

COMBINED COURTS, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma Counties, State of Colorado.	
ADMINISTRATIVE ORDER NO. 2020-F	▲ COURT USE ONLY ▲
13TH JUDICIAL DISTRICT COMBINED COURT COVID-19 RESPONSE AND RESUMPTION OF NORMAL OPERATIONS ORDER MAY 7, 2020	

We are all well aware of the disruption that has resulted from the spread of the Novel Corona Virus and the associated COVID 19 disease. The 13th Judicial District has not been affected as harshly as many locations within our State; however, it is not clear when we will be able to safely resume normal operations.

While I wish to commend each of our staff, members of the Bar, and others who work with the courts on a regular basis for their patience and selfless service toward others during this time, I believe we should continue to be vigilant.

Governor Jared Polis and the Colorado State Health Department have issued orders allowing for relaxation of some of the more restrictive “stay at home” orders issued in March and April, 2020. This of course is good news. Yet, in order to ensure the safety of our staff and those who come into contact with the courts, I expect that we will continue to observe “social distancing” and sanitation guidelines for some time. Further, even the less restrictive guidelines continue to restrict gatherings of more than ten people in a single location.

After discussions with Court Executive Doug Short, Logan County Emergency Management Director Jerry Casebolt, and our Clerks of Court, I have adopted a plan for gradual resumption of our regular court services, to include jury trials. This is a guideline and can be varied where local circumstances so permit or require it. The plan is attached as an Excel spreadsheet document.

Further, the following guidelines continue in effect, albeit in modified form:

- The Chief Justice has issued prior to this date a series of Orders providing that Colorado State Courts will continue to provide essential constitutional functions to the public; however, the execution and/or completion of most non-essential functions may be postponed. Further, under the most recent Updated Order, dated May 5, 2020, no jury trials will be conducted through July 5, 2020, subject, however, to those exceptions allowed by the Chief Justice in accordance with “waivers” that may be granted under the terms of that Order. This restriction as to the conduct of jury trials in this District shall automatically be deemed to be extended in the event the Chief Justice Updated Order of May 5, 2020, is further extended to bar jury trials past July 5, 2020.
- Any judicial officer in this District who believes a waiver should be requested from the Chief Justice should contact the Chief Judge in order to determine the feasibility of making such a request.
- In order to allow flexibility to address local conditions, the Chief Justice Order also permits each Judicial District to manage their other, non-jury dockets individually, within limits, and taking into account the need to protect staff and the public from unnecessary risks of exposure to the virus.
- Many governmental offices have “re-opened” courthouses in the District. We continue to expect that reasonable restrictions can be placed upon the public entering public buildings such as courthouses.
- Through May 31, 2020, the Court Executive and Clerks of Court should work with Sheriff’s Departments in our District to ensure that consumers coming into contact with staff by means of entry into the offices of Clerks of Court, entry into Probation Department offices, and/or admission into courtrooms shall wear a protective mask. This will include law enforcement personnel and persons in custody. Disposable masks shall be made available to the public upon entry to the courthouse, or areas of the courthouses occupied by the court system. These masks will not be disposed of in the courthouse or courtrooms or courthouse campuses but must be carried out by the person wearing them.

Nevertheless, consumers utilizing courthouses where a screen is present between the public area or hallway and the Clerk’s office will not be required to utilize a protective mask if they are not expected to have contact with court personnel other than at the Clerk’s window.

- Judicial officers and staff operating in areas where social distancing is not possible or may be ineffective shall follow guidelines established by the Governor, CDPHE, the Judicial Department, and/or local officials concerning the

wearing of personal protective equipment. We expect the State Court Administrator's Office will have PPE available to employees.

- Civil Jury Trials: We are encouraging continuance of all civil jury trials that are set during the next three months, (May, June and July) for the following reasons: 1) criminal and misdemeanor jury trials must take priority; 2) many criminal and misdemeanor trials have been continued, or mistrial orders have issued due to the Chief Justice's Orders in response to the COVID-19 pandemic, and/or changes to Crim.Pro. Rules 24; 3) prospective jurors are likely to be concerned about the safety of relatively large gatherings at the courthouse, making it difficult to find jurors willing to serve at this time; and, thus, 4) in order to preserve defendants' rights to speedy trials, and victims' rights to prompt resolution of cases, it is necessary to preserve our jury venire in order to secure the most willing and healthy jurors for criminal, delinquency and misdemeanor trials. We continue to urge judges to schedule prompt telephone status conferences in all jury trial matters to discuss continuances and remind participants that the health concerns may extend to witnesses, attorneys, etc. *Essentially, civil jury trials occupy the lowest priority in terms of jury trials, regardless of the age of the case.*
- Criminal Jury Trials: We are encouraging continuance of all criminal and juvenile delinquency jury trials that are set during the month of May. This is essentially required by the most recent Chief Justice Order. We understand there are speedy trial considerations and circumstances involving in-custody defendants that may cause concern. In most instances, the District Attorney and the Public Defender have worked to achieve continuances. We are also aware that one ground that has been cited by many courts for granting a continuance of cases relates to reluctance on the part of jurors to appear. Please note that, this circumstance does not serve as grounds for dismissal of cases, but, rather, for a mistrial. *See Colo. Rule Crim.Pro. 24, as recently revised, which addresses the flexibility available to judges in our current circumstances.*
- Dependency and Neglect Jury Trials: These trials enjoy priority over civil jury trials, but are lower in priority than criminal, juvenile delinquency and misdemeanor jury trials. EPP cases should be tried prior to Dependency and Neglect cases that are not subject to EPP guidelines.
- All **Rule 120 foreclosure cases** are stayed until May 17, 2020. Once this stay is lifted, plaintiffs in Rule 120 cases will be required to file an affidavit signed by

