



**CHIEF JUDGE ORDER 2020-12
STATE OF COLORADO
FIRST JUDICIAL DISTRICT**

**COVID-19 ORDER REGARDING THE SLOW
AND INCREMENTAL EXPANSION OF COURT
OPERATIONS BEGINNING MAY 18, 2020**

This order is being issued to explain how the courts will slowly and incrementally increase operations during the COVID-19 (coronavirus) pandemic. In light of the public health risks posed by COVID-19 and the orders and advisories from federal, state, and local governments recommending the continuation of active steps to slow the spread of COVID-19, the court will continue to operate with reduced staff and will continue to prioritize essential matters. Beginning on May 18, 2020, the court will slowly and incrementally increase operations, including very limited in-person proceedings, as outlined below.

1. THE COURT IS ABLE TO SLOWLY AND INCREMENTALLY INCREASE OPERATIONS BEYOND ESSENTIAL MATTERS

- a. On March 16, 2020, Chief Justice Coats declared that the courts “can no longer continue normal operations and must . . . operate on an emergency basis” during the pandemic. He suspended all jury calls for a limited time and ordered that operations be limited to essential matters.
- b. Pursuant to Chief Justice Coats’ directive, the court issued CJO 2020-03 (COVID-19 Order for Limited Operations Through May 1, 2020) on March 19, 2020, which was later extended through May 17, 2020. This and subsequent orders clarified the court’s limited operations and how it would hear essential matters.

- c. On May 5, 2020, Chief Justice Coats reaffirmed that certain types of matters are essential and must be completed during the pandemic:
- i. Petitions for temporary civil protection orders and permanent protection orders 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;
 - 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;
 - 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. Emergency mental health filings and proceedings; and
 - xi. Any other operations or matters that in the discretion of the Chief Judge are deemed necessary to prevent a risk of imminent financial hardship or imminent risk to the health, safety, or welfare of any individual or 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.

See Updated Order Regarding COVID 19 and Operation of State Courts. The court refers to these eleven matters as “Essential Matters.” He also gave further discretion to the Chief Judge to slowly and incrementally expand court operations beyond Essential Matters.

- d. With this directive and the expiration of the stay-at-home orders of Jefferson County and neighboring jurisdictions, the court believes that it must slowly and incrementally expand operations beginning on May 18, 2020. The court will do so in a way that complies with applicable orders and advisories, maximizes public safety, and minimizes the traffic in the courthouse, while increasing the number of matters heard by judicial officers. The court will continue to operate under a reduced staffing model as modified by administration. Judicial officers will be in the courthouse and/or available to cover matters for others as necessary. If other orders are entered that potentially impact this order, the court will modify this order as necessary.

- e. The following is a brief summary of the EXPANSION OF OPERATIONS BETWEEN MAY 18 AND MAY 31, 2020.
 - i. On May 18 (Monday) and May 26 (Tuesday), five or six district court divisions will hold criminal dockets which will bring most of the traffic into the courthouse. The county court criminal divisions will have advisements only (no arraignments).

 - ii. On May 21 (Thursday) and May 27 (Wednesday), one county court criminal division will hold a criminal docket (limited to 60 defendants) which will bring most of the traffic into the courthouse.

 - iii. When district court divisions are not holding criminal dockets, they may bring in very limited traffic for civil, domestic, probate, juvenile, and off-docket criminal matters.

 - iv. The county court civil division will have limited dockets throughout the week.

 - v. Magistrates and the problem solving courts will continue to do most of their work via Remote Technology (as defined below).

- f. The following is a brief summary of the EXPANSION OF OPERATIONS BETWEEN JUNE 1 AND JULY 5, 2020.
 - i. On Mondays, five or six district court divisions will hold criminal dockets which will bring most of the traffic into the courthouse. The county court criminal divisions will have advisements and arraignments but not general criminal dockets.

 - ii. On Tuesdays through Thursdays, two county court criminal divisions will hold criminal dockets (limited to 60 defendants) which will bring most of

the traffic into the courthouse. The number of county court criminal divisions that hold criminal dockets may be increased during June.

- iii. When district court divisions are not holding criminal dockets, they may bring in very limited traffic for civil, domestic, probate, juvenile, and off-docket criminal matters.
- iv. The county court civil division will have limited dockets throughout the week.
- v. Magistrates and the problem solving courts will continue to do most of their work via Remote Technology.

