

TWENTY SECOND JUDICIAL DISTRICT in and for DOLORES AND MONTEZUMA COUNTIES	
STATE OF COLORADO	
ADMINISTRATIVE ORDER 2021-08 (Amended) CONCERNING PROCEDURES DURING PRESENT COVID-19 CRISIS	

In light of the public health risk posed by COVID-19 and the advisories from the Centers for Disease Control and the Colorado Department of Public Health and Environment (CDPHE) recommending active steps to slow the spread of the disease and precautions to reduce the risk of exposure, the courts and probation department of the 22nd Judicial District previously restricted access to the Courthouse and modified operations. The 22nd Judicial District will continue to adapt to changing conditions and will adjust courthouse operations as needed. The present indications are that the pandemic is slowly subsiding, however caution is called for as only 54% of the population of the state of Colorado have received at least one dose of the vaccinations for Covid-19 and the disease continues to claim lives every day. Further, guidance from the CDC has been modified and the State of Colorado has lifted statewide mask and distancing orders. On May 17, 2021 Chief Justice Boatright of the Colorado Supreme Court issued an order requiring all persons in the public portion of all Colorado State Court facilities are to continue to wear face coverings but which left discretion to Chief judges to adjust distancing guidelines as well as so called, “mask orders” for non-public portions of the facilities. Therefore, this order is intended to move the Courts and probation in the 22nd Judicial District closer to pre-pandemic normal while attempting to continue to provide for the health and safety of all who enter the court facilities in the 22nd Judicial District.

This order repeals and replaces all prior orders issued by the undersigned concerning conducting business during the present Covid-19 pandemic in the Montezuma County Combined Courthouse and the Dolores County Courtroom, clerk's office and judge's chambers.

Pursuant to the authority granted in Chief Justice Directive 95-01 and in consideration of the Chief Justice's Orders Regarding COVID-19 and Operation of Colorado State Courts, it is hereby ORDERED, effective immediately, as follows:

1. Persons Who May Not Enter the Montezuma Combined Courts building or the Dolores County Courtroom and clerk's office and judge's chambers:

Persons who meet any of the below criteria are prohibited from entering the Montezuma County Combined Courts building or the Dolores County Court facility including the Courtroom and the Clerk's office and judge's chambers.

a. Anyone who has been diagnosed with COVID-19 within the last 14 days. Once 14 days have passed from the date of the person's diagnosis and so long as that person no longer exhibits symptoms of Covid-19 as set for the in subparagraph c below; the person may freely enter the facilities, subject to the other restrictions of this order.

b. Anyone who has been in direct contact with someone who has been diagnosed with COVID-19 within the past 14 days;

c. Anyone who is experiencing a fever, cough, shortness of breath, any respiratory illness symptoms, muscle aches, sore throat, a new loss of taste or smell or chills, nausea, diarrhea, or a tickle or scratchy feeling at the back of the throat.

2. All persons entering the Montezuma County Combined Courts building and the Dolores County Courtroom and clerk's office through public access points are subject to health screenings as a condition of entry.

a. All persons entering the Montezuma County Combined Courts Building and the Dolores County courtroom and Clerk's office through public access points will have their temperature taken by courthouse security deputies by use of a touchless infrared thermometer. Said persons will also be required to answer basic questions to determine if that person is experiencing any of the symptoms described in paragraphs 1 (c) above or if any of the other circumstances described above in paragraphs 1. (a) and (b), apply to that person. If any person answers yes to any of the questions of if the person's temperature is above 100.4 degrees, that person will be denied entrance to the courthouse in Montezuma County or the court facilities in Dolores County, and they must leave immediately.

b. If any defendant who is appearing on the date of her/his court appearance is denied entry under this provision, the security deputies are to take that person's name and promptly inform the Judicial Assistants that the party appeared. The Judicial Assistants will inform the judge who is presiding over the Defendant's case. The Judge will then enter such orders as are appropriate. The defendant will be instructed by security to call the clerk's office at (970) 565-1111 in Montezuma County or (970) 677-2258 in Dolores County. The Judicial Assistants will then instruct the Defendant as to the results of the judge's order. Any defendant who is turned away from entry on a day that that person is scheduled to be in court before the time of day that the defendant was set will be deemed to have appeared for their case and no warrant will issue

for that defendant for a failure to appear for that particular day. In such case, it is the defendant's responsibility to obtain a new court date and to appear on that new court date.

c. If any defendant who is appearing as required by probation is denied entry under this provision, the security deputies are to take that persons' name and promptly inform the probation department that the defendant appeared. The defendant will then be instructed to call the probation department at 970-565-7216 for information about a rescheduling.

d. Any other person who is due in Court as a party or as a witness who meets any of the above criteria should not come to court but instead should call (970) 565-1111 for Montezuma County cases or (970) 677-2258 for Dolores County cases to receive further instructions.

