

Chief Judge, Twelfth Judicial District
**12th JUDICIAL DISTRICT-
COVID-19 ORDER
REGARDING COURT
OPERATIONS EFFECTIVE
DECEMBER 3, 2020**



**CHIEF JUDGE
ADMINISTRATIVE ORDER
2020-09**

In light of the public health risk posed by the Novel Coronavirus (“COVID-19”) and the advisories and orders from the Centers for Disease Control, the Colorado Department of Public Health and Environment, and local public health departments recommending active steps to slow the spread of COVID-19 and precautions to reduce the risk of exposure, the 12th Judicial District Courts and Probation will begin to operate in more of an emergency status, prioritizing remote court appearances. The following CJAO applies to all courthouses in the 12th Judicial District.

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.” According to the CDPHE COVID-19 Dial Dashboard, as of November 30, 2020, The San Luis Valley Region is the “Orange High Risk Level”. Five of the six counties are in the “Orange High Risk Level” and one county is in the “Red Severe Risk Level”. It is in the best interest of protecting the health and safety of judges, court staff, attorneys, litigants, and the public to drastically reduce in-person hearings in the 12th Judicial District.

Pursuant to the authority granted in Chief Justice Directive 95-01 and the directives found in the Orders and Updated Order Regarding COVID-19 and Operation of Colorado State Courts, issued by the Chief Justice on March 16, 2020, March 20, 2020, April 16, 2020, May 5, 2020, and June 15, 2020, additionally, this

Order amends or supersedes CJAO 2020—03 and CJAO 2020-06, it is hereby **ORDERED** as follows:

1. **General Information:**

People who meet the following criteria are asked **not to appear** at the courthouses. Anyone meeting the below criteria should contact their attorney or the court to reschedule their case, request to appear by remote means, or receive further instructions. Similarly, people who meet the following criteria are asked **not to appear** at probation offices. Anyone meeting the below criteria should contact their probation officer to receive further instructions. The criteria include:

- a. Anyone diagnosed with COVID-19 and who does not have written verification that the person has received a subsequent test confirming that person is currently virus free; or
- b. Anyone who has been in direct contact with someone who has been diagnosed with COVID-19 within the preceding 14 days; or
- c. Anyone experiencing COVID-19 symptoms such as a fever, chills, cough, shortness of breath or difficulty breathing, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea, vomiting or diarrhea.

Pursuant to guidance from state and local public health officials and county officials, people coming to the courthouses and probation offices **must wear face coverings**. In addition, anyone entering either the courthouses or the probation offices may wear gloves and may bring sanitizing wipes and/or a small plastic bottle of hand-sanitizer.

2. **Operations:**

The Clerks' Offices counters 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.

Clerks will be accessible until 5:00 p.m. each day via telephone or email to address any court related matters.

3. **Court Hearings-Public Safety Matters:**

The Courts will continue to prioritize and conduct hearings on public safety matters. While judicial officers are strongly encouraged to conduct these public safety matters, where reasonably feasible, by remote means, they have discretion to determine whether public safety matters can occur in-person. Any in-person proceedings shall be conducted in accordance with section (5) below. Public safety matters are **STRICTLY LIMITED** to the following:

- a. Petitions for temporary civil protection orders and permanent protection order hearings;
- b. Petitions for temporary emergency risk protection orders and hearings on emergency risk protection orders;
- c. Crim. P. Rule 5 advisements for incarcerated persons and initial settings of bail;
- d. Revocation hearings on complaints to revoke probation involving an incarcerated defendant;
- e. Proceedings necessary to protect the constitutional rights of criminal defendants including bond-related matters and plea agreements for incarcerated individuals;
- f. Detention hearings for juvenile delinquency cases;
- g. Shelter hearings in dependency and neglect cases or other juvenile proceedings;

- h. Petitions for appointment of an emergency guardian and/or special conservator;
- i. Hearings on motions to restrict parenting time and parental abduction prevention;
- j. Emergency mental health proceedings; and
- k. Other operations or matters that in the discretion of the Chief Judge are deemed necessary to prevent a substantial risk of imminent financial hardship, or imminent risk to the health, safety or welfare of any individual or members of 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 a particular case.

4. **Other Limited In-Person Proceedings:**

The Court recognizes that some litigants may not be able to appear via remote means, proceedings cannot be delayed indefinitely, and some proceedings may require personal appearances. In balancing the need to ensure access to justice and protection of constitutional and statutory rights with measures that have been taken to ensure public health and safety in the courthouses, the Chief Judge has determined that certain other proceedings beyond those enumerated as Public Safety Matters in section (3) may be conducted in-person. While judicial officers are strongly encouraged to conduct these additional in- person proceedings by remote means, they have discretion to determine whether it is necessary for the following matters to occur in-person:

- a. Preliminary hearings in CR and JD cases;
- b. Plea dispositions in CR, M, T, and JD cases;
- c. Motions hearings in CR, M, T, and JD cases;
- d. Sentencing hearings in CR, M, T, and JD cases;
- e. FED related hearings; and

- f. Any other proceeding not listed above that is expressly approved in advance by the Chief Judge on a case-by-case basis.

5. **Protocol for In-Person Court Proceedings:**

- a. All in-person court proceedings shall be limited to **no more than 10 people per courtroom, absent express approval from the Chief Judge to exceed this limitation**. At least **six-feet social distancing** shall always be maintained, in accordance with guidance from state and local public health agencies and may be subject to change if those guidelines are modified, clarified, or additional guidelines are instituted.
- b. All participants appearing for in-person proceedings **shall wear face coverings**. A judicial officer may exercise their discretion to determine whether and under what circumstances a face covering can be removed by a participant on a case-by-case basis.
- c. In individual cases, the judicial officer 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 Chief Judge Order or in the Chief Justice's Orders of March 16, 2020, March 20, 2020, April 16, 2020, May 5, 2020, and June 15, 2020.
- d. Even in the case of an in-person court proceeding, the 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, which is subject to feasibility, available resources, and orders of the judicial officer.

6. **Jury Trials:**

CJAO 2020-08, or any future version if amended, controls jury trials in the Twelfth Judicial District. CJAO 2020-08 is available on the court's

website, along with detailed information for anyone who receives a jury summons.

7. **Probation Services:**

Probation clients shall be supervised in a modified manner as directed by the Chief Probation Officer. All services shall be provided by video/telephone whenever possible. Probation Offices shall 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 accessible until 5:00 p.m. each day via telephone or email to address any probation related matters. All Probation Offices will remain open and staffed at a reduced level as coordinated by the Chief Probation Officer, with approval by the Chief Judge.

8. **Miscellaneous Court Services:** The services listed below will continue to operate on an in-person basis, however, they are encouraged to conduct as much business remotely as possible:

- a. Self-Help Center
- b. Collections
- c. Family Court Facilitator
- d. Any Court Ordered Mediation

The Chief Judge will continue to monitor available information and recommendations from national, state, and local public health organizations, and this CJAO 2020-09 may be revised or extended as deemed necessary.

Dated this 3rd day of December 2020, this Order is Effective Immediately.

BY THE COURT:



Michael A. Gonzales
Chief Judge, 12th Judicial District