the plaintiff or plaintiff's counsel swearing that the underlying mortgage is not subject to the CARES Act.

- Reducing in-person appearances: The District and County Judges have implemented policies as necessary to reduce in-person appearances in an effort to decrease the numbers of people in the courthouses on each docket day during the past several weeks. We continue to encourage those practices for an indefinite period. Unfortunately, some parties and/or counsel may have mis-applied such policies in some instances as a means of not following through with their cases, despite the opportunity to do so. Thus, each judicial officer will have discretion, following May 1, to modify those policies to provide for in-person appearances on a case-by-case or basis, or per docket basis in order to move their dockets more expeditiously. Judicial officers, in consultation with Clerks of Court, will continue to retain discretion to mitigate the effects of excessive "traffic" into and out of our courthouses and courtrooms.
- Nevertheless, 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; and
6. Individuals determined to be high risk by a licensed healthcare provider.

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

- Protocol for Any In-Person Hearing.
 1. All participants in an in-person proceeding shall maintain social distancing of at least six feet at all times.
 2. Attorneys shall address the court from counsel tables and shall address witnesses from the lectern or counsel table as determined by the presiding judge.
 3. 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.

4. 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.
 5. Upon completion of testimony, unless a witness is a victim, witnesses are encouraged to immediately leave the courthouse.
- Video appearances such as Web-Ex will be encouraged on non-docket days, including for the DA and PD when possible, to reduce potential exposure for their offices.
 - Non-essential Proceedings: All non-essential proceedings occurring prior to June 1, 2020, should be conducted by phone or video, or, if necessary, continued.
 - Self-Help Centers, Family Court Facilitator, Collections Investigator and Protective Proceedings Monitor:
 1. All self-help centers in the 13th Judicial District will remain closed and will operate only on a limited basis until further notice. The self-help centers can be contacted via email at <http://www.coloradolegalhelpcenter.us/>.
 2. All court forms and instructions can be found at: https://www.courts.state.co.us/Self_Help/Index.cfm .
 3. The Family Court Facilitator will continue to conduct all status conferences by telephone or through the video application Webex. If hearings must be conducted in person, then the protocol set forth above as to in person hearings shall apply.
 4. All conferences with the Family Court Facilitator, Collections Investigator(s), Self-Represented Litigation Coordinator, and Protective Proceedings Monitor shall be conducted by telephone conference only pending further Order of the Chief Judge.
 - Summons - Any summons now issued for a criminal matter should have a return date at least 42 days from the date of issue and preferably 63 days.
 - In-custody defendants at other locations in the state should preferably appear by phone or video for hearings other than arraignments or sentencing. Judicial officers retain discretion to direct in-person appearances for arraignment or sentencing hearings.

- Judicial officers shall continue to use their discretion to ensure health security within their own courtrooms and/or chambers. Thus, they may limit the number of persons in the courtroom or exclude persons who they reasonably suspect might pose a health hazard to others, or who might be “at risk” of infection. They may also enforce “social distance” limits in terms of persons approaching the bench or approaching court personnel.
- The Court Executive, the Chief Probation Officer, Probation Supervisors, and Clerks of Court likewise may use their discretion to ensure health security within their offices, chambers, or public areas under their immediate control. As a result, they may also impose arithmetic and social distance limits, in their discretion, as described above. Consistent with Chief Justice Directives and the Personnel Rules of the Colorado Judicial Department they may even require staff or contractors to leave the premises in the event such persons reasonably appear to represent a health hazard to others within the premises.
- Once jury trials commence in June, 2020 or thereafter, Jury Commissioners may utilize staggered reporting, shortened orientation or other means to ensure adequate “social distance” between prospective jurors. These means should be discussed with the judicial officer presiding over the jury trial in question.

