



ADMINISTRATIVE ORDER EIGHTH 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 and after consultation with the Chief Administrative Judge and the Deputy Chief Administrative Judge and

WHEREAS, New York State and the nation are now in the midst of an unprecedented public health crisis surrounding the outbreak of COVID-19; and

WHEREAS, COVID-19 is known to be a highly infectious disease, and there is much community concern that large gatherings of people can result in greater public exposure to possible contagion or “community spread”; and

WHEREAS the Courts of the Eighth Judicial District have or are about to commence Phase I of the Return to In-Person Operations Plan on May 18, 2020 for Orleans, Genesee and Wyoming Counties, and May 21 for Allegany, Cattaraugus, Chautauqua, Eri and Niagara counties: it is hereby

ORDERED that effective immediately the following rules be put into effect in the 8th Judicial District until rescinded.

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. “Essential Staff” shall refer to chambers staff of Designated Judges, chambers staff of additional judges as designated by the Administrative Judge and non-judicial staff as designated by the District Executive.

A. General matters and matters applicable to more than one case type

1. Pending eviction proceedings are stayed; no eviction orders shall be signed or served. Reference is made to Administrative Order AO 68/20 signed by the Chief Administrative Judge of the Courts on March 16, 2020; Executive Order 202.8 signed by the Governor on March 20, 2020, Executive Order 202.14 signed by the Governor on April 7, 2020 and Executive Order 202.28 signed by the Governor on May 7, 2020 with regard to eviction matters.
2. Until further Administrative Order or Executive Order, no default judgments shall be granted where, pursuant to CPLR 3215, the default occurred after March 16, 2020. Furthermore, no default judgment requiring the defendant’s notice pursuant to

CPLR 3215(g) shall be granted, unless the application was heard prior to March 17, 2020 and proper notice was given.

3. All Family Court and all County Court Judges are cross assigned to the County and Family Courts in all counties of the District.
4. The Virtual Courtroom Protocol enacted by Eighth Judicial District signed on March 31, 2020 remains in full force and effect and all provisions of this Amended Administrative Order shall be read in conjunction with the Virtual Courtroom Protocol.
5. All Essential Court proceedings will occur **virtually** from the locations designated for that purpose unless otherwise approved by the Administrative Judge.
6. Maximum occupancy of ALL courtrooms, waiting rooms and meeting rooms in Court Facilities and other rooms where court functions occur conform to current recommendations, which is the lesser of 10 people or ½ the posted room occupancy per code. All room occupants shall remain six feet apart.
7. Only essential staff may report to the courthouse for work. Court supervisors will rotate staff working in court buildings.
8. 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 120 days from the date of the stated deadline, unless further application is made **or the parties agree otherwise** (reference is made to Administrative Order AO/71/20 signed by the Chief Administrative Judge of the Courts on March 19, 2020 as it relates to civil litigation). Further reference is made to Executive Order 202.8 signed by the Governor on March 20, 2020 and Executive Order 202.14 signed by the Governor on April 7, 2020 and Executive Order 202.28 signed by the Governor on May 7, 2020 regarding statutory deadlines and time frames.
9. All Temporary Orders of Protection issued in any criminal or civil matter that has expired or is due to expire on or after March 19, 2020 “shall be extended under the same terms and conditions until the date the matter is re-calendared, unless the order is sooner terminated or modified by a judge or justice of the court that issued the order” pursuant to Administrative Order AO/73/20 signed by the Chief Administrative Judge of the Courts on March 19, 2020.
10. All vouchers submitted pursuant to County Law § 722-b(4) and Family Court Act §§ 35(8), 243(c), 245(c) are deemed approved pursuant to the Order signed by the Administrative Judge of the Eighth Judicial District dated March 20, 2020 and designated as “Health Emergency AO 4/2020”.
11. All individuals seeking legal representation pursuant to Article 18-B of the County Law shall be deemed eligible, regardless of financial ability to obtain counsel.
12. All filings shall be pursuant to AO 111/2020 and any amendments thereto signed by the Chief Administrative Judge of the Courts on May 15, 2020 for the counties of Orleans, Genesee and Wyoming counties and pursuant to AO 114/2020 for the counties of Allegany, Cattaraugus, Chautauqua, Erie and Niagara.

