



**SEVENTEENTH JUDICIAL DISTRICT, STATE OF COLORADO
ADAMS AND BROOMFIELD COUNTIES**

**SEVENTH AMENDED ADMINISTRATIVE ORDER)
REGARDING COURT OPERATIONS) 2020-01 A7
UNDER COVID-19 EFFECTIVE August 31, 2020 –)
October 2, 2020)**

Issued August 30, 2020

In light of the public health risk posed by COVID-19 (“novel coronavirus”) and the advisories and information circulated by the Centers for Disease Control (CDC), the Colorado Department of Public Health and Environment (CDPHE), and the Tri-County Health Department (TCHD), recommending active steps to slow the spread of the disease and precautions to reduce the risk of exposure, the 17th Judicial District Courts and Probation will continue to operate in an emergency status.

On July 24, 2020, Chief Justice Coats issued Updated Order Regarding COVID-19 and Operations of State Courts. This Order removes the requirement for Chief Judges to obtain a waiver from the Chief Justice to resume conducting jury trials after August 2, 2020. Now, the Chief Judge of each judicial district determines if a jury pool can safely be assembled consistent with applicable executive orders and health directives.

The judges of the Seventeenth Judicial District have discussed plans to safely resume jury trials. The judges have also talked with attorneys that appear in their divisions about resuming jury trials. We have considered information from the Centers for Disease Control and Prevention (“CDC”) and the Colorado Department of Public Health and Environment (“CDPHE”); information presented to the Chief Judges Council and individually to the undersigned by Jennifer Ludwig, Deputy Director of Tri-County Health Department; and executive orders issued by Colorado Governor Jared Polis. Jury trials resumed in Broomfield County on August 10, 2020. Jury trials will resume in Adams County on September 21, 2020, absent changed circumstances preventing the safe assembly of jurors.

The CDPHE also prepares statewide tables of two-week cumulative incidence rates and current epidemic curve. These tables are updated daily and can be viewed through the CDPHE website at <https://covid19.colorado.gov/data>. Adams County is listed as a “very high” incidence rate (the only “very high” incidence rate in the Denver metropolitan area)

and “elevated incidence plateau” for the most recent two-week period . Broomfield is listed as a “medium” incidence rate and “elevated incidence growth.” As of August 26, 2020, Colorado hospital data shows 243 hospital beds in use by confirmed or suspected COVID-19 patients, with 88% of facilities reporting in the last 24 hours and 14 patients discharged or transferred, with the 3-day moving average positivity rate moving down to 2.52%. Although this is a positive trend for the state, the numbers in Adams County remain high.

The CDPHE Safer at Home Guidance, updated May 29, 2020, allows certain organizations to operate indoors as long as the number of individuals inside of the business do not exceed 50% of fire code occupancy capacity or 50 people, whichever is less, as long as individuals maintain at least six feet of distance between one another and are wearing facial coverings. *See also* Executive Order D 2020-164, Order Individuals in Colorado to Wear Facial Coverings, and 17th Judicial District Amended Administrative Order 2020-09 requiring facial coverings to be worn in all public indoor spaces of the 17th Judicial District court and probation buildings.

On July 24, 2020, Tri-County Health Department’s face covering order went into effect. The order was amended to align with Governor Polis’ statewide order that went into effect on July 16 and was extended on August 14. Governor Polis issued [Amended Executive Order D 2020 164](#) which extended the mandatory statewide mask order for another 30 days from August 14, 2020. The TCHD order, like the Governor’s order, requires people to wear a face covering in public spaces and, in addition, requires use of face coverings in outdoor spaces when social distancing cannot be maintained. Apart from requiring face-coverings in outdoor locations when 6 feet of social distancing cannot be maintained, the key difference between TCHD’s order and the Governor’s order is a longer duration of up to 90 days rather than 30 days. To increase consistency and avoid confusion, TCHD amended its order to align with the Governor’s Executive Order on all other aspects. This includes exempting children 10 and younger from wearing a mask.

