

<p>NINTH JUDICIAL DISTRICT STATE OF COLORADO GARFIELD COUNTY, PITKIN COUNTY, AND RIO BLANCO COUNTY</p> <hr/> <p>ADMINISTRATIVE ORDER</p> <p>The Honorable James B. Boyd, Chief Judge</p>	<p><b>COURT USE ONLY</b></p> <hr/> <p>Administrative Order 18-02</p>
<p><b>ORDER AUTHORIZING A PILOT PROGRAM FOR E-MAIL FILING OF DOCUMENTS IN DEPENDENCY AND NEGLECT CASES</b></p>	

The current statewide electronic filing system does not include the “JV” case class, which includes dependency and neglect (D&N) cases. The prompt exchange of information, reports, pleadings, and court orders in D&N cases ensures that the best interest of the child is protected while applying procedural safeguards to protect parental rights.

The members of the Ninth Judicial District D&N Best Practices Committee, which includes assistant county attorneys, respondent parent counsel, guardians ad litem, court appointed special advocates, treatment providers, and department of human services representatives, desire to have the ability to file documents in D&N cases via email to achieve the prompt and efficient exchange of information.

C.R.C.P. 5(b)(2)(D) authorizes the service of pleadings by either the statewide electronic filing system or other electronic means, including email. C.R.C.P. 121 § 1-26 and CJD 11-01 govern the standards for electronic filing and service.

In order to facilitate the prompt exchange of information in D&N cases, the Court hereby adopts a pilot program to allow email filing in D&N cases in accordance with the procedures described below.

1. **To Whom Applicable.** All parties in a D&N proceeding shall file pleadings, reports, and other documents by email. The Court may allow unrepresented parties to file documents in hard copy on a case by case basis.
  
2. **Email Filing Mandated.** For the duration of this Order, email filing of all documents and pleadings in D&N cases in the Ninth Judicial District is mandatory. A document shall not be transmitted to the Court by any other means unless the Court at any later time requests a printed copy.

3. **Format.** All pleadings and documents must conform to the requirements of C.R.C.P. 10. All pleadings and documents transmitted by email must be legible. It is the filing party's responsibility to confirm any pleading or document attached to an email for filing and service conforms to this policy.

4. **Electronic Signatures.** All pleadings must be signed as set forth in C.R.C.P. 121 §1-26 (1) (f) and (8) using either an electronic signature or a scanned signature.

5. **Paper Copy Retained.** A printed or printable copy of any pleading filed by email shall be maintained as set forth in C.R.C.P 121 §1-26 (7).

6. **Filing Deadline.** Unless otherwise ordered by the Court, a document transmitted by 11:59 p.m. Colorado time shall be deemed to have been filed the Court on that date as set forth in C.R.C.P. 121 §1-26(5).

7. **Technical Difficulties.** Upon satisfactory proof that an email filing was not completed due to technical problems, the Court may enter an order permitting the document to be filed nunc pro tunc to the date it was first attempted to be emailed and may allow additional time to respond.

8. **Service.** Pleadings must be served pursuant to C.R.C.P. 5 on all attorneys and unrepresented parties. Service by email is presumed acceptable unless a party objects in writing. Attorneys shall place their email address on all pleadings.

9. **Multiple Documents.** Each pleading or document must be attached to the transmittal email as a separate attachment. Documents shall not be transmitted by link (e.g. dropbox) or bulk file (e.g. zip file). No attached document shall exceed 25MB in size.

10. **Email Addresses for Courts.** Pleadings and documents shall be emailed to the District Courts, with copies to all other parties as required, using the following email addresses:

Garfield                      GarfieldDN@judicial.state.co.us

Pitkin                              PitkinDN@judicial.state.co.us

Rio Blanco                      RioDN@judicial.state.co.us

11. **Processing and Verification.** The receiving clerk shall, upon receipt of an email pleading or document, print a copy of the pleading or document, date stamp the printed copy based on the time and date the email is received, scan the “filed” stamped copy, enter the filing information in Eclipse (so that the register of actions is complete and correct), and place the printed copy in the Court’s paper case file. The receiving clerk should then “reply” to the sender’s email by attaching and sending the scanned copy of the “filed” stamped copy of the pleading or document. The “filed” stamped copy shall suffice as the Court’s original pleading. The party initiating the filing is responsible to ensure that the scanned, “filed” stamped copy of any pleading or document is complete and accurate. In order to reduce the possibility of transmitting confidential, sealed or other restricted material to an inappropriate recipient, the receiving clerk shall NOT be required to “reply to all” when returning the “filed” stamped document – the party initiating the filing shall be responsible for any further distribution of the “filed” stamped copy.

12. **Protection of Confidential Information.** Per Rule 1.6(c) of the Colorado Rules of Professional Conduct, a lawyer is required to make “reasonable efforts” to prevent the inadvertent or unauthorized disclosure of or unauthorized access to client information. Rule 1.6(c) applies to the email filing pilot program described in this Order. “Reasonable efforts” may include using an encryption program to send emails. The Court shall ensure that the judicial email addresses listed above can receive encrypted emails and that the receiving clerk has the ability to download encrypted email.

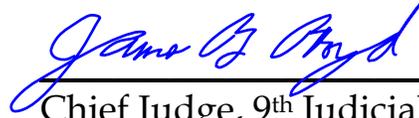
13. **Suppressed/Sealed and Other Special Filings.** The party email filing any pleading or document that is required to be filed as a suppressed, sealed, or otherwise restricted filing (e.g. psychological evaluation of a party) shall be responsible for clearly specifying the nature of the filing in the email.

14. **Effective Date and Duration of Order.** This Order shall be effective on **January 1, 2019**, and shall remain in full force and effect unless modified or withdrawn by the Chief Judge of the Ninth Judicial District. The foregoing notwithstanding, in the event the “JV” case class is included in the state electronic filing system, this Order shall expire automatically and without further notice or action upon the date said system becomes available in the Ninth Judicial District.

15. **Report to Chief Judge.** The Ninth Judicial District D&N Best Practices Team shall evaluate this policy and its use in D&N cases during the coming year and submit a status report to the Chief Judge on the first anniversary of this Order setting out any recommended changes or modifications.

SO ORDERED this 21st day of December, 2018.

BY THE COURT



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Chief Judge, 9<sup>th</sup> Judicial District