

DENVER PROBATE COURT

COURT POLICIES REGARDING VIDEOCONFERENCING

The following policies apply to the use of videoconferencing equipment in connection with probate court matters (mental health cases and protective proceedings):

1. The presumption the Court will apply, and counsel should apply, in every case is that all hearings will be held at the courthouse, in the courtroom, with all interested persons in attendance unless, prior to the scheduled hearing all interested persons receive
 - a. notice issued pursuant to these policies or
 - b. a Court order issued pursuant to these policies.
2. Notice: If either of the following 2 circumstances applies, the use of videoconferencing as part of a hearing in mental health or protective proceedings, may be done by NOTICE, without the necessity of a Court Order:
 - a. DR WISHES TO TESTIFY FROM THE HOSPITAL although Respondent will appear at the Courthouse.
 - b. RESPONDENT WISHES TO REMAIN AT THE HOSPITAL, regardless of whether or not others appear at the Courthouse.

If either circumstance above applies, there must be filed with the Court and served on opposing counsel a NOTICE in a form substantially similar to the sample form attached. Service of the Notice should be accomplished by facsimile transmission whenever feasible and must be received by the Court and by opposing counsel at least 48 hours (Court hours) prior to the hearing.

3. Motion: Except for the 2 circumstances set out in 2.a. and 2.b. above, the use of videoconferencing as part of a hearing in mental health or protective proceedings, must be done by MOTION. There must be filed with the Court and served on opposing counsel a Motion in a form substantially similar to the sample form attached. Service of the Motion should be accomplished by facsimile transmission whenever feasible and must be received by the Court and by opposing counsel at least 5 calendar days prior to the hearing.

Motions for videoconference hearing in lieu of Court appearance must include a detailed statement of the reasons, e.g., “Respondent is in a coma,” or “Respondent’s medical condition [give appropriate details] is such that his/her health or safety is jeopardized by transport or absence from the hospital.”

The Court will not grant motions for videoconference hearing in lieu of Court appearance over the objection of Respondent for reasons of convenience.

Judge Stewart
Magistrate Franklin

February 2001

Denver Probate Court City and County of Denver, Colorado Room 230, City & County Building 1437 Bannock Street Denver, CO 80202-5382 Clerk's Office Phone No. 720-865-8310 Fax No. 720-865-8576	▲ COURT USE ONLY ▲
THE PEOPLE OF THE STATE OF COLORADO IN THE INTEREST OF: Respondent	
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: Division _____ Courtroom _____
NOTICE OF USE OF VIDEO CONFERENCE	

THIS NOTICE is filed by: _____, as Witness,
 Professional Person, Certifying Institution, Respondent (other): _____ in this case.

A hearing on _____ is set for _____.
 (Include all matters to be heard) (Include time and date)

I hereby give notice that the following portions of the hearing will be presented to the Court via teleconferencing:

- The testimony of Dr. _____
- The testimony of the Respondent;

I understand that this will be permitted without further action of the Court; unless the opposing side files a written objection.

I have I have not conferred with counsel for the opposing side.
 Counsel for the opposing side is / is not opposed to this video conferencing.

Signed: _____ Date: _____
 Typed Name: _____ Title: _____
 Address: _____

NOTICE: This Notice must be received by the Court and by counsel for the opposing side at least 48 hours (Court hours) prior to the time scheduled for the hearing.

Denver Probate Court City and County of Denver, Colorado Room 230, City & County Building 1437 Bannock Street Denver, CO 80202-5382 Clerk's Office Phone No. 720-865-8310 Fax No. 720-865-8576 <hr/> THE PEOPLE OF THE STATE OF COLORADO IN THE INTEREST OF: Respondent	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
MOTION TO PRESENT TESTIMONY BY VIDEOCONFERENCE	

THIS MOTION is filed by: _____, as Witness,
 Professional Person, Certifying Institution, (other): _____ in this case.

A hearing on _____ is set for _____.
 (Include all matters to be heard) (Include time and date)

I request that the following portions of the hearing be presented to the Court via videoconferencing:

The testimony of Dr. _____
 The testimony of _____
 The following other portions of the hearing: _____
 All portions of the hearing.

The reasons substantiating this motion are as follows:

- I have conferred with counsel for the opposing side.
 Counsel for the opposing side stipulates to this videoconferencing.
 Counsel for the opposing side opposes this videoconferencing.

WHEREFORE, movant asks the Court to grant the motion to allow videoconferencing.

Signed: _____ Printed Name: _____
 Dated: _____ Title: _____
 Address: _____
 Telephone: _____

NOTICE: This Motion must be filed with the Court and received by opposing counsel/party AT LEAST 5 days (calendar days) prior to the scheduled hearing.