

FOURTH JUDICIAL DISTRICT EL PASO COUNTY AND TELLER COUNTY	Chief Judge Order 20-20 May 29, 2020
ORDER REGARDING COURT OPERATIONS EFFECTIVE JUNE 1, 2020 THROUGH JUNE 30, 2020	

In light of the continuing public health risk posed by COVID-19 and the advisories and orders from the Centers for Disease Control, the Colorado Governor’s Office, the Colorado Department of Public Health and Environment, and the El Paso County Department of Health recommending the continuation of active steps to slow the spread of COVID-19, the El Paso County Courthouse and the Teller County Courthouse, including the Probation Department in both counties, will continue operations at a reduced level.

Pursuant to the authority granted in Chief Justice Directive 95-01 and the directives found in the Order Regarding COVID-19 and Operation of Colorado State Courts, issued by Colorado Supreme Court Chief Justice Nathan B. Coats on March 16, 2020 and as amended on March 20, 2020, April 16, 2020, and May 5, 2020, it is hereby ORDERED:

- 1. Courthouse Operations:** The El Paso County Courthouse, located at 270 S. Tejon St., Colorado Springs, CO 80903, and the Teller County Courthouse, located at 101 Bennett Dr., Cripple Creek, CO 80813, **will be open to the public on a limited basis from June 1, 2020 through June 30, 2020, as set forth in this Order.**

For only those **filings** related to public safety matters listed in **Section 6 of this Order**, the **El Paso County Courthouse** Clerk’s Office will be **open from 8 am to 5 pm**, Monday through Friday, with the exception of legal holidays. For the same limited filings listed in

Section 6 of this Order, the **Teller County Courthouse** Clerk's Office will be **open from 8 am to 4 pm**, Monday through Friday, with the exception of legal holidays.

During operating hours, the Clerk's Office at each courthouse will only accept paper filings related to the public safety matters listed in **Section 6 of this Order**. All other paper filings shall be mailed directly to the courthouse, placed in a court-designated drop box, or e-filed through the Colorado Courts E-filing system (CCE). With a significantly reduced staff, Court Judicial Assistants working onsite shall continue processing the daily business of the courts and be available to assist customers with filings related to public safety, as noted in this order.

Members of the public are strongly encouraged to wear masks in the courthouse, and employees are required to wear masks when they are within six feet of anyone else in the courthouse.

In the common areas of the courthouse, including hallways outside courtrooms, people shall maintain six-foot distancing from each other.

2. **For any in-person proceeding that is authorized under this Order, the continued use of a phone or audio-visual device (such as Webex) to conduct the entire proceeding remotely is still highly encouraged where practical.**

For those proceedings that are authorized to occur in-person under this Order, each judicial officer shall have the discretion either to conduct the proceeding by phone or audio-visual device, or to require in-person attendance of the parties, counsel, and witnesses. All other proceedings (i.e., not authorized to be in-person) must be conducted by phone or audio-visual device or rescheduled by the court.

No judicial officer shall require the in-person attendance of any "Vulnerable individuals" without prior permission from the Chief Judge.

"Vulnerable individuals" are:

1. **Individuals who are 65 years and older;**
2. **Individuals with chronic lung disease or moderate to severe asthma;**
3. **Individuals who have serious heart conditions;**
4. **Individuals who are immunocompromised;**
5. **Pregnant women;**
6. **Individuals determined to be high risk by a licensed healthcare provider; and**
7. **Individuals caring for a "vulnerable individual."**

“Vulnerable individuals” does not include any in-custody criminal defendant.

The Sheriffs of El Paso and Teller County shall not transport to court any defendant who is exhibiting Covid-19 symptoms, nor shall courthouse security admit anyone into any courthouse who is exhibiting Covid-19 symptoms.

No judicial officer is required by this order to hold any in-person proceedings.

Judicial officers shall require all people in court to be at least 6 feet apart from each other at all times.

There shall not be more than 10 people in any courtroom or public hallway at any time.

After every courtroom proceeding, court staff shall ensure the courtroom is sanitized.

