

Chief Judge, Twelfth Judicial District
**12th JUDICIAL DISTRICT-
COVID-19 ORDER FOR
MATTERS SET THROUGH
July 5, 2020**



**CHIEF JUDGE
ADMINISTRATIVE ORDER
2020-03
Amended 3-27-2020
Amended 5-11-2020**

This order is being issued to provide guidance to parties and attorneys for the COVID-19 (coronavirus) pandemic. Federal, state, and local governments have declared a state of emergency in response to the spread of COVID-19. Moreover, federal, state, and public health departments have issued advisements about measures to slow the spread of COVID-19 and precautions to reduce exposure to the virus. Effective today and through July 5, 2020, the Courts of the 12th Judicial District will make every effort to limit the number of people appearing in person at the courthouses of the 12th Judicial District for court hearings. Effective immediately the Courts and Probation for the 12th Judicial District will operate with reduced staff and focus on matters of immediate concern for public health and safety. The Court encourages all attorneys, litigants and defendants to please appear remotely for their respective court hearing, unless otherwise directed. These efforts are intended to limit any potential spread of COVID-19.

Additionally, on March 25, 2020, Governor Polis announced an Emergency Temporary Stay at Home Order for Colorado, effective March 26, 2020, through April 11, 2020.

On May 5, 2020, Chief Justice Coats issued an updated order regarding the operation of Colorado state courts. In his order, the Chief Justice requires all state courts to continue to operate on an emergency basis, "continue the safe conduct of all legal business, whether essential or not," and that "**wherever reasonably feasible, judicial proceedings, regardless of their nature, should continue to be conducted remotely.**" (emphasis added) Furthermore, he ordered that "no person shall be summoned by state courts to assemble for jury service to begin any time prior to July 6, 2020" but also ordered that "any Chief Judge devising an approach for the conduct of limited jury trials consistent with health guidelines and local executive orders concerning assembly and personal contact may seek a waiver of the prohibition against the assembly of jury pools."

Pursuant to authority granted in Chief Justice Directive 95-01 and the directives in Chief Justice Coats' Orders dated March 16, 2020, as amended March 20, 2020, and May 5, 2020, it is hereby ORDERED:

1. **Operations:** The Clerks' Offices will be open from 8:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m. Monday through Friday except legal holidays. Staff will be reduced as coordinated by the Court Executive and Clerk of Court, with approval by the Chief Judge. Staffing will begin to increase and should be at full strength beginning May 26, 2020. Clerks will continue to accept properly filed pleadings in all matters.

2. **Mandatory Continuance and Limitations on Hearing:**
 - a. It is not anticipated that the Court will be in a position to resume normal operations on June 1, 2020; therefore, matters scheduled after June 1, 2020 and through July 5, 2020 will primarily be heard through audio or video means, to the extent possible and as permitted by law, and this may include contested hearings and court trials. All matters concerning public safety as described in section 2.d. below, may be conducted "in-person" at the discretion of the presiding judge. Any person that appears at a courthouse for a hearing or appearance that is not a public safety matter shall be provided information by a member of the court security team or court staff containing instructions on how to contact the Court or to appear virtually for their respective hearing.

 - b. Jury Trials and Jury Calls: All civil jury trials scheduled between now and August 31, 2020 shall hereby be vacated. The parties in such cases shall contact the judicial officer's staff to reschedule the jury trial. All criminal jury trials scheduled between now and July 5, 2020 will be vacated and continued by judicial officers. The parties in such cases shall contact the appropriate judicial officer's staff to reschedule the jury trial. The Court will continue to evaluate public health information related to COVID-19 and determine whether the restrictions on calling jurors should be extended past July 5, 2020.

 - c. FED and CRCP 120 matters: The Court will accept new filings on these matters, but the return dates for FED cases will be on or after June 1, 2020. The court will not be addressing pending CRCP 120 matters until after June 1, 2020. Returns and other proceedings for FED and CRCP 120 matters on and after June 1, 2020 may occur by audio or video appearances, as permitted by Colorado law, in the discretion of the judicial officer presiding over the proceedings.

- d. The Court will continue to conduct hearings on public safety matters 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 initial setting of bail;
 - iv. Revocation hearings on complaints to revoke probation involving incarcerated defendants;
 - v. Proceedings necessary to protect the constitutional rights of criminal defendants including bond-related matters and plea agreements for incarcerated individuals;
 - vi. Detention hearings for juvenile delinquency cases;
 - vii. Shelter hearings in dependency and neglect cases or other juvenile proceedings;
 - viii. Petitions for appointment of an emergency guardian and/or special conservator;
 - ix. Hearings on motions to restrict parenting time and parental abduction prevention;
 - x. Emergency mental health proceedings;
 - xi. And any other operations or matters that, in the discretion of the Chief Judge, are deemed necessary to prevent a risk of imminent financial hardship or imminent risk to the health, safety, or welfare of any individual or the community at large, which shall be determined by the Chief Judge on a case-by-case basis after consideration of the circumstances existing for the particular case.

- e. When hearings are conducted for public safety matters, Courts shall seek to limit in-person participation and encourage and accommodate telephone and/or video appearances for all participants.

- 3. **Public Entry:** Anyone seeking entry to the Judicial Building who is experiencing, or appears to be experiencing a fever, cough, shortness of breath or other respiratory illness symptoms, will not be permitted to enter. Anyone who is not permitted entry should contact the clerk of the court, if unrepresented, or should contact their attorney or probation officer.

4. **Miscellaneous Court Services:** The services listed below will be provided by telephone only:
 - a. Self-Help Center
(In-Person Public Access Allowed Beginning June 1, 2020)
 - b. Collections
(In-Person Public Access Allowed Beginning June 1, 2020)
 - c. Family Court Facilitator
 - d. Any Court Ordered Mediation

5. **Probation Services:** Probation clients shall be supervised in a modified manner as directed by the Chief Probation Officer. All services shall be provided by telephone whenever possible. Probation Offices at all satellite locations will be closed until June 1, 2020. The Alamosa Probation Office will remain open and staffed at a reduced level as coordinated by the Chief Probation Officer, with approval by the Chief Judge. Probation staffing should be at full strength by May 26, 2020.

6. **Recommendations from state or local health officials on social distancing and limitations on the number of persons gathering in one place, as well as any orders issued by Governor Polis and the CDPHE that are in effect, must be followed in court and probation buildings.**

Circumstances have changed rapidly and may continue to do so. I will continue to monitor executive and health department orders and this order may be revised, amended, or superseded, as deemed necessary. All are encouraged to regularly check the website for the Colorado Judicial Branch (www.courts.state.co.us) for the latest information, including the page that is specific to the 12th Judicial District.

Dated this 11th day of May 2020.

BY THE COURT:



Michael A. Gonzales
Chief Judge, 12th Judicial District