- g. **JUDICIAL OFFICERS SHALL CONTINUE TO CONDUCT PROCEEDINGS VIA REMOTE TECHNOLOGY WHENEVER POSSIBLE. "REMOTE TECHNOLOGY" INCLUDES AUDIOVISUAL TECHNOLOGY (SUCH AS WEBEX OR LIFESIZE) AND MAY INCLUDE TELEPHONIC TECHNOLOGY IN SOME CIRCUMSTANCES. REMOTE TECHNOLOGY CONTINUES TO BE THE RECOMMENDED AND PREFERRED MEANS OF CONDUCTING PROCEEDINGS. IN-PERSON APPEARANCES ARE THE EXCEPTION (NOT THE RULE) AND ARE LIMITED TO THE VERY NARROW SITUATIONS AS EXPLAINED BELOW.**

2. HOURS OF OPERATION, FILINGS, AND GENERAL INFORMATION

- a. Jefferson County Combined Courts will be open from 8:00 a.m. to 5:00 p.m., Monday to Friday, except legal holidays. The public may enter the clerk's office between 7:30 a.m. and 2:30 p.m. to conduct business. The clerk's office will be closed for mandatory cleaning protocols from 11:30 a.m. to 12:30 p.m. each day. The public, however, shall utilize U.S. Mail, online options, or phone inquiries whenever possible, rather than traveling to court.
- b. Gilpin County Combined Courts will be open from 9:00 a.m. to 4:00 p.m., Monday to Friday, except legal holidays. The public may enter the clerk's office during these hours to conduct business. The public, however, shall utilize U.S. Mail, online options, or phone inquiries whenever possible, rather than traveling to court.
- c. The Chief Judge, Court Executive, Chief Probation Officer, Clerk of Court, and/or Court Security are authorized to deny entrance to or remove from the courthouse any person showing signs or symptoms of COVID-19. The court shall work directly and cooperatively with the local Sheriff's office to enforce this order.
- d. Court staffing will continue to be at reduced levels as coordinated by the Court Executive and Chief Probation Officer with the approval by the Chief Judge.

- e. No weddings will be performed.
- f. Parties shall avoid bringing additional persons to the courthouse.
- g. Should questions arise, parties should contact court staff by telephone, rather than travel to court. Additional information can be found on the court's website (https://www.courts.state.co.us/Courts/District/Index.cfm?District_ID=1).
- h. The court anticipates that many matters will have to be rescheduled. As previously noted, although court staff may attempt to reschedule matters, **THE PARTY IS ULTIMATELY RESPONSIBLE FOR DOING SO BY CONTACTING COURT STAFF. UNLESS THE MATTER HAS BEEN RESCHEDULED BY THE COURT, THE PARTY SHALL APPEAR VIA REMOTE TECHNOLOGY (THE PREFERRED OPTION) OR IN-PERSON AS SCHEDULED AND PERMITTED BY THIS ORDER.**

3. **RULES FOR THE PUBLIC**

- a. While in the courthouse, **ALL PERSONS SHALL AVOID GATHERINGS OF 10 PERSONS AND MAINTAIN SOCIAL DISTANCING OF AT LEAST SIX FEET BETWEEN PERSONS.** Although the court recognizes that security screening for entry into the courthouse may result in lines greater than 10 persons, the court will manage entry into the courthouse in a manner that ensures proper social distancing.
- b. Members of the public are strongly encouraged to wear masks in the courthouse. Judicial officers have the discretion to require persons to wear masks in their courtrooms as necessary.
- c. Persons who are sick, show signs or symptoms of COVID-19, or have active COVID-19, should not come to court. If an appearance is scheduled, the person should make all reasonable efforts to contact the court to reschedule the matter.
- d. The court has taken steps to adhere to the protocols set forth in Public Health Order 20-28 (Safer at Home). It also has met with the Executive Director of Public Health for Jefferson County.
- e. Members of the public shall follow the directions of judicial officers, court security, administration, and court staff.

4. **RULES FOR VERY LIMITED IN-PERSON PROCEEDINGS**

- a. **JUDICIAL OFFICERS SHALL CONTINUE TO CONDUCT PROCEEDINGS VIA REMOTE TECHNOLOGY WHEREVER POSSIBLE. REMOTE TECHNOLOGY CONTINUES TO BE**

THE RECOMMENDED AND PREFERRED MEANS OF CONDUCTING PROCEEDINGS. IN-PERSON APPEARANCES ARE THE EXCEPTION (NOT THE RULE) AND ARE LIMITED TO VERY LIMITED SITUATIONS AS EXPLAINED BELOW.