Court staff shall comply with Dr. Kelly’s recommendations for sanitizing, as set forth on pages 3-4 in CJO 2020-17 and CJO 2020-18.

3. DISTRICT COURT CASES. Subject to the public safety **exceptions noted in Section 6** of this Order, the following applies to district court dockets (Divisions 1-24):

A. Criminal Cases.

I. Subject to the exceptions set forth in Section 3.A.II., defendants who are out-of-custody and have court appearances between June 1, 2020 and June 30, 2020, will be prohibited from entering the courthouse.

Out-of-custody defendants with attorneys shall immediately contact their attorney to receive further direction. Attorneys shall be in contact with the division clerk to determine whether the scheduled matter will be heard by telephone or video under the newly revised Crim. Rule 43.

Whenever a represented defendant is given a new court date, the attorney shall arrange for the defendant to sign a notice for the next court date and shall then file that signed notice with the court. Alternatively the attorney shall arrange for the defendant to speak with the division clerk by phone so that the division clerk can order defendant over the phone to appear on the new court date.

In either case, once defendants acknowledge their bond has been continued for a new court date, they are ordered to immediately notify their bondsman that their bond has been continued until the new court date.

Out-of-Custody Defendants without attorneys shall immediately contact the court clerk for the division in which the case is pending to receive further directions. In leaving any voicemail message, defendants without attorneys shall include their first and last name, their phone number, their email address (if they have one), and a case number, if available.

A list of division phone numbers can be found at:

https://www.courts.state.co.us/Courts/District/Contact.cfm?District_ID=4

This list is also attached at the end of this order.

Failure by an unrepresented defendant to contact the division clerk within 24 hours after any scheduled court date may result in the issuance of an arrest warrant.

If the division clerk gives an unrepresented defendant a new court date by telephone, the division clerk shall order the defendant to appear either in person, by telephone, or by audio-visual device on that next court date. Any such defendants shall immediately notify their bondsman that their bond has been continued until the next court date.

Any bondsman who objects to any procedure of continuing bonds set forth in this Order shall immediately communicate in writing to Chief Judge Bain the nature of the objection.

II. EXCEPTIONS in District Court Criminal Cases (where out-of-custody defendants' in-person appearance is generally required but may be excused by the judicial officer presiding in the case):

Unless otherwise instructed by the judge in the division, that division's staff, or their attorney, defendants who are **out-of-custody** with court dates between June 1, 2020, and June 30, 2020, **shall appear in person for the following proceedings:**

- The initial appearance-on-bond court date given by the Sheriff upon the defendant posting bond at the jail (Criminal Rule 5/bonded advisements);

- Any felony summons return date (bonded advisements);
- First Appearance/Filing of Formal Charges for defendants who do not have an attorney;
- Contested Preliminary Hearings;
- Plea/Disposition dates where the defendant is pleading guilty and where appearing by audio-visual device is impractical;
- Contested motions hearings;
- Pre-trial readiness conferences;
- Sentencing hearings; and
- Probation complaint and report hearings.

For these exceptions, the court still retains the discretion to conduct the proceeding by phone or audio-visual device (consistent with Rule 43's constraints) or to require the in-person attendance of the defendant.

III. This order shall not affect **defendants who remain in custody**, except that no jury trial shall be held between June 1, 2020 and June 30, 2020, unless the Chief Judge of the Fourth Judicial District obtains permission from the Chief Justice to conduct jury trials.

B. Civil Cases. Absent exceptional circumstances as determined by a judicial officer, there should be no in-person civil hearings, trials, or other proceedings held through June 30, 2020. Judges with civil dockets are encouraged to proceed with any matter over the telephone or through audio-visual technology, such as Webex, unless the use of such technology is impractical.

Counsel and unrepresented parties are directed to contact the division clerks for the individual divisions to determine how their cases will be heard.

A list of division phone numbers can be found at:

https://www.courts.state.co.us/Courts/District/Contact.cfm?District_ID=4

This list is also attached at the end of this order.