Further, please review the following Continuity of Operations Guidelines

- Each Clerk’s office within the 13th JD will hold periodic meetings, led by the Court Executive, updating staff on new developments. These may be conducted by telephone or other remote means. Additionally, each Clerk’s office has a call/texting tree in place to notify staff of any urgent developments that occur after hours.
- Signs will be posted in English and Spanish informing customers and clients to call the Clerk’s office to schedule or reschedule court appearances or jury duty. This information will also be posted on the 13th District website.
- Please participate in group discussions remotely using phone, Web-Ex or Skype for Business.
- Please encourage customers to use social separation spacing of 6 feet in the hallways and courtrooms whenever possible
- Prospective Jurors shall be screened in writing prior to entering the courtroom with the following questions and those answering yes will be excused:

- Are you or anyone in your household currently ill or showing signs of illness (fever, shortness of breath, flu-like symptoms)?
 - Have you or anyone in your household been ill and home from work or school in the last 14 days?
 - Have you been diagnosed with or tested for COVID 19?
 - Have you been in contact with anyone diagnosed with or tested for COVID 19?
 - Do you suffer from any chronic medical condition?
 - Are you in treatment for cancer or any immune system condition?
 - Are you over the age of 60?
 - Have you travelled out of the country in the last 14 days?
 - Have you been in China, South Korea, Italy, Spain or Japan since December, 2019?
- Staff may cancel out of in-person conferences and trainings. Please staff with your supervisor first and cancel in advance to avoid hotel charges.
 - Problem solving court sessions will be set out to mid/June or July, 2020, unless a judge determines an earlier review or hearing is necessary. This does not prevent the setting of revocation hearings for PSC participants, if appropriate.
 - At this time, working from home is approved, with the specific permission from the Administrative Authority. Nevertheless, we will be reducing the incidence of work at home requirements over the next few weeks. In the event circumstances necessitate working from home, further instruction will be made available.
 - If you need to take time off on short notice due to an extended break at your child's school, please work with your supervisor as soon as possible. Leave balances may be an issue for some staff, but please focus on what you need to do to address your children's needs and the leave situation will be determined later.
 - SCAO, Chief Judge Singer, CPO, Court Executive and Counties are communicating on COVID-19 and we will continue to share information as it becomes available.
 - Signs are being posted in all our locations reminding everyone to wash their hands and stay home if ill.
 - CSEAP (Colorado State Employee Assistance Program) is available for support
 - <https://www.courts.state.co.us/judicialnet/hr/page.cfm?Page=238>

- Normal judicial protocol remains in effect for calling in ill.
- If a staff member becomes ill, he/she should contact his/her immediate supervisor, call their healthcare provider, stay home, and not return to work until such time as they are well. Employees who are sick should remain at home and not report to work to minimize the risk of spreading illness.
 - As per Human Resources, Administration may mandate an employee stay home if it is believed the employee poses a direct threat in the workplace due to illness. Administrators and/or supervisors will not make medical diagnoses but rely on observations of an employee's symptoms in making a reasonable determination to send home an employee who appears sick. Symptoms to be included are: fever, cough, shortness of breath, sore throat, muscle aches, eye infections, vomiting, and chills.
 - Currently, if the employee is sent home, PTO is required to be taken. If the employee seeks medical assistance or is absent from work three (3) or more days in order to attend to their own or a qualified family member's medical condition, the employee shall be offered Family Medical Leave (FML) paperwork as per Colorado Judicial System Personnel Rules.
- Employees who are ill are encouraged not to travel.
- Prevention: No single action will provide complete protection, but an approach combining the following steps can help decrease the likelihood of transmitting a virus. The recommended actions are as follows and will be distributed to all staff:
 - Maintain a healthy lifestyle through rest, diet, exercise, and relaxation.
 - Wash hands frequently with soap and water for 20 seconds or use alcohol-based hand with at least 60% alcohol when soap and water are not available. Read and follow all directions when using hand sanitizers. Be sure to wash your hands after coughing, sneezing, or blowing your nose.
 - Avoid touching your eyes, nose and mouth. Germs spread more easily this way.
 - Cover coughs and sneezes with tissue, or cough into your elbow. Dispose of tissues in trash receptacles.
 - Please keep your personal work area clean such as phones, computer keyboards, doorknobs, desk.
 - Additionally, spray down frequently touched common surfaces 2-3x/day such as front window area, counter tops, conference table, break room. The department purchases wipes and hand sanitizer. If stock is unavailable please go to this site to find information on how to clean and disinfect using a bleach mixture.

