



**TWENTY-FIRST JUDICIAL DISTRICT
ADMINISTRATIVE ORDER OF THE CHIEF JUDGE 2020-10 (SUPERSEDES 2020-05 AND 2020-07)
LIMITATION ON COURT OPERATIONS DUE TO COVID-19 PANDEMIC**

On March 13, 2020, Administrative Order 2020-05 issued restricting court operations in light of the public health risk posed by COVID-19 and the advisories from the Centers for Disease Control (CDC) and Colorado Department of Public Health & Environment (CDPHE) recommending active steps to slow the spread of the disease and precautions to reduce the risk of exposure.

On April 12, 2020, Administrative Order 2020-07 issued amending Administrative Order 2020-05. In recognizing our district's expanded capability to conduct public hearings remotely, the order expanded our operations from what was previously ordered in Administrative Order 2020-05.

On April 27, 2020, the Colorado Department of Public Health & Environment (CDPHE) issued Public Health Order 20-28 Safer at Home based on Governor Polis' Executive Order D 2020 044. The order requires that vulnerable individuals remain at home but allows limited reopening of post-secondary institutions and certain businesses. Additionally, the order encourages individuals to stay at home as much as possible and practice social distancing to reduce the likelihood of disease transmission, but certain activities, such as gathering in groups of no more than ten people for activities, are now permitted.

On May 5, 2020, Chief Justice Coats issued an updated order regarding the operation of Colorado state courts. In his order, the Chief Justice requires all state courts to continue to operate on an emergency basis, "continue the safe conduct of all legal business, whether essential or not," and that **"wherever reasonably feasible, judicial proceedings, regardless of their nature, should continue to be conducted remotely."** (emphasis added) Furthermore, he ordered that "no person shall be summoned by state courts to assemble for jury service to begin any time prior to July 6, 2020" but also ordered that "any Chief Judge devising an approach for the conduct of limited jury trials consistent with health guidelines and local executive orders concerning assembly and personal contact may seek a waiver of the prohibition against the assembly of jury pools."

As Chief Justice Coats said in his message to the Judicial Department on March 18, 2020, "One significant difference between us and many other public and private entities, however, is the fact that **as an institution the judiciary plays a vital role in maintaining stability** and both protecting the constitutional rights and ensuring the safety and welfare of the people of this state." (emphasis added) Given this vital role that we play, as well as the extent of the COVID-19 pandemic, we must continue to provide not only essential judicial services but must also continue to innovate and endeavor to provide services, albeit remotely, in as many case types as possible. We cannot simply continue matters into the future hoping that the pandemic and its effects will soon subside.

Pursuant to the authority granted in Chief Justice Directive 95-01 and in accord with the directives found in Chief Justice Coats' orders regarding COVID-19 and the operation of state courts (attached), it is hereby ORDERED as follows:

1. **Persons Who May Not Enter the Justice Center:** persons who meet any of the below criteria are prohibited from entering the justice center and instead should call (970) 257-3640 to reschedule their court date, request to appear by phone or audiovisual device, or to receive further instructions:

- a. Anyone who has been diagnosed with COVID-19 and who is not virus-free;
- b. Anyone who has been in direct contact with someone who has been diagnosed with COVID-19 within the past 14 days;
- c. Anyone who is experiencing a fever, cough, shortness of breath, or any respiratory illness symptoms;
- d. Anyone who is experiencing or has been in direct contact with someone who has experienced flu-like symptoms within the past 14 days.

2. **Operations:** the courts and probation department will continue to operate on an emergency basis. The number of court and probation department employees who are physically present and working at the justice center will continue to be reduced as coordinated by the Court Executive, Chief Probation Officer, and Clerk of Court, with the approval of the Chief Judge. Every effort will also be made, however, to facilitate work from remote locations using available technology, including virtual desktops, but due to the reduction in the number of court and probation employees who are physically present and working at the justice center, the processing of filings, as well as some court proceedings, may necessarily be delayed.

3. **Filings:** in-person filings at the justice center will **only** be accepted if they are filed by law enforcement (i.e., summons, affidavits for warrants, etc.) or pertain to an essential judicial function as described in section 4.b. below. The court will continue to accept electronic filings through Colorado Courts E-Filing for case types in the Colorado Courts E-Filing system, but hearings related to non-essential judicial function matters may necessarily be delayed pursuant to this order. The Clerk of Court is also authorized, in her discretion, to accept filings by email. For in-person filings, persons may be directed to confer telephonically from a specific location in the justice center. Furthermore, law enforcement officers are encouraged to apply for the issuance of warrants and court orders by first contacting the courts by phone and then submitting documents electronically. All other in-person filings will not be accepted at the clerk's office until June 8, 2020.

