

District Court, Weld County, State of Colorado Court Address: 901 9 th Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632-2038	DATE FILED: June 19, 2021 2:36 PM
<p style="text-align: center;">ADMINISTRATIVE ORDER NO. 2021-04 <i>(Revised June 19, 2021)</i></p>	▲ COURT USE ONLY ▲
	Case Number: 2021 CV 01 Division 1
REVISED ADMINISTRATIVE ORDER REGARDING COURT OPERATIONS UNDER COVID-19 ADVISORY	

Since the COVID-19 (“novel coronavirus”) was first detected in Colorado in March 2020, I have issued numerous orders through consultation with and on behalf of our bench in an attempt to reduce the risk of exposure to those working at and utilizing the court and probation buildings in the 19th Judicial District. We have considered the advisories, information, and data circulated by the Centers for Disease Control and Prevention (“CDC”), the Colorado Department of Public Health and Environment (“CDPHE”), and local public health departments throughout Colorado to slow the spread of the disease and precautions to reduce the risk of exposure. We have considered the number of persons residing in Weld County who have been fully vaccinated or are in the vaccination process and the increased availability of vaccines. We have monitored daily the COVID-19 numbers posted on the CDPHE and Weld County Department of Public Health and Environment (“Weld County Health Department”) websites.

Per the data on the CDPHE webpage, the one-week positivity rate for Weld County has been steadily declining and now sits at 3.2%. Likewise, the one-week cumulative incidence number has been declining and is now at 40.2 per 100,000 in population. We will continue to monitor the data closely, particularly with the increase the rates of new variants of COVID in Colorado.

According to the Weld County Health Department, there have been no COVID-related deaths thus far in the month of June 2021. The rolling fourteen-day hospitalization in Weld County is presently 0.7 per 100,000 residents, which has been declining over time. The percentage of Weld County residents over the age of sixteen who are fully vaccinated is 53.3%, with another 5.9% who are in the vaccination series

process (partially vaccinated). In addition, 24.8% of Weld County residents aged 12-15 have received at least one vaccination dose.

On June 11, 2021, Governor Polis issued Executive Order D 2021-114 extending for thirty days previously issued orders declaring a state of disaster emergency in Colorado due to COVID. Governor Polis issued Executive Order D 2021-103 on May 14, 2021, removing the requirement for fully vaccinated persons to wear facial coverings in all but a few locations and scenarios, and the CDPHE issued similar provisions easing restrictions on the wearing of facial coverings in Third Amended Order 20-38, issued on May 31, 2021. These orders encourage unvaccinated persons to continue to wear facial coverings.

On May 17, 2021, Chief Justice Boatright issued Order Regarding Safety in Colorado Courthouses requiring persons in court and probation buildings to wear facial coverings through June 18, 2021. Chief Justice Boatright issued Updated Order Regarding Safety in Colorado Courthouses on June 15, 2021, expressing that he was not extending the May 17 order past June 18. He delegated the authority to the chief judge in each district to determine whether to issue an order requiring facial coverings after June 18, 2021. After conferring with our judicial officers, court executive, clerk of court, chief probation officer and deputy chief probation officer, **I have decided not to issue an order extending the requirement to wear facial coverings past June 18, 2021.** Unvaccinated persons, including our employees, are encouraged to wear facial coverings in court and probation buildings.

My intent is for this order to serve as a comprehensive operational order for the 19th Judicial District courts and probation. If there is any question regarding the continued application of the following COVID-related Administrative Orders, persons should understand that they are hereby vacated:

- Administrative Order 2020-07 Arrest Warrants
- Administrative Order 2020-08 Writs
- Administrative Order 2020-09 Public Administrator Authority
- Administrative Order 2020-10 Jury Calls
- Administrative Order 2020-12 Work Release
- Administrative Order 2021-01 Facial Coverings
- Administrative Order 2021-03 Resuming Jury Trials

I am not vacating Administrative Order 2020-05 authorizing the jury commissioner to release persons summoned for jury duty (prior to selection as jurors) for health reasons.

Pursuant to the authority granted to chief judges in Chief Justice Directive 95-01, the provisions found in Chief Justice Boatright's Operational Order dated May 6, 2021, and Chief Justice Boatright's June 15, 2021 Updated Order Regarding Safety in Colorado Courthouses,

It is hereby ORDERED:

1. **Operations**: The clerk's office will be open 8:00 a.m. to 4:00 pm., Monday through Friday, excepting legal holidays and closures due to unforeseen events (e.g. weather closures). Staffing levels may be reduced as coordinated by the Clerk of Court and the Court Executive, with the approval of the Chief Judge, as deemed necessary for health reasons. Paper filings will be accepted at the clerk's office. Pleadings may be mailed to the Clerk of Court, P.O. Box 2038, Greeley, Colorado 80632, and may also be submitted electronically through CCE for those with access. Please note that pleadings not related to public safety matters may not be processed as quickly as usual due to the volume of business.


2. **Court Proceedings**.

- a. The courts will continue to conduct hearings on public safety matters and will endeavor to utilize audio or video appearances as much as possible. Public safety matters include:
 - 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. Detention hearings for juvenile delinquency cases, which will continue to be held in Division 14 as normally scheduled;
 - vii. Shelter hearings in dependency and neglect cases or other juvenile proceedings;
 - viii. Petitions for appointment of an emergency guardian and/or special conservator;
 - ix. Hearings on motions to restrict parenting time and parental abduction prevention;
 - x. Mental health proceedings;
 - xi. Any other operations, matters, or individual cases that in the discretion of the chief judge are deemed necessary.
- b. When hearings are conducted for any matter set forth in Section 2.a above, judicial officers shall endeavor to limit in person participation

and encourage and accommodate telephone and/or video appearance for all participants and members of the public to the extent possible.