C. Domestic Relations Cases. The continued use of technology to conduct hearings by telephone or audio-visual device is strongly recommended. Nevertheless, judicial officers

shall have the discretion to conduct in-person proceedings—subject to the six-foot social distancing and cap of 10 requirements described in Section 2 of this Order—where the use of telephones and audio-visual devices is impractical.

Counsel and unrepresented parties shall contact the clerks for the individual divisions to determine whether their hearing will occur by telephone, video conference, or in person.

A list of division phone numbers can be found at:

https://www.courts.state.co.us/Courts/District/Contact.cfm?District_ID=4

This list is also attached at the end of this order.

All Parties are advised that all existing court orders, including parenting time and parenting exchange orders, are not suspended by the Stay-at-Home or Safer-at-Home Orders issued by Governor Jared Polis, and shall continue to be followed unless otherwise modified by the court or agreement of the parties.

If you have a domestic relations mediation scheduled with the Office of Dispute Resolution during the time period set forth in this Order, your mediator will contact you to make arrangements for the mediation to occur by telephone, by audio-visual device, or to reschedule. You may call the Office of Dispute Resolution at 719-452-5005 if you have any questions.

D. Juvenile Docket. Any emergency orders regarding the **Juvenile Docket** issued by Judge Billings-Vela remain in place and are not affected by this order.

E. Probate Docket. Any emergency orders regarding the **Probate Docket** issued by Magistrate Rahaman remain in place and are not affected by this order.

F. All Problem-Solving Courts are subject to this order.

4. COUNTY COURT CASES: With the exception of the criminal case classes and specific proceedings listed in Section 4.B. of this Order and any public safety exception

listed in Section 6 of this Order, all court dates between June 1, 2020 and June 30, 2020 in County Court (Divisions A-H,J-K,T) shall be conducted with any parties, attorneys, and witnesses appearing by telephone or by audio-visual device as authorized by Rule 43.

A. Criminal Cases.

- I. Subject to the exceptions set forth in Section 4.A.II, defendants who are out-of-custody and have court appearances between June 1, 2020 and June 30, 2020, will be prohibited from entering the courthouse.**

Out-of-Custody Defendants with attorneys shall immediately contact their attorney to receive further direction. Attorneys shall be in contact with the division clerk to determine whether the scheduled matter will be heard by telephone under the newly revised Crim. Rule 43.

Whenever a represented defendant is given a new court date, the attorney shall arrange for the defendant to sign a notice for the next court date and shall then file that signed notice with the court. Alternatively the attorney shall arrange for the defendant to speak with the division clerk by phone so that the division clerk can order defendant over the phone to appear on the new court date.

In either case, once defendants acknowledge their bond has been continued for a new court date, they are ordered to immediately notify their bondsmen that their bond has been continued until the new court date.

Out-of-Custody Defendants without attorneys shall immediately contact the court clerk for the division in which the case is pending to receive further directions. In leaving any voicemail message, defendants without attorneys should include their first and last name, their phone number, their email address (if they have one), and a case number, if available.

A list of division phone numbers can be found at:

https://www.courts.state.co.us/Courts/District/Contact.cfm?District_ID=4

This list is also attached at the end of this order.

Failure to contact the division clerk within 24 hours after any scheduled court date may result in the issuance of an arrest warrant.

If the division clerk gives an unrepresented defendant a new court date by telephone, the division clerk shall order the defendant to appear either in person, by telephone, or by audio-visual technology on that next court date. Any such

defendants shall immediately notify their bondsman that their bonds have been continued until the next court date.

Any bondsman who objects to any procedure of continuing bonds set forth in this Order shall immediately communicate in writing to Chief Judge Bain the nature of the objection.

This order shall not affect defendants who remain in custody, except that no jury trial shall be held between June 1, 2020 and June 30, 2020.

