

*State of New York
Court of Appeals*



*Court of Appeals Hall
Albany, New York 12207*

*Rowan D. Wilson
Chief Judge*

**ADMINISTRATIVE ORDER OF THE
CHIEF JUDGE OF THE STATE OF NEW YORK**

Pursuant to Article VI, § 28(c) of the State Constitution and Section 211 of the Judiciary Law, upon consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals of the State of New York, I hereby amend, effective January 1, 2028, Part 17 of the Rules of the Chief Judge by: (i) repealing Section 17.1 and adding a new Section 17.1; (ii) renumbering Section 17.4 as Section 17.6, and adding a new Section 17.4; and (iii) adding a new Section 17.5. New sections 17.1, 17.4 and 17.5 to read as follows:

Section 17.1. Visitation of facilities for detention, treatment, examination, and confinement, and visitation of residential facilities for children detained and placed under the Family Court Act

(a) Judicial visits to facilities listed below inform judges about the conditions in the criminal and juvenile justice facilities to which they confine persons, give more visibility to these facilities generating greater public awareness, and notify incarcerated persons that judges are aware of confinement conditions. Judicial visits are not intended to provide or to supplant formal oversight of any of the facilities covered by this section.

(b) In order to ensure that the purposes set out in subdivision (a) of this section are achieved the following program of judicial visits shall be implemented.

(c) All judges or justices designated in subdivision (e) of this section shall conduct at least one visit of a facility as described in this section per year. A judge or justice shall not revisit a facility of the same category, as detailed in subdivision (e) of this section, until each category of facility applicable to that judge or justice has been visited for the first time. For judges or justices covered simultaneously by multiple paragraphs of subdivision (e) of this section, the categories of facilities to be visited shall be combined without duplication.

(d) Nothing in this rule should be construed or interpreted as limiting a judge's or justice's lawful authority to visit a facility.

(e) The following categories of facilities shall be visited:

(1) For justices and acting justices of the Supreme Court, judges and acting judges of the County Court, regularly sitting in a superior court criminal term or in a superior court term with criminal as well as civil jurisdiction where criminal matters comprise a significant component of the judge's or justice's assignment as determined by the Deputy Chief Administrative Judge:

- (i) a facility operated by the New York State Department of Correctional Services for the confinement of persons convicted of a felony;
- (ii) a facility operated by (a) the City of New York or (b) a county or municipality outside the City of New York for the confinement of persons convicted of a misdemeanor or violation; and
- (iii) a facility operated by (a) the City of New York or (b) a county or municipality outside the City of New York for the detention of persons accused of an offense.

(2) For judges primarily presiding in the New York City Criminal Court:

- (i) a facility operated by the New York City Department of Correction for the confinement of persons convicted of a misdemeanor or violation;
- (ii) a facility operated by the New York City Department of Correction for the detention of persons accused of an offense;
- (iii) a specialized secure detention facility certified by the New York State Office of Children and Family Services and the State Commission of Correction for the detention of youth charged as adolescent offenders; and
- (iv) a secure detention and, if any, a non-secure detention facility certified by the New York State Office of Children and Family Services for the detention of youth charged as juvenile offenders or accused of acts of juvenile delinquency.

(3) For all judges designated as "accessible magistrates" by the presiding justices of the appellate divisions pursuant to section 722.10(2) of the Criminal Procedure Law:

- (i) a secure and, if any, a non-secure detention facility certified by the New York State Office of Children and Family Services for the detention of youth charged as juvenile offenders or accused of acts of juvenile delinquency;
- (ii) a specialized secure detention facility certified by the New York State Office of Children and Family Services and the State Commission of Correction for the detention of youth charged as adolescent offenders;

- (iii) for judges primarily presiding in the District Courts, City Courts, and the Town and Village Courts in a criminal term or in a term with criminal as well as civil jurisdiction where criminal matters comprise a significant component of the judge's assignment as determined by the Deputy Chief Administrative Judge who are also designated accessible magistrates, this provision would only apply if the facility to be visited is located in the county where the judge or justice is sitting.