4. **Mandatory Continuance and Limitations on Hearings:**

- a. **Except** for court hearings, court trials, and matters with the Family Court Facilitator that are scheduled to be conducted remotely (meaning that all participants are appearing by phone or by using an audiovisual device) or involve essential judicial functions described in sections 4.b., all other **non-remote/in-person** appearances, hearings, and trials that are scheduled through 5:00 p.m. Friday, June 5, 2020 are hereby VACATED and CONTINUED.

It is **not** anticipated that the Court will be in a position to resume normal operations on June 8, 2020; therefore, it is likely that matters scheduled after June 5, 2020 will primarily be conducted remotely, to the extent possible and as permitted by law, and this may include contested hearings and trials. Therefore, regarding matters

that are ordered continued and vacated pursuant to this Order, all parties and counsel shall contact the appropriate court. **Wherever reasonably feasible, the matter shall be scheduled for a substantive hearing that can be conducted remotely instead of being scheduled for a non-remote/in-person appearance after June 5, 2020.** Parties may also contact the appropriate court to schedule matters that can be conducted remotely but are now set for an in-person appearance after June 5, 2020.

The courts may also initiate rescheduling and setting matters, including setting matters for substantive hearings that can be conducted remotely.

Any person who appears at the justice center for a hearing that is not excepted under this order shall be provided with directions as to how to appear remotely or, if applicable, be provided a new hearing date. **Wherever reasonably feasible, the matter shall be scheduled for a substantive hearing that can be conducted remotely instead of being scheduled for a non-remote/in-person appearance after June 5, 2020.**

- b. For the protection of the public health, safety, and welfare, certain judicial functions must be considered essential, even during the current health crisis, and therefore these functions must take priority over other matters and may not be altogether suspended, even where they cannot be provided remotely. The courts will continue to conduct hearings on essential function matters and will endeavor to use remote appearances as much as possible. Essential judicial functions include:
 - i. Petitions for temporary civil protection orders and permanent protection order hearings;
 - ii. Petitions for temporary emergency risk protection orders and hearings on emergency risk protection orders;
 - iii. Crim.P. Rule 5 advisements for incarcerated persons and the initial setting of bail;
 - iv. Revocation hearings on complaints to revoke probation involving an incarcerated defendant or juvenile;
 - v. Proceedings necessary to protect the constitutional rights of criminal defendants and juveniles, including bond-related matters and plea agreements for incarcerated individuals;
 - vi. Detention hearings for juvenile delinquency cases;
 - vii. Shelter hearings in dependency and neglect cases or other juvenile (JV) proceedings;
 - viii. Petitions for appointment of an emergency guardian and/or special conservator;
 - ix. Hearings on motions to restrict parenting time and parental abduction prevention;
 - x. Emergency mental health proceedings; and
 - xi. Any other operations or matters that in the discretion of the Chief Judge are deemed necessary to prevent a risk of imminent financial hardship or imminent risk to the health, safety, or welfare of any individual or the community at large, which shall be determined by the Chief Judge on a

case-by-case basis after consideration of the circumstances existing for a particular case.

- c. When hearings are conducted for any matter set forth in Section 4(b), judicial officers shall seek to limit in-person participation and encourage and accommodate remote appearances for all participants and members of the public.
 - d. The 21st Judicial District county and district courts will immediately begin expanding the types of proceedings that are capable of being conducted remotely through audio and video appearances by all parties, attorneys, witnesses, and members of the public. In all case types, wherever reasonably feasible, remote hearings shall be conducted instead of the hearing being continued to a date after June 5, 2020.
5. **Jury Calls:** all jury calls through July 5, 2020 are cancelled, and this includes grand jury service. Arrangements for grand jury service may be accommodated with permission of the Chief Judge, when requested by the District Attorney or the grand jury, and as deemed necessary under Section 4(b)(xi). Any juror appearing in person on a summons through July 5, 2020 shall be informed by the security team or court staff that the person's jury service has been cancelled and that person may leave the justice center. Any juror who receives a summons for a trial scheduled to begin after July 5, 2020, and who contacts the jury commissioner with health-related concerns, shall have their service postponed. Jury summonses may issue for trials scheduled after July 5, 2020, noting the Court will continue to evaluate public health information related to COVID-19 and determine whether the restrictions on jurors reporting will extend past July 5, 2020.
 6. **FED and CRCP 120 Matters:** the court will accept new filings on these matters, but the return dates for FED cases will be on or after June 1, 2020. The court will not be addressing pending CRCP 120 matters until after June 1, 2020. Returns and other proceedings for FED and CRCP 120 matters on and after June 1, 2020 may **only** occur by audio or video appearances, as permitted by Colorado law, in the discretion of the judicial officer presiding over the proceedings.
 7. **Bond Return Dates:** bond return dates, including ones that are determined by the Mesa County Sheriff's Office regarding other jurisdictions in Colorado, shall be scheduled for no sooner than the week of May 25, 2020.
 8. **Extrajudicial Activities:** the use of the justice center for non-remote/in-person extrajudicial activities (e.g., the solemnization of marriages) is prohibited.
 9. **Requests for Records:** instructions regarding making requests for records may be obtained by calling (970) 257-3640.
 10. **Face Coverings and Hand Sanitizer:** persons entering the justice center may wear face coverings, gloves and may bring a small plastic container of hand sanitizer until further notice. The 21st Judicial District is unable to provide face coverings or gloves for attorneys or members of the public entering court or probation offices at this time; however, state judicial has placed orders for these items and there is a possibility that these items may be available through the court and/or probation in the future.

