

<p>EIGHTEENTH JUDICIAL DISTRICT: ARAPAHOE, DOUGLAS, ELBERT and LINCOLN COUNTIES, COLORADO</p> <p>Arapahoe County Justice Center 7325 South Potomac Street Centennial, Colorado 80112</p> <p>Arapahoe County Courthouse 1790 West Littleton Boulevard Littleton, Colorado 80120</p> <p>Douglas County Justice Center 4000 Justice Way #2009 Castle Rock, Colorado 80109</p> <p>Elbert County Courthouse PO Box 232, 751 Ute Street Kiowa, Colorado 80117</p> <p>Lincoln County Courthouse PO Box 128, 103 Third Avenue Hugo, Colorado 80821</p>	<p style="text-align: center;">• COURT USE ONLY •</p> <p style="text-align: center;">First Amended Chief Judge Order 20-13 Effective December 1, 2020</p> <hr/> <p style="text-align: center;">Division 201</p>
<p style="text-align: center;">FIRST AMENDED CHIEF JUDGE ORDER 20-13 REGARDING COURT OPERATIONS IN LINCOLN COUNTY UNDER THE NOVEL CORONAVIRUS (“COVID-19”) ADVISORY</p>	

In light of the public health risk posed by the Novel Coronavirus (“COVID-19”) and the advisories and orders from the Centers for Disease Control, the Colorado Department of Public Health and Environment, and local public health departments recommending active steps to slow the spread of COVID-19 and precautions to reduce exposure, the 18th Judicial District Courts and Probation will continue to prioritize matters of immediate concern for public health and safety and will incrementally and methodically increase in-person appearances. The following CJO applies to the courthouse in Lincoln County only.

On May 5, 2020, Chief Justice Nathan B. Coats of the Colorado Supreme Court issued an Updated Order Regarding COVID-19 and Operations of Colorado State Courts. Until further directive, this Updated Order by the Chief Justice declared that state courts are to continue to operate on an emergency basis and that certain judicial functions must take priority over other matters. Chief Judges are to ensure, wherever reasonably feasible, all judicial proceedings continue to be conducted by remote means.

Pursuant to the authority granted in Chief Justice Directive 95-01 and the directives found in the Orders and Updated Order Regarding COVID-19 and Operation of Colorado State Courts, issued by the Chief Justice on March 16, 2020, March 20, 2020, April 16, 2020, May 5, 2020, and June 15, 2020, it is hereby **ORDERED** as follows:

(1) General Information:

- a. People who meet the following criteria are asked **not to appear** at the courthouse. Anyone meeting the below criteria should contact their attorney or the court to reschedule their case, request to appear by remote means, or receive further instructions. Similarly, people who meet the following criteria are asked **not to appear** at the probation office. Anyone meeting the below criteria should contact their probation officer to receive further instructions. The criteria include:
 - i. Anyone diagnosed with COVID-19 and who does not have written verification that the person has received a subsequent test confirming that person is currently virus free; or
 - ii. Anyone who has been in direct contact with someone who has been diagnosed with COVID-19 within the preceding 14 days;
or

- iii. Anyone experiencing COVID-19 symptoms such as a fever, chills, cough, shortness of breath or difficulty breathing, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea, vomiting or diarrhea.
- b. Pursuant to guidance from state and local public health officials and county officials, people coming to the courthouse and/or the probation office **must wear face coverings**. In addition, anyone entering either the courthouse or the probation office may wear gloves and may bring sanitizing wipes and/or a small plastic bottle of hand-sanitizer.

(2) Hours of Operations and Filings:

- a. The clerk's office in Lincoln County will be open from **8:00 a.m. to 3:00 p.m.** Monday through Friday, except for legal holidays.
- b. During operating hours, the clerk's office will accept paper filings for all case types. However, the public is strongly encouraged to submit paper filings via email in either WORD or PDF format to LincolnClerk@judicial.state.co.us or send them via U.S. mail to Lincoln County Combined Court, P.O. Box 128, Hugo, Colorado 80821. Filings related to public safety matters as outlined in section (5) remain the first priority of the court.
- c. During operating hours, anyone wishing to pay fines and costs in CR, M, JD, and T cases can do so in-person at the clerk's office, but the public is strongly encouraged to do so online at <https://www.its.courts.state.co.us/cjop/> or via U.S. Mail.

(3) Jury Calls: The Eighth Amended CJO 20-06, or any future version if amended, controls jury trials in the Eighteenth Judicial District. This CJO 20-06 is available on the court's website, along with detailed information for anyone who receives a jury summons.

(4) Remote Proceedings:

- a. Judicial officers, in their discretion and as judicial resources allow, may conduct any proceeding **in all docket types**, if such proceeding is conducted **by remote means only**.
- b. A proceeding may be conducted by remote means through using telephone, Polycom, Webex, other electronic means, or any combination thereof, as resources may allow. Instructions for conducting remote proceedings may be found on the court's website, the front entrances to the courthouses, or through the clerk of the courtroom where the proceeding is scheduled. The court's website is continually being updated with instructions and information for easy access to proceedings taking place in individual courtrooms. Individual courtrooms can be accessed at: (https://www.courts.state.co.us/Courts/County/Custom.cfm?County_ID=60&Page_ID=1083).
- c. Except for the official court record, recording of any portion of a remote proceeding is **strictly prohibited absent a court order granting permission**. Any violation of this provision may result in the imposition of sanctions, including contempt of court.
- d. Remote proceedings are court proceedings and all participants shall follow ordinary standards of decorum and any parameters which may be set forth by individual judicial officers in case management or other remote proceedings orders.