- b. In addition to standard rules and procedures, the following procedures apply to in-person proceedings:
- i. Judicial officers shall limit the number of persons in a courtroom to ten persons (including the judicial officer, staff, court staff, parties, and others) at any time.
 - ii. Judicial officers shall require all persons maintain proper social distancing (at least six feet apart from each other).
 - iii. A person who falls within the definition of “Vulnerable Individuals” may request permission not to attend an in-person proceeding. If the judicial officer is properly notified and concludes that the person is a Vulnerable Individual, the judicial officer shall use caution and discretion prior to requiring the in-person attendance of that person in any in-person proceeding. Remote Technology shall be used for Vulnerable Individuals whenever possible. “Vulnerable Individuals” include:
 1. Individuals who are 65 years and older;
 2. Individuals with chronic lung disease or moderate to severe asthma;
 3. Individuals who have serious heart conditions;
 4. Individuals who are immunocompromised;
 5. Pregnant women; and
 6. Individuals determined to be high risk by a licensed healthcare provider.Vulnerable individuals, however, does not criminal defendants.
 - iv. Judicial officers shall ensure that the courtroom is sanitized after each proceeding.
 - v. Judicial officers have the discretion to require persons in court to wear masks.

- vi. Judicial officers have the discretion to remove from the courthouse any person who shows signs or symptoms of COVID-19.
 - vii. Judicial officers are encouraged to use Remote Technology to permit the remote appearance of some parties, counsel, witnesses and/or others at in-person proceedings.
- c. Any person with signs or symptoms of COVID-19 shall not appear in person, but shall contact the court to reschedule the proceeding.

5. **JURY TRIALS**

- a. Given the Chief Justice's May 5, 2020 order and other orders, the District will not summon jurors for jury trials set through July 5, 2020, and any persons with a summons to report for jury duty during this period are not required to appear.
- b. On or before the scheduled trial date, judicial officers shall determine the status of each case set for trial during this period. Judicial officers may ask whether the defendant waives or agrees to toll speedy trial. If a waiver or toll is not provided, judicial officers will issue detailed rulings on speedy trial issues in each case as necessary.

6. **IN-CUSTODY DEFENDANTS/JUVENILES WILL NOT PHYSICALLY APPEAR IN COURT UNLESS OTHERWISE APPROVED BY THE CHIEF JUDGE**

- a. For several weeks, in-custody defendants/juveniles have appeared via Remote Technology. The court will continue to limit the number of in-custody defendants/juveniles brought to the courthouse until ordered otherwise.
- b. **JUDICIAL OFFICERS SHALL NOT ORDER AN IN-CUSTODY DEFENDANT/JUVENILE TO BE BROUGHT FROM A JAIL/DOC/FACILITY FOR AN IN-PERSON APPEARANCE UNLESS THE CHIEF JUDGE HAS APPROVED THE APPEARANCE. THE EXCEPTIONS, SUCH AS AN IMPENDING MOTIONS HEARING OR A PRELIMINARY HEARING, WILL BE VERY LIMITED. STATED DIFFERENTLY, IN-CUSTODY DEFENDANTS/JUVENILES WILL CONTINUE TO APPEAR VIA REMOTE TECHNOLOGY UNLESS OTHERWISE APPROVED BY THE CHIEF JUDGE.**
- c. The court also continues to explore options and technology for in-custody defendants/juveniles held in other jails/DOC/facilities outside of the District to appear via Remote Technology instead of in-person appearances requiring writs.

7. **DISTRICT COURT**

- a. CRIMINAL CASES

- i. **JUDICIAL OFFICERS SHALL ATTEMPT TO AND SHALL STRONGLY ENCOURAGE THE PARTIES TO CONDUCT CRIMINAL PROCEEDINGS VIA REMOTE TECHNOLOGY. However, the court recognizes that some defendants may not be able to appear via Remote Technology, that defendants may not agree to the use of Remote Technology, or that certain proceedings cannot be completed via Remote Technology. In these very limited situations, THE JUDICIAL OFFICER MAY CONDUCT AN IN-PERSON PROCEEDING ONLY IF THE IN-PERSON PROCEEDING IS NECESSARY AND SAFETY PROTOCOLS ARE STRICTLY FOLLOWED. IN-PERSON APPEARANCES OF IN-CUSTODY DEFENDANT MUST BE APPROVED BY THE CHIEF JUDGE.**
- ii. MONDAY CRIMINAL DOCKETS will continue and slowly expand, subject to the following rules:

1. The dockets will be created in a way that persons can appear via Remote Technology.
2. For any in-person appearances, the defendants will be rescheduled on a staggered schedule. At most, six defendants will be scheduled each hour; no more than two defendants will be scheduled for 20-minute intervals. For example, the 8 a.m. docket may be rescheduled as follows:

8:00 – Defendant 1 and Defendant 2
8:20 – Defendant 3 and Defendant 4
8:40 – Defendant 5 and Defendant 6
9:00 – Defendant 7 and Defendant 8
9:20 – Defendant 9 and Defendant 10
9:40 – Defendant 11 and Defendant 12
10:00 – Defendant 13 and Defendant 14
10:20 – Defendant 15 and Defendant 16
10:40 – Defendant 17 and Defendant 18
11:00 – Defendant 19 and Defendant 20
11:20 – Defendant 21 and Defendant 22
11:40 – Defendant 23 and Defendant 24

This allows 24 defendants to be called during the morning and afternoon dockets. Judicial officers are encouraged to further space appearances if appropriate and necessary. Each division will complete the rescheduling at least one week prior to the particular docket setting.

