



**COVID-19 CASE MANAGEMENT ORDER AND PROTOCOL
FOR DEPENDENCY AND NEGLECT CASES IN ADAMS COUNTY**

As the COVID-19 situation in Colorado develops, the Judicial Department is continually working to balance public health considerations with the necessity to maintain fair and effective administration of justice for citizens and communities. This public health event is ever-changing. Please continue to check the Colorado court's website for further information.

In light of the Chief Judge's Administrative Order Regarding Court Operations Under COVID-19 Advisory, as amended, the following Case Management Order applies to all dependency and neglect cases in Adams County until further notice, and to all matters/hearings set after August 14, 2020.

Counsel and Guardians *ad litem* shall notify clients and special respondents of the information contained within this Case Management Order. The parties are responsible for ensuring that the Court, all counsel, and all other parties to the case have updated contact information.

Hearings and Trials.

A. Non-Contested Hearings.

The juvenile divisions will continue to hold all non-contested and non-evidentiary hearings via telephone or video conference through WebEx until further notice. This requires that the court stagger the start times of hearings throughout the day. While the Court has been staggering future hearing times, this still may result in the need to reset certain hearings that have already been set to different time on the particular day or to a different day depending on the

number of cases scheduled for that particular day. The judge or staff for your division will be in contact with the parties, directly or through counsel, if resetting is required.

While each division is staggering the start times of hearings (or in some instances setting only a few hearings each hour), for a variety of reasons there may be a delay from the scheduled start time of your hearing.

B. Contested Evidentiary Hearings

The juvenile divisions will continue to plan to hold contested evidentiary hearings such as adjudicatory hearings, custody hearings, contested motions for the allocation of parental responsibilities, and termination hearings by video and audio conference through the WebEx platform. In-person hearings for contested evidentiary matters will be allowed under certain circumstances as determined by the presiding judge and in consultation with the Chief Judge.

ANY OBJECTIONS TO PROCEEDING BY WEBEX MUST BE FILED NO LATER

THAN SEVEN DAYS PRIOR TO THE HEARING. ALL PARTIES MUST FIRST

COMPLY WITH C.R.C.P. 121 AND ATTEMPT TO REACH A RESOLUTION IN

GOOD FAITH. A determination will be made on a case-by-case basis by the presiding judge.

C. Adjudicatory Jury Trials.

Pursuant to the Chief Justice Order, adjudicatory jury trials may proceed at the direction of the Chief Judge. The 17th Judicial District is working to develop a jury trial plan and procedure. Civil and juvenile jury trials will be secondary in priority. We expect that jury trials will not be able to proceed until October 3, 2020 at the earliest. Court staff will reach out to the parties regarding any jury trial scheduled.

Temporary Protective Custody (TPC) Hearings Pursuant to C.R.S. §§ 19-3-403, 405.

A. Temporary Protective Custody Hearings a/k/a Shelter Hearings

Unless otherwise advised by the Court, shelter hearings will be scheduled to be heard at 1:30 PM each day. If more than one shelter hearing is scheduled, the start times of the hearings may be staggered in 15 or 20-minute increments. Call-in or video access information will be provided to the parties. Shelter hearings will not have in-person appearances. If the respondent parent does not have access to a telephone, the respondent parent may come to the courthouse and use a telephone to attend the hearing. Respondent parents should not bring any friends or family members with them into the courthouse. All parties entering the Adams County Justice Center and courtrooms shall abide by all safety precautions as issued by the Chief Judge and presiding judge.

B. Appointment of Respondent Parent Counsel.

The conditions caused by COVID-19 have resulted in restricted access to the court and numerous other limitations. The judicial officer may find that these conditions make the interim appointment of Respondent Parent Counsel to be necessary and in the interests of justice, regardless of whether an application for court-appointed counsel has been submitted. In addition, the conditions caused by COVID-19 have resulted in special emergency procedures which may be confusing to respondent parents. Due to these conditions, the judicial officer may find good cause for appointing respondent parent counsel as soon as possible pursuant to C.R.S. § 19-3-202(1) and CJO 16-02.

In light of these unique circumstances, the Court expects Respondent Parent Counsel to fully advise respondent parents in accordance with C.R.S. § 19-3-202(1) and to provide

respondent parents with the standard TPC forms including the application for appointment of counsel, relative affidavit, and ICWA forms. Respondent parents are required to complete and submit the standard TPC forms through counsel.

Pleadings and Motions.

