

ADMINISTRATIVE ORDER 2020-03 RE: COURT OPERATIONS UNDER COVID-19 ADVISORY

In light of the public health risk posed by COVID-19 (“novel coronavirus”) and the advisories and information circulated by the Centers for Disease Control, the Colorado Department of Public Health and Environment, and local public health departments recommending active steps to slow the spread of the disease and precautions to reduced the risk of exposure, effective immediately the Courts and Probation of the 7th Judicial District will be operating with reduced staff and focus on matters of constitutional concern and fundamental rights as well as immediate concern for public health and safety.

Pursuant to the authority granted in Chief Justice Directive 95-01 and the directives found in Chief Justice Coats’ Order dated March 16, 2020, a copy of which is attached, it is hereby ORDERED as follows:

ORDER

1. The Clerks’ Offices will be open; however, hours and staff may be reduced, and will vary depending on location, as coordinated by the respective Clerks of Court and the Court Executive, with the approval of the Chief Judge. Information as to each of the 6 counties will necessarily be different depending on location and you should confirm with the county in which you have a proceeding.
2. The Courts will continue to conduct hearings on public safety matters, and matters involving constitutional or other fundamental rights as outlined in the Chief Justice Order of May 16, 2020.
3. When hearings are conducted, courts shall seek to limit in person participation and encourage and accommodate telephone and/or video appearances for all participants to the extent possible. Social distancing of at least 6 feet shall be followed to the extent possible. Some of the counties in the District have issued Public Health Orders limiting the number of people who may be in a space. To the extent possible, such orders are to be followed.
4. Cancellation and rescheduling of jury trials are governed by the Order of the Chief Justice of the Colorado Supreme Court entered on March 16, 2020, and the Administrative Order 2020-02 issued March 17, 2020. (Copies attached.)
5. Cases shall be managed and set so that in-person court proceedings are limited to essential matters as defined in the Chief Justice Order and to matters where the presiding judge determines the proceedings 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. This order by itself does not change any settings; specific changes shall only be by the order of the judge presiding over a particular case.
6. Unless extended or shortened by further order, the following shall apply to all proceedings through May 1, 2020:

- a) To the greatest extent possible, proceedings on criminal docket days will be limited to cases involving essential functions and cases ready for substantive action with an imminent need as defined in the Chief Justice Order. For continuances, you are directed to seek a continuance by written motion filed prior to the docket day. Stipulations reached between counsel prior to proceedings do not require Defendants to appear. Continuances up to 60 days, and perhaps longer, at the discretion of the presiding judge, may be granted as a matter of routine and may be granted on the motion of the presiding judge, sua sponte. Presiding judges may stagger their dockets or modify appearance times to reduce the number of people in courtrooms at any one time. Presiding judges are encouraged to use as additional docket days the trial dates previously vacated by the Orders of the Chief Justice and Chief Judge referenced previously.
- b) Criminal advisements shall be conducted by video conference for all individuals in custody. In those locations with security, security personnel are authorized to ask individuals if they are ill, have been exposed to anyone who is ill with symptoms of COVID-19, or have traveled abroad in the past 14 days. If answers are in the affirmative, those individuals shall provide their name to security and security will inform the court and the individual will be informed of their next court date and time.
- c) Proceedings not designated as essential by the Order of the Chief Justice of the Colorado Supreme Court entered on March 16, 2020, shall be limited to phone appearances or shall be continued by the presiding judge for individual cases to the greatest extent possible. If no order has been entered in a specific case, counsel or parties if they do not have counsel, shall contact the clerk's office for instructions. Judges presiding over individual cases shall determine if a matter must proceed to an in-person hearing because of an imminent need as defined in the order of the Chief Justice.
- d) For matters that proceed to an in-person hearing, presiding judges shall impose procedural requirements that satisfy health guidelines recommended by the Judicial Branch, including "social distancing", as much as possible as well as any mandates issued by the county public health department. Subject to constitutional requirements, following is an example of a potential procedural order:

The participants at the hearing will be limited solely to the attorneys, the parties, law enforcement if required, victims, and essential witnesses. No other members of the public will be admitted, consistent with the Chief Justice's Order issued March 16, 2020, and any governing county's restrictions on access to public buildings. All participants and witnesses must maintain a minimum of six feet of separation from each other at all times, including use of the elevators. Any exhibits must be filed electronically prior to the hearing. When any non-party witness has finished his or her testimony they must leave the building immediately. There will be no bench conferences, and no exhibits will be accepted at the bench. Attorneys may not leave the lectern or counsel tables during the hearing. Each participant must bring sanitary alcohol wipes and alcohol hand lotion to the hearing. Filter masks will not be provided, but the court strongly suggests participants bring their own masks if they are in any high risk group. If any participant is experiencing any flu or cold symptoms they will not be permitted to enter the courthouse. The interpreter services will be provided by telephone. This order is entered pursuant to the Supreme Court's Order Regarding COVID-19 and Operation of Colorado State Courts entered March 16, 2020, by Chief Justice Coates.

