



EIGHTH 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 are now in the midst of an unprecedented public health crisis surrounding the outbreak of COVID-19 (coronavirus); 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, on a daily basis, in courts across the State, hundreds if not thousands of people representing a broad cross-section of the community 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 and Phase 4.1 of the RIOP on August 14, 2020 (Attachment A – 4.1 Summary); is hereby

ORDERED that effective immediately the following rules be put into effect in the Ninth Judicial District until rescinded.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

- A. General matters and matters applicable to more than one case type
1. Until further Administrative Order or Executive Order, eviction matters may proceed **pursuant to the protocol established in the Memorandum from Chief Administrative Judge Lawrence Marks dated August 12, 2020 and Pursuant to Administrative Order AO/160a/20.** All other eviction proceedings are suspended; no eviction orders with respect to suspended matters shall be signed or served. Further reference is made to the 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, Executive Order 202.28 signed by the Governor on May

7, 2020, **Executive order 202.48 signed by the Governor on July 6, 2020; and Executive Order 202.55 signed by the Governor on August 5, 2020.**

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. **Notwithstanding the above, a judgment adverse to the party seeking relief (plaintiff, petitioner, moving party, etc.) may be granted in the event that party fails to proceed with the action or appear in court.**
3. All Family Court and all County Court Judges are cross-assigned to the County and Family Courts in all counties of the District. All City Court Judges are cross assigned to all County\*, City, Town and Village Courts in the County of their residence and any adjoining County. \* effective March 16, 2020, *nunc pro tunc*.
4. 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** and any RIOPs for any subsequent phases are incorporated herein and all provisions of this Administrative Order shall be read in conjunction with the RIOP.
5. The Virtual Courtroom Protocol enacted by Ninth Judicial District Administrative Judge effective April 6, 2020, to the extent not inconsistent with the RIOP, remains in full force and effect and all provisions of this Administrative Order shall be read in conjunction with the Virtual Courtroom Protocol and any subsequent amendments thereto. Skype for Business is currently required for all court proceedings. **After August 31, 2020 Microsoft Teams will be used for court proceedings.**
6. Occupancy of ALL courtrooms and meeting rooms in Court Facilities and other rooms where court functions occur shall be limited to the lesser of 25 people or ½ the posted room occupancy per code unless the necessary parties in an action require that more than 25 people be in a courtroom. Notwithstanding the above, in all instances the maximum occupancy of any space in the courthouse shall be limited to ½ the posted room occupancy. To the greatest extent possible, all room occupants shall remain six feet apart.
7. Naturalization Ceremonies, wherever they occur, shall comply with the room occupancy limits stated herein.
8. All Staff shall report to the courthouse as determined by his/her supervisor. All Judges and Chambers' staff should report to the courthouse. Any requests for exemptions must be discussed with the Administrative Judge.
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 filings shall be pursuant to the Administrative orders signed by the Chief Administrative Judge of the Courts (AO/111/2020, AO/114/20, AO/115/20, AO/149/20 and any amendments thereto).

## 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 Memorandum from Chief Administrative Judge Lawrence Marks dated July 24, 2020 and pursuant to Administrative Order AO/157/20 dated July 23, 2020.** Further 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, Executive Order 202.28 signed by the Governor on May 7, 2020, **Executive order 202.48 signed by the Governor on July 6, 2020; and Executive Order 202.55 signed by the Governor on August 5, 2020.**

## 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. The issuance of the new return date shall occur on or before the currently scheduled adjourned date or within 7 days of the signing of this order, whichever is later. 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 greater than 30 days.
2. **Grand Juries shall be impaneled in each County pursuant to Administrative Order 130a/2020 signed on June 30, 2020.**
3. The Accessible Magistrate procedure (for Adolescent Offenders and Juvenile Offenders) currently in place shall continue.

## D. Treatment Courts/OSP

1. Treatment courts and Opioid Stabilization Parts will be handled by the Assigned Judge and reference is made to Paragraph (C)(2)(f) of the Phase 4.1 RIOP Summary.
2. Virtual conferences are encouraged (reference is made to Administrative Order AO/87/20 of Chief Administrative Judge Lawrence Marks dated May 1, 2020, “Problem-solving courts may conduct virtual court conferences with counsel, court staff, service providers, and, where practicable, clients”).

## E. Family Court

1. All matters shall be addressed by the Assigned Judge and appropriately scheduled. Virtual calendars are encouraged.
2. **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.**
4. 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.
5. **No new S (PINS), F (Support), P (Paternity), or U (UIFSA) warrants may be issued unless approved by the supervising judge. Only D (Juvenile Delinquent) warrants may be issued in the discretion of the Assigned Judge.**

F. Surrogate's Court

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

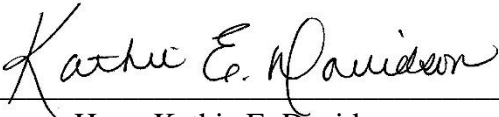
G. City Court

All pending criminal cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with applicable Executive Orders and Administrative Orders. The issuance of the new return date shall occur on or before the currently scheduled adjourned date or within 7 days of the signing of this order, whichever is later. 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 greater than 30 days.

H. Town and Village Courts

1. Off-hour arraignments may continue virtually pursuant to Virtual Arraignment Plans or they may be heard in person at the town/village court
2. Judges may conduct in-person preliminary hearings.
3. Judges may hold in-person Criminal Bench Trials and Hearings. These matters shall be scheduled one at a time.
4. Judges may hold in-person arraignments on Appearance Tickets or Criminal Summons where counsel, either District Attorney or defense counsel, has requested arraignment.
5. Judges may hold In Person Arraignments on Appearance Tickets Written Before **August 1, 2020**.
6. Judges may hold in-person pleas and sentences.
7. Judges may hold in-person appearances regarding appeals.
8. Judges may hold in-person motion argument.
9. Judges may hold in-person Civil Bench Trials and Hearings, including Small Claims matters and Municipal Code Violations. These matters shall be scheduled one at a time.
10. Landlord/Tenant and Eviction matters shall be heard in accordance with Judge Marks' Administrative Order AO/160/20. Lockouts shall be brought to the Centralized Part.
11. Judges may hold In Person Vehicle and Traffic Law Ticket Returns where the ticket was written before **August 1, 2020**.

Dated: August 14, 2020  
White Plains, New York



Hon. Kathie E. Davidson  
Administrative Judge  
Ninth Judicial District

Distribution:  
HON. VITO CARUSO