

5AO2020-47

**FIRST AMENDED ADMINISTRATIVE ORDER
FIFTH JUDICIAL DISTRICT**

Pursuant to the authority vested in me, and in accordance with the recent operational protocols issued by the Chief Administrative Judge for the trial courts of the Unified Court System, I hereby order that effective 5:00 PM on March 16, 2020 the following rules be put into effect in the 5th Judicial District until rescinded. This Order supersedes prior Administrative Order No. 5AO2020-44 to the extent any provisions contained herein differ or are inconsistent with said prior Order.

As hereinafter used, "Assigned Judge" shall refer to the judge assigned to hear the case on and before March 16, 2020. "Designated Judge" shall refer to the judge assigned to hear the case by the Administrative Judge or his designee. "Essential Staff" shall refer to chambers staff of Designated Judges or non-judicial staff as designated by the District Executive.

- Pending eviction proceedings are stayed; no eviction orders shall be signed or served.
- All foreclosure proceedings are stayed; no foreclosure auctions shall be scheduled or held.
- No default judgments shall be granted.
- All Family Court and all County Court Judges are cross-assigned to the County and Family Courts in all counties of the District, and shall be designated Youth Part Judges.
- All Court proceedings will occur in the locations described in Attachment A and presided over by the judges assigned by the Administrative Judge or his designee.
- Maximum occupancy of ALL courtrooms, waiting rooms and meeting rooms in Court Facilities and other rooms where court functions occur shall be the lesser of 20 people or ½ the posted room occupancy per code.

- Naturalization Ceremonies, wherever they occur, shall comply with the room occupancy limits stated herein and shall be strictly limited to the candidates only and any necessary state or federal officials.
- After 5:00 PM on March 16, 2020 only Designated Judges and Essential Staff may report to the courthouse for work unless approved by the Administrative Judge.
- All deadlines established per judicial directive (including those contained in scheduling orders, service dates and "local rules") that occur during the pendency of this Administrative Order shall be extended for a period of 90 days from the date of the stated deadline, unless further application is made.

Supreme Civil

- All non-essential matters are administratively adjourned until a date on or after April 30, 2020 (to be determined by the Assigned or Designated Judge - Essential Staff shall be responsible for notifying attorneys or pro-se litigants of the adjourned dates).
- All civil trials that have commenced may continue.
- "Essential matters" is defined as urgent applications/cases in the following categories: Article 81 cases, Mental Hygiene Law applications (Retention Cases/Medication Over Objection cases), Orders to Show Cause, Extreme Risk Protection Orders, Applications for Orders of Protection, Isolation and Quarantine matters and any other matter determined to be essential after application by the Assigned Justice or Designated Justice to the Administrative Judge.
- All temporary orders of protection issued in the 5th Judicial District that are due to expire while this Administrative Order is in effect, shall be deemed extended under the same terms and conditions for a period of 90 days from the date the order is scheduled to expire, unless the order is terminated or modified by the Designated Justice or Assigned Justice. To the extent practicable, the Designated Justice or Assigned Justice shall issue an amended order and the amended order shall be served.

Superior Court Criminal Cases

- Any trial in which jeopardy has attached will continue.
- All non-essential matters are administratively adjourned until a date on or after April 30, 2020 (for defendants not in custody) or on or after April 15, 2020 (for defendants in custody). The adjourned date shall be determined by the Assigned or Designated Judge - Essential Staff shall be responsible for notifying attorneys or pro-se litigants of the adjourned date.

- “Essential Matters” includes arraignments, new and/or extended Orders of Protection and any other matters determined to be essential after application by the Assigned Judge or Designated Judge to the Supervising Judge. The Supervising Judge, in consultation with the Administrative Judge, shall permit a matter to proceed if warranted.
- Currently seated Grand Juries may continue until the expiration of their terms. Thereafter, a District Attorney may make application to the Administrative Judge for the impaneling of a new Grand Jury.
- The Accessible Magistrate procedure (for Adolescent Offenders) currently in place shall continue.

Treatment Courts/OSP

- Treatment courts and Opioid Stabilization Parts will be handled by the designated City Court Judge or the designated County Court Judge in counties with no City Court.
- Treatment courts will continue to the extent appearances are deemed essential in acute cases by the designated judge after application to the Coordinating Judge of Treatment Courts. The Coordinating Judge of Treatment Courts, after consultation with the Administrative Judge, shall permit a matter to proceed if warranted. All calendars and appearances shall be staggered so as to comply with room occupancy requirements as stated above.
- Essential Staff designated to work in these Courts shall be responsible for notifying attorneys or pro-se defendants of the adjourned dates.

