



ELEVENTH AMENDED ADMINISTRATIVE ORDER
THIRD 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 Third Judicial District commenced Phase I of the Return to In-Person Operations Plan ("RIOP") on May 26, 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 10, 2020 (Attachment A - Highlights and Summaries); it is hereby

ORDERED that, effective immediately, the following rules shall be put into effect in the Third Judicial District until rescinded.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 June 18, 2020 and pursuant to Administrative Order AO/127/20 ("Evictions matters in which all parties are represented by counsel shall be eligible for calendaring for virtual settlement conferences"), as amended by the Memorandum from Chief Administrative Judge Lawrence Marks dated July 7, 2020. All other eviction proceedings are stayed; no eviction orders 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.
4. Phase I of the Return to In-Person Operations Plan ("RIOP") on May 26, 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 10, 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 Third Judicial District Administrative Order signed on April 3, 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 $\frac{1}{2}$ 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 $\frac{1}{2}$ 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. The Third Judicial District Administrative Order (AO/3JD/20/89) signed on July 13, 2020 rescinded a previous order and deemed that all vouchers must be individually approved by the Assigned Judge.
11. 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 empaneled in each County pursuant to Administrative Order 130a/2020 signed on June 30, 2020.
3. The Accessible Magistrate procedure (for Adolescent 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. 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. 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

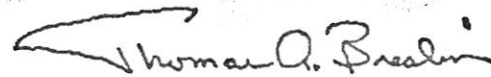
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H. Town and Village Courts

- A. 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);
- B. In-person small claims proceedings – scheduled one at a time (not virtual);
- C. In-person civil proceedings, except summary proceedings– scheduled one at a time (not virtual);

- D. In-person dangerous dog proceedings – scheduled one at a time (not virtual);
- E. In-person preliminary hearings and pre-trial hearings - scheduled one at a time (not virtual);
- F. Limited in-person criminal matters - scheduled one at a time (max six per hour) (Conferences may be virtual if approved and on consent);
- G. In-person Town or Village Code violation proceedings – scheduled one at a time (not virtual);
- H. Guilty pleas, reduced pleas and fine assessments by mail on vehicle and traffic matters;
- I. Limited in-person Vehicle and Traffic matters – scheduled one at a time (max twelve per hour);
- J. Decide motions and other matters that may be decided on papers, except summary proceedings;
- K. Processing payments, issuing receipts, lifting suspensions, depositing monies, submitting CDR's and TSLED reports, preparation and submission of the monthly Comptroller's Report, accepting summary proceedings for filing with return dates after August 20, 2020.

Dated: August 19, 2020
Castleton-on-Hudson, New York



Thomas A. Breslin
Administrative Judge

Order No. AO/3JD/20/097

Distribution:
Hon. Vito Caruso
3JD Judges
3JD Chief and Deputy Chief Clerks