Although dependency and neglect (D&N) cases recently became available for internal court use through our electronic case management system, external users are not yet able to electronically file their documents via the Colorado Courts E-filing system. All pleadings or motions should be sent to 17JVTemp@judicial.state.co.us.

Any emergency pleadings filed should be identified as a forthwith or emergency motion. Emergency motions are only those that require immediate court attention. The judicial officer will make the determination as to whether it is an emergency circumstance. Any emergency pleading filed by counsel in a D&N case should be sent to all of the juvenile division clerks.

Parties may electronically sign pleadings and motions pursuant to Rule 121 using the “s/”. The subject line of the email must include the case number, the name of the filing party, and the title of the document(s) being filed. Each email to the court may include multiple attachments but each pleading/report should be attached separately and be named with both the case number and the title of the document. Instructions for filing can be found on the Court’s website. In addition to the email filing, self-represented parties may file paper pleadings and motions in the Clerk’s Office.

Parties are expected to continue to comply with Rule 121 requiring consultation with other parties prior to filing any motion with the Court. The Court expects all parties to engage in, and document at the beginning of each motion, the efforts that were made to consult and attempt to resolve the contested matter.

Guidance for WebEx Hearings and Conferences.

Participants are strongly encouraged to log in before the time of their appearance and ensure that their devices are working properly.

Any exhibits to be referenced or submitted in any contested, evidentiary hearing must be sent to 17JVTemp@judicial.state.co.us at least four (4) court days before the hearing. Failure to provide exhibits to the Court in advance of the hearing could result in a continuation of the hearing or the inability to use the exhibits at the hearing. Multiple exhibits may be included in a single email subject to size limitations. Each exhibit should be a separate document or PDF and should be named with the exhibit number or letter and the name of the motion or hearing at which the exhibit is intended to be used. Exhibits should not be combined into a single PDF or document. Exhibits must be stamped or labeled by exhibit number or letter and preferably bates labeled.

The Court's expectations for telephonic and WebEx hearings are the same as in-person appearances. Participants should arrive on time, have phones and other devices set to silent, be respectful, and avoid talking over other speakers (except as necessary to respond to the judicial officer or make objections). To avoid background noise and interference, all phones and other devices should be placed on mute unless the party is speaking. To avoid background noise and interference with the proceedings, the presiding judge or division clerk may place any participant on mute through the WebEx platform.¹

¹ For additional information and guidance regarding using WebEx, please refer to https://www.courts.state.co.us/Courts/County/Custom.cfm?County_ID=55&Page_ID=1064.

The web addresses for the virtual courtrooms for each juvenile division is as follows:

- Judge Delgado/Div. S: <https://judicial.webex.com/meet/kathy.delgado>
(Access Code: 922-728-568)
- Judge Pugh/Div. D: <http://judicial.webex.com/meet/patrick.pugh>
(Access Code: 925-297-574)
- Magistrate Varmo/Div. D1: <http://judicial.webex.com/meet/varmo>
(Access Code: 928-793-204)
- Magistrate Blackett/Div. D2: <https://judicial.webex.com/meet/david.blackett>
(Access Code: 926-911-485)

To participate by video/audio: go to the Judicial Officer Web Link, enter your Name & Email address, then click "Join the Meeting." To participate by Webex phone app: click on your Webex Meeting phone app icon, click on "Join Meeting", then enter the Meeting Number (Access code) with no dashes, click "Join." The phone number to call in is: 720-650-7664 or 1-415-655-0001, then enter the Meeting # (Access Code) when prompted.²

The proceedings will remain open to the public in the event any witness or other member of the public wishes to attend. Either the physical courtroom will be unlocked and open or those people may attend digitally via the WebEx platform. Attendance by WebEx is strongly encouraged. All parties entering the Adams County Justice Center and courtrooms shall abide by all safety precautions as issued by the Chief Judge and presiding judge. **Those entering any courtroom shall have a proper face covering on at all times while in the courtroom.**

² Information on the virtual courtrooms for the juvenile divisions can be found at: https://www.courts.state.co.us/userfiles/file/Court_Probation/17th_Judicial_District/Adams/17th%20JD%20WebEx%20Instructions%20for%20Participants%20Juv%205_21_20.pdf

SO ORDERED THIS 3RD DAY OF AUGUST 2020.

Judge Kathy Delgado
District Court Judge

Judge Patrick Pugh
District Court Judge

Judge Bradley Varmo
Magistrate Judge

Judge David Blackett
Magistrate Judge