3. Social Distancing and the use of face coverings

a. All persons in the Montezuma County Combined Courthouse, the Dolores County Courtroom and the Dolores County Court Clerk's office, except as set out below, must wear a face covering at all times. Any person who cannot wear a face covering for medical reasons may have contact with the Courts and probation by telephone, the US mail or by email.

b. Judicial and probation staff, and judicial officers need not wear a face covering if they are in their private office or in their separate cubicle. In addition, any person who is fully vaccinated for Covid-19, and who is in the secure non-public portions of the Montezuma County Combined Court building except as described below, need not wear a face covering while in said portion of the facility. This provision does not apply to any staff who is dealing directly and in person with the public including judicial assistants while they are helping persons at the clerk's window, probation staff while they are dealing directly with the public at the reception window and probation or judicial staff who are meeting with clients or the public in their individual

offices. The result is that fully vaccinated persons are free to move freely around the secure portion of the Montezuma County Combined Court without a face covering. A person is “fully vaccinated” for purposes of this order 14 days after they have had both doses of any two dose vaccine for Covid-19 or the single dose of the Johnson and Johnson Covid-19 vaccine. Staff, probation officers and judicial officers who have not been fully vaccinated must wear a face covering at all times unless they are at their work station or in their private office. Any person who wishes to wear a face covering may do so.

c. A face covering is a mask or other item made of cloth or paper which may be worn in such a manner as to cover the person’s mouth and nose. A cloth or paper mask must be made of material that is thick enough and with a sufficient weave that when the mask is held up to the light, objects beyond it are not visible except as a shadow, through the mask. Clear plastic face shields are acceptable substitutes if they wrap around the sides of the wearer’s face and extend to below the chin. The face covering must be worn correctly at all times in order to cover the nose and mouth of the wearer. Individual judges may allow or instruct persons wearing masks in their courtroom to remove them briefly if needed in the course of a hearing if the judicial officer deems it necessary to see the entire face of a witness. Witnesses who are testifying behind a clear glass-like screen may remove their mask while testifying.

d. Any person who wishes to enter the Montezuma County Combined Court building or the Dolores County Courtroom for judicial business who does not have a face covering may obtain one at the security screening station in Montezuma county or at the clerk’s office in Dolores County. The District will provide a mask, free of charge, to that person, so long as the District’s supply lasts. The 22nd Judicial District has a limited supply of masks and when it has

exhausted its supply, the requirement that the security deputies or the clerk's office hand them out will be suspended until such time as a supplemental supply is procured by the district.

e. Any person entering the Montezuma County Combined Courthouse and the Dolores County Courtroom, clerk's office and judge's chambers will strictly observe social distancing. "Social distancing" as used in this order means staying at least 3 feet from any other person at the courthouse at all times. Persons who live together may be closer than 3 feet from each other, but the family unit will remain at least 3 feet from any other person. All prior restrictions on the number of persons in a courtroom are lifted, provided all persons are able to space themselves as set out above (at least 3 feet apart).

4. Hours of operation

The Clerk's of Court are authorized to set such hours of operation as they deem appropriate. The Chief Probation officer is free to set such hours for public entry into the probation offices as she deems appropriate.

5. Filings (non-warrant)

The court will continue to accept electronic filings through ICCES for case types in the ICCES system, or through other established systems. Any attorney must continue to file through the ICCES system, any pleading which is accepted by that system. Persons who are not represented or attorneys who are filing documents in a case type that is not supported by ICCES may file pleadings by US mail, Fed Ex, UPS, FAX or by e-mail. Any person filing by FAX should telephone the clerks after faxing their document to confirm receipt of the document. Any person filing by email should include the document as a PDF attachment with a cover email showing their email address and other contact information. All pleadings must continue to

include a certificate of service that is properly filled out and signed. In-person filing will still be accepted, but is highly discouraged.