(4) For judges primarily presiding in the District Courts and City Courts, in a criminal term or in a term with criminal as well as civil jurisdiction where criminal matters comprise a significant component of the judge's assignment as determined by the Deputy Chief Administrative Judge, if located in the county where the judge or justice is sitting:

- (i) a facility operated by a county or municipality for the confinement of persons convicted of a misdemeanor or violation;
- (ii) a facility operated by a county or municipality for the detention of persons accused of an offense;
- (iii) a specialized secure detention facility certified by the New York State Office of Children and Family Services and the State Commission of Correction for the detention of youth charged as adolescent offenders; and
- (iv) a secure and, if any, a non-secure detention facility certified by the New York State Office of Children and Family Services for the detention of youth charged as juvenile offenders or accused of acts of juvenile delinquency.

(5) For judges who are designated youth part judges or back-up youth part judges sitting in superior court:

- (i) a specialized secure detention facility certified by the New York State Office of Children and Family Services and the State Commission of Correction for the detention of youth charged as adolescent offenders;
- (ii) a secure and, if any, a non-secure detention facility certified by the New York State Office of Children and Family Services for the detention of youth charged as juvenile offenders or accused of acts of juvenile delinquency; and
- (iii) a secure facility operated by the New York State Office of Children and Family Services for sentenced adolescent offenders and youths who are adjudicated for a juvenile delinquency offense for a designated felony act under the Family Court Act.

- (6) For judges of the Family Court, regularly sitting in Family Court:
- (i) a secure and, if any, a non-secure detention facility certified by the New York State Office of Children and Family Services for the detention of youth accused of acts of juvenile delinquency;
 - (ii) a secure, limited secure and, if any, non-secure facility operated by (a) the New York State Office of Children and Family Services or (b) an authorized agency or facility under contract with either the New York State Office of Children and Family Services or the New York City Administration for Children Services for youths who are adjudicated for a juvenile delinquency offense;
 - (iii) a congregate foster care facility for youth who are adjudicated for a juvenile delinquency offense, who are in a facility for youth at risk of human trafficking or who are alleged or adjudicated as Persons In Need of Supervision or who are the subjects of child protective, voluntary foster care or permanency proceedings; and
 - (iv) either (a) or (b):
 - (a) a children's psychiatric center or children's unit of a psychiatric center operated by the New York State Office of Mental Health, or a developmental center or intermediate care facility operated by the New York State Office of People with Developmental Disabilities for the evaluation and treatment of children; or
 - (b) a facility of a county or municipality, or a private institution, to which the Family Court refers children for evaluation or in which the Family Court places children for treatment of mental illness or developmental disabilities.
- (f) Each visit should include an opportunity to spend a meaningful amount of time in as many major areas of the facility as practicable including but not limited to the following:
- (1) intake areas;
 - (2) housing areas including at least one general population area and, for each housing area visited, the living areas, shower areas, indoor and outdoor recreation areas, and dayrooms, and any dedicated housing areas, such as honors programs;
 - (3) restricted housing areas where persons are held for disciplinary infractions, administrative segregation, and protective custody;
 - (4) program areas including classrooms, computer labs, chapels or other religious areas, educational areas, vocational training programs, and other rehabilitation or reentry program spaces;

- (5) kitchen and dining areas including an opportunity to view any meal prepared or served during the period of the visit;
- (6) visiting areas of the prison detention or juvenile facility including contact and non-contact visiting areas and areas for visits with children and areas where visitors are processed into the visiting area;
- (7) medical areas, including areas dedicated to hospice or elder care;
- (8) mental health living areas, if any;
- (9) library areas including the general library and the law library;
- (10) areas where in-person and virtual visits with counsel or virtual court appearances take place;
- (11) work areas including areas where incarcerated persons work to maintain the facility such as laundry areas or mess halls, or in juvenile facilities where youth are provided with vocational training;
- (12) the commissary; and,
- (13) when visiting a facility housing incarcerated women, any nursery and any program area or other location which does not exist in an equivalent form in facilities housing men.