B. Supreme Civil

1. All non-essential matters are administratively adjourned and may be conferenced by the Assigned Judge as outlined in the Virtual Chambers Protocol.
2. "Essential matters" includes those matters as listed in Exhibit A attached to Administrative Order AO/78/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020 and as amended hereafter and any other matter determined to be essential after application by the Assigned Justice or Designated Justice to the Administrative Judge.
3. All Mental Hygiene Law proceedings in which a party is confined to a hospital or other facility shall be conducted with appearances by means of remote audiovisual technology or telephone pursuant to Administrative Order AO/72/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020.
4. All foreclosure proceedings are stayed; no foreclosure auctions shall be scheduled or held. Reference is made to Administrative Order 68/20 signed by the Chief Administrative Judge of the Courts on March 16, 2020; Executive Order 202.8 signed by the Governor on March 20, 2020, as extended by Executive Order 202.14 signed by the Governor on April 7, 2020 and Executive Order 202.28 signed by the Governor on May 7, 2020. .

C. Superior Court Criminal Cases

1. For Defendants not in custody, all non-essential matters are administratively adjourned to a date on or after May 30, 2020 or to another date selected by the Assigned Judge in consultation with the District Attorney and Defense Attorney. The notification system shall be used to notify out of custody defendants. Regarding defendants in custody, all matters are administratively adjourned to May 7, 2020 or to another date selected by the Assigned Judge in consultation with the District Attorney and Defense Attorney.
2. "Essential matters" includes those matters as listed in Exhibit A attached to Administrative Order AO/78/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020 and as amended hereafter 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.
3. The Accessible Magistrate procedure (for Adolescent Offenders) currently in place shall continue.
4. Grand juries set to be impaneled within term six of the courts for the year 2020 shall be postponed until further order pursuant to Administrative Order AO 113/20 signed the the Deputy Chief Administrative Judge Vito Caruso on May 16, 2020.

D. Family Court

1. All non-essential matters are administratively adjourned and may be conferenced by the Assigned Judge as outlined in the Virtual Chambers Protocol.

2. "Essential matters" includes those matters as listed in Exhibit A attached to Administrative Order AO/78/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020 and as amended hereafter, 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.
3. **Judges are required to immediately bring to his/her Supervising Judge's attention any Permanency Planning Hearings that pursuant to existing Federal or State Law require a determination that the matter be deemed essential to provide a timely calendar date.**
4. All remand/removal/placement/extension orders issued in the Eighth 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 notified.

E. Surrogate's Court

1. All non-essential matters are administratively adjourned and may be conferenced by the Assigned Judge as outlined in the Virtual Chambers Protocol.
2. "Essential matters" includes those matters as listed in Exhibit A attached to Administrative Order AO/78/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020 and as contained in Administrative Order AO 99/20 signed by the Chief Administrative Judge of the Courts on May 15, 2020 and other matters as determined to be essential after application to the Surrogate.

F. City Court

1. For Defendants not in custody, all non-essential matters are administratively adjourned to a date on or after May 30, 2020 or to another date selected by the Assigned Judge in consultation with the District Attorney and Defense Attorney. Regarding defendants in custody, all matters are administratively adjourned to May 7, 2020 or to another date selected by the Assigned Judge in consultation with the District Attorney and Defense Attorney.
2. "Essential matters" includes those matters as listed in Exhibit A attached to Administrative Order AO/78/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020 and as amended hereafter 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.
3. All non-essential Civil matters shall be addressed by the Assigned Judge and appropriately scheduled in compliance with the Virtual Chambers protocol.

G. Town and Village Courts

1. **All non-essential matters are administratively adjourned until a date on or after May 30, 2020 for defendants not in custody and for civil matters. Regarding defendants in custody, all matters are administratively adjourned to June 5, 2020 or to another date selected by the Designated Judge in the Central Courthouse Arraignment Part in consultation with the District Attorney and Defense Attorney.**
2. For all eight counties of the Eighth Judicial District, any arraignments during the hours of 9AM to 5PM weekdays shall take place before a Designated County Court Judge, Acting County Court Judge, or Supreme Court Judge **pursuant to the Virtual Courtroom protocol.**

Dated: May 22, 2020



Hon. Paula L. Feroletto
Administrative Judge
Eighth Judicial District

Health Emergency
AO 06/2020
Distribution:
HON. VITO CARUSO