

DISTRICT COURT, BROOMFIELD COUNTY, STATE OF COLORADO Court Address: 17 Des Combes Drive Broomfield, CO 80020 Phone: 303-464-5020	Δ COURT USE ONLY Δ
<b>In RE the Matter of:</b>  <b>Petitioner:</b>  <b>Co-Petitioner/Respondent:</b>	
<b>COVID-19 CASE MANAGEMENT ORDER FOR DOMESTIC          RELATIONS CASES, effective May 1, 2020</b>	

The public health crisis posed by the novel corona virus COVID-19 has led to advisories and orders from the Center for Disease Control, the Colorado Department of Public Health and Environment and other public health departments and agencies, recommending active steps to slow the spread of COVID-19 and precautions the reduce the risk of exposure. In light of those advisories and orders, as well as Chief Justice Order Regarding COVID-19 and Operation of Colorado State Court and the Chief Judge of the 17<sup>th</sup> Judicial District Administrative Order Regarding Court Operations Under COVID-19 Advisory (“CJO”), the following Case Management Order applies to all domestic relations cases in Broomfield County until further notice and supplements any previous Case Management Order.

Pursuant to CJO, the 17th Judicial District has been operating on reduced staff and conducting hearings only on matters concerning public safety. In domestic relations cases, this includes motions to restrict parenting time under Colo. Rev. Stat. § 14-10-129(4) and motions for parental abduction prevention under the Uniform Child Abduction Prevention Act, Colo. Rev. Stat. § 14-13-5-101 *et seq.* All other hearings scheduled through May 1, 2020, that do not meet these requirements have been vacated and continued per CJO.

Beginning May 8, 2020, the domestic relations divisions will expand the scope of conferences and hearings to include certain non-emergency matters. The expansion of matters heard, like the rest of the re-opening of Colorado, will be gradual.

The judicial officers in the domestic relations divisions understand the importance of having family law matters adjudicated as quickly as possible and the stress uncertainty can cause parties while waiting to have their cases adjudicated. The judicial officers understand that some parties may want to appear for an in-person hearing as soon as possible. The judicial officers also understand that other parties, counsel or witnesses may not be comfortable with coming to the courthouse given the public health crisis and the increased risk of exposure to COVID-19 that comes with public interaction.

The goals of this Case Management Order are to balance these competing concerns, to promote the safety and health of the parties, attorneys, witnesses, and courthouse employees, and to give the parties and counsel guidance on what to expect operationally in the domestic relations divisions. To that end, the 17th Judicial District now has the capability conduct video hearings through Webex technology. For at least the month of May 2020, the domestic relations divisions will hold most hearings via telephone or video conference to minimize large group gatherings and maintain appropriate social distancing in the courthouse and individual courtrooms. While not all matters may be appropriate for telephone or video hearings, and not all parties or counsel may have the necessary technology for remote hearings, parties and counsel are encouraged to consider a telephonic or video hearing because it will allow your matter to be heard earlier than an in-person hearing.

Please review the following, which outlines the operations of the various divisions in the domestic relations court. Like the rest of the society, the judicial system is in uncharted territory with COVID-19 and the key for all involved is flexibility as we move towards a return to normal court operations.

**1. Initial Conferences with Family Court Facilitators**

Beginning May 4, 2020, the Family Court Facilitators will resume holding initial status conferences in both pre-decree and post-decree cases. At this time these conferences will occur by telephone or, in certain instances, video conference. Please note that more than one status conference may be set for a particular time, and there may be a wait time of up to 90 minutes from the scheduled start time. Rest assured, however, that the Family Court Facilitators will call as soon as they can and your status conference will take place.

## **2. Magistrate Docket**

Beginning May 8, 2020, magistrates will resume holding hearings on certain matters. For at least the month of May, hearings will be held by telephone or video conference. In-person hearings will only be allowed under exceptional circumstances as determined on a case-by-case basis by the magistrate. Due to staffing shortages and the continued need to reduce the number of people in the courthouse, magistrate dockets are expected to operate only two days per week for at least the month of May. Depending on staffing issues and the needs of each magistrate, the magistrate division's open days may vary from week-to-week. Unfortunately, this may result in the need to reset certain hearings that have already been set for days on which the magistrate division may be open.

