



**JUDICIAL DISTRICT OF COLORADO**  
**ADMINISTRATIVE ORDER** 20-108

**SUBJECT:** Forcible Entry and Detainer Procedural Rules

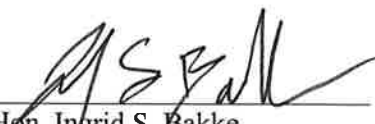
**To:** All Judicial Officers, Court Executive, Clerk of Court, Court Staff, District Attorney, Public Defender, Boulder County Bar Association, Chief Probation Officer, Probation Staff, Community Justice Services, County Attorney, Sheriff, Jail, Law Enforcement

**From:** Ingrid S. Bakke                      **DATE:** October 14, 2021  
Chief Judge

This order replaces 20<sup>th</sup> Judicial District Administrative Order 20-108 version dated 6/1/20, 6/2/20, 12/7/20, 1/12/21, 2/1/21, 2/17/21, 5/14/21, 6/18/21, 7/14/21 and 9/7/21.

In light of the continuing COVID Emergency Health Crisis and the Governor's Executive Order Concerning Evictions and given the need to provide guidance and responsible access to Eviction proceedings in the Twentieth District, it is hereby ORDERED:

1. All Forcible Entry and Detainer cases shall be filed by the Wednesday 10 days in advance of the Friday return date by 5 p.m.
2. In the Boulder Justice Center there shall be a weekly cap or limit of sixty-five (65) cases that can be filed composed of fifteen (15) pro se cases and fifty (50) law firm cases. Additionally, no law firm shall file more than thirty (30) cases in any given week.
3. In the Longmont Courthouse there shall be a weekly cap of twenty-five (25) cases that can be filed composed of five (5) pro se cases and ten (10) filings per firm.
4. Each summons shall contain the documents (1) "Eviction Mediation Services Available," (2) "Preparing for Eviction Court Landlords and Tenants" and (3) "Eviction Prevention Services Available" which are attached to this order.
5. First appearances must take in person unless remote appearance is approved by the court in advance of the scheduled hearing. Parties are encouraged to mediate or attempt to mediate prior to the first appearance at Court. On the morning of the first appearance, plaintiffs may be asked to verify attempts to mediate have taken place.
6. This court authorizes the City of Boulder Eviction Defense (CED) staff and their contract attorneys to receive suppressed records, pursuant to C.R.S. 13-40-110.5.

  
Hon. Ingrid S. Bakke  
Chief Judge  
Twentieth Judicial District

# Eviction Mediation Services Available

In response to the unique needs arising from the COVID-19 pandemic, Boulder County Courts are encouraging parties to seek mediation services prior to your FED court date.

## What is Mediation?

Mediation is an informal voluntary process for parties who have a conflict that they have been unable to resolve. The mediator is a neutral person who assists the parties in discussing the situation and reaching a solution that will be effective and practical for everyone involved. If an agreement is reached and signed, the stipulation is sent to the courts to be reviewed and approved by the judge.

## What are the Benefits of Mediation?

- Meetings scheduled quickly, typically 1 week
- Parties have control over their agreement
- Virtual meetings to support social distancing
- 70% of mediations reach agreement
- Stipulation automatically entered into the court process for judge to review and enter on the case
- Process is voluntary, parties can still pursue eviction process if no agreement is reached

1. Payment plan
2. Negotiate move out date
3. Plan to correct a lease violation in order to remain in the property
4. Dismiss case if the tenant follows through on their commitments

**\*\*To provide more assurance, many agreements include a provision for the eviction to enter automatically without returning to court if tenant defaults on agreement**

## Possible Agreement Terms:

*Parties must appear at court if mediation is unsuccessful*

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## Contact the Appropriate Mediation Program Below:

For properties in Boulder, Gunbarrel, Nederland, Louisville, Superior and surrounding areas, contact:

**City of Boulder  
Community Mediation Service  
303-441-4364 [mediation@bouldercolorado.gov](mailto:mediation@bouldercolorado.gov)**

For properties in Longmont, Lafayette, Niwot, Lyons, Allenspark and surrounding areas contact:

