



**SEVENTEENTH JUDICIAL DISTRICT, STATE OF COLORADO
ADAMS AND BROOMFIELD COUNTIES**

FIFTH AMENDED ADMINISTRATIVE ORDER)
REGARDING COURT OPERATIONS) 2020-01 A5
UNDER COVID-19 EFFECTIVE JULY 6, 2020 –)
JULY 31, 2020)

Issued July 5, 2020

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 (CDPHE), and local public health departments, recommending active steps to slow the spread of the disease and precautions to reduce the risk of exposure, the 17th Judicial District Courts and Probation will continue to operate in an emergency status and at a reduced level.

Effective July 6, 2020, staff has been increased to nearly 100% to process court business and to assist the judicial officers with their increased their virtual dockets. Planning continues to slowly increase in person appearances based on information from health professionals and existing circumstances moving forward. Planning continues to commence jury trials effective August 3, 2020. There has been no request for any waiver to conduct a jury trial, county or district court, prior to August 3, 2020.

Pursuant to the authority granted in Chief Justice Directive 95-01 and the directives found in Chief Justice Coats’ Orders dated March 16, 2020, March 20, 2020, April 16, 2020, May 5, 2020, and June 15, 2020, it is hereby **ORDERED as follows:**

1) Operations:

- a) The Adams County Justice Center and Broomfield Combined Courts will be open to the public from 7:30 a.m. to 4:30 p.m., Monday to Friday, excepting legal holidays.
 - i. The clerks’ offices in the 17th JD will be open from 7:30 a.m. to 4:30 p.m., Monday through Friday, excepting legal holidays.
 - ii. For the health and safety of the staff and visitors, the preferred method of doing business with the clerk’s office is by telephone and email, rather than in person at the clerk windows.

- iii. Should questions arise, parties should contact court staff by telephone rather than travel to the courthouse. Please go to the 17th Judicial District webpage located at:

https://www.courts.state.co.us/Courts/District/Index.cfm?District_ID=17

or call 303-659-1161 for the Adams County Justice Center and 303-464-5020 for the Broomfield Combined Court.

- iv. The courts will continue to operate with primarily virtual dockets for the month of July 2020. Staffing has been increased effective July 6, 2020 to nearly 100% to conduct all court business and to assist the judicial officers with their expanded virtual dockets.
- v. The dockets shall have staggered settings as coordinated by the Clerks of Court and the Court Executive, with the approval of the Chief Judge to ensure the best possible and safest customer service for both virtual proceedings and in-person proceedings.
- vi. The court anticipates that some matters may still have to be rescheduled during this time period. The party is ultimately responsible for ensuring that a matter is rescheduled by contacting court staff. Unless the matter has been rescheduled by the court, the party shall appear via remote technology (the preferred option) or in-person as scheduled and permitted by this Order.
- vii. The courts will continue to work on the expansion of operations between July 6, 2020 and July 31, 2020 in all areas of the trial courts and probation, including preparation for jury trials starting August 3, 2020. The district will do so in a way that complies with the applicable executive and public health orders and advisories, maximizes public safety, minimizes the foot traffic in the courthouses, while increasing the number of matters heard by the judicial officers.
- viii. The court will accept electronic filings through CCE for all case types in the CCE system by mail or through the clerk's office for all case types.
- ix. The courts have installed signage, sneeze guards, and barriers throughout the courthouse and these installations will continue until completed. The courts have placed hygiene and disinfecting supplies in the courtrooms and meeting rooms and this placement will continue until completed. The courts have marked some and will continue to mark all the floors and chairs for safe social distancing throughout the courthouses in both common areas and courtrooms until completed.

- x. Self-represented parties may file pleadings through email in:
Adams County at 17temp@judicial.state.co.us
and Broomfield at 17Broomfieldconsent@judicial.state.co.us

b) **Rules concerning the public:**

- i. Persons who meet any of the following criteria are PROHIBITED from entering either courthouse and instead should call the court to reschedule their court date, request to appear by phone, or receive further instructions:
 - 1. Anyone diagnosed with COVID-19 and that does not have written verification that the person has received a subsequent test confirming that person is currently virus-free;
 - 2. Anyone who has been in direct contact with someone who has been diagnosed with COVID-19 within the preceding fourteen days;
 - 3. Anyone experiencing a fever, cough, shortness of breath, any other respiratory illness or flu-like symptoms.
- ii. The Chief Judge, Court Executive, Chief Probation Officer, Clerk of Court, the Adams County Sheriff's office and/or court security are authorized to deny entrance to or remove from the courthouses any person showing signs or symptoms (or self-reporting symptoms) of COVID-19. The Courts shall work directly and cooperatively with the Adams County Sheriff's office and the Broomfield Police Department to enforce this Order.
- iii. While in the courthouses, all persons shall maintain social distancing of at least 6 feet between persons.
- iv. Members of the public are **strongly encouraged** to wear masks or face coverings in the courthouse. Judicial officers have the discretion to require persons to wear masks or face coverings in their courtrooms as necessary. Judicial officers have a limited supply of disposable facemasks for this purpose.
- v. Parties shall avoid bringing additional persons to the courthouses.
- vi. The 17th JD has taken steps to adhere to the protocols set forth in Governor Polis's Executive Order 2020 110 issued July 20, 2020 and has met with and conferred with the deputy director of Tri-County Health Department for technical and medical advice. Tri-County Health Department has completed an official report for optimal and safe operations at the Adams County Courthouse. The report was requested to provide guidance and regarding the re-opening of the Adams County Justice Center. The entire report is public record and is posted on the 17th JD website.