## **3. District Court Judge Docket**

Beginning May 8, 2020, the district court judge will resume holding hearings on certain non-emergency matters. For matters that do not involve contested evidentiary hearings, such as pre-trial conferences, status conferences, discovery disputes, and similar matters, the hearings will be held by telephone or video conference. For at least the month of May, the district court judge will determine whether matters involving contested evidentiary hearings, such as permanent orders hearings, contested hearings on petitions for the allocation of parental responsibilities, hearings on motions to modify parenting time, decision-making, child support and/or maintenance, can be held effectively and efficiently by telephone or video conference. The decision whether a particular contested evidentiary hearing is appropriate for a remote hearing will be made on a case-by-case basis after considering all relevant factors, including preferences of the parties and counsel, availability of necessary technology, the nature and complexity of the contested issues, the number of witnesses, the volume of exhibits, and the length of time needed to complete the hearing. Until the court can resume normal in-person operations, in-person hearings for contested evidentiary matters will be allowed only under exceptional circumstances as determined on a case-by-case basis by the presiding district court judge. If the parties believe that a remote hearing is not appropriate in their case, the parties should contact the court as soon as possible to continue their hearing and minimize the delay in resetting the hearing for a time when in-person hearings will occur on a regular basis.

Due to the staffing shortages and the continued need to reduce the number of people in the courthouse, the district court docket is expected to operate two days per week for at least the month of May. Depending on staffing issues and the needs of the district court division, the days the division is open may vary from week-to-week. Unfortunately, this may result in the need to reset certain hearings that have already been set for days on which the district court division may be open.

#### **4. Filings with Court**

For parties who are not represented by attorneys and who do not have access to the court's electronic filing system, the court is temporarily allowing parties to submit court filing by e-mail. Parties who have the ability to transmit filings to the court through e-mail are encouraged to do so to reduce the number of persons entering the courthouse. The email address is: [17Broomfieldconsent@judicial.state.co.us](mailto:17Broomfieldconsent@judicial.state.co.us). The subject line must include the case number, the name of the filing party, and the title of the document being filed.

Unrepresented parties who do not have e-mail access may still file documents with the court in-person, but when doing so shall observe appropriate social distancing, shall wear a protective face mask, and if able, wear protective gloves.

#### **5. Guidance for Webex Hearings and Conferences**

The Court's expectations for parties, counsel, and witnesses attending hearings and conferences through Webex are the same as in-person appearances insofar as participants should arrive on time, be appropriately dressed, have phones and other devices set to silent, and should avoid talking over other speakers (except as necessary to make objections). Additionally, parties are encouraged to consider the following:

- Ensure you participate from a location with a strong internet connection that can handle the video and audio bandwidth for Webex;
- Ensure witnesses are prepared not only for their testimony but also that they have sufficient hardware, bandwidth, and understanding of Webex;
- Participate from a location with good overhead lighting and where you can eliminate noise from other sources in the home (family members, pets, loud appliances, etc.);
- Consider your background (avoid windows behind you or other back-lighting, avoid rooms with distractions such as pets or family jumping into view);
- Practice using Webex and its features, and feel free to contact the division clerk at least a week before the hearing or conference for an opportunity to conduct a "dry run" to test the system;

- Prepare for how the virtual presentation will impact your ability to present and discuss documents with witnesses and the court;
- As much as possible, have the camera at approximately eye level, and make eye contact with the camera; and
- Avoid rocking or swiveling chairs.

Parties should expect to further discuss Webex at a pre-trial conference, including additional guidance or direction as it relates to the submission of exhibits and witness participation.

SO ORDERED THIS 24<sup>TH</sup> DAY OF APRIL, 2020.

BY THE COURT:



Robert W. Kiesnowski, Jr.  
District Court Judge

#### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was sent via E-file to all counsel of record and pro se parties (whose address is listed in JPOD) this 24<sup>th</sup> day of April, 2020. Plaintiffs' counsel party is hereby ordered to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 10 days from the date of this Order.

BY THE COURT:



Robert W. Kiesnowski, Jr.  
District Court Judge