

FOURTH JUDICIAL DISTRICT
RETURN TO IN-PERSON OPERATIONS - PHASE TWO
JUNE 5, 2020

With the Governor determining that all counties in the Mohawk Valley, North Country and Capital District Regions are clear to move to Phase Two of economic reopening, the Chief Judge of the State of New York has authorized all of the courts in those regions to commence Phase Two of their "Return to In-Person Operations Plan". Thus, **effective Friday, June 5, 2020**, all courts located in the Fourth Judicial District, i.e., Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, St. Lawrence, Saratoga, Schenectady, Warren and Washington, will begin Phase Two. These are the highlights:

1. The courts will begin scheduling and hearing in-person proceedings, as follows:

- a. **Supreme and County Civil Cases:** In-person appearances will be scheduled for "Essential Matters", as identified in Administrative Orders #78/20 and 99/20 of Hon. Lawrence Marks *with the exception of Mental Hygiene Law applications pertaining to a hospitalized or institutionalized adult patient, which will continue to be heard virtually*. Exhibit A to Judge Marks' Order #99/20 is attached. It lists all essential matters. For non-essential matters, counsel or the parties (if self-represented) may request an in-person appearance. Such requests will be made to and determined by the Assigned Judge on a case-by-case basis.
- b. **County and City Court Criminal Cases:** Orders #78/20 and #99/20 identify certain criminal proceedings deemed "essential". However, in Phase Two, none of those identified matters will be heard in-person as a matter of course. Counsel may request that they, as well as one of the following proceedings, be considered for in-person appearance. Such requests are to be made to and will be decided by the Assigned Judge on a case-by-case basis:
 - Pleas and Sentencings
 - Treatment Part Remands
 - CPL 180.80 Hearings
 - Bail Applications and Reviews
 - Youth Part Calendar Appearances
 - Warrant Returns
 - Pringle Hearings; Suppression, Refusal and other Pre-Trial Hearings
 - Any other unique situation where the interests of justice may require
- c. **Family Court Cases:** In-person appearances will be scheduled for "Essential Matters", as identified in Exhibit A. In addition, counsel or the parties (if self-represented) may request in-person appearances, as listed below. Such requests are to be made to and will be decided by the Assigned Judge/Magistrate on a case-by-case basis:
 - Permanency Hearings
 - Warrant Returns
 - Adoption Proceedings
 - Downward Support Modifications
 - Any other unique situation where the interests of justice may require
- d. **Surrogate's Court Cases:** The only "Essential Matter" in the Surrogate's Court involves individuals who passed away due to COVID-related causes. However, counsel or the parties (if self-represented) may request in-person appearances, as listed below. Such requests are to be made to and will be decided by the Assigned Judge on a case-by-case basis:
 - Adoption Proceedings
 - Article 17 and 17-A Guardianship Proceedings
 - Wrongful Death Proceedings
 - Any other unique situation where the interests of justice may require
- e. **City Court Civil Cases:** In addition to essential cases, the following cases may also be scheduled for in-person appearances, as deemed necessary by the Assigned Judge:
 - Civil proceedings (excluding eviction proceedings, which are stayed until August 20, 2020, per Executive Order 202.28 and Fourth District Administrative Order #4JD-044-2020)
 - Small Claims Proceedings
 - Dangerous Dog Hearings

f. **Town and Village Courts:** Town and Village Courts will expand to conducting in-person appearances in civil cases, as follows:

- Civil proceedings (excluding eviction proceedings, which are stayed until August 20, 2020, per Executive Order 202.28 and Fourth District Administrative Order #4JD-044-2020)
- Small Claims Proceedings
- Dangerous Dog Hearings

In addition, Town and Village Courts will begin to impose sentences by mail on pending Vehicle and Traffic Law matters where a guilty plea has been received.

Criminal Arraignments in Town and Village Courts will remain unchanged. Business-hours arraignments will continue to be conducted by a specially designated Superior Court Judge; after-hours arraignments will be conducted via the virtual arraignment procedure currently in place.

2. **Facility Modifications and Safety Measures:** In the Supreme, County, Family, Surrogate and City Courts, personal protective equipment (masks and gloves) are available to all judges and court staff. Plexiglass barriers are being installed, where necessary, to ensure safety. Face shields will be used by court officers and court staff in those situations where plexiglass installation is still in progress. Hand sanitizer dispensers have been placed at visible and accessible locations throughout the facilities for use by judges, court staff and members of the public. Physical distance cues (e.g. six-foot floor markers) are in place to ensure proper physical distancing and enhanced court facility cleaning measures are in place. ***All members of the public entering a court facility will be required to wear a face covering at all times.***

In the Town and Village Courts, municipalities are providing personal protective equipment to judges and court staff. Where necessary, municipalities are coordinating facilities modifications, including plexiglass installation, physical distancing cues and hand sanitizing dispensers. ***All members of the public entering a court facility will be required to wear a face covering at all times.***

3. **Courthouse Capacity:** In the State-paid courts, reduced courthouse capacity will be enforced in order to ensure compliance with density restrictions. In-person proceedings will occur only in designated courtrooms and according to set schedules which have been established. This will ensure that overall density limits are not exceeded in the facility and that each in-person proceeding occurs in courtrooms where adequate spacing can be maintained. In the Town and Village Courts, court schedules will be staggered to minimize facility density.

Essential Proceedings
Administrative Order AO/78/20
(as amended by AO/99/20)
May 18, 2020

- A. Criminal matters
 - 1. arraignments
 - 2. bail applications, reviews and writs
 - 3. temporary orders of protection
 - 4. resentencing of retained and incarcerated defendants
 - 5. essential sex offender registration act (SORA) matters

- B. Family Court
 - 1. child protection intake cases involving removal applications
 - 2. newly filed juvenile delinquency intake cases involving remand placement applications, or modification thereof
 - 3. emergency family offense petitions/temporary orders of protection
 - 4. orders to show cause
 - 5. stipulations on submission

- C. Supreme Court
 - 1. Mental Hygiene Law (MHL) applications and hearings addressing patient retention or release
 - 2. MHL hearings addressing the involuntary administration of medication and other medical care
 - 3. newly filed MHL applications for an assisted outpatient treatment (AOT) plan
 - 4. emergency applications in guardianship matters
 - 5. temporary orders of protection (including but not limited to matters involving domestic violence)
 - 6. emergency applications related to the coronavirus
 - 7. emergency Election Law applications
 - 8. extreme risk protection orders (ERPO)

- D. Civil/Housing matters
 - 1. applications addressing landlord lockouts (including reductions in essential services)
 - 2. applications addressing serious code violations
 - 3. applications addressing serious repair orders
 - 4. applications for post-eviction relief

- E. All Courts
 - 1. any other matter that the court deems essential

F. Surrogate's Court

- 1. Any matter involving an individual who passed away due to COVID-related causes.**

This list of essential proceedings is subject to ongoing review and amendment as necessary.