



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

**THIRD AMENDED ADMINISTRATIVE ORDER)
REGARDING COURT OPERATIONS) 2020-01 A
UNDER COVID-19 ADVISORY)
)**

Issued April 27, 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, as well as the expiration of the Governor’s Stay-At-Home Order on April 26, 2020, and the Safer-At-Home phase the State of Colorado will be entering effective April 27, 2020, the 17th Judicial District Courts and Probation will continue to operate with reduced staff, will continue to prioritize matters of immediate concern for public health and safety and will also incrementally increase operations in all docket types, to include not only remote proceedings, but also limited in-person proceedings.

On April 25, 2020, the Tri-County Health Department extended Gov. Polis’ Stay-at-Home Order until May 8, 2020 in Adams County to stem the ongoing high level of COVID-19 virus infection in this county. Dr. John M. Douglas, Jr., M.D., the Executive Director of Tri-County Health Department stated, “While slightly more restrictive than the Governor’s newer order, it provides protection of employees and the public by reducing interactions where COVID-19 can spread.” Dr. Douglas say that the extension in Adams County will give the health department time to do several things: expand public health measures such as testing and contact notification, develop and implement strategies in partnership with our business community on how to safely reopen, and to encourage the public to practice social distancing and other safety measures such as the regular use of face coverings in public places- all of which should reduce the spread of the disease.

On April 24, 2020, the City and County of Broomfield’s Board of Health voted to adopt an order extending the statewide Stay-at-Home Public Health Orders through May 8, 2020. Broomfield’s extension is in alignment with the metro area counties, including Adams, Boulder, Denver, Jefferson and Arapahoe. Broomfield Public Health Director Jason Vahling stated that the “immediate implementation of the Governor’s Safer-at-Home Order does not

allow Broomfield the time to ensure a structure and implementation to best protect the health of our residents, short term and long term.” Mayor Pat Quinn said, “Broomfield needs time to prepare for the statewide Safer-at-Home Public Health Order. If we move to quickly, the consequences could be dire, if not deadly.” As of the date of this Order, the CDPHE announced Adams County has 1,348 cases and Broomfield has 139. Eight more deaths and 473 new cases of COVID-19 were announced on the date of this Order by CDHPE. The Tri-County Public Health Order Adopting and Extending State Stay-At-Home Orders states:

- Scientific Evidence shows that limiting interactions among people to the greatest extent possible is essential to slow virus transmission as much as possible to protect vulnerable populations and to prevent the health care system from being overwhelmed.
- The health conditions and healthcare issues that led to the issuance of the State Stay at Home Orders have not abated in Adams and Arapahoe Counties and these counties continue to have high rates of transmission of COVID-19 as well as illness and death therefrom.
- Colorado’s Safer-At-Home, announced by Governor Polis on April 20, 2020, does not apply in Adams County.
- The Public Health Order shall be in effect from April 27, 2020 at 12:01 a.m. and continuing until midnight on May 8, 2020, unless earlier amended, extended, rescinded or superseded by the Executive Director of TCHD.

The Governor’s Order states that the judicial branch operations, including attorneys, are critical government functions. Thus, the 17th JD is allowed to continue to operate; however, it must comply with the guidance and directives for maintaining a clean and safe work environment and must comply with social distancing requirements. Further, Executive Order D 2020 039 orders workers at critical businesses to wear non-medical face coverings while at work and wear gloves (if gloves are provided by the employer) when in contact with customers or goods until May 18, 2020, unless extended.

In consideration of these orders and 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 and April 16, 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.

From April 27, 2020, through May 15, 2020, the clerks’ offices will continue to operate with reduced hours from 7:30 a.m. to 2:30 pm., Monday through Friday, excepting legal holidays.

Effective May 18, 2020, the clerks’ offices in the 17th JD will return to normal hours

of operation and will be open from 7:30 a.m. to 4:30 p.m., Monday through Friday, excepting legal holidays.

For updated hours of operations and details for the clerks' offices in each 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 Courts.

The courts will continue to operate with reduced staffing (with a portion of staff working remotely) reduced dockets and staggered settings within dockets as coordinated by the Clerks of Court and the Court Executive, with the approval of the Chief Judge, until such time it is deemed safe to return to a full staffing level.

The court will accept electronic filings through ICCES for all case types in the ICCES system and by mail or through the clerk's office for all case types.

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) Limitations on Entry:

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:

- i. 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;
- ii. Anyone who has been in direct contact with someone who has been diagnosed with COVID-19 within the preceding fourteen days;
- iii. Anyone experiencing a fever, cough, shortness of breath, any other respiratory illness or flu-like symptoms.

