

EL PASO COUNTY COMBINED COURT, FOURTH JUDICIAL DISTRICT, STATE OF COLORADO

PRESIDING JUVENILE JUDGE ORDER 2020-07

El Paso County Juvenile Court Operations Effective July 1, 2020 Through July 31, 2020

In light of the continuing public health risk posed by COVID-19 and the advisories and orders from the Center 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, and pursuant to 4th Judicial District Chief Judge Will Bain's Order Regarding Court Operations Effective July 1, 2020 through July 31, 2020, the El Paso County Juvenile Courts will continue operations at a reduced level. The Colorado Supreme Court Chief Justice has granted permission to hold a limited number of jury trials in El Paso County in July. For jury trials scheduled in July, each judicial officer should speak to the parties about the status of the case and notify Judges Bain and Billings-Vela if the trial is ready to go. This practice shall continue for the foreseeable future as the court continues to manage trials based on the threat that COVID-19 still poses throughout the State of Colorado.

This Presiding Juvenile Judge Order continues the previous Temporary Emergency Juvenile Policy Orders (with some modifications) for JV, JR, JA and JD through July 31, 2020. For ease of reference, those amended orders are attached herein.

These orders do not prohibit a juvenile judicial officer from setting other hearings they determine are necessary to serve the purpose of The Colorado Children's Code. The continued use of phone or audio-visual programs (such as Webex) to conduct hearings remotely is still highly encouraged where practical. All scheduled hearings shall comply with the Chief Judge Order regarding in-court proceedings, including:

*Under Governor Polis' Executive Order 2020 110, issued June 20, 2020, members of the public are now required to wear masks in the courthouse.

*Both inside the courtroom and in the common areas of the courthouse, including hallways outside courtroom, people shall maintain six-foot distancing from each other.

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

*No judicial officer is required to hold in-person proceedings.

This Order is subject to change based on the developments of the COVID-19 pandemic and other governmental orders.

DONE AND SIGNED on this 30th day of June, 2020.



LINDA BILLINGS VELA
Presiding Juvenile Judge
Fourth Judicial District

TEMPORARY EMERGENCY 4TH JD (EL PASO COUNTY) JUVENILE POLICY: JV, JR & JA
7/1/2020 through 7/31/20

1. Courthouse meetings are cancelled. They may be held via telephone conference as agreed by stakeholders. Notices should be sent out by meeting organizer.
2. **Appearances by telephone/ interactive audiovisual programs are encouraged to reduce number of people coming to court. Please contact the assigned division if you have questions.**
3. For in-person court appearances, the following cases will be continued to a date on or after July 31, 2020, as determined by the assigned division. In the interim, each judicial officer has discretion to set hearings by telephone/ interactive audiovisual program:
 - a. Truancy hearings
 - b. Paternity/Child Support: all hearings are scheduled at the discretion of Magistrate Nafziger (Division P).
 - c. Adoptions (except as approved by assigned division for compelling reason)
 - d. Allocation of parental responsibility hearings
 - e. Post-termination reviews
 - f. Appearance reviews will be scheduled to next PPHR if practicable
 - g. Relinquishments, unless deemed essential by judicial officer in relation to another matter
4. The following in-person court hearings will continue to be held. The court encourages appearance by telephone/ interactive audiovisual programs where practical:
 - a. Shelter hearings shall occur as normal. RPC is encouraged to meet with parents ahead of time to report to the court whether they will accept service through counsel or via email. If not, parents should come to court for service of petition (unless excluded under court's posted criteria or CDC guidelines). **Beginning July 6, 2020, shelter hearings will be heard at 1 p.m. by Webex.**
 - b. Pre-trial conferences
 - c. Adjudicatory court trials
 - d. Uncontested disposition and permanency planning hearings
 - e. Forthwith emergency hearings as scheduled by judicial officer
5. Mediation is still required ahead of contested matters. ODR has arranged alternative electronic ways for parties to participate, in lieu of appearing at the courthouse. Please confirm arrangements prior to mediation. Parties will still be assessed fee if they do not participate.
6. For emergencies, counsel shall file a motion with the assigned division for a forthwith hearing. Send copies of motions to all CJAs assigned to the division.
7. Due to each division's unique docket and staffing needs, supplemental procedural orders may enter. If you have a question about procedures or case status, please contact the assigned division.
8. Please follow the link for court WebEx information: <https://www.courts.state.co.us/Courts>

