

TWENTY SECOND JUDICIAL DISTRICT in and for DOLORES AND MONTEZUMA COUNTIES	
STATE OF COLORADO	
FIRST AMENDED ADMINISTRATIVE ORDER 2020-02 CONCERNING PROCEDURES DURING PRESENT COVID-19 CRISIS	

WHEREAS:

The Governor of Colorado has declared a State of Emergency related to the presence of novel coronavirus 2019 (COVID-19) and the President of the United States has declared a National Emergency due to COVID-19. Furthermore, the Colorado Department of Public Health and Environment (CDPHE) is working to stop the spread of COVID-19 transmission that threatens the health of residents and risks overwhelming the healthcare system in the State of Colorado.

In light of the public health risk posed by COVID-19 and the advisories from the Centers for Disease Control and CDPHE recommending active steps to slow the spread of the disease and precautions to reduce the risk of exposure, effective immediately, the courts and probation department of the 22nd Judicial District will be operating with reduced staff and will focus on matters of immediate concern for public safety and those matter which may be handled by audio-visual devices. It is the intent of the 22nd Judicial District to comply with Public Health Order 20-28 issued by CDPHE as well as to attempt to provide guidance to allow for the conducting of necessary judicial business.

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 dated March 16, 2020, March 20, 2020 and May 5, 2020, it is hereby **ORDERED** as follows:

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

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.

a. Anyone who has been diagnosed with COVID-19 and who has not tested free of the virus;

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 or any flu-like symptoms; or has been in direct contact with someone who is experiencing flu-like symptoms.

d. The courthouse security deputies are authorized to refuse entry into or remove from the Courthouse anyone who exhibits symptoms of fever, cough, shortness of breath, or any respiratory illness symptoms or flu-like symptoms.

e. If any criminal defendant or party in other matters who is appearing on the date of her/his court appearance is denied entry under this provision, the security deputies are to take that persons' name and promptly inform the clerks that the defendant appeared.

The defendant or party will then be instructed to call the clerk at 970-565-1111 in Montezuma County or (970) 677-2258 in Dolores County for information about a resetting. The Clerk will promptly notify the Court that the defendant or party was to appear in of the situation. 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 for, will be deemed to have appeared for their case and no warrant will issue for that defendant. It is the defendant's responsibility to obtain a new court date and to appear on that new court date.

f. 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.

g. Any person who is due in Court for reasons other than criminal cases who meet 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 reschedule their court date, request to appear by phone, or to receive further instructions.

2. Appearance of attorneys

All attorneys are hereby authorized and encouraged to attend any and all proceedings by telephone or WebEx, except for any jury trials.

3. Operating hours

The courts and probation department will be open in the Montezuma County Combined Courthouse from 8:00 a.m. to Noon and then 1:00 p.m. to 5:00 pm., except weekends and legal holidays. The courts in Dolores County will be open from 8:00 a.m. to 2:00 p.m. on Mondays and Tuesdays and from 9:00 a.m. to 1:30 p.m. on Fridays. These hours are subject to change by order of the Chief Judge. The number of employees who are physically present and working at the justice center, however, will be reduced as coordinated by the Court Executive, Chief Probation Officer, and Clerk of Court, with the approval of the Chief Judge. Every effort will also be made to facilitate work from remote locations using available technology, including virtual desktops, but due to the reduction in staffing levels, the processing of filings not related to public safety matters may be delayed.

4. 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 an 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.

5. Filings for warrants

Law enforcement is to present all warrants (both search and arrest) through the on-call judge web address previously used for after-hours filing. This requirement applies 24 hours per day, regardless if the Court houses are open or not. Law enforcement should call the Montezuma Combine Court clerk's office (970) 565-1111 (if calling during business hours), or the on-call judge telephone number (if calling after hours) to inform the courts that a request for a warrant has been filed. During business hours, the Clerk will then notify the appropriate judge of the existence of the warrant. During other times, the on-call judge will process the warrant as previously done.

6. Limitations on Hearings other than jury trials

a. Except for matters concerning public safety as described in section 6.b. below, most appearances, hearings, conferences, criminal motions and bond hearings and civil trials set from the date of this order through 5:00 p.m. July 5, 2020 will be by video (WebEx) or telephone. The individual judges are expressly authorized to hear any matter that can be heard by telephone or by audio-video device.

b. The courts will continue to conduct hearings on public safety matters. The preferred method to hear these cases is by telephone or audio-visual devices. However, the following public safety matters may be conducted in person:

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 advisements for incarcerated persons and the initial setting of bail;

iv. Revocation hearings on complaints to revoke probation involving an incarcerated defendant or juvenile;

v. Proceedings necessary to protect the constitutional rights of criminal defendants and juveniles who are incarcerated, including bond-related hearings, plea hearings, trials to the court and sentencing hearings;

vi. Detention hearings in juvenile delinquency cases;

vii. Shelter hearings in dependency and neglect cases or other juvenile (JV) 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. Emergency mental health proceedings;

xi. Other proceedings deemed necessary by the Chief Judge to prevent a substantial risk of imminent financial hardship, or imminent risk to the health, safety or welfare of an individual or members of the community.

c. When hearings are conducted for public safety matters, and when permitted by law (i.e., C.R.C.P. 43), courts shall discourage in-person participation and encourage and

accommodate telephone and/or video appearance for all participants. Any subpoena issued will instruct the witness to appear by telephone and not in person, by calling (970) 565-1111.

