

**AMENDED ADMINISTRATIVE ORDER REGARDING COURT OPERATIONS UNDER
COVID-19 ADVISORY**

THIRD JUDICIAL DISTRICT

20-07

Due to the public health risk posed by 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, the Courts of the 3rd Judicial District issued an order on March 26, 2020 with guidelines on the operations of cases through the courts. This Court has been guided by the Stay at Home order issued on March 25, 2020 by Governor Polis, see *Executive Order: Ordering Coloradans to Stay Home Due to the Presence of COVID-19 in the state* effective March 26, 2020 through April 11, 2020.

The Governor's Stay-At-Home Order expired on April 26, 2020, and the Safer-At-Home phase 1 entered effective April 27, 2020. The Las Animas Huerfano County Health Department extended the Stay at Home order through April 30, 2020 and has now issued Amended and Restated Public Health Order 20-03 COVID-19 Safer-At-Home for Vulnerable Individuals. This order became effective May 1, 2020 and will be in effect until such time as a new order is issued.

Public Health Order 20-03 states in part: The virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets when an infected person coughs or sneezes. It can also be spread through contact with contaminated surfaces. Public experts recommend we practice social distancing or maintaining a physical distance of six (6) feet or more from other people, to slow the spread of COVID-19. Evidence shows that social distancing and the Stay at Home Orders have helped to slow the increase of cases and rate of infection.

The Governor's Order states that the judicial branch operations, including attorneys, are critical government functions. Thus, the 3rd JD can 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 further notice.

The 3rd 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.

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, April 16, 2020 and May 5, 2020, it is hereby **ORDERED as follows:**

1. Operations:

- a. The 3rd Judicial District will remain open at this time, Monday through Friday, 8 AM – 12 noon and 1 PM – 4 PM with a reduced staff.
- b. 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.
- c. All jury trials scheduled for May and June will be continued. There will be no jurors called for service during this time. Each individual Judge will meet with the prosecuting attorney and defense counsel to resolve.
- d. 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. The public may also drop off filings and all paperwork at each courthouse through a lockbox at the security station at the front door.
- e. Self-represented parties may also file pleadings through email:
 - Trinidad: LasAnimasCaseFilings@judicial.state.co.us
 - Walsenburg: HuerfanoCaseFilings@judicial.state.co.us

2. Limitations on Entry to Facilities:

- a. 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
- b. Anyone who screens in with temperature above 100.4 degrees if testing is done at security.

3. Authorization for Remote Proceedings and Limited In-Person Proceedings:

- a. Matters of public safety will continue to be held in the Courthouse with appropriate safeguards in place for social distancing. Some matters of public safety may be held via WebEx at the discretion of each individual judicial officer.
- b. It is the intention of this order that beginning June 1, 2020 all cases set on the docket will go forward as scheduled via WebEx.
- c. All Counsel of record will work with the respective Judge to determine if the case cannot be held by WebEx and alternate means will be explored with discretion of each Judicial Officer. The presumption is that a hearing by WebEx will go forward.
- d. Commencing July 6, 2020 all cases set on the docket will go forward by in person hearing or via WebEx.

Public safety matters include:

- a. Preliminary hearings unless Counsel contacts the Court to continue and to waive any time frames.
- b. All criminal motions hearings that are set for trial unless Counsel contacts the Court to continue and to waive any time frames to include jury trials which are already set.
- c. All temporary or permanent protection order hearings to include TRPO and ERPO.
- d. All Criminal Procedure Rule 5 advisement for incarcerated persons and the initial setting of bail.
- e. Revocation hearings on complaints to revoke probation involving an incarcerated defendant;
- f. Proceedings necessary to protect the constitutional rights of criminal defendants including bond-related matters and plea agreements for incarcerated individuals.
- g. Detention hearings for juvenile delinquency cases.
- h. Emergency shelter hearings in Dependency and Neglect matters.
- i. Petitions for appointment of an emergency guardian and/or special conservator
- j. Hearings on motions to restrict parenting time and parental abduction prevention and other Emergency Domestic Relations cases.

- k. Emergency mental health proceedings.
- l. Any other operations or matters that in the discretion 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 a particular case.

4. Protocol for In-Person Proceedings

- a. All in person proceedings shall be limited to no more than 10 participants in the courtroom (including judicial officers, clerks, deputies, attorneys, witnesses, professionals, parties and spectators) at all times, in compliance with the Governor's and local Health Department Safer-at-Home guidelines and may be subject to change if those guidelines are modified or additional guidelines are instituted by future orders of the Governor and health department.
- b. 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, April 16, 2020 and May 5, 2020.
- c. 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.
- d. Social Distancing: Social distancing shall be maintained with respect to all in-person activities within the courthouses.
- e. Prohibition on Group Gatherings: There shall be no gatherings for groups larger than ten (10) persons in the courts area of each courthouse for any purpose. Social distancing shall be observed for all gatherings.
- f. 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 60 days from the date of filing. Attorneys are encouraged to set the summons return date at least 60 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.
- g. Bond Forfeitures: An automatic stay will be placed on all professional bond forfeitures through July 6, 2020.
- h. Truancy: All hearings in truancy cases are hereby vacated for the remainder of the academic year.
- i. Probation: the 3rd Judicial Probation Department will continue to operate as currently doing so. Pre-Sentence Investigation Reports will continue to be generated as possible and supervision of clients will continue. Drug testing and treatment services for clients which are currently reduced will be increased based upon community availability.

5. Face coverings and gloves:

- a. Visitors are permitted to wear masks, surgical, cloth or otherwise and gloves in the courts and probation offices if they so desire until further notice.
- b. Visitors are permitted to bring small plastic containers of hand sanitizer into the courts and probation offices.
- c. Governor Polis's Executive Order D 2020 13, Colorado Department of Public Health and Environment Public Health Order 20-26 and Las Animas Huerfano County Health Department Amended and Restated Public Health Order 20-03 COVID-19 Safer-At-Home for Vulnerable Individuals states as follows:

- i. Face covering: All employees of Critical Business or Performing Critical Government Functions who work within 6 feet in proximity to other employees or with the public shall wear a medical or non-medical face covering to help prevent the spread of COVID-19 virus.
- ii. Gloves: All employees of Critical Business or Performing Critical Governmental Functions who come into contact with customers should wear gloves, if gloves are provided by their employer.
- iii. All employees of the Third Judicial District are required to wear masks per i. above. All employees who are exchanging paperwork or legal documents with the public are required to wear gloves as provided while supplies remain available.

6. **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 Administrative Order 20-07 may be revised or extended as deemed necessary.

The Court tentatively plans to open to full staffing capacity and full operations on July 1, 2020. This Court will issue orders as to that effect as more information is forthcoming from the Governor and the local health department.

This order may be amended as this crisis goes forward.

If you have any questions please direct them to Mr. Bob Kreiman, Court Executive at 719 846-3316.

Dated: May 5, 2020

BY THE COURT:

A handwritten signature in black ink, appearing to read "Leslie J. Geels". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chief Judge, Third Judicial District