Ordered: June 30, 2020 Lin Billings Vela, Presiding Juvenile Court Judge

TEMPORARY EMERGENCY 4th JD POLICY (EL PASO COUNTY) FOR DELINQUENCY PROCEEDINGS
July 1, 2020 through July 31,2020

OUT-OF-CUSTODY CASES:

1. Unless otherwise instructed by the judicial officer in the division, that division's staff, or their attorney, respondents who are out-of-custody with court dates between July 1, 2020 and July 31, 2020, shall appear in person for the following proceedings:
 - a. The initial appearance-on-bond court date given by the Sheriff or Zeb Pike upon posting bond;
 - b. Any felony summons return date (bonded advisements);
 - c. First Appearance/Filing of Formal Charges for respondents who do not have an attorney (respondents will be advised how to apply for the Public Defender's Office on-line);
 - d. Contested Preliminary Hearings;
 - e. Plea/Disposition dates where the respondent is pleading guilty and where appearing by audio-visual device is impractical;
 - f. Contested motions hearings and court trials;
 - g. Pre-trial readiness conferences;
 - h. Sentencing hearings; and
 - i. Probation complaint and report hearings
2. Attorneys, GAL and DHS may appear by phone or WebEx (check with your division) at the scheduled hearing time to reschedule hearings. Respondent/Parents/Guardians do not need to appear if represented by counsel for uncontested hearings. To preserve jurisdiction, the court will issue a bench warrant and stay it until the next court date.
3. A NOTICE will be placed outside of the courtroom door each day indicating that what cases have been vacated, listing next court date (if already set) and notifying respondents to call their attorney or check with the clerk's office with questions.
4. The DA DIVERSION program will still come to court to meet with referred respondents/guardians; complying with CDC social distancing recommendations.
5. Motion hearings and trials may be vacated/continued if the youth with parent/guardian present executes a verbal waiver of speedy during a scheduled phone appearance date. If an attorney has a case scheduled for motions and/or trial that you wish to continue, defense counsel shall speak with their client about waiving speedy. Once that has occurred, please email the DA and division clerk to schedule a phone hearing. Please advise you clients that they should be available for a phone appearance, as scheduled. With the waiver of speedy, the motions/trial will be vacated, and the case will be reset.

IN-CUSTODY CASES will continue to be heard as scheduled:

1. Effective July 1, 2020, detention youth will be held at Zeb Pike. Detention hearings will continue as scheduled. To continue ensuring safety of juveniles, the court and counsel will work with Zeb Pike to efficiently schedule hearings by telephone or video. Respondents will have to appear in court for trial.

2. Counsel shall provide parents/guardians a call-in number so that they may appear by WebEx/phone.
3. Late add-ons will be limited and heard by phone appearances.

TRACKING: If Rite of Passage (ROP), our CYDC tracking provider, determines a youth is compliant and no longer needs tracking services to be safe in the community, they may file a request for release. CYDC will email the request to the court, DA and defense counsel. Tracking may contact PD Supervising Attorney Norene Simpson or Senior DA Brent Nelson if uncertain which attorney is assigned. Defense counsel's approval is assumed. The DA or other interested parties have 24 business hours to file an objection. The court will either approve or deny the request without further hearing. Mission Possible will file all Status Updates and Recommendation Reports and DSJ Detention Hearing Reports to each division's staff electronically. Due to the limited number of GPS units, Magistrates will staff their use with Judge Billings-Vela for approval and recommendation to ROP.

COURT WEBEX INFORMATION: Please follow the link for court WebEx information:
<https://www.courts.state.co.us/Courts>

The above procedure is temporary and subject to change as required by COVID-19.

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