Defendants with an appearance in the **First Appearance Center** (W119) will receive a notice of the next court date sent to the address on the citation or summons. If that address is no longer valid, counsel and unrepresented parties shall immediately contact the First Appearance Center at (719) 452-5500 or email 04FAC@judicial.state.co.us to reschedule their matters. They shall also file a notice of change of address form:

<https://www.courts.state.co.us/Forms/PDF/JDF%2088%20Change%20of%20Address%20Form.pdf>

All defendants without attorneys should include their first and last name, their phone number, and a case number, if available, in all correspondence with the Court.

All **Problem-Solving Courts** are subject to this order.

II. Although it is still highly encouraged to conduct proceedings by telephone or audio-visual device, motions hearings for cases where speedy trial expires on or before July 31, 2020 and any sentencing or any probation complaint and report hearings that are scheduled to occur between June 1, 2020 and June 30, 2020 for any Victim Rights Amendment case (as defined in C.R.S. § 24-4.1-302(1)) and for the following case classes may be conducted with the parties, attorneys, and witnesses appearing in-person, at the discretion of the court:

- | | |
|---------------------|-------------------------|
| C.R.S. § 18-6-800.3 | Domestic Violence |
| C.R.S. § 18-3-404 | Unlawful sexual contact |
| C.R.S. § 18-7-707 | Posting a private image |

C.R.S. § 18-9-204.5
C.R.S. § 42-4-1301
C.R.S. § 42-4-1402(2)(b-c)

Cruelty to Animals
Driving Under the Influence
Careless Driving Causing Inj./Death

B. Civil Cases. Subject to the exceptions set forth in this section, all **in-person** civil hearings, trials and other matters scheduled through June 30, 2020 shall, at the discretion of the judicial officer, either be conducted by telephone or audio-visual device, or shall be cancelled, subject to rescheduling. Counsel and unrepresented parties are directed to contact the clerks for the individual divisions to reschedule their matters.

A list of division phone numbers can be found at:

https://www.courts.state.co.us/Courts/District/Contact.cfm?District_ID=4

This list is also attached at the end of this order.

This order does not affect any order entered by Magistrate Andrea Paprzycki regarding **Forcible Entry and Detainer Actions** and **Civil Returns (CVL)**. Please refer to the Division CVL Memo on the Court's website for instructions on how to proceed with FED and CVL matters.

If you are scheduled to appear in **Small Claims (S), S290** in June 2020, please note that your hearing will either be conducted by telephone or audio-visual device or will be rescheduled. Parties in the case will receive notice of next court date from the attorney in the case or directly from the court. Please make sure your current address is on file with the court. If you need to update your address, please do so immediately with this form:

<https://www.courts.state.co.us/Forms/PDF/JDF%2088%20Change%20of%20Address%20Form.pdf>

5. Jury Duty: At this time, Chief Justice Coats has prohibited all jury trials in Colorado State Courts for the month of June, subject to his making an exception for any Judicial District applying for a waiver. At this time, there is no application from the Fourth Judicial District that has been submitted to Chief Justice Coats for such a waiver, but that is subject to change.

For those jurors who have a jury summons with a date to appear on or after June 22, 2020, please continue to monitor the Court's website for updates.

6. **Public Safety Matters:** The El Paso and Teller County Courthouses will continue to accept filings and conduct limited hearings on public safety matters. Public safety matters are **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;
 - D. Juvenile detention and advisement hearings for juvenile delinquency cases;
 - E. Shelter hearings in dependency and neglect cases;
 - F. Petitions for appointment of an emergency guardian and/or special conservator and hearings related to same;
 - G. Hearings on motions to restrict parenting time and parental abduction prevention;
 - H. Emergency mental health filings and proceedings;
 - I. Probable cause hearings for dog impoundment/dangerous dog cases;
 - J. Judicial bypass hearings under C.R.S. § 12-37.5-107; and
 - K. Other proceedings deemed necessary by the Chief Judge 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;

7. **Self-Help Centers:** The self-help center at the El Paso County Courthouse is **closed** until June 30, 2020. All court forms and instructions can be found at https://www.courts.state.co.us/Self_Help/Index.cfm

8. **Extrajudicial Activities:** The use of any of the courthouses for extrajudicial activities (e.g., the solemnization of marriages, CASA swearing in ceremonies) is prohibited until further notice.

