from page 1 of this guide): an objection form, a final court order, and Findings of Fact. You will need to file a separate objection for each order. You cannot file one objection for multiple orders.
2. Type or clearly print the "caption" on the objection form exactly how it appears on the order being objected to. The caption includes the name of the case, Family Court file number, and docket number of the case. A docket number is the special identification number that every case gets. The name of the case is usually written as "the name of **petitioner** (pe-TI-shun-er) v. the name of the **respondent** (re-SPON-dent)."
3. Then, write out the reasons you disagree with the order. These are your objections. Be sure to make it clear what part or parts of the order you do not agree with.
4. Make copies of your objections and any supporting papers that you have.
5. Arrange to have a copy of your objections and supporting papers served on the other party in your case. You can have the objection served in person or through the mail. Make sure to have the person who served the papers sign the **Affidavit** (aff-i-DAV-it) **of Service** and get it **notarized**. For more information on how to do this, please see the LIFT guide "Serving Court Papers."
6. Take or mail the original copy of your objections, the child support order, the Findings of Fact, and the signed and notarized Affidavit of Service back to the clerk at Family Court.

Will the court want any other information?

Probably not. The judge might ask for a transcript of your child support hearing. A **transcript** is a written report of everything that was said at the hearing.

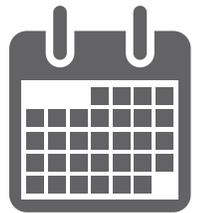
How do I get a transcript?

If the judge asks for a recording or transcript, you can fill out a Request for Transcript form, available in person or by mail from the Clerk's Office. If you are requesting by mail, please include a self-addressed, stamped envelope with your request.

Even if the judge does not ask for a transcript or recording, either party may ask for one. The party that asks for it has to pay for it.

What is the deadline to file an objection?

If the order was mailed to you by the court, you have 35 days from the date the order was made to file your written objections. If you need more time, you must file a written request with the judge before the 35 days have expired. Be sure to explain why you need more time. You must also mail a copy of your request for more time to the other party.



What if I disagree with an objection that was filed?

If you were served with a copy of an objection and you want to respond, you can file a **rebuttal** (re-BUT-tul). A rebuttal is a response to an objection. See page 3 of this guide for more information.

How long does it take for the judge to review my objection?

Generally, the timeline for a judge to make a decision on an objection is within 15 days from when the rebuttal was filed, or within 15 days from when the rebuttal was supposed to be filed if a rebuttal was not actually made. Do not be surprised if it takes much longer than this to receive a response. Many times, judges take longer than 15 days to write a decision. Also, many times a rebuttal is not filed. Just because a rebuttal is not filed does not automatically mean that the judge will agree with your objection(s).

How do I file a rebuttal?

1. You can obtain a form known as a Rebuttal to an Objection from the Albany County Family Court.
You can get a Rebuttal to Objection to Support Magistrate Final Order form in person from the clerk's office or from the court's website at www.nycourts.gov/Forms/FamilyCourt/ChildSupport.html. You can also get a rebuttal form by sending to the court a self-addressed, stamped envelope with a request for the clerk to send you a rebuttal form back.
2. Type or clearly print the "caption" on the rebuttal form exactly how it appears on the order being objected to. The caption includes the name of the case, Family Court file number, and docket number of the case. A docket number is the special identification number that every case gets. The name of the case is usually written as "the name of **petitioner** (pe-TI-shun-er) v. the name of the **respondent** (re-SPON-dent)."
3. Then, write down the date you got the objections from the other party. Also write down why you do not agree with the other party's objections.
4. Make copies of your rebuttal and any supporting papers that you have.
5. Arrange to have a copy of your rebuttal and supporting papers served on the other party in your case. You can have the rebuttal served in person or through the mail. Make sure to have the person who served the papers sign the **Affidavit** (aff-i-DAV-it) **of Service** and get it **notarized**. For more information on how to do this, please see the LIFT guide "Serving Court Papers."
6. Take or mail the original copy of your rebuttal and the original signed and notarized Affidavit of Service back to the clerk at Family Court within 13 days of when you got the objections.

How will I know what the judge decides?



You will get a copy of the decision from the judge. If the judge changed your order, the change starts from the date that the child support petition was originally filed. If the order was reduced, this means you may get a credit toward future payments. If the order was increased, you may owe **arrears** (a-REERS) to make up the difference from what you were paying to what you are now required to pay. Arrears means child support money that is unpaid.

What if I disagree with the judge's decision to the objection and rebuttal?

You can file an appeal with the Appellate Division if you do not agree with the judge's decision and order. Contact the Appellate Division or your local law library for more information. For court orders from Albany County, contact the Third Appellate Division by telephone at 518-471-4777 or by emailing AD3ClerksOffice@nycourts.gov. The Albany County Law Library is located at the Albany County Courthouse at 16 Eagle Street, Room 406. Or email the Law Library at albanylawlibrary@nycourts.gov.

Be aware that there are strict deadlines to file an appeal. An appeal must be taken within 30 days after you are served by the other party or the party's attorney, or 35 days if the decision and order were mailed to you by the court.

This document should not take the place of a consultation with a lawyer. LIFT encourages all individuals involved with the Criminal and Family Court systems to consult with a lawyer.

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