3. Judicial officers may ask whether the defendant waives or agrees to toll speedy trial. If a waiver or toll is not provided, judicial officers will issue detailed rulings on speedy trial issues in each case as necessary. Further, judicial officers may accept withdrawals of not guilty pleas or delay the entry of not guilty pleas because of growing trial dockets.
 4. Judicial officers will strictly enforce the basic safety rules set forth during dockets or any other proceedings.
 5. Unless otherwise approved by the Chief Judge, judicial officers will conduct his/her docket in his/her assigned courtroom, which will be fully equipped with Remote Technology. Judicial officers will no longer share courtrooms and dockets will no longer be combined.
 6. Judicial officers will call the cases from the bench. Court staff will not be positioned near the edge of the courtroom to check-in persons as has been done in the past.
- iii. Some district court divisions use MINI CRIMINAL DOCKETS to manage cases that could not be set on Monday criminal dockets. Mini dockets are strongly discouraged and require prior approval by the Chief Judge. If approved, such mini criminal dockets will be set on the Friday of the division's Monday criminal docket.
 - iv. To resolve the growing volume of criminal cases, judicial officers will exercise their discretion to accept late pleas and/or pleas with stipulated sentences.

b. DOMESTIC RELATIONS CASES

- i. **JUDICIAL OFFICERS SHALL ATTEMPT TO AND SHALL STRONGLY ENCOURAGE THE PARTIES TO CONDUCT DOMESTIC RELATIONS PROCEEDINGS VIA REMOTE TECHNOLOGY. However, the court recognizes that some domestic relations proceedings must be resolved by in-person appearances. In these very limited situations, THE JUDICIAL OFFICER MAY CONDUCT AN IN-PERSON DOMESTIC RELATIONS PROCEEDING ONLY IF THE PARTIES AGREE TO DO SO AND SAFETY PROTOCOLS ARE STRICTLY FOLLOWED. The judicial officer may not require in-person domestic relations proceedings over the good-faith and reasonable objection of a party without prior approval by the Chief Judge.**

- ii. Judicial officers will examine dockets through August to determine what cases could be moved into late-May or June for a hearing and/or settlement conference. Many hearings set for the summer will likely be continued because of the need to try criminal cases that face speedy trial deadlines. In addition, the time allotted for these matters may be limited.
- iii. If the parties would like to move a case to late-May or June for a hearing, they should contact the division. The matter will be scheduled, if possible, with the judicial officer or another available judicial officer. If the parties would like to move a case to late-May or June for a settlement conference with a judicial officer (other than the judicial officer who will decide the merits), they should contact the division to schedule the matter with another judicial officer (if available). These settlement conferences will be limited to two hours.

c. CIVIL CASES

- i. **JUDICIAL OFFICERS SHALL ATTEMPT TO AND SHALL STRONGLY ENCOURAGE THE PARTIES TO CONDUCT CIVIL PROCEEDINGS VIA REMOTE TECHNOLOGY. However, the court recognizes that some civil proceedings must be resolved by in-person appearances. In these very limited situations, THE JUDICIAL OFFICER MAY CONDUCT AN IN-PERSON CIVIL PROCEEDING ONLY IF THE PARTIES AGREE TO DO SO AND SAFETY PROTOCOLS ARE STRICTLY FOLLOWED. The judicial officer may not require in-person civil proceedings over the good-faith and reasonable objection of a party without prior approval by the Chief Judge.**
- ii. Judicial officers will examine dockets through August to determine what cases could be moved into late-May or June for a hearing and/or settlement conference. Many hearings and trials set for the summer will likely be continued because of the need to try criminal cases that face speedy trial deadlines. In addition, the time allotted for these matters may be limited.
- iii. If the parties would like to move a case to late-May or June for a hearing or bench trial, they should contact the division. The matter will be scheduled, if possible, with the judicial officer or another available judicial officer. If the parties would like to move a case to late-May or June for a settlement conference with a judicial officer (other than the judicial officer who will decide the merits), they should contact the division to schedule the matter with another judicial officer (if available). These settlement conferences will be limited to two hours.