6. Filings for warrants

a. Law enforcement is to present all requests for warrants (both search and arrest) through the on-call judge web address previously used for after-hours filing. Law enforcement is not to present requests for warrants in paper form. This requirement applies 24 hours per day, regardless if the Courthouses are open or not. During business hours, law enforcement seeking a warrant will send the warrant request to the on-call judge mailbox and then will call the appropriate clerk's office (Montezuma county at (970) 565-1111 or Dolores county at (970) 677-2258) and inform the clerk that a request for warrant has been emailed to the on-call judge e-mail address. The Clerk will then arrange for any available judge to review the request. If the warrant is granted, an electronic copy will be sent to the person requesting it by the clerk. If the warrant is not granted, the clerk will inform the officer.

b. During non-business hours, law enforcement who is seeking a warrant will follow the on-call judge procedure as established by the court.

7. Jury Trials

Jury trials will be conducted in accordance with Administrative Order 21-04 with the following modifications,

a. Civil jury trials may resume.

b. Persons must maintain a distance of no less than 3 feet from each other rather than the 6 feet provided for in that order.

c. Broadcasting of trials by WebEx need not occur in any case as the Courtrooms are open to the public, subject to the restrictions contained in this order.

d. Judges may conduct jury selection in any manner that they wish.

e. Juries of 6 will use the jury rooms for deliberations and mid-trial breaks.

8. Hearings other than jury trials in criminal cases.

Effective immediately, the presumed mode of appearance for court proceedings will be in person. Attorneys, litigants and witnesses are expected to appear in person at the Courthouses in the 22nd Judicial District. WebEx appearances will still be allowed for most appearances in criminal cases where the Defendant is incarcerated. The Defendant must appear personally in any criminal matter where evidence is anticipated to be taken or where a guilty plea will be offered, or a sentence is to be imposed. Individual judges are granted the flexibility to determine what other types of cases the individual judge will allow appearances by WebEx. The judges are granted the authority to put such restrictions as they believe are best on WebEx video appearances including any limitations. Appearances by telephone without video will be allowed only with specific advance permission from the judge. This includes appearances using the WebEx application with a telephone only without video. Any person who attempts to appear by telephone without prior approval of the judge may be deemed to have failed to appear. The individual judges are granted discretion to allow appearances by telephone based upon the individual circumstances of the case or the parties.

9. Hearings and appearances civil proceedings

Hearings and appearances civil proceedings (including domestic relations and dependent and neglected child cases), may be conducted by using WebEx or in person as the individual judges deem appropriate. When deciding which proceedings to allow by WebEx the judge is to consider the length of the session and the location of the parties and attorneys when determining whether individual proceedings or proceedings of a certain type will be conducted by WebEx or in person. Judges are authorized to allow hybrid appearances where some persons are present in person and some are appearing by WebEx. No appearance by telephone will be allowed except with the specific prior permission of the judge. This includes appearances using the WebEx application with a telephone only without video.

10. All exhibits in civil proceedings, that are offered in a particular hearing must be pre-marked and e-filed by an attorney or emailed to the clerk and the other party, at least 24 hours prior to the hearing. Any paper or other physical exhibit will be exhibited and handled as directed by the presiding judge. Any exhibit in a criminal matter will be e-filed by the attorney who offers it for admission, once the exhibit is admitted. No physical exhibits will be admitted except with the permission of the judge hearing the case and then only under circumstances that require the actual physical item be admitted.

11. Extrajudicial Activities:

The use of the Montezuma County Combined Courthouse or the court facilities (Courtroom, Jury Room and Clerk's office) in the Dolores County Courthouse for extrajudicial activities (e.g., the solemnization of marriages) will be allowed only with permission of the Chief Judge.

12. Requests for Records

Instructions with regard to making requests for records may be obtained by calling (970) 565-1111 for Montezuma County and (970) 677-2258 for Dolores County.

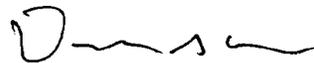
13. Enforcement of order

Any person who fails or refuses to comply with any portion of this order will be denied entry to the Court facilities or ordered to leave the building. Persons who refuse to comply may be found to be in contempt. Court Security is authorized and ordered to remove or deny entry to all persons who refuse to comply with the provisions of this order.

14. Modifications of this Order

Circumstances have changed rapidly and may continue to do so. The Chief Judge has the discretion to waive any provision of this order as he deems in the interest of the public and justice. The Chief Judge will continue to monitor available information and recommendations from health organizations and this order may be revised or extended, as deemed necessary. All are encouraged to regularly check the website for the Colorado Judicial Branch (www.courts.state.co.us) for the latest information, including the page that is specific to the 22nd Judicial District.

APPROVED AND SIGNED this 4th of June, 2021.



Douglas S. Walker
Chief Judge

