



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

C.J.D. 20-03

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

In light of the public health risk posed by the Novel Corona Virus and 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 the disease and precautions to reduce the risk of exposure, as well as the widespread and alarming increase in COVID-19 cases in the country, state and district, effective immediately the Courts of the 11th Judicial District will revert back to operating with reduced staff and will prioritize matters of immediate concern for public health and safety and will also strictly limit in-person proceedings.

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 Monday to Friday, excepting legal holidays. Clerk offices will be open for in person filings and questions from 8:00 a.m. until 12:30 p.m. Staff will be reduced as coordinated by the Clerks of Court and the Court Executive, with the approval of the Chief Judge. During operating hours, paper filings will be accepted by mail or in person at the clerk's window. There may be significant delay in processing paper filings not related to public safety matters due to potential staffing level reductions. The court will accept electronic filings through ICCES for

the case types in the ICCES system and by email in JV cases. Hearings not related to public safety may be scheduled for video or phone appearances at the discretion of the presiding Judge in compliance with District protocols.

- 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 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, other respiratory illness symptoms or symptoms of COVID-19 that have been identified by the CDC.

2. Mandatory Continuance and Limitations on Hearings prior to January 19, 2021¹

- a. Except for all public safety or priority matters listed in below, proceedings set **through January 19, 2020**, are either continued or will occur via remote means. Please **do not** appear at the courthouse. This is for two reasons. Primarily, the limitation is due to reduced staff presence at the courthouse and the subsequent inability to process cases. Secondly, the limitation is being implemented to reduce the number of people who appear at the courthouse.

Any person who does appear at a courthouse for a hearing or appearance that is not a public safety or priority matter shall be provided a paper by a member of the court security team and/or court staff containing instructions on how to contact the court. Please contact your attorney or the clerk of court to determine the status of your case.

¹ These limitations **do not apply to Custer County**. Because there are only two judicial staff in Custer County, it is not feasible to reduce staff in that location. Consequently, the number of cases to be heard does not need to be reduced.

- b. **Criminal Cases:** Proceedings in criminal cases will be held whenever practicable and will be held remotely whenever possible pursuant to Crim. P. Rule 43 (f). “Criminal Cases” includes juvenile delinquency.
- c. **Dependency and Neglect Cases:** Proceedings in these types of cases will be held whenever practicable and will be held remotely whenever possible.
- d. **Non-criminal, non-public safety case types:** Judicial officers, in their discretion and as judicial resources allow, and with the approval of the Chief Judge, may continue to conduct proceedings in all docket types. These proceedings will be held remotely whenever possible.
- e. **Public Safety Matters:** The courts will continue to conduct hearings on public safety matters. Judicial officers have discretion to determine whether public safety matters can occur in-person or remotely. In person hearings on public safety matters do not need prior approval from the Chief Judge. Public safety matters are **STRICTLY LIMITED** to the following:
 - 1. Petitions for temporary civil protection orders and permanent protection order hearings;
 - 2. Petitions for temporary emergency risk protection orders and hearings on emergency risk protection orders;
 - 3. Petitions for appointment of an emergency guardian and/or special conservator;
 - 4. Emergency mental health proceedings;
 - 5. Other proceedings deemed necessary to prevent a risk of imminent financial hardship or imminent risk to the health, safety or welfare of any individual or to the community at large (in consultation with the Chief Judge).
- f. Each judicial officer has the authority to further reduce case types to be heard in their courtroom as long as that decision is supported on logistical or public safety grounds.

3. Jury Trial Continuances until March 1, 2021.

- a. **Jury Trials.** All jury trials set to commence before March 1, 2021, are hereby vacated and continued. (See Chief Judge Directive 20-13). All parties and counsel shall contact the appropriate court to reschedule. The courts may also initiate rescheduling.
- b. **Jury Calls.** All jury calls with a return date between today's date and March 1, 2021 shall be cancelled. For those jurors who have a jury summons for a date to appear commencing on or after March 1, 2021, please continue to monitor the Court's website for updates.

4. Prohibition on Group Gatherings. There shall be no gatherings of groups larger than ten (10) persons in any of the courthouses for any purpose. The 10 person prohibition applies distinctly to each courtroom and each hallway, reception area or lobby. (In other words, each area described above cannot have more than 10 people. If there are 10 people in the hallway and 5 in the courtroom, this does not violate the 10 person rule) The prohibition will be enforced by court staff, security staff and judicial officers.

5. Social Distancing. 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.

6. Masks and gloves. 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. (See Governor Polis' Executive Order 2020-138 issued July 16, 2020). The Court encourages participants to bring their own mask if possible. The Court will endeavor to supply masks if possible. Gloves are encouraged but not mandated.

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.

7. **In person hearings.** Hearings will be held remotely unless prohibited by rule or statute or unless the hearing can not reasonably be held in a remote manner. Convenience and comfort of the parties or the judicial officer is not a valid reason to hold an in person hearing.

8. 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 limited basis and will operate remotely until further notice.
- b. All court forms and instructions can be found at:
https://www.courts.state.co.us/Self_Help/Index.cfm.
- c. The Family Court Facilitator will conduct all status conferences by telephone or through the video application WebEx.
- d. All conferences with the Family Court Facilitator, Collections Investigator, Self-Represented Litigation Coordinator, and Protective Proceedings Monitor shall be conducted by telephone conference only pending further Order of the Chief Judge.

8. Protocol for Any In-Person Hearing.

- e. All participants in an in-person proceeding shall maintain social distancing of at least six feet at all times.
- f. Attorneys shall address the court from counsel tables and shall address witnesses from the lectern or counsel table as determined by the presiding judge.

- g. 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.
- h. 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.
- i. Upon completion of testimony, unless a witness is a victim, witnesses are encouraged to immediately leave the courthouse.

11. Presiding Judge Orders. 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 set forth above.

12. Staffing Advisement. The courts of the 11th Judicial District are working with reduced staff in order to address the current community health situation. When staff do return, they will be faced with a backlog of cases to be processed. Consequently, responses to phone messages and emails may be delayed.

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

14. 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.

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

16. Effective Date and Modification of this Order. This Order is effective immediately upon the date and time entered below. This order amends and replaces C.J.D. 20-03, Fourth Amended. This order will be in effect until at least January 19, 2021. 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 November 23, 2020.

AMENDED 1/11/21:

This order will remain in effect until Monday, February 1, 2021

AMENDED 1/22/21

Although new COVID-19 case numbers are declining in Colorado and are now at levels similar to the end of October, 2020, all four counties in the District remain at level orange on the state's COVID-19 dashboard. The Chief Judge is also concerned about new, more infectious variants of the COVID-19 virus being detected in Colorado. If these new variants take hold, there is a high probability that another surge in infections will take place prior to wide-spread vaccination and "herd immunity" being established.

For these reasons, and after consultation with trial judges in the District, the Chief Judge will extend the jury moratorium until at least March 1, 2021. Even when the moratorium is lifted, all interested parties should keep in mind that jury trials will still need to comport with public health rules and protocols and there is no guarantee that jury trials will be conducted in each county – much like the situation in late summer and early fall of 2020.

With regard to operations, beginning February 1, 2021, the Courts will return to regular staffing levels and regular hours of operation.

All case types may be heard to the extent that the Courts can accommodate these cases on their dockets. Section 2 of this order is rescinded.

All other portions of this order remain in effect.

/s/ Patrick W. Murphy

Patrick W. Murphy, Chief Judge