- c. Matters that are not contained in section 2.a above may be held by audio or video as permitted under Colorado law or court rules without first conferring with the Chief Judge, but the judicial officer should first confer with the Clerk of Court or designee to ensure that there is sufficient staffing to cover the proceeding(s).
- d. Judicial officers may conduct an in person proceeding for matters not listed in section 2.a if the judicial officer, after giving due consideration to all attendant circumstances existing in that individual case, determines that conducting the proceeding through audio or video means cannot reasonably be accomplished or to ensure that the legal and constitutional rights of litigants are protected.
- e. **Jury Trials:** Jury trials have resumed in the 19th Judicial District. I have vacated Administrative Order 2021-03 and the provisions of that order no longer apply. The provisions of Chief Judge Administrative Order 2020-05 Order Authorizing Release of Jurors for Health Reasons shall continue to apply until further notice. The following procedures will apply to summoning and gathering prospective jurors:
 - Jurors will be prescreened by court staff using placards containing juror health assessment questions shown on the following page. Staff will no longer be taking the temperature of persons reporting for jury duty. Any juror who answers “yes” to any one or more of the first three questions on the placard, including a “yes” answer to any of the symptoms listed in the first question, will be released before entering the jury assembly room and the juror’s service will be rescheduled for a later date. This administrative order provides authority for the jury commissioner and those assisting the jury commissioner to excuse the juror without any further actions taken by the judge presiding over the trial, because it is this Court’s finding that an answer of “yes” to any of these questions provides a sufficient basis to excuse the juror to reduce the possible risk of exposure to other persons. *See* C.R.S. §13-71-115(3) (“if a person’s answers to a questionnaire indicate that the person is disqualified or disabled from performing jury service ... or, in the opinion of the court, state grounds sufficient to be excused from jury duty ... the person’s name shall not be included in the jury pool and the court shall notify the person that he or she is excused from jury service.”).

The staff member shall note on the person's health questionnaire that the prospective juror was excused prior to entering the building.



**NINETEENTH JUDICIAL DISTRICT
WELD COUNTY COMBINED COURTS
JUROR HEALTH SELF ASSESSMENT**

Are you currently experiencing one or more of any of the following symptoms that are not common for you (or related to an underlying condition you have)?

- Fever of 100.4 or higher
- Cough
- Difficulty breathing or shortness of breath
- Muscle or body aches
- Sore throat
- New loss of taste or smell
- Fever or Chills
- Fatigue
- Headache
- Congestion or runny nose
- Nausea, vomiting, or diarrhea

Have you been diagnosed with or tested positive for COVID-19 within the past 14 days?

Have you been exposed in the past 14 days to someone who has been diagnosed with or has shown symptoms of COVID-19?

Are you or do you reside with a vulnerable individual?

- If a juror answers yes to the fourth question (residing with a vulnerable individual) and the person is not asking to be excused from jury service, court staff will direct the juror into the jury assembly room. If the juror requests to be excused, court staff will notify the trial judge, who may then discuss this with the attorneys.
 - After initial health screening has been completed, prospective jurors will present the completed juror summons questionnaire (the bottom part of the summons) to the jury commissioner.
 - The judge presiding over the jury trial is authorized to implement any procedures she or he deems necessary for the health, safety, and security of those participating in the jury trial.
- f. FED and CRCP 120 matters: the court will accept new filings on these matters, subject to the provisions of any applicable state or federal health orders pertaining to FED and Rule 120 matters.

- g. Entrance into the main courthouse shall occur through the west door only until further notice. The south door to Centennial Center will be closed until further notice, and therefore all persons must enter Centennial Center through the north entrance.
- h. For hearings that are held by WebEx, information for participants or members of the public to connect to a 19th Judicial District virtual courtroom proceeding via WebEx is found at:

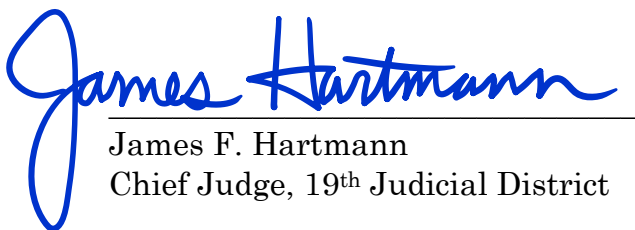
https://www.courts.state.co.us/Courts/District/Custom.cfm?District_ID=19&Page_ID=867

- i. Please check with security or the clerk's window to determine where the matter is being heard.
3. **Probation Offices.** The Chief Probation Officer, through consultation with the Chief Judge, will create operational plans that will include in person operations, as well as the use of telephone or video when deemed necessary.
 4. **Court Information Center.** The Court Information Center (CIC) has resumed walk-in services on a limited basis. The staff assigned to the CIC shall endeavor to continue providing services through telephone conferral and electronic means as much as possible.
 5. **Face coverings and hand sanitizer.** Facial coverings are not required to be worn in the 19th Judicial District courts and probation buildings after June 18, 2021, but unvaccinated persons, including court and probation employees, are encouraged to wear facial coverings. Persons may continue to wear facial coverings in the court and probation buildings, if they choose. Many courtrooms and other areas of the court and probation buildings have hand sanitizer available for use by the public. Members of the public may bring small plastic containers of hand sanitizer into the buildings.

We will continue to monitor available information and recommendations from health organizations and this order may be revised or extended, as deemed necessary.

Date: June 19, 2021.

BY THE COURT


James F. Hartmann
Chief Judge, 19th Judicial District