7. All are directed to seek assistance from the Court Clerk Offices and other staff by telephone whenever possible. When a personal appearance is necessary, to maintain a safer distance, you may be directed to confer from behind a line or from a specific location. All filings by attorneys shall be made electronically through ICCES for case types in the ICCES system. For self-

represented filings, you may be directed to place the filings in a drop box at the Clerk's Office or outside the courthouse door, depending on county. Do NOT deposit cash. Depending on local circumstances, some Clerk's Offices may be closed to in-person service except for matters prearranged by phone.

8. The services listed below will be proved by telephone only pending further order of the Court:
 - a) SRLC, Self-Represented Litigant Coordinator
 - b) FCF, Family Court Facilitator
 - c) Collections Investigator
9. All defendants on probation are directed to seek assistance from probation offices by telephone whenever possible. Probation clients shall be supervised in a modified manner as directed by the Chief Probation officer and probation supervisors.
10. In individual cases, the presiding judge has the authority to enter orders to address issues specific to the needs of the case, considering public health safety and that of the court staff, parties and counsel, as well as the constitutional and fundamental rights and interests of the parties in the case.

Circumstances have changed rapidly and may continue to do so. This order may be modified or updated frequently. You are encouraged to check regularly the 7th Judicial District homepage located on the website for the Colorado Judicial Branch (www.courts.state.co.us) for the latest information.

Dated this the 18th day of March, 2020.

BY THE COURT:



J. Steven Patrick
Chief Judge

XC: 7th JD Judges
7th JD Clerks of Court
w/enclosure

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:

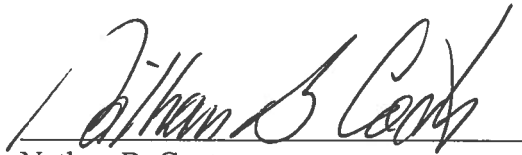
1. Petitions for temporary civil protection orders and permanent protection order hearings;
2. Petitions for temporary emergency risk protection orders and hearings on emergency risk protection orders;
3. Crim.P. Rule 5 advisement for incarcerated persons and the initial setting of bail;
4. Revocation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

ADMINISTRATIVE ORDER 2020-02 RE: COVID-19 (Coronavirus)

RECITALS

The Governor of the State of Colorado has declared a state of emergency in response to the spread of COVID-19 (coronavirus); and

There are presumptive positive and confirmed positive COVID-19 cases in the District and State, and

Gunnison and San Miguel counties have restricted the number of people in any public meeting, and

Delta, Gunnison, Montrose and Telluride school districts have temporarily closed their public schools,

The Colorado Supreme Court Chief Justice in an order issued March 16, 2020 (copy attached) suspended jury calls through April 3, 2020 except for criminal trials facing speedy trial deadlines,

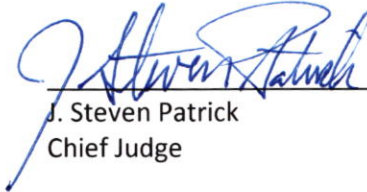
The Centers for Disease and Prevention, the Colorado Department of Public Health and Environment, and the County Departments of Public Health and Environment in the District have advised taking measures to slow the spread of the disease and precautions to reduce the possibility of exposure to the virus; it is hereby ordered as follows:

ORDER

1. Effective immediately, all civil, criminal petit, and grand jury selections and jury trials scheduled to commence now through May 1, 2020 before any district or county judge in any courthouse in the District are CONTINUED absent further order of the assigned judicial officer where the assigned judge finds that there are speedy trial constraints or the assigned judicial officer finds exigent circumstances which compel proceeding.
2. The Court also provides notice to litigants, attorneys, and the public that the Court's judicial officers, to the extent practicable and at their discretion, will endeavor to reschedule hearings or to convert hearing to telephonic appearances in an effort to minimize the need for persons to travel to court, understanding that certain hearings may nevertheless require personal appearances. As many matters as possible shall be handled by telephone, but that determination shall be made by the presiding judicial officer.
3. If parties or counsel have questions, they should contact the judicial officer's staff by telephone or email.
4. The Courts of the District are presently open and continuing operations however, County Emergency Orders and the present health concerns have resulted in limited staff, limited public access to the clerk's office in most locations and require limited size of public gatherings, in at least some counties to no more than 10 people at one time. Accordingly, the focus must be on addressing issues with constitutional and other fundamental rights or involving public safety in the short term.
5. Social distancing shall be exercised in all courts as much as possible to minimize health concerns.

Done this 17th day of March, 2020.

BY THE COURT:



J. Steven Patrick
Chief Judge

XC: 7th JD Judges
7th JD Clerks of Court
w/enclosure