

SERVING A CHILD SUPPORT SUMMONS

This document applies to you if you are a parent (custodial parent or noncustodial parent), seeking to establish or modify a child support order and were told you need to serve a summons to the other parent before the hearing.

This does not apply to you if your child currently receives cash assistance and you are the custodial parent or guardian on the case. Service is automatically handled by the child support program



The support magistrate will not go forward with a child support hearing unless you provide proof that the other party has been served properly or they show up in court and do not challenge service.

1. What documents must be served?

The other party must be served with papers called a petition and a summons.

- A “petition” gives information on what the court hearing is about.
- A “summons” gives information on which court the case was filed in, and the date and time of the appearance, and whether the appearance is in person or virtual¹.

2. Who needs to be served?

- Custodial parents or guardians filing the petition must have the summons and petition served to the noncustodial parent.
- Noncustodial parents filing the petition who already have an order payable to the custodial parent or guardian must have the summons and petition served to the custodial parent or guardian directly.
- Noncustodial parents with an order payable to the Department of Social Services (DSS) must serve DSS directly. Please go to <https://www.nyc.gov/site/hra/about/contact.page> and scroll down to “Subpoenas and Legal Papers” for information on how to serve a summons to DSS.

OCSS can serve the summons and petition to the custodial parent, noncustodial parent, or guardian for you (see <https://on.nyc.gov/contactocss>).

¹ Please note if the court appearance is virtual, you do not need to appear in person at the Court, instead use the link the Court provides to login to the hearing to appear virtually.

3. Can I serve the summons myself?

The person filing the petition is not allowed to serve the summons. If you filed the petition, someone other than you must serve the papers to the other party. This individual must be over the age of 18 years old and cannot be a party to the case (e.g., a child).

If you prefer, you can also hire either a “Process Server” or the New York City Sheriff’s Office to serve the papers. There is a fee you must pay. Or as mentioned above, ask OCSS to serve the summons and petition for you. It’s free.

4. When does the summons need to be served?

The summons and the petition must be served at least eight (8) days before the court date. The papers cannot be served on a Sunday or on the date of a federal holiday.

The person serving the summons must read and complete the form “[Affidavit of Service](#)”, have it notarized, and returned to you (the petitioner).

Provide the Affidavit of Service directly to the Family Court either by mail, email, the NYS Court Electronic Document Delivery System (EDDS), or in person.



Affidavit of Service

- If the Affidavit of Service is sent by email or uploaded to EDDS, provide the document at least 5 days before the court date so that it can be processed timely.
- EDDS can be accessed via the link below or the QR code <https://iappscontent.courts.state.ny.us/NYSCEF/live/eds.htm>.



EDDS

Need help?

The NYC Office of Child Support Services (OCSS) staff can help answer your questions about the summons process and help you with the service if needed.

Visit our Family Court Support Service Locations. See <https://on.nyc.gov/contactocss> for OCSS locations.

We are here to support you.

You can also refer to the Court’s website to learn more about serving a summons:

<https://nycourts.gov/courthelp/goingtocourt/service.shtml>.