

Denver Probate Court 1437 Bannock Street Denver, Colorado 80202	DATE FILED: August 24, 2021 2:33 PM
<b>ADMINISTRATIVE ORDER NO. 2021-02</b>	<b>▲ COURT USE ONLY ▲</b>
<p style="text-align: center;"><b>ADMINISTRATIVE ORDER REGARDING MENTAL HEALTH HEARINGS</b></p>	

In accordance with the inherent authority of the Denver Probate Court to manage the proceedings before it, the Presiding Judge of the Denver Probate Court enters the following Order governing hearing procedures for actions filed pursuant to Colorado Revised Statutes Titles 27 and 25.5.

Colorado Revised Statutes Titles 27 and 25.5 set forth the procedures for various mental health hearings, including but not limited to, hearings on certifications for involuntary mental health treatment, involuntary medication administration, imposition of legal disability, and involuntary commitments. This authority requires the Court, in certain circumstances, to hold an expedited hearing, usually within 10 days. *See, e.g.*, C.R.S. §§ 27-65-107(6); 27-65-109(5); 27-65-111(5); 27-81-112(3).

Prior to the COVID-19 pandemic, this Court would frequently order the Denver Sheriff's Department to transport Respondents from various designated facilities to the Denver Probate Court for any hearings held pursuant to statute. Ordering the Denver Sheriff's Department to transport Respondents required the Sheriff's Department to staff such transports with a minimum of two deputy sheriffs and to remain with Respondent during the hearing, as well as involve hospital staff to ensure the safe transport of the Respondent. This transport procedure often resulted in lengthy delays in the Court's docket. For some Respondents, the transport procedures resulted in escalation and were not entirely trauma-informed, resulting in some Respondents not being able to fully participate in their hearing or being removed entirely from the courtroom. Since the COVID-19 pandemic, this Court has successfully implemented technology for hearings to be held virtually without the need for sheriff transport to the courtroom.

Virtual hearings protect Respondents' rights to fully participate in their own hearings in a safe environment. Virtual hearings promote judicial efficiency, judicial economy and

can ensure access to justice while protecting Respondents' due process rights and the right to a timely hearing.

Based on the above considerations, the Court orders that all mental health hearings, including all proceedings filed pursuant to Colorado Revised Statutes Titles 27 and 25.5, shall be heard virtually via Cisco Webex or any future platform established by the Colorado Judicial Department.

All parties, counsel, and witnesses shall appear and/or testify virtually, unless an in-person hearing is ordered for good cause shown by separate written motion. Such written motion shall include a plan for the safe transport of the Respondent, including whether a request for sheriff's transport will be filed.

All parties, counsel, and witnesses shall make their best efforts to appear and/or testify by video. Telephone appearance/testimony may be permitted if video is unavailable.

Any facility where a Respondent is being held is ordered to provide a device to the Respondent to ensure Respondent's appearance by video if such technology is available and if it is deemed safe for the Respondent and staff. If video is unavailable or deemed unsafe, the facility is ordered to provide a device for the Respondent to appear by telephone. If requested, the facility shall allow respondent's court appointed counsel to appear with the respondent at the facility.

The Denver Sheriff's Department shall ensure that mental health respondents who are held in the Denver Jail or Detention Center appear virtually for hearings. If requested the Denver Sheriff's Department shall allow respondent's court appointed counsel to appear with the respondent at the facility.

Instructions to appear by video or phone in the Court's virtual courtrooms can be obtained on the Court's website.

DONE this 24<sup>th</sup> day of August, 2021.



Elizabeth D. Leith  
Presiding Judge  
Denver Probate Court