



THIRTEENTH AMENDED ADMINISTRATIVE ORDER
NINTH JUDICIAL DISTRICT

Pursuant to the authority vested in me, 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, on June 24, 2021 the Governor issued Executive Order Number 210 whereby Executive Orders 202 through 202.111 and Executive Orders 205 through 205.3, declaring a disaster emergency in the State of New York in response to the COVID-19 pandemic, were rescinded; and

WHEREAS, while a steadily increasing number of New Yorkers have received a COVID-19 vaccine and the metrics regarding the rate of infection show continued improvement across the state, there is still community concern that large gatherings of people can result in greater public exposure to possible contagion or "community spread"; and

WHEREAS, on a daily basis, in courts across the State, hundreds if not thousands of people representing a broad cross-section of the community have reason to and potentially gather to conduct business in large groups in close proximity to one another; and

WHEREAS the Courts of the Ninth Judicial District commenced Phase I of the Return to In-Person Operations Plan ("RIOP") on May 27, 2020, Phase II of the RIOP on June 11, 2020, Phase III of the RIOP on June 25, 2020, Phase IV of the RIOP on July 9, 2020, Phase 4.1 of the RIOP on August 14, 2020, the Updated RIOP on November 19, 2020, the Updated Operating Protocols Effective November 23, 2020, the Updated Operating Protocols Effective December 9, 2020, the Updated Operating Protocols Effective February 22, 2021, the Updated Operating Protocols Effective April 26, 2021, and the Updated Operating Protocols Effective June 30, 2021; it is hereby

ORDERED that effective immediately the following rules be put into effect in the Ninth Judicial District until rescinded.

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

1. Until further Administrative Order or Executive Order, residential eviction matters may proceed pursuant to the protocol established in the memoranda from Chief Administrative Judge Lawrence Marks dated October 9, 2020, November 17, 2020, December 30, 2020, March 15, 2021 and May 24, 2021 and pursuant to Administrative Orders AO/231/20, AO/268/20, AO/340/20, AO/37/21,

AO/96/21 and AO/160/21. Further reference is made to the Tenant Safe Harbor Act (Ch. 127, L. 2020), the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (Ch. 381, L. 2020), the CDC Agency Order filed on September 1, 2020, and any applicable Executive Orders issued by the Governor.

2. Default judgments may be granted pursuant to CPLR 3215 provided that the granting of the default judgment is not contrary to any statute, Executive Order or Administrative Order.
3. The Return to In-Person Operations Plan ("RIOP") (Phase I) implemented on May 27, 2020, the RIOP (Phase II) implemented on June 11, 2020, the RIOP (Phase III) implemented on June 25, 2020, the RIOP (Phase IV) implemented on July 9, 2020, the RIOP (Phase 4.1) implemented on August 14, 2020, the Updated RIOP implemented on October 19, 2020, the Updated Operating Protocols implemented on November 23, 2020, Updated Operating Protocols implemented on December 9, 2020, the Updated Operating Protocols implemented on February 22, 2021, the Updated Operating Protocols implemented on April 26, 2021, and the Updated Operating Protocols to be implemented on June 30, 2021 and any further updated operating protocols are incorporated herein and all provisions of this Administrative Order shall be read in conjunction with the protocols.
4. Naturalization Ceremonies and other court functions, wherever they occur, shall comply with the room occupancy limits stated in the current Updated Operating Protocols and all safety protocols currently in effect including the June 14, 2021 Memorandum - Revised Mask Policy Program]; the May 29, 2020 Memorandum - Additional Safety and Operational Protocols and the March 30, 2021 Memorandum - Coronavirus - Updated Safety and Operational Protocols.

B. Supreme Civil

1. All Mental Hygiene Law proceedings in which a party is confined to a hospital or other facility shall be conducted pursuant to Administrative Order AO/144/20 signed by the Chief Administrative Judge of the Courts on May 11, 2021.
2. Until further Administrative Order or Executive Order, foreclosure matters may proceed pursuant to the protocol established in the memoranda from Chief Administrative Judge Lawrence Marks dated July 24, 2020, October 22, 2020, December 31, 2020, March 15, 2021, and May 24, 2021 and pursuant to Administrative Orders AO/157/20 dated July 23, 2020, AO/232/20 dated October 22, 2020, AO/341/20 dated December 31, 2020, AO/95/21 dated March 15, 2021, and AO/159/21 dated May 24, 2021. Further reference is made to the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (Ch. 381, L. 2020), as amended.
3. All Foreclosure Auctions must adhere to the Ninth Judicial District Foreclosure Auction Plan.

C. Superior Court Criminal Cases

1. All pending criminal cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with the Updated Operating Protocols Effective June 30, 2021. For Defendants not in custody, there shall be no adjournment of a

matter that is greater than 60 days. For defendants in custody, there shall be no adjournment of a matter that is greater than 30 days.

2. All cases involving a youth that is currently in detention shall be reviewed by the Assigned Judge, at a minimum, at least once every fourteen days. Disposition of cases involving youths in detention shall be given priority.
3. Appearance tickets shall be scheduled pursuant to Criminal Procedure Law 150.40(1).
4. Each County, in consultation with the Sheriff, shall develop a plan for the imposition of intermittent sentences.

D. Family Court

1. Judges should ensure that all Permanency Planning Hearings are timely scheduled and heard pursuant to existing Federal or State Law. Difficulties in scheduling the hearings should immediately be brought to the attention of the supervising judge.
2. All cases involving a youth that is currently in detention shall be reviewed by the Assigned Judge, at a minimum, at least once every fourteen days. Disposition of cases involving youths in detention shall be given priority.

E. Surrogate's Court

All matters shall be calendared consistent with all Administrative Orders at the discretion of the Presiding Surrogate.

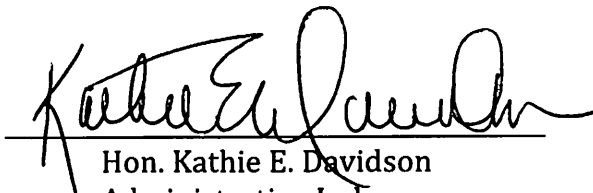
F. City Court

1. All pending criminal cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with the Updated Operating Protocols Effective June 30, 2021. For Defendants not in custody, there shall be no adjournment of a matter that is greater than 90 days. For defendants in custody, there shall be no adjournment of a matter that greater than 30 days.
2. Appearance tickets shall be scheduled pursuant to Criminal Procedure Law 150.40(1).

G. Town and Village Courts

1. All pending cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with the Updated Operating Protocols Effective June 30, 2021. For Defendants not in custody, there shall be no adjournment of a matter that is greater than 90 days. For defendants in custody, there shall be no adjournment of a matter that greater than 30 days
2. Appearance tickets shall be scheduled pursuant to Criminal Procedure Law 150.40(1).

Dated: June 30, 2021
White Plains, New York


Hon. Kathie E. Davidson
Administrative Judge
Ninth Judicial District