

**ADMINISTRATIVE ORDER
4JD-030-2020
FOURTH JUDICIAL DISTRICT**

Pursuant to the authority vested in me, and in accordance with the Governor's Executive Orders and the Administrative Orders issued by the Chief Administrative Judge in response to the COVID-19 pandemic, it is hereby

ORDERED that the following Fourth District Administrative Orders (Attachment A):

4JD-013-2020
4JD-014-2020
4JD-029-2020

remain in full force and effect, except as specifically modified, extended or superseded herein; and it is further

ORDERED that the following directives are established or reaffirmed:

1. **Eviction Proceedings:** Pursuant to Executive Order 202.8, eviction proceedings will remain stayed until June 20, 2020.
2. **Default Judgments:** The Fourth District will continue to abide by the policy that no default judgments based on non-appearance shall be granted.
3. **Essential Matters:** The Fourth District's Virtual Courtroom Protocol (4JD-029-2020) will continue to define the process for receiving, reviewing and conducting proceedings in essential matters in the Supreme, County, Family, Surrogate and City Courts. It also defines the process for conducting business-hours arraignments for local Town and Village Courts. Essential matters are those identified in the March 22, 2020 Order of Hon. Lawrence Marks [A/O 78/20] (Attachment B).
4. **Courthouse Access:** Commencing at 9:00 A.M. on Monday, April 13, 2020, and continuing until further notice, court employees, chambers staff and Judges shall not enter any of the District's court facilities for an extended period of time absent permission of the Administrative Judge or his designee. During this period, the only court employees authorized to enter and remain in court facilities are those directed to be present pursuant to a staffing plan approved by the Administrative Judge.
5. **Virtual Chambers Plan:** Pursuant to the District's approved "Virtual Chambers Plan" (Attachment C), beginning April 13, 2020, judicial activity in currently pending, non-essential cases will commence. All judicial activity in currently pending cases in Supreme, County, Family, Surrogate and City Court shall proceed in accordance with this Plan, including any subsequent phases.

6. **Until further notice, except for “essential matters” as defined in A/O 78/20, no new filings will be accepted in the Supreme, County, Family, Surrogate or City Court.**
7. County Clerks are directed to accept for filing all orders and judgments issued by the Court, as well as documents submitted for filing by the parties, *provided the document is accompanied by a written authorization from the Assigned Judge which is consistent with the Virtual Chambers Plan, including any subsequent phases.*
8. County Clerks are directed to accept and file Notices of Appeal in essential case types.

ORDERED that the following will apply to the Fourth District’s Supreme Courts:

1. In furtherance of the Fourth District’s approved Virtual Chambers Plan and any of its subsequent phases, all non-essential cases that are currently pending will be reviewed by the Assigned Judge to determine appropriate next steps. These next steps will be consistent with the Virtual Chambers Plan and any of its subsequent phases.
2. Pending motions in all mortgage foreclosure proceedings will be stayed until June 20, 2020, pursuant to the directives of Executive Order 202.8; and it is further

ORDERED that the following will apply to the Fourth District’s County and City Criminal Courts:

1. In furtherance of the Fourth District’s approved Virtual Chambers Plan and any of its subsequent phases, all non-essential cases that are currently pending will be reviewed by the Assigned Judge to determine appropriate next steps. These next steps will be consistent with the Virtual Chambers Plan and any of its subsequent phases.
2. To the extent that it is not inconsistent with paragraph (1) above, all pending criminal cases *where the defendant is not in custody* are administratively adjourned to May 30, 2020, or another date determined by the Assigned Judge, after consultation with the District Attorney and Defense Counsel. Appropriate notice shall be given to all affected parties and counsel.
3. To the extent that it is not inconsistent with Paragraph (1) above, all pending criminal cases *where the defendant is in custody*, are administratively adjourned to May 7, 2020, or another date determined by the Assigned Judge, after consultation with the District Attorney and Defense Counsel. Appropriate notice shall be given to all affected parties and counsel; and it is further

ORDERED that the following will apply to the Fourth District’s Treatment Parts:

1. Treatment Parts and Opioid Stabilization Parts will continue to the extent that appearances are deemed essential in acute cases by the Assigned Judge after consultation with the Administrative Judge. Further activity in Treatment Parts shall proceed in accordance with subsequent phases of the District’s Virtual Chambers Plan; and it is further

ORDERED that the following will apply to the Fourth District’s Family Courts:

1. In furtherance of the Fourth District’s approved Virtual Chambers Plan and any of its subsequent phases, all non-essential cases that are currently pending will be reviewed

by the Assigned Judge to determine appropriate next steps. These next steps will be consistent with the Virtual Chambers Plan and any of its subsequent phases.

2. To the extent that it is not inconsistent with paragraph (1) above, all pending cases are administratively adjourned to May 30, 2020, or another date determined by the Assigned Judge. Appropriate notice shall be given to all affected parties and counsel.
3. Permanency Hearings: Family Judges will continue to address Permanency Planning Hearings on a case-by-case basis and consult with the Administrative Judge in order to ensure that essential issues and all matters which require action pursuant to applicable Federal or State Law are deemed essential and are timely heard.
4. All remand/removal/placement orders issued under Family Court Act Articles 3, 6, 7, 8 and 10 that are due to expire while this Administrative Order is in effect, shall be deemed extended under the same terms and conditions for a period of 90 days from the date the order is scheduled to expire, unless the order is terminated or modified by the assigned Family Judge. Due notice shall be given to all affected parties; and it is further

ORDERED that the following will apply to the Fourth District's Surrogate Courts:

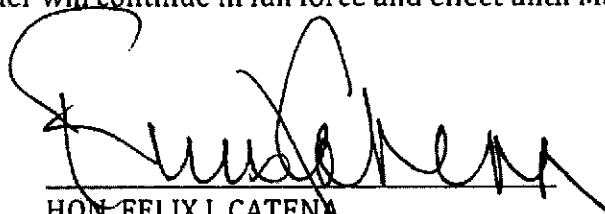
1. In furtherance of the Fourth District's approved Virtual Chambers Plan and any of its subsequent phases, all non-essential cases that are currently pending will be reviewed by the Assigned Surrogate to determine appropriate next steps. These next steps will be consistent with the Virtual Chambers Plan and any of its subsequent phases; and it is further

ORDERED that the following will apply to the Fourth District's Town and Village Courts:

1. All criminal and civil cases currently pending in the Fourth District's Town and Village Courts are subject to an additional administrative adjournment until May 30, 2020, for all civil matters and for criminal matters where the defendant is not in custody. For criminal matters where the defendant is in custody, the further administrative adjournment is until May 7, 2020; and it is further

ORDERED that this Administrative Order will continue in full force and effect until May 30, 2020, unless sooner terminated.

Dated: April 15, 2020



HON. FELIX J. CATENA
Administrative Judge
Fourth Judicial District

Distribution:

Hon. Vito C. Caruso, JSC, Deputy Chief Administrative Judge (outside NYC)
All Fourth District Judges
All Fourth District Chief Clerks
All Fourth District Town and Village Justices
All Fourth District County Clerks
Joanne B. Haelen, Esq., District Executive, Fourth Judicial District