Family Court

- All non-essential matters are administratively adjourned until a date on or after April 30, 2020 (to be determined by the Assigned or Designated Judge - Essential Staff shall be responsible for notifying attorneys or pro-se litigants of the adjourned dates).
- “Essential matters” shall be defined as urgent Juvenile Delinquency proceedings, Child Protective Proceedings where there is an imminent risk of harm to a child, Family Offense matters, emergency support matters, and any other matters determined to be essential after application by the Designated Judge to the Supervising Judge. The Supervising Judge, in consultation with the Administrative Judge, shall permit a matter to proceed if warranted.
- All temporary orders of protection issued in the 5th Judicial District that are due to expire while this Administrative Order is in effect, shall be deemed extended under the same terms and conditions for a period of 90 days from the date the order is scheduled to expire, unless the order is terminated or modified by the Designated Judge or Assigned Judge. To the extent practicable, the Designated Judge or Assigned Judge shall issue an amended order and the amended order shall be served.

- All remand/removal/placement orders issued in the 5th Judicial District under Family Court Act Articles 3, 6, 7, 8 and 10 that are due to expire while this Administrative Order is in effect, shall be deemed extended under the same terms and conditions for a period of 90 days from the date the order is scheduled to expire, unless the order is terminated or modified by the Designated Judge or Assigned Judge. To the extent practicable, the Designated Judge or Assigned Judge shall issue an amended order and the lawyers and pro-se litigants so notified
- Notwithstanding any Family Court or Supreme Court Orders to the contrary, during the pendency of the State of Emergency regarding the COVID-19 pandemic declared by Governor Cuomo under Executive Order 202 and as amended by subsequent Executive Orders, all county social services departments within the Fifth Judicial District shall have the discretion to suspend and/or modify court-ordered supervised visitation schedules until such time this Administrative Order is amended or rescinded.

Surrogate's Court

- All non-essential matters are administratively adjourned until a date on or after April 30, 2020 (to be determined by the assigned or designated judge - Essential Staff shall be responsible for notifying attorneys or pro-se litigants of the adjourned dates).
- Essential matters shall include urgent guardianships, urgent adoptions, and other matters as determined to be essential after application by the Surrogate to the Administrative Judge.

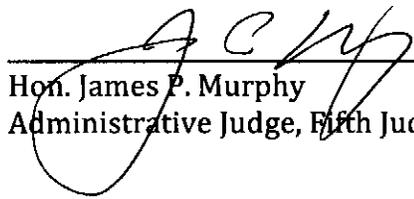
City Court

- All non-essential matters are administratively adjourned until a date on or after April 30, 2020 (for defendants not in custody and for civil matters) or on or after April 15, 2020 (for defendants in custody). The adjourned date shall be determined by the Assigned or Designated judge - Essential Staff shall be responsible for notifying attorneys or pro-se litigants of the adjourned date.
- Essential matters shall include arraignments, applications for Orders of Protection, and any matter deemed to be essential after application by the Designated Judge to the Supervising Judge. The Supervising Judge, in consultation with the Administrative Judge, shall permit a matter to proceed if warranted.
- All vouchers submitted pursuant to County Law Section 722-b(4) are hereby approved and payment by the County Assigned Counsel Program is authorized, provided the Assigned Counsel Director is satisfied that all other requirements of law and procedure have been followed.

Town and Village Courts

- All non-essential matters are administratively adjourned until a date on or after April 30, 2020 (for defendants not in custody and for civil matters) or on or after April 15, 2020 (for defendants in custody). The adjourned date shall be determined by the Assigned or Designated Judge - Town and Village staff shall be responsible for notifying attorneys or pro-se litigants/defendants of the adjourned dates.
- Essential Town and Village Matters include arraignments, applications for Orders of Protection and any matter deemed to be essential after application by the Designated Judge to the Supervising Judge. The District Coordinating Judge or a Supervising Judge, in consultation with the Administrative Judge, shall permit a matter to proceed if warranted.
- Any matter scheduled prior to 5:00 PM on March 16, 2020 shall be adjourned to a date on or after April 30, 2020 using the Court notification system. Town and Village personnel should post a sign indicating that defendants should check back with the Court after April 30, 2020.
- All temporary orders of protection issued in the 5th Judicial District that are due to expire while this Administrative Order is in effect, shall be deemed extended under the same terms and conditions for a period of 90 days from the date the order is scheduled to expire, unless the order is terminated or modified by the Designated Judge or Assigned Judge. To the extent practicable, the Designated Judge or Assigned Judge shall issue an amended order and the amended order shall be served.
- After hours arraignments shall be heard by the CAP judge in counties with a CAP court according to the approved CAP Plan.
- In a County without a CAP Part or if the CAP Part becomes unavailable for any reason, after hours arraignments shall be conducted in the authorized Town or Village Court. The Town or Village Judge shall attempt to obtain defense counsel and make a record thereof. If no defense counsel is available, then the judge shall conclude the arraignment. Any urgent matter (ex. Preliminary Hearing) shall be scheduled at the Central location established in each county. If no urgent matters need to be scheduled, the case shall be adjourned for at least 45 days or to the next court date thereafter.
- All vouchers submitted pursuant to County Law Section 722-b(4) are hereby approved and payment by the County Assigned Counsel Program is authorized, provided the Assigned Counsel Director is satisfied that all other requirements of law and procedure have been followed.

Dated: March 18, 2020
Syracuse, New York



Hon. James P. Murphy
Administrative Judge, Fifth Judicial District

Distribution:
HON. VITO CARUSO