**City of Longmont  
Mediation Services  
303-651-8444**

## Other Resources:

**Boulder County Legal Services (Low-income and seniors only) (303) 449-7575**

**Short term financial assistance, food and other resources:**

Boulder: Emergency Family Assistance Association (EFAA), 303-442-3042, [Efaa.org](http://Efaa.org)

Longmont: OUR Center (303) 772-5529, [Ourcenter.org](http://Ourcenter.org)

East County: Sister Carmen, 303-665-4342, [www.sistercarmen.org](http://www.sistercarmen.org)

## PREPARING FOR EVICTION COURT LANDLORDS AND TENANTS

**I'm a tenant and I've just been served a summons to appear in eviction court.  
What should I do?**

- Don't wait! The sooner you communicate with your landlord or their attorney, the better. Many issues can be resolved before the court date if you and your landlord can agree to the terms (for example: paying back rent, negotiating a move-out date, etc.). Any agreement between you should be put in writing and signed and dated by both of you.
- If you have been unable to work things out with your landlord directly, seek information about your rights (see page 4 of this document) and/or contact the appropriate mediation service below.

**For properties in the City of Boulder:  
Community Mediation Service  
www.bouldercolorado.gov (303) 441-4364**

**For properties in the City of Longmont:  
Longmont Mediation Services  
www.longmontcolorado.us (303) 651-8444**

- Come to court and be on time! Your summons will list the court date and time:

### **SUMMONS IN FORCIBLE ENTRY AND UNLAWFUL DETAINER**

**To the above-named Defendant(s), take notice that:**

1. On \_\_\_\_\_, 20\_\_ , at \_\_\_\_\_ o'clock .M. in the \_\_\_\_\_ County Court, \_\_\_\_\_, Colorado, the Court may be asked to enter judgment against you as set forth in the complaint.

- If you are not present at court, an eviction order may automatically be entered against you.

### **What can I expect at court?**

The judge will usually require the landlord (or landlord's attorney) and the tenant(s) to talk to each other before hearing the case. This is a chance for them

to reach an agreement of their own, on their own. A mediator may be available to help the parties talk to each other and write up an agreement.

Typical types of agreements might include:

1. Tenant(s) pays the landlord on the day of court and stays in the property.  
Or
2. The landlord agrees to give the tenant(s) a little more time to move out. A move out date is agreed upon. Or
3. The landlord and tenant(s) agree upon a payment plan for the tenant to get caught up with rent or a plan to correct a lease violation so that the tenant(s) may remain in the property. Due dates are agreed upon.
4. The landlord might agree to vacate the order of eviction if the tenant follows through on their commitments.

**I'm a landlord. What if we come to an agreement but the tenant falls through on their commitment? Do I have to start this whole process over again?** No. You can include in your written agreement that a judgment for possession (eviction) and a writ and/or a money judgment will automatically issue, upon landlord's request and without further notice to the tenant(s), if the tenant doesn't follow through on their commitments.

#### **What if we can't come to an agreement?**

The judge will recall the case and both the landlord and/or the landlord's attorney and the tenant(s) will come to the front of the courtroom. If the tenant has a legal defense to the eviction, the judge will have the tenant file an answer and set the case for hearing within the next week. If the tenant does not have a legal defense, and the court grants the landlords' motion for judgment, the tenant will have 48 hours to move out.

#### **What can I ask for in court?**

- An interpreter
- Mediation
- Information about the Self-Help Center and other resources

### Things to Bring to Court

- Documentation to prove that the complaint is true or not true
- If the tenant agrees they owe the landlord money, they should bring cash or a verifiable form of payment.
- If your children must come with you, please bring an adult to be with them in the playroom or hallway

### **I'm a tenant and couldn't pay my rent because I got sick and lost my job. Will I be allowed to stay because it wasn't my fault?**

Most reasons people have for not paying rent, whether it's job loss, illness, medical expenses, or other hardships, are not considered a legal defense and will not prevent you from being evicted. Consult with an attorney for information about what is considered a valid defense for non-payment of rent.

### **Common Eviction Court Terms:**

**Stipulation:** Agreement between the landlord and tenant(s) that, once signed by a judge, becomes an order that can be enforced by the court.