- vii. Members of the public shall follow the directions of judicial officers, court security, administration and the court staff.
- viii. Members of the public shall follow the directions of all signs posted at the front of the courthouses and posted throughout the courthouses.

2) Authorization for Remote Proceedings and Limited In-Person Proceedings:

- a. Chief Justice Coats entered an amended Order on June 15, 2020, which gives further discretion to the chief judge to slowly and incrementally expand court operations beyond essential matters described in 2.g. below. Meetings continue in county and district court regarding slow and incremental expansion of court operations and this Order may be modified at any time concerning those anticipated expansions.
- b. Judicial officers shall continue to conduct proceedings via remote technology wherever possible. Remote technology continues to be the recommended and preferred means of conducting proceedings. Judicial officers, in their discretion and as judicial resources allow, may continue to conduct proceedings in all docket types, by remote means only, through July 31, 2020. No judicial officer is required by this Order to hold any in-person proceedings.
- c. A proceeding shall be conducted by remote means through using telephone, video, WebEx, Conference NOW, or any combination thereof, as determined to be appropriate by the judicial officer.
- d. It is anticipated that judicial officers, in their discretion, may determine that an in-person hearing is required that is not related to a public safety matter as described below in 2.g. A judicial officer shall seek permission of the chief judge to conduct any such proceeding and shall comply with section 4 below after receiving permission to conduct the proceeding. Parameters associated with in-person proceedings may be modified consistent with guidance received from state and local officials by the chief judge.
- e. Effective immediately and through July 31, 2020, in-custody matters should be heard by remote means through video, WebEx, telephone, or combination thereof.
- f. Effective immediately and through July 31, 2020, out-of-custody defendants without attorneys shall contact the court clerk for the division in which the case is pending to receive further directions. In leaving voicemail messages, the defendants without attorneys shall include their first and last name, their phone numbers, their email address (if they have one) and a case number if available.
- g. Public Safety Matters: *The courts will continue to conduct hearings on public safety matters.* Judicial officers have discretion to determine whether public safety

matters can occur in-person or remotely. Any in-person proceedings shall be conducted in accordance with section 4) below. 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 advisement for incarcerated persons and the initial setting of bail;
- iv. Revocation hearings on complaints to revoke probation involving an incarcerated defendant;
- v. Proceedings necessary to protect the constitutional rights of criminal defendants including bond-related matters and plea agreements for incarcerated individuals;
- vi. In custody pretrial conferences for county court cases with the Defendant appearing by video when permitted;
- vii. Detention hearings for juvenile delinquency cases;
- viii. Shelter hearings in dependency and neglect cases or other juvenile proceedings;
- ix. Petitions for appointment of an emergency guardian and/or special conservator;
- x. Hearings on motions to restrict parenting time and parental abduction prevention;
- xi. Emergency mental health proceedings;
- xii. 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.

3) Jury Calls:

a. Given Chief Justice Coats' June 15, 2020 order and prior orders, all jury calls through July 31, 2020 are cancelled. (This Order is in accordance with the Order Regarding COVID-19 and Operation of Colorado State Courts, issued by Colorado Supreme Court Chief Justice Nathan B. Coats on March 16, 2020, March 20, 2020, April 16, 2020, May 5, 2020 and June 15, 2020. Chief Justice Coats' Orders state that because jury pools, at least according to current practices, still cannot be assembled consistent with existing public health guidelines, no per person shall be summoned by state courts to assemble for jury service to begin any time prior to July 31, 2020, unless or until further modification of said Order.

b. No jurors should appear at the courts prior to July 31, 2020. Any juror receiving a summons for this time period shall have their service postponed consistent with this Order. This Order does not prohibit the issuance of juror summons requiring a juror to appear for service on or after August 3, 2020.