9. **Probation:** The probation staff is conducting most business by phone or video conferencing. Please call your Probation Officer directly or email

firstname.lastname@judicial.state.co.us, or you can contact the Probation Department main office at 719-452-5900 or 04probation@judicial.state.co.us. If the court or someone from probation has informed you to report in person, our lobby hours are Monday-Friday from 8:00am-5:00pm. Voicemails and emails are checked daily; when leaving a message, please indicate the level of urgency of your situation. Due to a high volume of calls and emails, please allow 24 hours for a response prior to contacting the Probation Department again.

I will continue to monitor available information and recommendations from health organizations, and this CJO 20-20 may be revised or extended as deemed necessary.



Will Bain
Chief Judge

May 29, 2020

Date



	Phone
El Paso County Clerk's Office	719-452-5000
Teller County Clerk's Office	719-689-7360
Div 1 – Judge Billings Vela	719-452-5229
Div 2 – Judge David Prince	719-452-5235
Div 3 – Judge Thomas K. Kane	719-452-5274
Div 4 – Judge David Shakes (Vet Court)	719-452-5279
Div 5 – Judge Jessica Curtis	719-452-5365
Div 6 – Judge Chad Miller	719-452-5544
Div 7 – Judge David Gilbert	719-452-5287
Div 8 – Judge Eric Bentley	719-452-5449
Div 9 – Judge Timothy Schutz	719-452-5358
Div 10 – Judge Erin Sokol	719-452-5446
Div 11 – Judge Scott Sells (Teller District)	719-689-6926
Div 12 – Judge Robert Lowrey	719-452-5244
Div 13 – Judge Marcus Henson	719-452-5281
Div 14 – Judge Marla Prudek	719-452-5233
Div 15 – Judge Gregory R. Werner	719-452-5285
Div 16 – Judge G. David Miller	719-452-5255
Div 17 – Judge Jann DuBois	719-452-5259
Div 18 – Judge Deborah Grohs	719-452-5443
Div 19 – Judge Robin Chittum	719-452-5352
Div 20 – Judge Jill Brady	719-452-5291
Div 21 – Judge Michael McHenry	719-452-5547
Div 22 – Judge William Bain	719-452-5522
Div 23 – Judge Catherine Mitchell Helton	719-452-5177
Div 24 – Judge Frances Johnson	719-452-5122
Div A – Judge Denise Peacock	719-452-5349
Div B – Judge Samuel Evig	719-452-5207
Div C – Judge Monica Gomez	719-452-5203
Div D – Judge Karla Hansen	719-452-5191
Div E – Judge Sam Burney	719-452-5355
Div F – Judge Laura Findorff	719-452-5360
Div G – Judge Ann Rotolo	719-452-5242
Div H – Judge Shannon Gerhart	719-452-5193
Div J – Judge Meredith Patrick Cord	719-452-5420
Div K – Judge Douglas Miles (DV Court)	719-452-5197
Div T – Judge Theresa Kilgore (Teller County)	719-689-7360
Div 5L – Magistrate Daphne Burlingame (Drug/Heals)	719-452-5210
Div CVL – Magistrate Andrea Paprzycki	719-452-5471
Div M – Magistrate Dennis McGuire	719-452-5392
Div N – Magistrate Shawn Witkus	719-452-5201
Div NCS – Magistrate Karen Parrot (Child Support)	719-452-5252
Div O – Magistrate Duncan	719-452-5523
Div P – Magistrate Lara Nafziger	719-452-5221
Div Q – Magistrate Jami Vigil (DUI and Family Drug)	719-452-5401
Div R – Magistrate William Trujillo	719-452-5212

Div S – Magistrate David Lindeman	719-452-5216
Div V – Magistrate Jayne Candea-Ramsey	719-452-5248
Div W – Magistrate Vincent Rahaman	719-452-5394
Div X – Magistrate Lauren Bynum	719-452-5540
Div Y – Magistrate Gail Warkentin	719-452-5415
Div Z – Magistrate Jeffrey Saufley	719-452-5419