**Judgment for Possession:** The legal term for an eviction.

**Writ of Restitution:** An order from the court giving authority to the sheriff to remove the tenant from the property as early as 48 hours after the eviction order is entered in court. A writ of restitution is valid for 49 days.

**Stay of Execution:** An agreement by the landlord to postpone taking the writ of restitution to the sheriff beyond the default 48 hours, thus providing the tenant more time to move out.

**Set the Case for Trial:** If the tenant files an answer with a legal defense, as determined by the judge, a trial will be set. The trial date will usually be within 5 days.

**Dismissed without prejudice:** The case could be re-filed in the future based on the same issues.

**Dismissed with prejudice:** The case cannot ever be re-filed in the future based on the same issues.

## Additional Resources

### Legal

**Eviction (Forcible Entry and Detainer)  
Information and forms**  
[www.courts.state.co.us](http://www.courts.state.co.us)

**Boulder County Legal Services (Low-  
income and seniors only)**  
(303) 449-7575

**CU Boulder Student Legal Services (for  
students only)**  
[www.cubouldersls.com](http://www.cubouldersls.com)  
(303) 492-6813

**Law Line 9 (9News/KNBC Service)**  
Each Wednesday of the month, 4 pm – 6:30  
pm  
(303) 698-0999

**Bridge to Justice (Low- and moderate-  
income)**  
<https://www.boulderbridgetojustice.org>  
(303) 443-1038

**Self Help Center** (assistance in filling out  
court forms)  
Office at 1777 6<sup>th</sup> Street  
[BoulderCourtSelfHelp@judicial.state.co.us](mailto:BoulderCourtSelfHelp@judicial.state.co.us)  
(303) 441-4741

### Basic Needs

#### **Emergency Family Assistance Association (EFAA)**

For families with minor children and/or others needing short term financial assistance and other resources. Shelter, food, transportation, rent assistance, furniture, banking, money management info & more.

1575 Yarmouth Ave. Boulder  
303-442-3042 or 303-665-8064  
[Efaa.org](http://Efaa.org)

#### **OUR Center**

Drop-in or call to make an appointment to request emergency food, supplies and services. Serves breakfast and lunch and has an off-site clothing bank for residents of the greater Longmont area.

220 Collyer St., Longmont  
(303) 772-5529  
[Ourcenter.org](http://Ourcenter.org)

*This document was prepared by The City of Longmont Mediation Services and The City of Boulder Mediation Service*





# Eviction Prevention Services Available

Don't wait! The sooner you communicate with your landlord or their attorney, the better to avoid an eviction. Services are available to assist.

**LIVE IN BOULDER?** You have access to a new eviction program offering free legal representation and help with rent payments.

City of Boulder Eviction Prevention Services

<https://bouldercolorado.gov/community-relations/eviction-prevention-services>  
303-441-3414

## LIVE IN BOULDER COUNTY, BUT OUTSIDE CITY LIMITS?

Mediation Services can help you reach an agreement with your landlord prior to court:

*For properties in Longmont, Lafayette, Niwot, Lyons, Allenspark and surrounding areas contact:*

City of Longmont  
Mediation Services  
303-651-8444

*For properties in Gunbarrel, Nederland, Louisville, Superior and surrounding areas, contact:*  
City of Boulder  
Community Mediation Service  
303-441-4364  
[mediation@bouldercolorado.gov](mailto:mediation@bouldercolorado.gov)

Legal Assistance:

Boulder County Legal Services  
(Low-income and seniors only)  
303-449-7575

Bridge to Justice  
(moderate income)  
303-443-1038

Help with Rental Payments, food or other financial assistance (for all residents of Boulder County):

Boulder County: Housing Hotline: 303-441-1206

Boulder: Emergency Family Assistance Association, 303-442-3042, [Efaa.org](http://Efaa.org)

Longmont: OUR Center (303) 772-5529, [Ourcenter.org](http://Ourcenter.org)

East County: Sister Carmen, 303-665-4342, [www.sistercarmen.org](http://www.sistercarmen.org)

**FOR MORE INFORMATION ON EVICTION PROCESS AND AVAILABLE RESOURCES:**

<https://bouldercolorado.gov/community-relations/eviction-prevention-services>