

## SUMMARY

3<sup>rd</sup> Judicial District

Phase III Return to In-Person Operations Plan (“RIOP”)

To Commence June 25, 2020

### General Provisions:

1. All social distancing and general health/safety guidelines established and implemented in Phase I and Phase II remain in effect.
2. Masks continue to be required by all persons entering court facilities. Face shields are available for court employees and the public upon request and when required pursuant to OCA directives.
3. The determination of what matters is heard in-person and what is heard virtually shall be governed by presumptions that are detailed herein. The Assigned Judge may grant a request to deviate from a presumption for compelling reasons.
4. Law Libraries and Help Centers will reopen to in-person operations in Phase III with occupancy limited to the number of individuals that can be kept socially distanced. Researchers will be permitted access to records rooms in Surrogate’s Court one at a time.

### In-Person Court Proceedings:

While the following matters are permitted to be held in-person, virtual handling of matters is still encouraged to the extent possible to limit foot traffic within court facilities and maintain a maximum 50% courtroom usage at any given time.

1. Essential Court Proceedings pursuant to Chief Administrative Judge Lawrence Marks’ Administrative Order AO/78/20, Chief Administrative Judge Lawrence Marks’ Administrative Order AO/99/20, or the Third Judicial District’s Seventh Amended Administrative Order;
2. Grand Jury Empanelment:
  - a. Prospective jurors shall be brought in on staggered shifts abiding by social distancing guidelines;
  - b. Empaneled jurors shall appear no more than one day per week for half day sessions.
3. Treatment Court - Appearances for individual participants on matters deemed essential by the presiding judge;
4. Arraignments of defendants accused of a violation of any provision of Article 31 of the VTL;
5. Pleas and sentences;
6. Criminal hearings:
  - a. Incarcerated defendants must appear virtually unless the presiding judge orders otherwise and after the appropriate application is made;
7. Permanency hearings;
8. Child support proceedings;
9. Bench Trials.

### Virtual Court Proceedings:

1. Non-essential matters;
2. Criminal proceedings;
3. Juvenile Delinquency proceedings;
4. PINS;
5. MHL proceedings;
6. ADR proceedings;

## **Town & Village Courts:**

1. In person arraignments 24/7, including on appearance tickets – scheduled one at a time (virtual arraignments may continue for those that were previously approved, only if all parties consent)
2. In person small claims proceedings – scheduled one at a time (not virtual)
3. In person civil proceedings, except summary proceedings– scheduled one at a time (not virtual)
4. In person dangerous dog proceedings – scheduled one at a time (not virtual)
5. In person preliminary hearings and pre-trial hearings - scheduled one at a time (not virtual)
6. In person conferences on criminal cases – scheduled one at a time (virtual if approved and all counsel and parties’ consent)
7. In person Town or Village code violation proceedings – scheduled one at a time (not virtual)
8. Guilty pleas, reduced pleas and fine assessments by mail on vehicle and traffic matters (see annexed form explaining options to litigants and providing prosecutors contact information)
9. Decide motions and other matters that may be decided on papers, except summary proceedings
10. Processing of payments, issuance of receipts, lifting of suspensions, depositing of monies, submitting CDR’s and TSLED reports, preparation and submission of the monthly Comptroller’s Report