d. PROBATE AND MENTAL HEALTH CASES

- i. **JUDICIAL OFFICERS SHALL ATTEMPT TO AND SHALL STRONGLY ENCOURAGE THE PARTIES TO CONDUCT PROBATE AND MENTAL HEALTH PROCEEDINGS VIA REMOTE TECHNOLOGY.** However, the court recognizes that some probate and mental health proceedings must be resolved by in-person appearances. In these very limited situations, **THE JUDICIAL OFFICER MAY CONDUCT AN IN-PERSON PROBATE OR MENTAL HEALTH PROCEEDING ONLY IF THE PARTIES AGREE TO DO SO AND SAFETY PROTOCOLS ARE STRICTLY FOLLOWED.** The judicial officer may not require in-person probate or mental health proceedings over the good-faith and reasonable objection of a party without prior approval by the Chief Judge.
- ii. The probate division will continue to hear ESSENTIAL MATTERS (i.e., emergency and/or temporary petitions for protective proceedings (conservatorships and/or guardianships)) and other emergency matters.

e. DEPENDENCY & NEGLECT AND JUVENILE DELINQUENCY CASES (DIVISION 10)

- i. **JUDICIAL OFFICERS SHALL ATTEMPT TO AND SHALL STRONGLY ENCOURAGE THE PARTIES TO CONDUCT DEPENDENCY & NEGLECT AND JUVENILE DELINQUENCY PROCEEDINGS VIA REMOTE TECHNOLOGY.** However, the court recognizes that some dependency & neglect and juvenile delinquency proceedings must be resolved by in-person appearances. In these very limited situations, **THE JUDICIAL OFFICER MAY CONDUCT AN IN-PERSON DEPENDENCY & NEGLECT AND JUVENILE DELINQUENCY PROCEEDING ONLY IF NECESSARY AND/OR THE PARTIES AGREE TO DO SO AND SAFETY PROTOCOLS ARE STRICTLY FOLLOWED.** The judicial officer may not require in-person dependency & neglect and juvenile delinquency proceedings over the good-faith and reasonable objection of a party without prior approval by the Chief Judge.
- ii. Division 10 will adhere to the following procedures for dependency & juvenile delinquency cases.
 1. The Monday Division 10 dependency & neglect and juvenile delinquency dockets will continue to be held via Remote Technology and slowly expand. The dockets will be created in a manner that all persons can appear via Remote Technology.

2. In addition to the statutorily mandated hearings in dependency & neglect cases, review and status hearings may be added to the dockets and conducted via Remote Technology.
 3. Contested hearings in dependency & neglect matters that involve termination of parental rights and adjudicatory bench trials will be held via Remote Technology if the only witness is a caseworker. The court will decide whether other contested hearings in dependency & neglect matters will be in-person or via Remote Technology on a case-by-case basis.
 4. In juvenile delinquency cases, judicial officers may ask whether juvenile waives or agrees to toll speedy trial. If a waiver or toll is not provided, judicial officers will issue detailed rulings on speedy trial issues in each case as necessary. Further, judicial officers may accept withdrawals of not guilty pleas or delay the entry of guilty pleas because of growing trial dockets.
 5. In addition to the hearings already taking place in juvenile delinquency cases, reviews, expungement, and deregistration hearings may be added to the dockets and conducted via Remote Technology with the consent of the judicial officer and the parties.
 6. Contested hearings in juvenile delinquency cases will be conducted via Remote Technology with the consent of the judicial officers and the parties.
 7. Judicial officers will strictly enforce the basic safety rules set forth during dockets or any other proceedings.
 8. Unless otherwise approved by the Chief Judge, judicial officers will conduct his/her docket in his/her assigned courtroom, which will be fully equipped with Remote Technology. Judicial officers will no longer share courtrooms and dockets will no longer be combined.
 9. Judicial officers will call the cases from the bench. Court staff will not be positioned near the edge of the courtroom to check-in persons as has been done in the past.
- iii. For adoption cases, families may choose between proceeding to finalization via Remote Technology or continuing until in-person hearings are being held. Depending on the number of adoptions ready for

finalization, the court may request that a Saturday morning be set aside for adoption finalizations. Contested adoptions will be continued into June.

- iv. FIT Court will continue exclusively via Remote Technology during May, and may transition into having low-risk parents and professionals appear on a staggered schedule in June.
- v. Questions related to juvenile matters in Division 10 and the magistrate divisions may be directed to Judge Meinster at ann.meinster@judicial.state.co.us.