The ultimate duration of the TCHD order will be based primarily on key indicators of the epidemic (e.g., incidence rates, hospitalizations and bed capacity, and deaths) as well as measures of mask compliance and may be amended, extended or rescinded based on that information. For questions and current statistics for TCHD, go to www.tchd.org

Several areas in the 17th JD have opted out of TCHD’s local order; however, these jurisdictions will remain under the statewide 30-day mask order of the Governor for its duration including extensions. The communities that opted out of TCHD’s order that our relevant to the 17th JD include:

- City of Brighton
- Town of Bennett

“Wearing a face covering is one of the most important prevention measures we can take to control the spread of COVID-19, said John Douglas, Jr., MD and Executive Director of the Tri-County Health Department. “Together we can limit the spread of the virus and keep

vulnerable members of our communities healthy as well as help to keep our economy open and give our schools a chance to re-open as fully as possible.”

While Executive Order D 2020-164 and/or Chief Judge Amended Administrative Order 2020-09 issued August 21, 2020 are in effect, facial coverings must be worn in all indoor public spaces of the 17th Judicial District Courthouse and Probation buildings, and everyone entering the court buildings who is not subject to an exemption shall wear facial coverings. The Court will provide a facial covering to any visitor, witness, or attorney who did not bring one.

On August 27, 2020, I met with TCHD concerning modifications/additions to its previous directives. TCHD has stated, in addition to all items stated in the official report:

- Jurors should be social distanced 6 feet apart;
- Pools of jurors should be limited to 50 persons
- Health questionnaires and temperature taking should occur every day of juror service
- The ‘bookend’ directive of finishing jury trials within one week has been removed.

The 17th JD takes the TCHD’s recommendations seriously. The right to a jury trial in criminal cases is fundamental and guaranteed by the United States and Colorado constitutions, and it is of paramount importance to the judges in this district to resume jury trials in criminal cases as soon as possible, but only when jury trials can safely resume. I have determined that we cannot safely assemble, select, and empanel jurors in the Adams County courthouse until on or after September 21, 2020. We will continue to monitor and access available health data and trends to determine whether to postpone jury calls for public safety reasons. A jury trial plan will be issued upon completion and approval by TCHD.

Pursuant to the authority granted in Chief Justice Directive 95-01 and the directives found in Chief Justice Coats’ Orders dated March 16, 2020, March 20, 2020, April 16, 2020, May 5, 2020, June 15, 2020 and July 24, 2020, it is hereby **ORDERED as follows**:

1) Operations:

- a) The Adams County Justice Center and Broomfield Combined Courts will be open to the public from 7:30 a.m. to 4:30 p.m., Monday to Friday, excepting legal holidays.
 - i. The clerks’ offices in the 17th JD will be open from 7:30 a.m. to 4:30 p.m., Monday through Friday, excepting legal holidays.
 - ii. For the health and safety of the staff and visitors, the preferred method of doing business with the clerk’s office is by telephone and email, rather than in person at the clerk windows.
 - iii. Should questions arise, parties should contact court staff by telephone rather than travel to the courthouse. Please go to the 17th Judicial District webpage

located at:

https://www.courts.state.co.us/Courts/District/Index.cfm?District_ID=17

or call 303-659-1161 for the Adams County Justice Center and 303-464-5020 for the Broomfield Combined Court.

- iv. The courts will continue to operate with primarily virtual dockets for the month of September 2020. Staffing has been increased to nearly 100% to conduct all court business and to assist the judicial officers with their expanded virtual dockets. *It is anticipated that courts in the 17th JD will continue to operate with primarily virtual dockets through at least the remainder of 2020.*
- v. The dockets shall have staggered settings as coordinated by the Clerks of Court and the Court Executive, with the approval of the Chief Judge to ensure the best possible and safest customer service for both virtual proceedings and in-person proceedings.
- vi. The court anticipates that some matters may still have to be rescheduled during this time period. The party is ultimately responsible for ensuring that a matter is rescheduled by contacting court staff. Unless the matter has been rescheduled by the court, the party shall appear via remote technology (the preferred option) or in-person as scheduled and permitted by this Order.
- vii. The courts will continue to refine safe operations between August 31, 2020 and October 2, 2020 in all areas of the trial courts and probation, including preparation for jury trials starting September 21, 2020. The district will do so in a way that complies with the applicable executive and public health orders and advisories, maximizes public safety, minimizes the foot traffic in the courthouses, while increasing the number of matters heard by the judicial officers.
- viii. The courts will accept electronic filings through CCE for all case types in the CCE system by mail or through the clerk's office for all case types.
- ix. The courts have installed signage, sneeze guards, and barriers throughout the courthouse and these installations are completed.
- x. The courts have placed hygiene and disinfecting supplies in the courtrooms and meeting rooms. The courts have marked floors and chairs for safe social distancing throughout the courthouses in both common areas and courtrooms. The courts have placed disposable masks, gloves, hand-sanitizer and tissues in all courtrooms and meeting rooms.
- xi. Self-represented parties may file pleadings through email in:
Adams County at 17temp@judicial.state.co.us

and Broomfield at 17Broomfieldconsent@judicial.state.co.us

b) Rules concerning the public:

- i. Persons who meet any of the following criteria are PROHIBITED from entering either courthouse and instead should call the court to reschedule their court date, request to appear by phone, or receive further instructions:
 1. 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;
 2. Anyone who has been in direct contact with someone who has been diagnosed with COVID-19 within the preceding fourteen days;
 3. Anyone experiencing a fever, cough, shortness of breath, any other respiratory illness or flu-like symptoms.
- ii. The Chief Judge, Court Executive, Chief Probation Officer, Clerk of Court, the Adams County Sheriff's office and/or court security are authorized to deny entrance to or remove from the courthouses any person showing signs or symptoms (or self-reporting symptoms) of COVID-19. The Courts shall work directly and cooperatively with the Adams County Sheriff's office and the Broomfield Police Department to enforce this Order.
- iii. While in the courthouses, all persons shall maintain social distancing of at least 6 feet between persons.
- iv. All persons are required to wear masks or face coverings in the courthouse pursuant to Amended Administrative Order 2020-09. All attorneys, witnesses, and court personnel must wear their facial coverings at all times, unless an exemption exists or the person is otherwise granted permission by the Court to temporarily lower their facial covering. The security team at the front entrances of the courthouses and the judicial officers have a limited supply of disposable facemasks for this purpose.
- v. Parties shall avoid bringing additional persons to the courthouses.
- vi. The 17th JD has taken steps to adhere to the protocols issued by Tri-County Health Department and has met with and conferred with the deputy director of Tri-County Health Department for technical and medical advice. Tri-County Health Department has completed an official report for optimal and safe operations at the Adams County Courthouse. The report was requested to provide guidance and regarding the re-opening of the Adams County Justice Center. The entire report is public record and is posted on the 17th JD website.
- vii. Members of the public shall follow the directions of judicial officers, court

security, administration and the court staff.

- viii. Members of the public shall follow the directions of all signs posted at the front of the courthouses and posted throughout the courthouses.

2) Authorization for Remote Proceedings and Limited In-Person Proceedings:

- a. Judicial officers shall continue to conduct proceedings via remote technology wherever possible. Remote technology continues to be the recommended and preferred means of conducting proceedings. Judicial officers, in their discretion and as judicial resources allow, may continue to conduct proceedings in all docket types, by remote means only, through October 2, 2020. No judicial officer is required by this Order to hold any in-person proceedings. *It is anticipated that courts in the 17th JD will continue to operate with primarily virtual dockets through at least the remainder of 2020.*
- b. A proceeding shall be conducted by remote means through using telephone, video, WebEx, Conference NOW, or any combination thereof, as determined to be appropriate by the judicial officer.
- c. It is anticipated that judicial officers, in their discretion, may determine that an in-person hearing is required that is not related to a public safety matter as described below in 2.f. A judicial officer shall seek permission of the chief judge to conduct any such proceeding and shall comply with section 4 below after receiving permission to conduct the proceeding. Parameters associated with in-person proceedings may be modified consistent with guidance received from state and local officials by the chief judge.
- d. Effective immediately and through October 2, 2020, in-custody matters should be heard by remote means through video, WebEx, telephone, or combination thereof.
- e. Effective immediately and through October 2, 2020, out-of-custody defendants without attorneys shall contact the court clerk for the division in which the case is pending to receive further directions. In leaving voicemail messages, the defendants without attorneys shall include their first and last name, their phone numbers, their email address (if they have one) and a case number if available.
- f. 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. Any in-person proceedings shall be conducted in accordance with section 4) below. Public safety matters are limited to the following:
 - i. Petitions for temporary civil protection orders and permanent protection order hearings;

