



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

This information is applicable in the following New York Counties: Onondaga, Oneida, Jefferson, Herkimer, Oswego, and Lewis.

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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**. 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 go to the record room in the court where the order was made and make a copy from your file.



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 Fifth Judicial District in New York State are as follows:

Herkimer County Family Court
301 N. Washington Street
Herkimer, NY 13350
(315) 619-3400

Jefferson County Family Court
Jefferson County Court Complex
163 Arsenal Street
Watertown, NY 13601
(315) 785-3001

Lewis County Family Court
Lewis County Courthouse
7660 State Street, 1st Floor
Lowville, NY 13367
(315) 376-5345

Oneida County Family Court
301 West Dominick Street
Rome, NY 13440
(315) 266-4500

Oneida County Family Court
Oneida County Courthouse
200 Elizabeth Street, 1st Floor
Utica, NY 13501
(315) 266-4444

Onondaga County Family Court
Onondaga County Courthouse
401 Montgomery Street
Syracuse, NY 13202
(315) 671-2000

Oswego County Family Court
Public Safety Center
39 Churchill Road
Oswego, NY 13126
(315) 207-7533

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** v. the name of the **respondent**.”

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.



More on how to file an objection

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 of Service** and get it **notarized**. For more information on how to do this, please see the Family Legal Care guide “[Serving Court Papers](#),” which is available at familylegalcare.org.
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 window.

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**. 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.
5. 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 from when the rebuttal was supposed to be filed if a rebuttal was not made. Do not be surprised if it takes much longer than this to receive a response. Many times, judges take longer than they are supposed to. If it has been a long time and you want an update on your case, you can call or visit the court.



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** 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 Family Legal Care's guide, "[Appealing Family Court Orders](#)," which is available at familylegalcare.org.

Need more help? Family Legal Care offers free legal information and advice on New York family law and court procedure.



Call our Helpline: 212-343-1122 or 800-696-8629 | Visit: familylegalcare.org

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

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