8. COUNTY COURT

a. CRIMINAL CASES

- i. **JUDICIAL OFFICERS SHALL ATTEMPT TO AND SHALL STRONGLY ENCOURAGE THE PARTIES TO CONDUCT CRIMINAL PROCEEDINGS VIA REMOTE TECHNOLOGY. However, the court recognizes that some defendants may not be able to appear via Remote Technology, that defendants may not agree to the use of Remote Technology, or that certain proceedings cannot be completed via Remote Technology. In these very limited situations, THE JUDICIAL OFFICER MAY CONDUCT AN IN-PERSON PROCEEDING ONLY IF THE IN-PERSON PROCEEDING IS NECESSARY AND SAFETY PROTOCOLS ARE STRICTLY FOLLOWED. IN-PERSON APPEARANCES OF IN-CUSTODY DEFENDANT MUST BE APPROVED BY THE CHIEF JUDGE.**
- ii. The following procedures apply to COUNTY COURT GENERAL CRIMINAL DOCKETS
 - 1. During the month of May, only one county court criminal division will hold a 60 case docket on May 21 and May 27, 2020.
 - 2. During the month of June, each of the county court criminal divisions will have certain days in which 60 cases will be scheduled. Because the duty and felony county court criminal divisions have cases being called, the court limits the 60-case docket to only two county court criminal divisions on Tuesday, Wednesday, and Thursday.
 - 3. For this process, the judicial officer shall have the final decision on the cases to be called.

4. During the month of June, county court criminal divisions (other than duty and the felony court) will have Friday dockets via Remote Technology only. Parties should contact court staff to schedule a case.
- iii. NEW VIRTUAL DOCKET – The duty judge also will hear cases from any division from 1:30 to 3:30 through May 29, 2020 via REMOTE TECHNOLOGY ONLY. Parties who would like to have a case called on this docket shall contact court staff.
- iv. ARRAIGNMENTS – Until June 1, 2020, all arraignments are continued for eight weeks. Although court staff will attempt to reschedule matters and unless scheduled otherwise, THE PARTY FOR COUNTY COURT ARRAIGNMENTS SHALL APPEAR AT THE SAME TIME EXACTLY EIGHT WEEKS AFTER THE ORIGINALLY SCHEDULED ARRAIGNMENT. Beginning on June 1, 2020, arraignments will continue as scheduled in the duty and traffic divisions. The times of the arraignments will be staggered in intervals to limit the traffic in the courthouse.
- v. ADVISEMENTS – Advisements will continue to be at 10:00 am in Courtroom 1B. Any attorney may appear remotely via Lifesize Technology and should contact court staff for assistance.
- vi. DISPOSITIONAL HEARINGS AND PRELIMINARY HEARINGS – Felony cases set for dispositional hearings will be set directly into the district court for arraignment. Cases set for preliminary hearings will be set in the county court on the date and time normally set by duty staff. To limit the traffic into the courthouse, the court will continue to accept waivers of the preliminary hearing and acceptance of the arraignment date by counsel. Pro se defendants must appear or request a continuance. If the defendant is in custody, the case will be called between 8:00 and 10:00 a.m. in Courtroom 1B for a status review to see if the case is a waiver, a disposition, or is going to preliminary hearing. Counsel may appear remotely via Lifesize Technology. If the defendant wishes to have a preliminary hearing, the hearing will be held via Remote Technology if the defendant consents. If the defendant does not consent to Remote Technology, then the court must contact the Chief Judge for permission to bring the defendant to court with counsel for the preliminary hearing.
- vii. Temporary Extreme Risk Protection Orders – There is no change to previous policy.