- ii. Petitions for temporary emergency risk protection orders and hearings on emergency risk protection orders;
- iii. Crim.P. Rule 5 advisement for incarcerated persons and the initial setting of bail;
- iv. Revocation hearings on complaints to revoke probation involving an incarcerated defendant;
- v. Proceedings necessary to protect the constitutional rights of criminal defendants including bond-related matters and plea agreements for incarcerated individuals;
- vi. In custody pretrial conferences for county court cases with the Defendant appearing by video when permitted;
- vii. Detention hearings for juvenile delinquency cases;
- viii. Shelter hearings in dependency and neglect cases or other juvenile proceedings;
- ix. Petitions for appointment of an emergency guardian and/or special conservator;
- x. Hearings on motions to restrict parenting time and parental abduction prevention;
- xi. Emergency mental health proceedings;
- xii. Other proceedings deemed necessary by the presiding judge (in consultation with the Chief Judge) to prevent a substantial risk of imminent financial hardship, or imminent risk to the health, safety or welfare of an individual or members of the community.

3) Jury Calls for Adams County:

- a. All jury calls through September 18, 2020 are cancelled.
- b. No jurors should appear at the courts prior to September 21, 2020. Any juror receiving a summons for this time period shall have their service postponed consistent with this Order. Juror summons have been issued for jury trials to commence on September 21, 2020.
- c. For jurors who have a jury summons for a date to appear commencing on or after September 21, 2020, please check the courts' website for updates.
- d. The Court will continue to evaluate public health information related to COVID-19 and determine whether the restrictions on calling jurors should be extended past September 21, 2020.
- e. On or before the scheduled trial date, the judicial officer shall determine the status of each case set for trial during this period. Judicial officers may ask whether the defendant waives or agrees to toll speedy trial. If a waiver or toll is not provided, judicial officers will issue detailed rulings on speedy trial issue in each case as necessary.
- f. To resolve the growing volume of criminal cases, judicial officers will exercise

discretion to accept late pleas and/or pleas with stipulated sentences.

4) Jury Calls for Broomfield County

a) Jurors summoned for jury service on or after August 10, 2020 shall check the court's websites for updates.

5) Protocol for In-Person Proceedings:

a) Judicial officers shall limit the number of persons and participants in the courtroom to less than 50 persons (including the judicial officer, clerks, deputies, attorneys, witnesses, professionals and parties) at all times, in compliance with state and local health department guidelines and may be subject to change if those guidelines are modified or additional guidelines are instituted by local public health agencies.

b) Judicial officers shall require all participants for an in-person proceeding maintain social distancing at all times (at least six feet apart from each other) and to wear a face covering or mask, unless an exception applies or the judicial officer allows the temporary lowering.

c) All parties are encouraged to maximize the use of electronic means to permit the remote appearance of counsel, parties, witnesses, and other persons interested in the proceeding, even during in-person hearings, subject to the orders of the judicial officer.

d) A person who falls within the definition of "Vulnerable individuals" may request permission not to attend an in-person proceeding. If the judicial officer is properly notified and concludes that the person is a Vulnerable individual, the judicial officer shall use caution and discretion prior to requiring the in-person attendance of that person in any in-person proceeding. Remote technology shall be used for Vulnerable individuals whenever possible. "Vulnerable individuals" include:

1. Individuals who are 65 years or 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;
6. Individuals determined to be high risk by a licensed healthcare provider

The "vulnerable individual" exception for attending a required in-person proceeding does not apply to criminal defendants.

- e) Judicial officers have the discretion to require all persons in the courtroom to wear masks or face coverings as set out in Amended Administrative Order 2020-09.
 - f) Judicial officers have the discretion to remove from the courthouse any person who shows signs or symptoms (or discloses is suffering from) of COVID-19.
- 6) **Social Distancing:** Social distancing shall be maintained with respect to all in-person activities within the courthouses.
- 7) **Prohibition on Group Gatherings:** There shall be no gatherings of groups larger than fifty (50) persons in either courthouse for any purpose. Social distancing shall be observed for all gatherings.
- 8) **Extrajudicial Activities:** The use of any of the courthouses for extrajudicial activities (e.g., the solemnization of marriages) is prohibited through October 2, 2020. However, at the discretion of the Chief Judge, certain meetings may be conducted on a limited basis at any of the courthouses, subject to a limit of no more than 50 people gathering in any one location and compliance with social distancing. The Court encourages groups that formerly met in the courthouses to meet remotely until further directive.
- 9) **Case Management Orders Issued by Judicial Officers:** The chief judge has authorized and encouraged individual judicial officers to issue Case Management Orders in response to COVID-19 (“CMO’s”) that apply to his/her division. This has occurred in the district court divisions in Adams and Broomfield Counties. Case Management Orders in response to COVID-19 have been issued and are available on the 17th JD website. The juvenile judges, the criminal judges, the domestic relations judges, the civil judges and the judges in Broomfield County, have issued CMO’s concerning the types of cases they are hearing now and the manner in which they are hearing those cases.

