



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

**NINTH AMENDED ADMINISTRATIVE ORDER)
REGARDING COURT OPERATIONS) 2020-01 A9
UNDER COVID-19 EFFECTIVE NOVEMBER 23, 2020)
UNTIL FURTHER NOTICE AND ORDER)**

Issued November 23, 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 (CDC), the Colorado Department of Public Health and Environment (CDPHE), and the Tri-County Health Department (TCHD), 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.

We resumed jury trials in criminal cases in the Adams County Justice Center (ACJC) on September 21, 2020. A jury trial plan was issued in September 20, 2020. Due to space and staff constraints, due to the uptick in COVID-19 cases in Adams County, and a consensus reached among judges, executive leadership and the jury commissioner, it was determined that we would remain in PHASE I of the jury trial plan until further order of this court. We resumed jury trials in the Broomfield courthouse on August 10, 2020.

On October 9, 2020, undersigned issued the *Eighth Amended Administrative Order Regarding Court Operations Under COVID-19 Effective October 9, 2020 Until Further Notice and Order*. On October 16, 2020, the Tri-County Health Department (TCHD) issued a public health order to limit public and private gatherings in Adams County in an attempt to reduce the recent surge in cases and thereby protect both the public’s health and the economy. Contact tracing and case investigation revealed that many people who have tested positive for COVID-19 have attended public or private gatherings. As of October 15, 2020, Adams County had an incidence rate of 313/100,000 population. Adams County was beyond the State’s threshold for Level II of Safer at Home since September 28, 2020. TCHD anticipated that the public health order would pull Adams County back within limit of Level

II by reducing the number of COVID-19 cases.¹ That order was in effect from October 16, 2020 until November 1, 2020, but it did not have the impact that was hoped for.

On October 22, 2020, undersigned issued an *Addendum to the Eighth Amended Administrative Order Regarding Court Operations Under COVID-10 Effective October 9, 2020 Until Further Notice and Order*. The highlights of that Order included:

1. All jury trials that are not currently underway are suspended up to, but not including, December 7, 2020;
2. ACJC court personnel will work a hybrid 100% schedule- 60% in the ACJC, 40% from home until further notice;
3. The Clerk's office in Adams County will be open from 7:30 a.m. to 2:30 p.m. until further notice;
4. The First Appearance Center will be closed to the public by October 26, 2020 absent unforeseen circumstances.

The CDPHE has created a new COVID-19 Dial Dashboard, which tracks risk level based on data collected concerning the number of new cases, the percentage of positive tests and the number of hospitalizations. Using the data from each of these metrics, CDPHE has developed a dial categorizing the risk levels existing in each county. CDPHE prepares statewide tables of two-week cumulative incidence rates and current epidemic curve. The dial framework standardizes different levels of "openness" at the county level. It is a tool for counties to use to make life during the pandemic more sustainable.² These tables are updated daily and can be viewed through the CDPHE website at <https://covid19.colorado.gov/data>.

As of November 22, 2020:

- Adams County is currently on the Red Level with a two-week cumulative incidence rate of 1,441.2/100,000. Adams County two-week average positivity rate is 16%.
- Broomfield City and County is currently on the Red Level with a two-week cumulative incidence rate of 756.1/100,000. Broomfield two-week average positivity rate is 9.4%.

On November 17, 2020, the CDPHE released an updated public health order that provides necessary updates to the COVID-19 dial framework. The order updates Level Red to indicate counties where there is *Severe Risk* of COVID-19 spreading rapidly, while allowing some businesses to remain open at a very limited capacity. A sixth level, Level Purple: Extreme Risk, has been added to the dial, representing when hospital capacity risks being breached and most businesses and indoor services must be closed. The updated dial levels went into effect on November 20, 2020. CDPHE's Dr. Jill Hunsaker Ryan stated: "We are adding

¹ Tri-County Health Department News, Posted on October 16, 2020

² Tri-County Health Department COVID-19 official website, tchd.org.

a new level to the dial in response to out-of-control levels of COVID-19 transmission across the state.” *Id.* Adams and Broomfield counties were moved to the Level Red-Severe Risk on Friday, November 20, 2020. Hospitalization rates have increased dramatically across Colorado, taxing the hospital system. CDPHE predicts that if the current surge in COVID-19 cases continue, ICU beds may no longer be available across the state as early as mid-December. To further compound public safety and health concerns associated with the surge in COVID-19 cases is the fact that the upcoming months include major holidays and a shift in seasons when indoor activities will increase due to inclement weather. Both facts bring an anticipation that adherence to social distancing, the wearing of masks, and other risk-mitigation guidelines will become more challenging in our communities.