7. Social Distancing and the use of face coverings

a. Any person entering the Courthouses of the 22nd judicial district will strictly observe social distancing. Social distancing as used here means staying at least 6 feet from any other person at the courthouse at all times. If any person wishes to observe any court appearance in person, they may do so by entering the courtroom of the judge hearing the case, provided that no judge shall allow more than 10 persons, including the judge, court staff, attorneys, parties and security deputies to be in any single courtroom at one time. All persons who are intending to enter any courtroom, including counsel and parties will proceed directly from the secure entry to the Clerk's window marked with a check-in sign. The person will the need to declare which courtroom they are going to. The judicial assistant will then indicate whether the courtroom has sufficient room for the person or not. If there is enough room, the judicial assistant will inform the person to go to the courtroom. If there is not enough room, then the clerk will instruct the person where to wait until there is enough room in the courtroom for the person to enter. If a person enters the building and wishes to visit the clerk's office or other staff (i.e. self-represented litigant coordinator, family court facilitator or collections investigator) the judicial assistant at the check in window will determine if that employee is in their office and if that employee is free to see the person. All persons waiting to see the clerk or other employee or to enter a courtroom will wait as directed by the judicial assistants who

may seek assistance from Court security. Any person who refuses or fails to follow these directions will be escorted from the building with the assistance of Court Security officers.

b. There will be times when individual judges have a need for a docket that in the past would have normally resulted in more than 10 persons in the Courtroom. Under these circumstances, each individual judicial officer will conduct their large docket in a fashion to stagger the entry of defendants so that there are never more than 10 persons in the courtroom. If there is a need to allow more than 10 persons to participate in or observe a proceeding, for example a sentencing with multiple victims, the seating in the courtroom, after the court staff, parties, attorneys and security will be on a first come basis. If there are persons who are entitled by law to observe a proceeding and those persons are not able to be physically present in the Courtroom because of this provision, the Court will utilize audio-visual devices such as WebEx so as to allow the entitled person to see, hear and take part in the hearing. Any person who is in the courtroom who is not directly connected to the case such as parties, attorneys or witness when testifying, will be removed from the courtroom if the space is needed by someone who has a right to be present.

c. Any party will be represented by one and only one attorney at a time directly in the Courtroom. Any party who is represented by more than one attorney or who wishes to have the attorney's staff present, shall notify the Court in advance and the court will endeavor to make arrangements for the extra attorneys or staff to have access to the courtroom by audio visual device. In this occurrence, the attorney in the courtroom may

have contemporaneous telephonic or email contact with the other attorney or staff person monitoring the case from outside the courtroom.

d. Every person entering the courthouse of the 22nd judicial district on judicial business of any kind, including to go to the probation department, are encouraged to wear a face covering which covers their nose and mouth. Any person who wishes to enter for judicial business, (i.e. Court, filing, probation business, etc.) who does not have a face covering which covers the person's nose and mouth may approach the clerk's check-in window and ask for a face mask, which will be provided, free of charge to that person. Any person who is entering the building in order to visit the probation department may ask for a mask at the probation department window. The judicial district has a limited number of masks and if none are available because the district has exhausted its supply, the requirement that the clerk's office hand them out will be suspended until such time as a supply is procured by the district.

8. Jury Calls

All jury calls for a return date between the date of this order, and July 5, 2020 are cancelled. No juror will be called for a trial scheduled to be held from the date of this order to July 5, 2020. Any juror who has received a summons for this time period, is released from the jury duty referred to in the notice.

9. Extrajudicial Activities:

The use of the Montezuma County Combined Courthouse for extrajudicial activities (e.g., the solemnization of marriages) is prohibited. The use of the court facilities (Courtroom, Jury Room and Clerk's office) in the Dolores County Courthouse

for extrajudicial activities (e.g., the solemnization of marriages) is prohibited. Nothing in this provision will prevent meetings that are called by the chief judge or with the permission of the chief judge, for judicial purposes, provided that such meetings will not exceed 10 persons and the attendees are able to stay at least 6 feet apart.

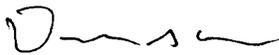
10. Requests for Records

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.

11. Modifications of this Order

Circumstances have changed rapidly and may continue to do so. The Chief Judge has the sole 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 19th of May, 2020.



Douglas S. Walker
Chief Judge, 22nd Judicial District