



THE SIXTEENTH JUDICIAL DISTRICT STATE OF COLORADO

ADMINISTRATIVE ORDER REGARDING DEPENDENCY AND NEGLECT COURT PROCEEDINGS UNDER COVID-19 ADVISORY

ADMINISTRATIVE
ORDER 2020-08

WHEREAS a public health emergency has been declared because of the Coronavirus (also known as COVID-19) requiring the issuance of public health orders for the public to stay at home and/or maintain extended social distancing; and,

WHEREAS Colorado juvenile courts are an essential government service; and,

WHEREAS it is important to have consistency across D&N cases and ensure continued protection of the due process rights of the parties; and,

WHEREAS consistency across D&N cases may be accomplished in some respects by a presiding judicial order, an order shall issue.

THEREFORE, the following administrative order is issued:

1. **Appearance by Electronic Means for Court Hearings:**

This order applies to all hearings and all parties in D&N cases, including shelter, advisement, pre-trial conference, adjudication, disposition, review and permanency hearings. These appearances shall be by electronic means including phone conferences or the Webex application shall be used. The court will schedule the telephone conference or video chat based on contact information submitted by the parties. The Court shall develop written protocols providing further instruction for the conduct of Court hearings by electronic means.

Termination of parental rights hearings shall be continued until after April 24th, 2020 as provided in 16th Judicial District Administrative Order 2020-05B.

2. **Electronic Filings:**

The court's electronic filing system known as JPOD is not available in D&N case types. Parties may e-mail motions and pleadings to the appropriate county during this time:

1. Bent County: bentcounty16@judicial.state.co.us
2. Crowley County: crowleycounty16@judicial.state.co.us
3. Otero County: oterocounty16@judicial.state.co.us

The parties may also, in-person file or mail a copy of the pleading to the court. In EACH COUNTY a “lock box” has been placed outside of the clerk’s office where parties may deposit their motions or pleadings without face-to-face contact with a person. Time frames for filing pleadings and motions are suspended until May 18, 2020.

3. Returning Children Home:

The decision to return a child home, shall be made on an individual case-by-case basis by the individual judicial officer applying current Colorado Law. Children shall not remain in foster care solely because of the pandemic. Rather, if a child can be returned home safely, that return home shall happen in a safe manner as determined by the individual judicial officer.

If a parent is unable to complete their treatment plan because of a lack of available resources due to the pandemic, courts will consider whether children can be safely returned home if in the best interests of the child

All cases before the court will be assessed to identify any barriers to return home that can be mitigated through reasonable efforts.

4. Visitation:

The court shall continue to make individualized decisions regarding visitation between children and parents. Unilateral decisions by any one party are not appropriate. Parents are authorized to travel to wi-fi locations to visit with their child(ren) by video chat. Additionally, sibling visits shall continue via phone or video chat.

5. Family Engagement Meetings:

Family engagement meetings shall continue by electronic means such as phone conference or video chat.

6. Placement reviews:

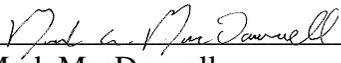
The court shall continue to review the need for placement of a child outside of the home on a case-by-case basis. The parties may contact the court for a forthwith review in cases where that is deemed necessary. The court, on a case-by-case basis, shall determine whether a forthwith hearing by electronic means is necessary and shall notify the parties.

7. Duty to Confer:

Colorado law requires parties to confer before seeking court intervention in D&N matters. This legal requirement is heightened by the current pandemic. Accordingly, parties shall confer by electronic or other means before bringing a matter to court. The purpose of conferring shall be to reach stipulations whenever possible and to narrow the issues to be brought to the court’s attention. Stipulations shall be filed with, reviewed and approved by the court.

SO ORDERED THIS 8th DAY OF APRIL, 2020.

BY THE COURT:



Mark MacDonnell
Chief Judge of the 16th J.D.