Undersigned met with TCHD on November 20, 2020 to discuss the new Red Level and what, if any, changes we need to make at ACJC. The new public health order states that Critical Government Functions may continue to operate without capacity limitations but must follow the requirements in Section III. B and C of that Order.³ TCHD is satisfied with our work accommodations, including: current reduced staffing levels, work from home and tele-work policies, staggered schedules and continuing operations that can be done remotely at the ACJC and at probation. TCHD does not recommend further staffing changes at this time; however, we will continue to monitor the situation. The number of visitors at the ACJC has been between 300-500 per day since jury trials were suspended again and the First Appearance Center was closed to the public. This is substantially less than the pre-COVID-19 1800-2000 visitors per day.

Per TCHD’s recommendations, not more than 10 persons shall be permitted in any individual room/contained space at any given time, including courtrooms, meeting rooms, conference rooms, jury assembly room and training rooms. TCHD recommends, and undersigned orders, that the courthouses and probation be closed the day after Thanksgiving due to the surge in the number of COVID-19 cases in the 17th JD.

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, June 15, 2020 and July 24, 2020, it is hereby **ORDERED as follows**:

1) Operations:

- a) The Adams County Justice Center and Broomfield Combined Courts will be CLOSED on Friday, November 27, 2020. This is a complete closure and no hearings of any type, including detention, shelter and video bond advisals, will be conducted on this date. County government offices are closed in both counties on this date. This closure is due to the Red Level status and due to the fact that a large number of COVID-19 cases have been attributed to private and small family gatherings. These types of gatherings are expected to occur over the Thanksgiving holiday. This day off following the legal holiday allows personnel to watch for symptoms, determine if exposure to COVID-19 may have occurred, and to get tested

³ First Amended Public Health Order 20-36 COVID-19 Dial November 17, 2020, page 16.

and/or quarantine prior to coming back to work on the following Monday. Personnel is encouraged to follow CDC guidelines, wear a mask, stay at least 6 feet from others and to wash hands often while celebrating the holidays with others.

- b) The Adams County Justice Center and Broomfield Combined Courts (state offices) will be open to the public from 7:30 a.m. to 4:30 p.m., Monday to Friday, excepting legal holidays and the day after Thanksgiving.
 - i. The clerks' offices in the ACJC south side will be open from 7:30 a.m. to 1:00 p.m., Monday through Friday, excepting legal holidays. The clerks' office in the ACJC north side will be open from 7:30 a.m. to 2:30 p.m., Monday through Friday, excepting legal holidays.
 - ii. The clerks' office in the Broomfield courthouse will be open from 7:30 to 2:30 p.m., Monday through Friday, excepting legal holidays.
 - iii. 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.
 - iv. 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.

- v. The courts will continue to operate with primarily virtual dockets until further notice. Staffing has been a challenge during the pandemic and we anticipate that to continue as we move into the winter months and cold and flu season. The court will continue to strive to keep all divisions open, to conduct all required court business and to assist the judicial officers with their virtual dockets. *It is anticipated that courts in the 17th JD will continue to operate with primarily virtual dockets into the Spring of 2021.*
- vi. 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.
- vii. The court anticipates that some matters may still have to be rescheduled during the pandemic. 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.

- viii. The courts will continue to refine safe operations in all areas of the trial courts and probation. 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.
- ix. The courts 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.
- x. The courts have installed signage, sneeze guards, and barriers throughout the courthouse and these installations are completed.
- xi. The courts have placed hygiene and disinfecting supplies in the courtrooms and meeting rooms. The courts have marked floors and chairs for safe social distancing throughout the courthouses in both common areas and courtrooms. The courts have placed disposable masks, gloves, hand-sanitizer and tissues in all courtrooms and meeting rooms.
- xii. 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

c) 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. All persons are required to wear masks or face coverings in the courthouse pursuant to Amended Administrative Order 2020-09. All attorneys, witnesses, and court personnel must wear their facial coverings at all times, unless an exemption exists or the person is otherwise granted permission by the Court to temporarily lower their facial covering. The security team at the front entrances of the courthouses and the 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 issued by Tri-County Health Department 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. 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, until further notice. No judicial officer is required by this Order to hold any in-person proceedings. *It is anticipated that courts in the 17th JD will continue to operate with primarily virtual dockets into the Spring of 2021.*
- b. 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.
- c. 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.f. 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.