The CMO’s reflect that the Court is doing the most critical and important work at this time in consideration of the health crisis. The Court anticipates these CMO’s will be amended as the slow and incremental expansion of court services occurs and as jury trials return on September 21, 2020 in Adams County. The most current CMO’s are available on the 17th JD’s website.

- 10) **Temporary and Permanent Protection Orders:** Temporary protection orders are available on a daily basis as an essential public safety matter. Judicial officers shall attempt to and shall strongly encourage the parties to conduct permanent protection order hearings via remote technology. However, the Court recognizes that some PPO’s must be resolved by in-person appearances. In these limited situations, the judicial officers may conduct an in-person PPO hearing only if necessary and safety protocols are strictly followed.

- 11) **Adams County Court Civil Monetary Cases/FED cases:** The Adams County Court has devised a plan to safely handle the routinely large number of civil monetary cases and FED cases in response to COVID-19. CMO's have been issued by the court indicating the procedural changes, including moving to a non-appearance docket and requiring mandatory remote mediation for civil monetary cases. These CMO's are available on the 17th JD's website.
- 12) **Small Claims:** If you are scheduled to appear in small claims (S-1 or R-2) during the timeframe of this Order, please note your hearing will either be conducted by telephone or WebEx. Parties in the case will receive notice of instructions on how to contact the court for the hearing or will receive notice of a rescheduled court date from the court.
- 13) **Bond Forfeitures:** An automatic stay will be placed on all professional bond forfeitures through October 2, 2020.
- 14) **Problem-Solving Courts:** Each problem-solving court team has discretion to maintain contact with the participants and conduct staffing via remote technology, including probation and the judicial officer, to address any individual participant or case need. The judicial officer has discretion to determine what cases shall be heard on the individual circumstances of the participants. This will continue prior to virtual dockets being established. Each problem-solving court will begin implementing virtual dockets via remote technology as judicial resources permit.
- 15) **Probation:** The 17th Judicial Probation Department is open and is conducting business with clients at all levels. Probation officers are meeting with clients face-to-face (both wearing face coverings and social distancing), by WebEx and by telephone, depending upon the circumstances regarding safe and appropriate management of the case.
- 16) **Processing filings/"paperwork" and telephone calls:** The courts of the 17th JD have had an extraordinary number of telephone calls and emails during this community health crisis. Consequently, responses to telephone calls and emails may be delayed.
- 17) **Self-Help Centers:**
 - a) All self-help centers in the 17th Judicial District will remain closed to the public until further notice. All business will be conducted by telephone, 303-654-3555 and via email at 17shrc@judicial.state.co.us.
 - b) All court forms and instructions can be found at: https://www.courts.state.co.us/Self_Help/Index.cfm.

- 18) Public Health Order 20-28, Safer at Home, pursuant to the Governor's directive in Executive Order D 2020 044 mandates that the 17th JD implement symptom monitoring protocols and daily temperature checks for all judicial officers and staff at the worksite to minimize the transmission of the COVID-19 virus. The 17th JD has implemented an appropriate symptom monitoring protocol and mandatory reporting system. Judicial officers and staff throughout the entire 17th JD shall abide by the mandatory protocols issued by the Court Executive on May 18, 2020.
- 19) **Effective Date and Modification of this Order:** This Order is effective immediately upon the date and time entered below. Circumstances continue to change and this Order may be updated or modified frequently. The Chief Judge will continue to monitor available information and recommendations from health organizations, and this CJO 2020-01A7 may be revised or extended as deemed necessary.

SO ORDERED this 30th day of August, 2020, at 2:00 p.m.

By the COURT,



EMILY E. ANDERSON
Chief Judge
Seventeenth Judicial District