- https://www.cdc.gov/coronavirus/2019-ncov/about/prevention.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fabout%2Fprevention-treatment.html
- Avoid using other workers' phones, desks, offices, or other work tools and equipment. If it is necessary to use another's work area or equipment, clean it first.
- If you are sick with illness, stay home. For confirmed coronavirus (COVID-19) cases, reported illnesses have ranged from mild symptoms to severe illness and death. Symptoms can include fever, cough, and shortness of breath. If you have any of these symptoms, the CDC recommends that sick workers stay home.
- Do not share food, drinks, and eating utensils.
- Vaccinations: employees are not mandated, but are encouraged, to get seasonal flu vaccinations, including contagion vaccinations when they become available.

Please let your supervisor know if there is anything else we can do to assist as this is a new situation we are navigating together. Thank you for taking care of yourself and each other. PLEASE KEEP IN MIND THIS ORDER IS A LIVING DOCUMENT AND THE INFORMATION MAY CHANGE. Updated information can be found periodically on the District's website.

In addition to this Order, the following sources should be consulted to determine the most current information. If you have symptoms and think you have been exposed, call your health care provider to discuss next steps. Please use reliable websites to stay informed.

- Colorado Department of Public Health and Environment (CDHPE)
- www.cdphe.state.co.us
- Centers for Disease Control and Prevention (CDC)
- www.cdc.gov

IT IS SO ORDERED, effective immediately.



Chief Judge

May 4, 2020, at 1700 hours.

<u>Date</u>	<u>Priority 1</u>	<u>Priority 2</u>	<u>Priority 3</u>	<u>Priority 4</u>	<u>Hours of Operation</u>		<u>Staff at Work</u>
					<u>Clerk's Office</u>	<u>Divisions</u>	
April 20-24	Public Safety Matters	Phone/WebEx Hearings OK			8:00-4:00	8:00-5:00	50%, depending on location
April 27-31	Public Safety Matters	Phone/WebEx Hearings OK			8:00-4:00	8:00-5:00	50-60%
May 4-8	Public Safety Matters	Phone/WebEx Hearings OK	Limited In-Person dockets - 10 settings max/courtroom/hour		8:00-4:00	8:00-5:00	75%
May 11-15	Public Safety Matters	Phone/WebEx Hearings OK	Limited In-Person dockets - 10 settings max/courtroom/hour		8:00-4:00	8:00-5:00	75%
May 18-22	Public Safety Matters	Phone/WebEx Hearings OK	Limited In-Person dockets - 10 settings max/courtroom/hour		8:00-5:00*	8:00-5:00	100%
May 26-29	Public Safety Matters	Phone/WebEx Hearings OK	Limited In-Person dockets - 10 settings max/courtroom/hour		8:00-5:00*	8:00-5:00	100%
June 1-5	Public Safety Matters	Phone/WebEx Hearings OK	Limited In-Person dockets - 10 settings max/courtroom/hour	Limited JT (# panel/day)	8:00-5:00*	8:00-5:00	100%
June 8-12	Public Safety Matters	Phone/WebEx Hearings OK	Limited In-Person dockets - 10 settings max/courtroom/hour	Limited JT (# panel/day M,W)	8:00-5:00*	8:00-5:00	100%
June 15-19	Public Safety Matters	Phone/WebEx Hearings OK	Limited In-Person dockets - 10 settings max/courtroom/hour	Limited JT (# panels/day)	8:00-5:00*	8:00-5:00	100%
June 22-26	Public Safety Matters	Phone/WebEx Hearings OK	Limited In-Person dockets - 10 settings max/courtroom/hour	Limited JT (# panels/day)	8:00-5:00*	8:00-5:00	100%
June 29-July 3	Public Safety Matters	Phone/WebEx Hearings OK	Limited In-Person dockets - 10 settings max/courtroom/hour	Limited JT (# panels/day)	8:00-5:00*	8:00-5:00	100%
July 6-10	Public Safety Matters	Phone/WebEx Hearings OK	Limited In-Person dockets - 15 settings max/per courtroom/hour	Limited JT (# panels/day)	8:00-5:00*	8:00-5:00	100%
July 13-17	Public Safety Matters	Phone/WebEx Hearings OK	Limited In-Person dockets - 15 settings max/per courtroom/hour	Limited JT (# panels/day)	8:00-5:00*	8:00-5:00	100%
July 20-24	Public Safety Matters	Phone/WebEx Hearings OK	Limited In-Person dockets - 15 settings max/per courtroom/hour	Limited JT (# panels/day)	8:00-5:00*	8:00-5:00	100%
July 27-31	Public Safety Matters	Phone/WebEx Hearings OK	Limited In-Person dockets - 15 settings max/per courtroom/hour	Limited JT (# panels/day)	8:00-5:00*	8:00-5:00	100%
8/3/2020	Fully returned to normal operations						

*Windows close at 4:00