



**11TH JUDICIAL DISTRICT, STATE OF COLORADO
CHAFFEE, CUSTER, PARK and FREMONT COUNTIES.**

C.J.D. 20-03

**EIGHTH AMENDED CHIEF JUDGE DIRECTIVE REGARDING COURT
OPERATIONS DURING THE COVID-19 PANDEMIC**

The Chief Judge believes the time has come to lessen some restrictions on Court proceedings. In doing so, the Chief Judge has considered the public health risk posed by the Novel Corona Virus/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 Chief Judge has considered the existence of safe and effective vaccines, increased immunity rates, reduced case numbers and the onset of warmer weather. The Chief Judge has also considering the need for the Courts to continue to conduct business in both a safe and effective manner.

Therefore, 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, March 20, 2020, April 16, 2020, and May 5, 2020 it is hereby ORDERED as follows:

1. Operations.

- a. **Hours and Filings.** All courts will be open normal business hours Monday to Friday, excepting legal holidays. Clerk offices will be open for in person filings and questions from 8:00 a.m. until 5:00 p.m. During operating hours, paper filings will be accepted by mail or in person at the clerk's window. The court will accept electronic filings through ICCES for the case types in the ICCES system.
- b. **Limitations on Entry.** Persons who meet any of the following criteria are prohibited from entering any courthouse and instead should call

the court to reschedule their court date, request to appear by phone, or receive further instructions:

- i. Anyone recently diagnosed with COVID-19 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, other respiratory illness symptoms or symptoms of COVID-19 that have been identified by the CDC.

2. Jury Trials. Jury trials will be held in those courtrooms and counties where jurors can be assembled and trials held while still adhering to public health orders.

3. Prohibition on Group Gatherings. The number of people in a courtroom or common space will be governed by local health orders in effect at that time.

4. Social Distancing. Absent a waiver or variance from the local Public Health Department, social distancing of no less than six feet shall be maintained with respect to all in-person activities within the courthouses. Social distancing will be enforced by court staff, security staff and judicial officers.

5. Masks. The Chief Judge orders that all persons entering a courthouse (or, in the case of Custer County, the portion of the County building that is utilized by the Court) wear a protective mask that covers their mouth and nose but not their eyes. The Court encourages participants to bring their own mask if possible. The Court will endeavor to supply masks if possible.

The presiding judge may allow masks to be removed on a case by case basis and for good cause as long as all other safety measures are maintained and the removal does not countermand other public health orders. The unmasking will be for as brief of a period as possible. There is a strong presumption against mask removal. Examples would include: individuals testifying behind a plexiglass shield or wearing a face shield, the removal of a defendant's mask for identification purposes, interpreters who are wearing

face shield and interpreting for those where the ability to see the mouth is essential to communication.

This policy applies to judicial officers and judicial employees. Individuals who are inside any enclosed indoor area that is not accessible to the public, such as a private office or cubicle, when other individuals are not present or are socially distanced may remove their mask. Judicial officers may remove their mask while speaking.

6. **In-person hearings.** Each judicial officer will determine the type of hearings that are to be held in-person. The Chief Judge has asked each judicial officer to put their protocols in writing and to make them available to the public. Any questions about whether a hearing is in-person or remote should be directed to the clerk of court. Those hearings that are not in person will be conducted via WebEx.

7. Self-Help Centers, Family Court Facilitator, Collections Investigator and Protective Proceedings Monitor:

- a. All self-help centers in the 11th Judicial District will operate on a normal basis.
- b. All court forms and instructions can be found at:
https://www.courts.state.co.us/Self_Help/Index.cfm.

8. Protocol for Any In-Person Hearing.

- c. All participants in an in-person proceeding shall maintain social distancing of at least six feet at all times.
- d. Attorneys shall address the court from counsel tables and shall address witnesses from the lectern or counsel table as determined by the presiding judge.
- e. Attorneys shall not approach witnesses and all exhibits shall be filed electronically prior to any hearing. If there are confidentiality or constitutional concerns relating to compliance with this protocol, the proponent of the exhibit should contact the court's division clerk prior to the hearing for guidance on filing in sealed status.

- f. Unless an original of an exhibit is required (e.g. a physical object), duplicates of all exhibits must be available for independent use by each witness.
- g. Upon completion of testimony, unless a witness is a victim, witnesses are encouraged to immediately leave the courthouse.

11. Probation Services. Probation Clients shall be supervised as directed by the Chief Probation Officer. Efforts will be made to provide services by telephone or other technology in much as possible

12. Public Access to hearings. Unless a hearing is closed (adoption, mental health etc...) the public and press have the right to attend all hearings. Remote observation will be utilized to the greatest extent possible. The phone number and/or hearing code will be provided to the public upon request.

13. F.E.D. F.E.D. cases will be heard pursuant to any Executive Order or public health order in effect at the time.

14. Effective Date and Modification of this Order. This Order is effective May 3, 2021. This order amends and replaces C.J.D. 20-03, Seventh Amended. Circumstances continue to change, and this Order may be updated, extended or modified. All persons are encouraged to check regularly on the 11th Judicial District homepage which can be found on the website for the Colorado Judicial Branch at www.courts.state.co.us for the latest information.

Done in Salida, Colorado on April 20, 2021.

/s/ Patrick W. Murphy

Patrick W. Murphy, Chief Judge