(5) Public Safety Matters: The courthouse in Lincoln County will continue to prioritize and conduct hearings on public safety matters. While judicial officers are strongly encouraged to conduct these public safety matters, where reasonably feasible, by remote means pursuant to section (4), they have discretion to determine whether public safety matters can occur in-person.

Any in-person proceedings shall be conducted in accordance with section (6) below. Public safety matters are **STRICTLY LIMITED** to the following:

- a. Petitions for temporary civil protection orders and permanent protection order hearings;
- b. Petitions for temporary emergency risk protection orders and hearings on emergency risk protection orders;
- c. Crim. P. Rule 5 advisements for incarcerated persons and initial settings of bail;
- d. Revocation hearings on complaints to revoke probation involving an incarcerated defendant;
- e. Proceedings necessary to protect the constitutional rights of criminal defendants including bond-related matters and plea agreements for incarcerated individuals;
- f. Detention hearings for juvenile delinquency cases;
- g. Shelter hearings in dependency and neglect cases or other juvenile proceedings;
- h. Petitions for appointment of an emergency guardian and/or special conservator;
- i. Hearings on motions to restrict parenting time and parental abduction prevention;
- j. Emergency mental health proceedings; and
- k. Other operations or matters that in the discretion of the Chief Judge are deemed necessary to prevent a substantial risk of imminent financial hardship, or imminent risk to the health, safety or welfare of any individual or members of the community at large, which shall be determined by the Chief Judge on a case-by-case basis after consideration of the circumstances existing for a particular case.

(6) Other Limited In-Person Proceedings: The Court recognizes that some litigants may not be able to appear via remote means, proceedings cannot be delayed indefinitely, and some proceedings may require personal appearances. In balancing the need to ensure access to justice and protection of constitutional and statutory rights with measures that have been taken to ensure public health and safety in the courthouses, the Chief Judge has

determined that certain other proceedings beyond those enumerated as Public Safety Matters in section (5) may be conducted in-person. While judicial officers are **strongly encouraged** to conduct these additional in-person proceedings by remote means, they have discretion to determine whether it is necessary for the following matters to occur in-person:

- a. Preliminary hearings in CR and JD cases;
- b. Plea dispositions in CR, M, T, and JD cases;
- c. Motions hearings in CR, M, T, and JD cases;
- d. Sentencing hearings in CR, M, T, and JD cases; and
- e. Any other proceeding not listed above that is expressly approved in advance by the Chief Judge on a case-by-case basis.

(7) Protocol for In-Person Court Proceedings:

- a. All in-person court proceedings shall be limited to **no more than 10 people per courtroom, absent express approval from the Chief Judge to exceed this limitation**. At least **six-foot social distancing** shall always be maintained, in accordance with guidance from state and local public health agencies, and may be subject to change if those guidelines are modified, clarified, or additional guidelines are instituted.
- b. Judicial officers shall ensure they set in-person proceedings in a manner which minimizes the number of people entering the courthouses and courtrooms at one time, including staggering start times on the dockets, alternating in-person and remote docket days, and coordinating dockets with buddy divisions and teams.
- c. Participants for an in-person court proceeding **shall maintain at least six-foot social distancing**, at all times, in accordance with current state and local public health agency guidelines.

- d. All participants appearing for in-person proceedings **shall wear face coverings**. A judicial officer may exercise their discretion to determine whether and under what circumstances a face covering can be removed by a participant on a case-by-case basis.
- e. Each courtroom shall have sufficient supplies to ensure in-person proceedings are safely conducted, including face coverings, hand sanitizer, tissues, disinfectant spray, disinfecting wipes, gloves, and trash cans, in accordance with guidance from state and local public health officials.
- f. Courtrooms shall be appropriately cleaned and sanitized as needed between in-person proceedings, during lunch breaks, and at the end of the day.
- g. In individual cases, the judicial officer has the authority to enter orders to address issues specific to the needs of the case so long as those orders are not less restrictive than the mandatory procedures for all cases set forth in this Chief Judge Order or in the Chief Justice's Orders of March 16, 2020, March 20, 2020, April 16, 2020, May 5, 2020, and June 15, 2020.
- h. Even in the case of an in-person court proceeding, the 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, which is subject to feasibility, available resources, and orders of the judicial officer.

(8) Social Distancing: Social distancing shall be maintained with respect to all other activities taking place within the courthouses and probation offices.

(9) Bond Forfeitures: An automatic stay will be placed on all professional bond forfeitures and timeframes and updates may be found the court's website.

(10) Probation: The probation office in Lincoln County will be open to the public from 8:00 a.m. to 3:00 p.m. The probation department is staggering in person reporting, and individuals needing assistance should email their probation officer directly or call the Probation Department at 719-743-2277.

(11) Extrajudicial Activities: The use of the courthouse and/or probation office in Lincoln County for extrajudicial activities or activities outside of routine business is prohibited until further notice, absent express approval of the Chief Judge. Any extrajudicial activities that are approved must comply with the limitations as outlined in section (7).

The Chief Judge will continue to monitor available information and recommendations from national, state and local public health officials in Lincoln County and this First Amended CJO 20-13 may be revised or extended as deemed necessary.

Dated November 25, 2020, to be effective December 1, 2020.

BY THE COURT:



Michelle A. Amico

Chief Judge

Eighteenth Judicial District