b. CIVIL CASES

- i. **JUDICIAL OFFICERS SHALL ATTEMPT TO AND SHALL STRONGLY ENCOURAGE THE PARTIES TO CONDUCT CIVIL PROCEEDINGS VIA REMOTE TECHNOLOGY.** However, the court recognizes that some civil proceedings must be resolved by in-person appearances. In these very limited situations, **THE JUDICIAL OFFICER MAY CONDUCT AN IN-PERSON CIVIL PROCEEDING ONLY IF THE PARTIES AGREE TO DO SO AND SAFETY PROTOCOLS ARE STRICTLY FOLLOWED.** The judicial officer may not require in-person civil proceedings over the good-faith and reasonable objection of a party without prior approval by the Chief Judge.
- ii. For FED/EVICTION CASES, the following procedures apply. Pursuant to Executive Order D 2020 051 issued on April 30, 2020, the court will not hear or accept the filing of FED/eviction cases unless otherwise permitted through May 31, 2020. Therefore, the court directs the Jefferson and Gilpin County Clerk's Offices to reject all FED/eviction complaints (filed electronically or in person) through May 31, 2020, unless otherwise permitted. Further, all pending writs of restitution either scheduled or unscheduled for execution are stayed until the lifting of Executive Orders 2020 012, 2020 031, and 2020 051, unless otherwise ordered. All expiring writs of restitution may be renewed upon the lifting of such orders. As the expiration of such orders approaches, the court will provide further guidance for FED/Eviction cases.
- iii. For CIVIL MATTERS (NON-FED/EVICTION CASES) INVOLVING ATTORNEYS, the following procedures apply.
 1. Attorney civil returns will be modified to move from three mornings/week at 8:00 a.m. to five mornings per week with staggered return times. Attorney appearances for civil returns is waived until further notice. Civil return times will be Monday through Friday at 8:00 a.m., 9:00 a.m., 10:00 a.m., and 11:00 a.m. Each attorney office with multiple daily filings will be given a day/time slot to fill with no more than 30 returns per day/slot. Historically, Division H can expect approximately 10-15% of summoned defendants to appear for the return date in court. The court has utilized that percentage in setting the 30 case per day/slot limit. Should the percentage or number of defendants appearing on summons increase from historical expectations, a downward adjustment may be made.
 2. All settlement negotiations shall be completed outside the courthouse because of social distancing concerns. Defendants should file an answer on or before the return date and time with the clerk's office via U.S. Mail or appear in person. If defendants

fail to do so, they face a default judgment a judgment entering against them. Defendants who file an answer on or before the return date do not need to appear in court. The parties will be encouraged to contact the plaintiff's attorney in an effort to resolve their case outside of court.

3. Remote mediation will be ordered prior to trial setting for those matters unable to be resolved by out-of-court settlement negotiations. Trials may be set at the court's discretion.
- iv. For CIVIL MATTERS (non-FED/Eviction cases) involving pro se plaintiffs, the following procedures apply:
1. Pro se civil returns will be scheduled for summons return every Tuesday, Wednesday, and Thursday afternoon at 1:00, 1:30 and 2:00. No more than three returns will be set for each time slot available. Pro se plaintiffs will appear. Defendants should file an answer on or before the return date and time with the clerk's office via U.S. Mail or appear in person. If defendants fail to do so, they face a default judgment a judgment entering against them. Defendants who file an answer on or before the return date do not need to appear in court.
 2. These cases will be referred out to remote mediation prior to trial setting. Trials may be set at the court's discretion and only where the parties have filed a written statement that the parties have participated in good faith toward a mediated settlement with no success or mediation has been waived by the court.
- v. For SMALL CLAIMS CASES, all May 2020 hearings have or will be vacated and re-set. Beginning June 1, 2020, a 50% small claims docket will be set on Monday and Friday mornings to handle "priority cases", hearings and limited trials as determined by the small claims court magistrate. On these days the small claims magistrate may also handle overflow cases assigned from the Division H civil court judge. Settings will be staggered. All Wednesday afternoon small claims matters will not be heard for the immediate future to enable the small claims magistrate to hear overflow cases as assigned from the Division H civil court judge.
- vi. For NAME CHANGES, the petitioners shall file the name change petition in person at the clerk's office (or through the U.S. Mail), paying the required filing fee, unless waived due to indigency. The clerk's office will require reliable contact information from the petitioner in the form of a telephone number, mailing address, and/or e-mail address. The newly

created file will be forwarded to Division H for the setting of a telephone hearing. The petitioner shall be contacted by the court for a telephone hearing on the petition, at which time the court will take testimony under oath. Thereafter, all publication-related requirements will be completed through e-mail communication with the petitioner and the US Mail.

- vii. The following procedures will apply to trials in Division H. Parties to currently-scheduled jury trials in Division H through August 2020 shall participate in a telephone pretrial conference in advance of the trial date which shall address among other legal issues the possibility of a court ordered continuance. Division H will not be scheduling any new jury trial dates earlier than October 19, 2020 going forward. All parties who have a presently scheduled jury trial and would prefer to convert the jury trial to a trial to the court are encouraged to express their interest in doing so during the telephone pretrial conference. Those cases that have been rescheduled from March 2020 shall be given priority for earliest resolution.
- viii. Temporary protection orders will be heard for two hours Tuesday through Friday mornings. Permanent protection orders will be heard on Fridays. **JUDICIAL OFFICERS SHALL ATTEMPT TO AND SHALL STRONGLY ENCOURAGE THE PARTIES TO CONDUCT PERMANENT PROTECTION ORDER HEARINGS VIA REMOTE TECHNOLOGY. However, the court recognizes that some TPOs and PPOs must be resolved by in-person appearances. In these limited situations, THE JUDICIAL OFFICER MAY CONDUCT AN IN-PERSON TPO OR PPO HEARING ONLY IF NECESSARY AND SAFETY PROTOCOLS ARE STRICTLY FOLLOWED.**
- ix. For any other matters, pending in Division H, please contact the division staff.