11. Recommendations from state or local health officials on social distancing and limitations on the number of persons gathering in one place, as well as any orders issued by Governor Polis and the CDPHE that are in effect, must be followed in the justice center.

Circumstances have changed rapidly and may continue to do so. I will continue to monitor executive and health department orders and this order may be revised, amended, or superseded, as deemed necessary. All are encouraged to regularly check the website for the Colorado Judicial Branch (www.courts.state.co.us) for the latest information, including the page that is specific to the 21st Judicial District.

SO ORDERED this 8th day of May 2020.



HON. BRIAN J. FLYNN
Chief Judge

Supreme Court of Colorado

2 East 14th Avenue
Denver, CO 80203
(720) 626-5460

NATHAN B. COATS
CHIEF JUSTICE

SUPREME COURT OF COLORADO

OFFICE OF THE CHIEF JUSTICE

Order Regarding COVID-19 and Operation of Colorado State Courts

In light of the COVID-19 (Coronavirus) pandemic and the continued spread of the virus throughout communities in Colorado, and in consideration of the obligation of the courts both to protect the constitutional rights and ensure the safety of the citizenry, the courts of this state can no longer continue normal operations and must for the immediately ensuing period operate on an emergency basis. Therefore, I hereby order the suspension of certain court operations and the continued provision of other essential court services throughout the state.

Effective immediately, all jury calls in state courts, with the exception of jury calls for criminal trials facing imminent speedy trial deadlines, are suspended through April 3, 2020. At that time, the continued need for further suspension will be reassessed.

Because the courts of this state are, however, tasked with protecting the basic constitutional rights of the citizens of the state and with providing a forum for addressing matters essential to their safety and wellbeing, I also order that the following classes of matters or operations may not be suspended and will continue in the state courts throughout this period:

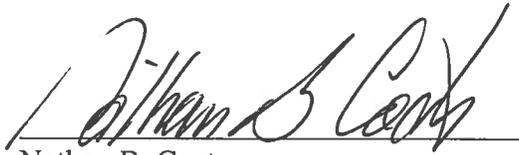
1. Petitions for temporary civil protection orders and permanent protection order hearings;
2. Petitions for temporary emergency risk protection orders and hearings on emergency risk protection orders;
3. Crim.P. Rule 5 advisement for incarcerated persons and the initial setting of bail;
4. Revocation hearings on complaints to revoke probation involving an incarcerated defendant;

5. Proceedings necessary to protect the constitutional rights of criminal defendants including bond-related matters and plea agreements for incarcerated individuals;
6. Detention hearings for juvenile delinquency cases;
7. Shelter hearings in dependency and neglect cases or other juvenile proceedings;
8. Petitions for appointment of an emergency guardian and/or special conservator;
9. Hearings on motions to restrict parenting time and parental abduction prevention; and
10. Emergency mental health proceedings.

With regard to operations and matters that are neither designated essential nor prohibited by this order, the Chief Judges of the various districts will retain the discretion to determine whether those operations or matters are necessary to prevent a substantial risk of imminent financial hardship or imminent risk to the health, safety or welfare of any individual or the community at large.

In implementing this order, it is the expectation that the Chief Judges of the various districts will make every effort to facilitate work from remote locations and to minimize or eliminate in-person proceedings and contact.

Done at Denver, Colorado this 16th day of March, 2020.

A handwritten signature in black ink, appearing to read "Nathan B. Coats", written over a horizontal line.

Nathan B. Coats
Chief Justice, Colorado Supreme Court

Supreme Court of Colorado

2 East 14th Avenue
Denver, CO 80203
(720) 626-5460

NATHAN B. COATS
CHIEF JUSTICE

SUPREME COURT OF COLORADO OFFICE OF THE CHIEF JUSTICE

Order Extending Prohibition on Jury Calls

On March 16, 2020, I issued an Order Regarding COVID-19 and Operation of Colorado State Courts. In that Order, I suspended all jury calls in state courts through April 3, 2020, with the exception of jury calls for criminal trials facing imminent speedy trial deadlines. Due to the ongoing COVID-19 pandemic, I am extending the prohibition on jury calls through May 15, 2020, again excepting cases with imminent speedy trial deadlines.