- d. Effective immediately, in-custody matters should be heard by remote means through video, WebEx, telephone, or combination thereof.
- e. Effective immediately, 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.
- f. 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 for Adams County:

a. Based upon all public health information available from CDPHE and TCHD, and in consultation with the judges of this district, it has been determined that it is necessary and appropriate to suspend jury trials through January 18, 2021 because a jury pool cannot be safely assembled due to the limitations brought about by the pandemic and public health crisis. The decision to suspend the summoning of jurors is not taken lightly. The right to a jury trial in criminal cases is fundamental and guaranteed by the United States and Colorado Constitutions. It has been of paramount importance to the judicial officers in this district to resume jury trials, but only when jury pools can be safely assembled consistent with applicable executive orders and health directives. Based upon current information and strong recommendations provided by public health agencies, undersigned has determined that a temporary suspension of jury trials is both necessary and appropriate. The current data suggests that it is not safe to assemble jurors for jury trials due to the risk to public health and safety.

b. For jurors who have a jury summons for a date to appear commencing on or after January 19, 2021, please check the courts' website for updates.

c. The Court will continue to evaluate public health information related to COVID-19 and determine whether the restrictions on calling jurors should occur.

d. 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.

e. To resolve the growing volume of criminal cases, judicial officers will exercise discretion to accept late pleas and/or pleas with stipulated sentences.

f. No person will be summoned to report for jury service in the 17th Judicial District prior to January 19, 2021. The judicial officers in the district will individually determine the status of all cases set for trial during this time period.

4) Jury Calls for Broomfield County

a) Jurors summoned for jury service on or after January 19, 2021, shall check the court's websites for updates. Jury trials are suspended in Broomfield County for the same reasons stated above for Adams County until January 19, 2021.

5) Protocol for In-Person Proceedings:

a) Judicial officers shall limit the number of persons and participants in the courtroom to not more than ten (10) persons (including the judicial officer, clerks, deputies, attorneys, witnesses, professionals and parties) at all times. This order is subject to

change if state and local health 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) and to wear a face covering or mask, unless an exception applies or the judicial officer allows the temporary lowering.
- 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 all persons in the courtroom to wear masks or face coverings as set out in Amended Administrative Order 2020-09.
 - 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.
- 6) **Social Distancing:** Social distancing (as least six feet apart from each other) shall be maintained with respect to all in-person activities within the courthouses.
- 7) **Prohibition on Group Gatherings:** There shall be no gatherings of groups larger than ten (10) persons in either courthouse for any purpose. Social distancing shall be observed for all gatherings.

- 8) **Extrajudicial Activities:** The use of any of the courthouses for extrajudicial activities (e.g., the solemnization of marriages) is prohibited until further notice. 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 ten (10) 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.
- 9) **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 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 CMO's reflect that the Court is doing the most critical and important work at this time in consideration of the health crisis. The most current CMO's are available on the 17th JD's website.

- 10) **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 temporary and 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.
- 11) **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.
- 12) **Small Claims:** If you are scheduled to appear in small claims (S-1 or R-2) during the timeframe of this Order, 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.

13) Bond Forfeitures: An automatic stay will be placed on all professional bond forfeitures through January 31, 2021.

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 will be open but staffed at a minimal level. Probation officers will be primarily meeting with clients virtually, by WebEx and by telephone. In person visits will resume when deemed appropriate based upon public health orders.

All probation offices will be closed the day after Thanksgiving, Friday, November 27, 2020, for the same reasons stated above for the 17th JD.

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) 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 2020-01A9 may be revised or extended as deemed necessary.

SO ORDERED this 23rd day of November, 2020, at 6:00 a.m.

By the COURT,

A handwritten signature in cursive script that reads "Emily E. Anderson". The signature is written in black ink and is positioned above a horizontal line.

EMILY E. ANDERSON
Chief Judge
Seventeenth Judicial District