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

- a. Except for all public safety matters listed in section 2.f below, and hearings scheduled to proceed by electronic remote means, **ALL IN-PERSON** proceedings set from April 27, 2020 **through May 15, 2020**, are hereby **VACATED** and **CONTINUED**. All parties and counsel shall contact the appropriate court to reset. The courts may also initiate rescheduling. A hearing may be reset during this time frame so long as it is conducted by remote means as defined in 2)c. Any person who does appear at a courthouse for a hearing or appearance that is *not a public*

safety matter shall be provided information by court staff containing instructions on how to contact the court to obtain a new hearing date.

- b. Judicial officers, in their discretion and as judicial resources allow, may continue to conduct proceedings in all docket types, by remote means only, through May 15, 2020. Judicial officers should continue to conduct these proceedings by remote means only through May 29, 2020.
- 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. Commencing May 18, 2020, judicial officers are authorized to conduct proceedings remotely AND, as judicial resources allow, may hear other limited in-person proceedings in all docket types, subject to compliance with the parameters outlined in section 4) below. Parameters associated with in-person proceedings may be modified consistent with guidance received from state and local officials.
- e. Effective April 27, 2020, through May 29, 2020, in-custody matters should be heard by remote means through video, WebEx, telephone, or combination thereof.
- 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:

a. **ALL** jury calls between April 27, 2020 and May 29, 2020 are Ordered 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, and April 16, 2020, and Temporary Chief Judge Order 2020-07 Finding Public Health Concerns Due to COVID-19 Preclude the Calling of a Jury for Jury Trials Between Now and May 29, 2020.)

b. No jurors should appear at the courts prior to June 1, 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 June 1, 2020.

c. For jurors who have a jury summons for a date to appear commencing on or after June 1, 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.

4) Protocol for In-Person Proceedings:

a) All in-person proceedings shall be limited to no more than **10** participants in the courtroom (including the judicial officer, clerks, deputies, attorneys, witnesses, professionals and parties) at all times, in compliance with the Governor's Safer-at-Home guidelines and may be subject to change if those guidelines are modified or additional guidelines are instituted by local public health agencies.

b) Participants for an in-person proceeding shall maintain social distancing at all times.

c) In individual cases, the presiding judge has the authority to enter orders to address issues specific to the needs of the case, so long as those orders are not less restrictive than the mandatory procedures for all cases set forth in this Order or in the Chief Justice's Orders of March 16, 2020, March 20, 2020, and April 16, 2020.

- d) 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.
- 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 ten (10) 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 May 29, 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 10 people gathering in any one location and compliance with social distancing.
- 8) **Civil Monetary Cases, FED, CRCP 120, Small Claims, and Name Change:** All cases under this section will be accepted as filed; however, hearings will be set out at least 35 days from the date of filing. Attorneys are encouraged to set the summons return date at least 35 days from the date of filing. If a summons is already served, attorneys will be required to prepare a notice of rescheduled hearing and file such with the Court. Writs of Restitution that have been filed will be issued.
- 9) **Bond Forfeitures:** An automatic stay will be placed on all professional bond forfeitures through May 29, 2020.
- 10) **Truancy:** All hearings in truancy cases are hereby vacated for the remainder of the academic year.
- 11) **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.
- 12) **Staffing advisement:** The courts of the 17th JD are working with reduced staff in order to address the current community health crisis. Consequently, responses to telephone calls and emails may be delayed.

13) Self-Help Centers:

- a) All self-help centers in the 17th Judicial District will remain closed to the public through May 15, 2020. All business will be conducted by telephone, 303-654-3555 and via email at 17shrc@judicial.state.co.us. Effective June 1, 2020, all self-help centers will be open to the public. All self-help centers must ensure social distancing when assisting the public and no more than 10 people may be gathered in any self-help center at a time.
- b) All court forms and instructions can be found at: https://www.courts.state.co.us/Self_Help/Index.cfm.

14) Face Coverings and gloves:

- a) Visitors are permitted to wear surgical masks and gloves in the courts and probation buildings if they so desire until further notice.
- 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 139 and the Colorado Department of Public Health and Environment Public Health Order 20-26 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 of 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.

15) **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 2020-01A may be revised or extended as deemed necessary.

SO ORDERED this 27th day of April, 2020, at 9:30 a.m.

By the COURT,



EMILY E. ANDERSON
Chief Judge
Seventeenth Judicial District