



**TWENTY-FIRST JUDICIAL DISTRICT
ADMINISTRATIVE ORDER OF THE CHIEF JUDGE 2020-05
COURT OPERATIONS UNDER COVID-19 ADVISORY**

The Governor of Colorado has declared a State of Emergency related to the presence of novel coronavirus 2019 (COVID-19) and the President of the United States has declared a National Emergency due to COVID-19. Furthermore, the Colorado Department of Public Health and Environment (CDPHE) is working to stop the spread of COVID-19 and has implemented emergency measures as Colorado is experiencing a rapid increase in COVID-19 transmission that threatens the health of residents and risks overwhelming the healthcare system in the State of Colorado.

Based on their analysis of the outbreak of COVID-19 in China, experts in infectious diseases are opining that the outbreak in the United States will, if aggressive containment measures are implemented, begin to subside after about two months.

In light of the public health risk posed by COVID-19 and the advisories from the Centers for Disease Control and CDPHE recommending active steps to slow the spread of the disease and precautions to reduce the risk of exposure, effective immediately, the courts and probation department of the 21st Judicial District will be operating with reduced staff and will focus on matters of immediate concern for public safety.

Pursuant to the authority granted in Chief Justice Directive 95-01 and in consideration of the Chief Justice's Order Regarding COVID-19 and Operation of Colorado State Courts dated March 16, 2020, 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 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 is experiencing flu-like symptoms.

- 2. Operations:** Starting on March 19, 2020, the courts and probation department will be open during normal business hours (8:00 a.m. to 5:00 pm., excepting weekends and legal holidays). The number of employees who are physically present and working at the justice center, however, will 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 staffing levels, the processing of filings not related to public safety matters may 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 a public safety matter as described in section 3.b. below. The court will accept electronic filings through ICCES for case types in the ICCES system, but hearings related to non-public safety matters (i.e., replevins, evictions, show cause hearings, injunctions, etc.) will be delayed pursuant to this order. For in-person filings, you may be directed to confer telephonically from a specific location in the justice center.

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

- a. **Except** for matters concerning public safety as described in section 3.b. below, all other appearances, hearings, and trials set from 8:00 a.m., Thursday, March 19, 2020 through 5:00 p.m. Friday, May 1, 2020 are hereby VACATED and CONTINUED. All parties and counsel shall contact the appropriate court to reschedule. The courts may also initiate rescheduling. This section 3.a. applies to all trials, **except** those in which a speedy trial deadline expires during the above time period. Any person who appears at the justice center for a hearing that is not a public safety matter shall be provided a new hearing date. This mandate does not include telephone conferences, including those scheduled with the Family Court Facilitator.
- b. The courts will continue to conduct hearings on public safety matters. Public safety matters are limited to the following:
 - 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 who are incarcerated, including bond-related hearings, plea hearings, and sentencing hearings;
 - vi. Detention hearings in 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;

- xi. Other proceedings deemed necessary by the presiding judge (in consultation with the Chief Judge) to prevent a substantial risk of imminent financial hardship, or imminent risk to the health, safety or welfare of an individual or members of the community.

 - c. When hearings are conducted for public safety matters, and when permitted by law (i.e., C.R.C.P. 43) and technology is available, courts shall discourage in-person participation and encourage and accommodate telephone and/or video appearance for all participants.
5. **Jury Calls:** Excepting only criminal jury trials with imminent speedy trial issues noted in section 3.a. above, all jury calls for a return date between March 19, 2020, and May 1, 2020 shall be cancelled. Any juror who has received a summons for this time period, and who contacts the jury commissioner with health-related concerns, shall have their service postponed consistent with this Order.
6. **Bond Return Dates:** Bond return dates, including ones that are determined by the Sheriff with regard to other jurisdictions in Colorado, shall be scheduled for no sooner than the week of May 25, 2020.
7. **Extrajudicial Activities:** The use of the justice center for extrajudicial activities (e.g., the solemnization of marriages) is prohibited.
8. **Requests for Records:** Instructions with regard to making requests for records may be obtained by calling (970) 257-3640.

Circumstances have changed rapidly and may continue to do so. The Chief Judge will continue to monitor available information and recommendations from health organizations and this order may be revised or extended, 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 18th day of March 2020.


HON. BRIAN J. FLYNN
Chief Judge