- c. For jurors who have a jury summons for a date to appear commencing on or after August 3, 2020, please check the courts' website for updates.
- d. The provisions of Chief Judge Temporary Chief Judge Order 2020-01 Order Authorizing Release of Jurors for Health Reasons shall continue to apply.
- e. The Court will continue to evaluate public health information related to COVID-19 and determine whether the restrictions on calling jurors should be extended past July 31, 2020.
- f. On or before the scheduled trial date, the judicial officer shall determine the status of each case set for trial during this period. Judicial officers may ask whether the defendant waives or agrees to toll speedy trial. If a waiver or toll is not provided, judicial officers will issue detailed rulings on speedy trial issue in each case as necessary.
- g. To resolve the growing volume of criminal cases, judicial officers will exercise discretion to accept late pleas and/or pleas with stipulated sentences.

4) Protocol for In-Person Proceedings:

- a) Judicial officers shall limit the number of persons and participants in the courtroom to less than 50 persons (including the judicial officer, clerks, deputies, attorneys, witnesses, professionals and parties) at all times, in compliance with state and local health department guidelines and may be subject to change if those guidelines are modified or additional guidelines are instituted by local public health agencies.
- b) Judicial officers shall require all participants for an in-person proceeding maintain social distancing at all times (at least six feet apart from each other). Judicial officers are strongly encouraged to insist that all persons in the courtroom wear a face covering or mask.
- c) All parties are encouraged to maximize the use of electronic means to permit the remote appearance of counsel, parties, witnesses, and other persons interested in the proceeding, even during in-person hearings, subject to the orders of the judicial officer.
- d) A person who falls within the definition of "Vulnerable individuals" may request permission not to attend an in-person proceeding. If the judicial officer is properly notified and concludes that the person is a Vulnerable individual, the judicial officer shall use caution and discretion prior to requiring the in-person attendance of that person in any in-person proceeding. Remote technology shall be used for Vulnerable individuals whenever possible. "Vulnerable individuals" include:

1. Individuals who are 65 years or older;
2. Individuals with chronic lung disease or moderate to severe asthma;
3. Individuals who have serious heart conditions;
4. Individuals who are immunocompromised;
5. Pregnant women;
6. Individuals determined to be high risk by a licensed healthcare provider

The “vulnerable individual” exception for attending a required in-person proceeding does not apply to criminal defendants.

- e) Judicial officers have the discretion to require persons in the courtroom to wear masks or face coverings (as long as the supply lasts).
 - f) Judicial officers have the discretion to remove from the courthouse any person who shows signs or symptoms (or discloses is suffering from) of COVID-19.
- 5) **Social Distancing:** Social distancing shall be maintained with respect to all in-person activities within the courthouses.
 - 6) **Prohibition on Group Gatherings:** There shall be no gatherings of groups larger than fifty (50) persons in either courthouse for any purpose. Social distancing shall be observed for all gatherings.
 - 7) **Extrajudicial Activities:** The use of any of the courthouses for extrajudicial activities (e.g., the solemnization of marriages) is prohibited through July 31, 2020. However, at the discretion of the Chief Judge, certain meetings may be conducted on a limited basis at any of the courthouses, subject to a limit of no more than 50 people gathering in any one location and compliance with social distancing. The Court encourages groups that formerly met in the courthouses to meet remotely until further directive.
 - 8) **Case Management Orders Issued by Judicial Officers:** The chief judge has authorized and encouraged individual judicial officers to issue Case Management Orders in response to COVID-19 (“CMO’s”) that apply to his/her division. This has occurred in the district court divisions in Adams and Broomfield Counties. Case Management Orders in response to COVID-19 have been issued and are available on the 17th JD website. The juvenile judges, the criminal judges, the domestic relations judges, the civil judges, the probate judge, and the judges in Broomfield County, have issued CMO’s concerning the types of cases they are hearing now and the manner in which they are hearing those cases.

The County Court in Adams County finalized its CMO on July 2, 2020 and that CMO is uploaded and available on the 17th JD website. This CMO governs both dockets and the return of jury trials on August 3, 2020 and how both will be handled by the respective divisions.

The CMO's reflect that the Court is doing the most critical and important work at this time in consideration of the health crisis. The Court anticipates these CMO's will be amended as the slow and incremental expansion of court services occurs and as jury trials return on August 3, 2020. The most current CMO's are available on the 17th JD's website.