The other provisions of my March 16, 2020, Order remain in effect indefinitely.

Done at Denver, Colorado this 20th day of March, 2020.



Nathan B. Coats
Chief Justice, Colorado Supreme Court

Supreme Court of Colorado

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Denver, CO 80203
(720) 626-5460

NATHAN B. COATS
CHIEF JUSTICE

SUPREME COURT OF COLORADO OFFICE OF THE CHIEF JUSTICE

Order Regarding COVID-19 and Operation of Colorado State Courts

In consideration of the continuing health crisis in this state, executive orders at the federal, state, and local levels of government broadly limiting assembly and personal contact, exercise by the supreme court of its constitutional rulemaking powers relative to the safe assembly of a fair jury pool during a health crisis, and practical limitations on assembling a jury pool, the prior Chief Justice Orders of March 16 and March 20 of this year concerning the operation of the state courts during the COVID-19 pandemic are amended concerning the suspension of jury calls as follows:

No person shall be required to report for jury service in a state court before June 1, 2020.

This order concerning jury service and the remaining provisions of the March 16 Chief Justice Order concerning the operation of the state courts during the COVID-19 pandemic shall remain in effect until withdrawn or amended by Chief Justice Order.

Done at Denver, Colorado this 16th day of April, 2020.



Nathan B. Coats
Chief Justice, Colorado Supreme Court

Supreme Court of Colorado

2 East 14th Avenue
Denver, CO 80203
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NATHAN B. COATS
CHIEF JUSTICE

SUPREME COURT OF COLORADO

OFFICE OF THE CHIEF JUSTICE

Updated Order Regarding COVID-19 and Operation of Colorado State Courts

On March 16 and 20, and April 16, 2020, in my capacity as Chief Justice of the Colorado Supreme Court, I issued orders concerning the administration of the state courts during the COVID 19 pandemic.

In consideration of changing guidance from health officials and modified executive orders at all levels of government gradually relaxing some limitations on assembly and personal contact; the obligations of the judiciary to provide forums for the timely ordering of the legal affairs of the people of this state; and the intervening exercise of its constitutional rulemaking powers by the supreme court; I now amend those orders as follows:

Until further directive by the Chief Justice, the state courts are to continue to operate on an emergency basis. The Chief Judges of the various districts are expected to continue to make all reasonable efforts to facilitate work by department employees from remote locations and to minimize personal contact. To that end, and with the understanding that some judicial proceedings may require personal appearances, wherever reasonably feasible, judicial proceedings, regardless of their nature, should continue to be conducted remotely.

In furtherance of the obligations of the state courts to provide forums for the conduct of legal business and protection of legal rights, and consistent with staffing and resources available under these emergency conditions, state courts are to continue the safe conduct of all legal business, whether essential or not. For the protection of the public health, safety, and welfare, however, certain judicial functions must be considered essential, even during the current health crisis, and therefore these functions must take priority over other matters and may not be altogether suspended, even where they cannot be provided remotely. These matters include:

1. Petitions for temporary civil protection orders and permanent protection order hearings;

2. Petitions for temporary emergency risk protection orders and hearings on emergency risk protection orders;
3. Crim.P. Rule 5 advisement for incarcerated persons and the initial setting of bail;
4. Revocation hearings on complaints to revoke probation involving an incarcerated defendant;
5. Proceedings necessary to protect the constitutional rights of criminal defendants including bond-related matters and plea agreements for incarcerated individuals;
6. Detention hearings for juvenile delinquency cases;
7. Shelter hearings in dependency and neglect cases or other juvenile proceedings;
8. Petitions for appointment of an emergency guardian and/or special conservator;
9. Hearings on motions to restrict parenting time and parental abduction prevention;
10. Emergency mental health proceedings; and
11. And any other operations or matters that in the discretion of the Chief Judge are deemed necessary to prevent a risk of imminent financial hardship or imminent risk to the health, safety, or welfare or any individual or the community at large, which shall be determined by the Chief Judge on a case-by-case basis after consideration of the circumstances existing for a particular case.

Because jury pools, at least according to current practices, still cannot be assembled consistent with existing public health guidelines, no person shall be summoned by state courts to assemble for jury service to begin any time prior to July 6, 2020, unless or until further modification of this order. In consideration, however, of constitutional and statutory rights to jury trials, and the imperative to secure those rights as expeditiously as feasible, any Chief Judge devising an approach for the conduct of limited jury trials consistent with health guidelines and local executive orders concerning assembly and personal contact may seek a waiver of this prohibition against the assembly of jury pools.

Done at Denver, Colorado this 5th day of May, 2020.



Nathan B. Coats
Chief Justice, Colorado Supreme Court