



TENTH AMENDED ADMINISTRATIVE ORDER
SEVENTH 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 7th Judicial District commenced Phase I of the Return to In-Person Operations Plan (“RIOP”) on May 18, 2020 (May 20, 2020 for Cayuga County), Phase II of the RIOP on June 3, 2020, Phase III of the RIOP on June 17, 2020, Phase IV of the RIOP on July 1, 2020, Phase 4.1 of the RIOP on August 10, 2020, the Updated RIOP on October 19, 2020 (with the Updated Operating Protocols to be effective November 23, 2020) (Attachment – Highlights, Summaries & Protocols); it is hereby

ORDERED that effective immediately the following rules be put into effect in the 7th Judicial District until rescinded.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, residential eviction matters may proceed pursuant to the protocol established in the memoranda from Chief Administrative Judge Lawrence Marks dated October 9, 2020 and November 17,

2020 and pursuant to Administrative Orders AO/231/20 and AO/268/20. Further reference is made to Executive Order 202.72 signed by the Governor on November 3, 2020, the Tenant Safe Harbor Act (Ch. 127, L. 2020) and the CDC Agency Order filed on September 1, 2020.

2. Until further Administrative order or Executive Order, Default judgments shall not be granted where, pursuant to CPLR 3215, the default occurred after March 16, 2020. Notwithstanding the foregoing, a judge presiding over a matter wherein a party has defaulted may grant a default judgment where, after inquiry, the judge determines that (a) the defaulting party has received actual notice of the action or proceeding; (b) the failure of the defaulting party to respond to the action or proceeding is not due to the COVID-19 pandemic; and (c) the granting of the default judgment is not contrary to any statute, Executive Order or Administrative Order.
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. The Return to In-Person Operations Plan (“RIOP”) (Phase I) implemented on May 18, 2020 (May 20, 2020 for Cayuga County), the RIOP (Phase II) implemented on June 3, 2020, the RIOP (Phase III) implemented on June 17, 2020, the RIOP (Phase IV) implemented on July 1, 2020, the RIOP (Phase 4.1) implemented on August 10, 2020, the Updated RIOP implemented on October 19, 2020 (with the Updated Operating Protocols to be implemented on November 23, 2020), and any further updated operating protocols are incorporated herein and all provisions of this Administrative Order shall be read in conjunction with the protocols.
5. The Virtual Courtroom Protocol enacted by 7th Judicial District Administrative Order No. 26 signed on March 30, 2020, to the extent not inconsistent with the Updated Operating Protocols, 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.
 - Commencing immediately, all virtual court proceedings must be scheduled using Microsoft Teams.
 - Any court proceeding that was previously scheduled using Skype for Business that will be held on or before November 25, 2020 may proceed using Skype for Business.
 - Notwithstanding the foregoing, after November 25, 2020, all virtual court proceedings must be conducted using Microsoft Teams.
6. Occupancy of all courtrooms shall be limited to the lesser of 10 people or ½ the posted room occupancy per code. An exception shall be granted for ongoing grand juries currently in progress (in those instances, occupancy shall be limited to the lesser of 25 people or ½ the posted room occupancy per code). Any exceptions that were previously granted to the occupancy limits are rescinded until further notice.
7. Naturalization Ceremonies, wherever they occur, shall comply with the room occupancy limits stated herein.
8. 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 Order signed by the Chief Administrative Judge of the Courts (AO/267/20 and any amendments thereto).
11. The Judges should encourage or require, to the greatest extent possible, the use of virtual technology in matters that occur off court premises (depositions, discovery, etc.). Such language should be included in any scheduling orders.

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 memoranda from Chief Administrative Judge Lawrence Marks dated July 24, 2020 and October 22, 2020 and pursuant to Administrative Orders AO/157/20 dated July 23, 2020 and AO/232/20 dated October 22, 2020. Further reference is made to Executive Order 202.28 signed by the Governor on May 7, 2020, Executive Order 202.64 signed by the Governor on September 18, 2020, Executive Order 202.67 signed by the Governor on October 4, 2020, and the Laws of New York 2020, Chapters 112 and 126. All Foreclosure Auctions must adhere to the Seventh Judicial District Foreclosure Auction Plan.

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. No new prospective grand jurors will be summoned for grand jury service until further notice. Existing grand juries, pursuant to Section 190.15 of the Criminal Procedure Law, may continue.
3. The Youth Part arraignment procedure established in the Virtual Courtroom Protocol is modified only as follows:
 - a. For all counties, during regular court hours, Youth Part arraignments shall be conducted by the designated Youth Part Judge from the courthouse.
 - b. In Livingston, Ontario, Seneca, Wayne and Yates Counties, after-hours Youth Part arraignments shall be held in person, at the CAP before the on-call CAP Judge (as

an Accessible Magistrate), during regularly scheduled CAP hours, or on an immediate/emergency basis where necessary. In Monroe, Cayuga and Steuben, the procedure remains virtual as stated in the Virtual Courtroom Protocol.

4. Each County, in consultation with the Sheriff, shall develop a plan for the imposition of intermittent sentences.

D. Treatment Courts/OSP

1. Treatment courts and Opioid Stabilization Parts will be handled by the Assigned Judge and reference is made to Paragraph (II)(E)(1) of the Updated Operating Protocols Effective November 23, 2020.
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.
3. 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.
4. 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.

G. City Court

All pending criminal cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with applicable Executive Orders, Administrative Orders and the Updated Operating Protocols Effective November 23, 2020. 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. All matters shall be addressed by the Assigned Town or Village Judge and appropriately calendared.
2. In Monroe County, all arraignments shall be conducted by a Town or Village Justice.

3. In Cayuga, Livingston, Ontario, Seneca, Steuben, and Wayne and Yates Counties, all arraignments shall be conducted in the Centralized Arraignment Part by a Town, Village or City Court Judge.

Dated: November 23, 2020
Rochester, New York



Hon. Craig J. Doran
Administrative Judge
Seventh Judicial District

Distribution:
HON. VITO CARUSO