(g) During the visit, upon request, judges should have the opportunity to have conversations with incarcerated persons, employees of all facilities described herein, members of any grievance committee within the facility and, if available, family members visiting the facility. Such conversations should be as private as possible consistent with security concerns.

(h) A mechanism shall be established to allow judges who wish to report their impressions of the visit, including specific comments about what they observed during the visit, to the Deputy Chief Administrative Judge for Courts within the City of New York or outside the City of New York, whichever is applicable. The mechanism should include an on-line form that allows for confidential reporting. The Chief Administrative Judge shall determine a method through which feedback from judges arising from such visits is provided to correctional and other appropriate agencies or otherwise determine the extent to which such information shall be used or further disseminated.

(i) Orientation of judges and justices for these visits shall be provided as specified in section 17.4.

(j) To ensure that visits take place at these designated facilities located throughout the State of New York, the Deputy Chief Administrative Judges for the Courts outside the City of New York and within the City of New York will put in place a schedule of visits which will

ensure that the places visited are representative of the places listed in subdivision (e) of section 17.1. With respect to facilities operated by the New York State Department of Corrections and Community Supervision such schedule shall, to the extent practicable, seek to ensure that judges visit facilities they have not previously visited within the past 5 years. Such schedule shall also ensure that judges periodically visit facilities housing incarcerated women and ensure that with respect to any facility housing children such schedule shall also ensure that judges periodically visit facilities that house girls whether incarcerated in separate facilities or in facilities with both girls and boys.

(k) The Deputy Chief Administrative Judges for the Courts outside the City of New York and within the City of New York shall be responsible for ensuring compliance with these provisions by the judiciary and shall report to the Chief Administrative Judge as to the implementation of the provisions thereof at such times and in such form as the Chief Administrative Judge shall require.

Section 17.4 Orientation Program for Judicial Visits to Facilities Described in section 17.1

(a) Each judge or justice in a court required to visit a facility specified in section 17.1 shall attend within one year after assuming office or within one year of the enactment of this section, and periodically thereafter, a program approved by the Chief Administrator of the Courts describing the facilities designated in section 17.1, orienting judges and justices to prepare them for visits to such facilities.

(b) The Office of Court Administration, in creating such judicial education programs pursuant to this subdivision, shall attempt to obtain input regarding any such program from the relevant stakeholders, including but not limited to the New York State Department of Corrections and Community Supervision, the administrators of local jail systems, Prisoner's Legal Services of New York, and the Correctional Association of New York.

(c) Attendance at such program shall be counted toward fulfillment of the training and education requirements for justices and judges subject to section 17.3 of this Part.

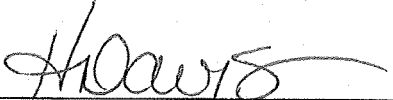
Section 17.5 Program for Judicial Visits for the Justices of the Town and Village Courts

(a) Justices of the Town and Village Courts regularly sitting in a criminal term or in a term with criminal as well as civil jurisdiction where criminal matters comprise a significant component of the judge's or justice's assignment, to the extent practicable, are to follow the visitation requirements of judges of the District Courts and City Courts as detailed in subdivisions 17.1(c), (e)(4), and (f) of this Part, except that the visitation cycle for such Judges and Justices shall be one visit to a designated facility every two years.

(b) The Justice Court Support Office is to include in its trainings, to the extent practicable, an appropriate orientation program in support of and encouraging such visitations by Justices of the Town and Village Courts.



Chief Judge of the State of New York

Attest: 
Clerk of the Court of Appeals

Dated: April 15, 2026

AO/02/26