- 9) **Temporary and Permanent Protection Orders:** Temporary protection orders are available on a daily basis as an essential public safety matter. Judicial officers shall attempt to and shall strongly encourage the parties to conduct permanent protection order hearings via remote technology. However, the Court recognizes that some PPO's must be resolved by in-person appearances. In these limited situations, the judicial officers may conduct an in-person PPO hearing only if necessary and safety protocols are strictly followed.
- 10) **Adams County Court Civil Monetary Cases/FED cases:** The Adams County Court has devised a plan to safely handle the routinely large number of civil monetary cases and FED cases in response to COVID-19. CMO's have been issued by the court indicating the procedural changes, including moving to a non-appearance docket and requiring mandatory remote mediation for civil monetary cases. These CMO's are available on the 17th JD's website.
- 11) **Small Claims:** If you are scheduled to appear in small claims (S-1 or R-2) in July 2020, please note your hearing will either be conducted by telephone or WebEx. Parties in the case will receive notice of instructions on how to contact the court for the hearing or will receive notice of a rescheduled court date from the court.
- 12) **Bond Forfeitures:** An automatic stay will be placed on all professional bond forfeitures through July 31, 2020.
- 13) **Truancy:** All hearings in truancy cases are hereby vacated for the remainder of the academic year.
- 14) **Problem-Solving Courts:** Each problem-solving court team has discretion to maintain contact with the participants and conduct staffing via remote technology, including probation and the judicial officer, to address any individual participant or case need. The judicial officer has discretion to determine what cases shall be heard on the individual circumstances of the participants. This will continue prior to virtual dockets being

established. Each problem-solving court will begin implementing virtual dockets via remote technology as judicial resources permit.

15) **Probation:** The 17th Judicial Probation Department remains open and will continue to provide limited services to clients and the court. The Pre-Sentence Investigation and Alcohol Evaluation Units will continue to provide court ordered reports. The Supervision Units will be providing face to face contact with specialized and high-risk clients beginning in mid-May and will also work to provide meaningful contacts with clients by phone and WebEx. Drug testing and treatment services for clients are currently reduced and will be increased based upon community availability.

16) **Processing filings/“paperwork” and telephone calls:** The courts of the 17th JD have had an extraordinary number of telephone calls and emails during this community health crisis. Consequently, responses to telephone calls and emails may be delayed.

17) **Self-Help Centers:**

a) All self-help centers in the 17th Judicial District will remain closed to the public until further notice. All business will be conducted by telephone, 303-654-3555 and via email at 17shrc@judicial.state.co.us.

b) All court forms and instructions can be found at: https://www.courts.state.co.us/Self_Help/Index.cfm.

18) **Face Coverings and gloves:**

a) Visitors are permitted and **strongly encouraged** to wear face coverings in the courts and probation building until further notice. Gloves are permitted as well. The 17th Judicial District will provide face coverings for attorneys and members of the public entering the courts or probation offices for so long as the supply lasts. As noted above, judicial officers have been provided with a limited supply of masks for the public and have discretion to require a participant to wear same during that particular proceeding as ordered.

b) Visitors are permitted to bring small plastic containers of hand sanitizer into court and probation buildings until further notice.

c) Governor Polis’ Executive Order D 2020 110 and the Colorado Department of Public Health and Environment Public Health Order re: Face Coverings for Critical Business:

i. **Face Covering:** All employees of Critical Business or Performing Critical Government Functions who work in close proximity to other employees or with the public ***shall***

wear a medical or non-medical face covering to help prevent the spread of the novel Coronavirus. Workers who may routinely or consistently come within 6 feet or other workers or the public are considered to be in close proximity to others and must wear a medical or non-medical face mask.

ii. **Gloves:** All employees of Critical Business or Performing Critical Government Functions who come into contact with customers or good *should* wear gloves, if gloves are provided by their employer.

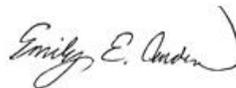
d) All persons working in the courthouses and probation are required to wear face coverings when in close proximity (less than 6 feet) to co-workers or customers, in any area of the building, including courtrooms. All persons handling or exchanging paperwork or legal documents in the office, courtrooms, or at the counters should all wear gloves provided supplies remain available.

e) Public Health Order 20-28, Safer at Home, pursuant to the Governor's directive in Executive Order D 2020 044 mandates that the 17th JD implement symptom monitoring protocols and daily temperature checks for all judicial officers and staff at the worksite to minimize the transmission of the COVID-19 virus. The 17th JD has implemented an appropriate symptom monitoring protocol and mandatory reporting system. Judicial officers and staff throughout the entire 17th JD shall abide by the mandatory protocols issued by the Court Executive on May 18, 2020.

19) Effective Date and Modification of this Order: This Order is effective immediately upon the date and time entered below. Circumstances continue to change and this Order may be updated or modified frequently. The Chief Judge will continue to monitor available information and recommendations from health organizations, and this CJO 2020-01A5 may be revised or extended as deemed necessary.

SO ORDERED this 5th day of July, 2020, at 4:00 p.m.

By the COURT,



EMILY E. ANDERSON
Chief Judge
Seventeenth Judicial District