

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



This information has been adapted for the following New York Counties: Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming.

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 court to look at the facts of 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.

Will the same judge review my case?

No. The person who made the child support order was a **support magistrate** (MAH-jis-trate). Support magistrates, also called **hearing examiners**, make decisions about child support cases. When you object, a Family Court judge reviews, or looks at, your case.

What do I need to file an objection?

To object, you need a copy of the signed child support order. You also need a copy of the **Findings of Fact** that the hearing examiner used to decide the order.

A Findings of Fact is a written statement by the hearing examiner of the facts that he or she thought were important and true for making the decision. If you do not have these items, you can ask the clerk of the Family Court window how to get copies.

How do I file an objection?

1. Call your local Family Court to request a form called an "objection." Please note that not every county has a form called an objection but you can ask for more information from your local court. The addresses and phone numbers of the Family Courts located in the 8th Judicial District in New York State are as follows:

Allegany County Family Court
7 Court Street Belmont,
NY 14813
(585) 449-3463

Cattaraugus County Family Court
One Leo Moss Drive
Olean, NY 14760
(716) 379-6616

Chautauqua County Family Court
Chautauqua Municipal Building
2 Academy Street, Suite 5
Mayville, NY 14757
(716) 753-4351

Erie County Family Court
One Niagara Plaza
Buffalo, NY 14202
(716) 845-7400

Genesee County Family Court
1 West Main Street
Batavia, NY 14020
(585) 201-5717

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Niagara County Family Court

Angelo Delsignore Civic Building
775 Third Street
Niagara Falls, NY 14301
(716) 371-4050

Orleans County Family Court

Courthouse Square
1 South Main Street, Suite 3
Albion, NY 14411-1497
(585) 283-6622

Wyoming County Family Court

147 North Main Street
Warsaw, NY 14569
(585) 228-3200

2. Based on the information you get from your local Family Court, you may be able to use a blank piece of paper to file an objection. Be sure to include the information below.
3. Type or clearly print the name and **docket number** of your case on the objection form or on a piece of paper. 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).”
4. On that same piece of paper, 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.
5. Make copies of your objections and any supporting papers that you have.
6. **Serve** (give) a copy of your objections to the other party in your case. You can serve the objections 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.”
7. Take 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 the Family Court clerk.

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.

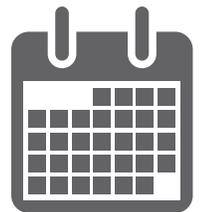
How do I get a transcript?

If the judge asks for a recording or transcript, you can ask the clerk of the court how to get one. If you cannot afford to pay for it, ask the clerk how you can get one for free.

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?

You must file your objections with the court within 30 days of the date the order was made. 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.



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 if I disagree with an objection that was filed?

The person served with objections can file a **rebuttal** (re-BUT-tul). A rebuttal is a response to an objection.

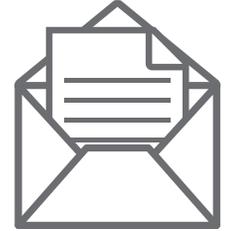
How do I file a rebuttal?

1. You may be able to obtain a form known as a Rebuttal to an Objection in Family Court or you can use a blank piece of paper. Please check with your local Family Court.
2. Type or clearly print the name and docket number of your case on the piece of paper.
3. On the same piece of paper, write down the date you got the objections from the other party.
4. Write down the objections you do not agree with and why.
5. Make copies of your rebuttal.
6. Serve the other party in your case with a copy of your rebuttal. You can serve your rebuttal in person or through the mail. You **MUST** serve your rebuttal and file an Affidavit of Service for the rebuttal and the original copy of the rebuttal with the court within 13 days of getting the objections.

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

The judge is supposed to make a decision 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 will I know what the judge decides?



You will get a letter from the court with the decision of 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 decision to the objection and rebuttal?

You can file an appeal with the Appellate Division of the Supreme Court. For more information on how to file an appeal, please see your local family court or local law library.

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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