



TWELFTH 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, New York State and the nation continue to be in the midst of an unprecedented public health crisis surrounding the outbreak of COVID-19 (coronavirus); 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, and the Updated Operating Protocols Effective April 26, 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ORDERED that effective immediately the following rules be put into effect in the Ninth Judicial District until rescinded.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, and December 30, 2020 and pursuant to Administrative Orders AO/231/20, AO/268/20, AO/340/20 and AO/37/21. 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 and the Updated Operating Protocols to be implemented on April 26, 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, wherever they occur, shall comply with the room occupancy limits stated herein.
5. 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. The terms of such orders shall be extended either through the Division of Technology or as addressed by each Court.
6. The Judges should encourage or require, to the greatest extent possible, the use of virtual technology in matters that occur off court premises (depositions, discovery, etc.). Such language should be included in any scheduling orders.

B. Supreme Civil

1. 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.
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, and March 15, 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, and AO/95/21 dated March 15, 2021. . Further reference is made to the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (Ch. 381, L. 2020).
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 applicable Executive Orders and Administrative Orders 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. The Youth Part arraignment procedure established in the Virtual Courtroom Protocol effective April 6, 2020 is modified only as follows: The Youth Part Judge, or designated back-up Youth Part Judge, shall preside over Youth Part proceedings. Virtual Youth Part proceedings shall take place via Microsoft Teams.
3. 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.
3. No new S (PINS), F (Support), P (Paternity), or U (UIFSA) warrants may be issued unless approved by the Supervising Judge. All other Family Court warrants may be issued in the discretion of the Assigned Judge.

E. Surrogate's Court

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

F. City Court

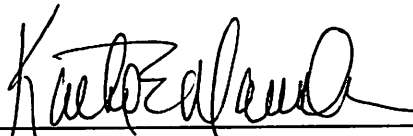
All pending criminal cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with applicable Executive Orders, Administrative Orders and the Updated Operating Protocols Effective April 26, 2021. For Defendants not in custody, there shall be no adjournment of a matter that is greater than 90 days. For defendants in custody, there shall be no adjournment of a matter that greater than 30 days.

G. Town and Village Courts

1. Occupancy of all public areas of the court facility is limited to 50% of the posted room occupancy per code. Individuals will not be allowed to congregate in hallways or entryways while awaiting entry into the courtroom. In addition, occupancy of all courtrooms is limited to the lesser of 30 people or 50% of the posted room occupancy per code.
2. Scheduling
 - a. Traffic infractions/violations: No more than 25 cases will be scheduled every 15 minutes.

- b. Criminal matters (to include all penal law and misdemeanor traffic charges):
No more than 25 cases will be scheduled every 30 minutes.
 - c. Trials: No more than one hearing or bench trial every 30 minutes will be scheduled.
3. Court Proceedings
- a. Trials: Bench trials and evidentiary hearings may proceed in-person but must be scheduled so that there is strict compliance with the room occupancy limits in all courtrooms and public areas.
 - b. Jury trials may be conducted only with the approval of the Administrative Judge.
 - c. Virtual appearances shall be utilized to the greatest extent possible where a virtual appearance is legally permissible and logistically possible.

Dated: April 23, 2021
White Plains, New York



Hon. Kathie E. Davidson
Administrative Judge
Ninth Judicial District

Distribution:
HON. VITO CARUSO