9. **GILPIN COUNTY CRIMINAL AND CIVIL CASES**

- a. The county court will continue to manage its docket as it has since mid-March, and follow the basic principles outlined above for criminal dockets. **JUDICIAL OFFICERS SHALL ATTEMPT TO AND SHALL STRONGLY ENCOURAGE THE PARTIES TO CONDUCT CRIMINAL PROCEEDINGS VIA REMOTE TECHNOLOGY. However, the court recognizes that some defendants may not be able to appear via Remote Technology, that defendants may not agree to the use of Remote Technology, or that certain proceedings cannot be completed via Remote Technology. In these very limited situations, THE JUDICIAL OFFICER MAY CONDUCT AN IN-PERSON PROCEEDING ONLY IF THE IN-PERSON PROCEEDING IS NECESSARY AND SAFETY PROTOCOLS ARE STRICTLY FOLLOWED. IN-PERSON**

APPEARANCES OF IN-CUSTODY DEFENDANT MUST BE APPROVED BY THE CHIEF JUDGE.

- b. The county court will continue to manage its CIVIL DOCKET as it has since mid-March, and follow the basic principles outlined above for Jefferson County civil dockets. **JUDICIAL OFFICERS SHALL ATTEMPT TO AND SHALL STRONGLY ENCOURAGE THE PARTIES TO CONDUCT CIVIL PROCEEDINGS VIA REMOTE TECHNOLOGY.** However, the court recognizes that some civil proceedings must be resolved by in-person appearances. In these very limited situations, **THE JUDICIAL OFFICER MAY CONDUCT AN IN-PERSON CIVIL PROCEEDING ONLY IF THE PARTIES AGREE TO DO SO AND SAFETY PROTOCOLS ARE STRICTLY FOLLOWED.** The judicial officer may not require in-person civil proceedings over the good-faith and reasonable objection of a party without prior approval by the Chief Judge.

10. MAGISTRATES (DIVISIONS O, P, Q, R, S, U, V, Y, AND Z)

- a. **JUDICIAL OFFICERS SHALL ATTEMPT TO AND SHALL STRONGLY ENCOURAGE THE PARTIES TO CONDUCT PROCEEDINGS BEFORE MAGISTRATES VIA REMOTE TECHNOLOGY.** However, the court recognizes that some proceedings before magistrates must be resolved by in-person appearances. In these very limited situations, **THE JUDICIAL OFFICER MAY CONDUCT SUCH A PROCEEDING ONLY IF NECESSARY AND/OR THE PARTIES AGREE TO DO SO AND SAFETY PROTOCOLS ARE STRICTLY FOLLOWED.** The judicial officer may not require in-person proceedings before magistrates over the good-faith and reasonable objection of a party without prior approval by the Chief Judge.
- b. The following procedures apply to domestic relations cases:
 - i. Unless otherwise ordered, all matters, including initial status conferences with the family court facilitators, will be heard via Remote Technology. If a party feels there is a compelling reason for an in-person hearing, a motion requesting an in-person hearing may be filed.
 - ii. Magistrates and division staff will continue to monitor JPOD. Emergency pleadings will continue to be assessed promptly, as is the normal practice.
- c. The magistrates will continue to hold dependency & neglect and juvenile delinquency dockets via Remote Technology. The dockets will be created in a manner that all persons can appear via Remote Technology. The magistrates will follow the procedures set forth above for Division 10.

- d. Temporary protective custody hearings in dependency & neglect cases will continue to be heard on Tuesday and Thursday each week via Remote Technology.
- e. Detention hearings in juvenile delinquency cases will continue to be heard Monday, Wednesday, and Friday each week via Remote Technology.
- f. The magistrates will follow the procedures set forth above for Division 10 for adoption cases.


11. PROBLEM-SOLVING COURTS

- a. **JUDICIAL OFFICERS SHALL ATTEMPT TO AND SHALL STRONGLY ENCOURAGE THE PARTIES TO CONDUCT CRIMINAL PROCEEDINGS VIA REMOTE TECHNOLOGY. However, the court recognizes that some defendants may not be able to appear via Remote Technology, that defendants may not agree to the use of Remote Technology, or that certain proceedings cannot be completed via Remote Technology. In these very limited situations, THE JUDICIAL OFFICER MAY CONDUCT AN IN-PERSON PROCEEDING ONLY IF THE IN-PERSON PROCEEDING IS NECESSARY AND SAFETY PROTOCOLS ARE STRICTLY FOLLOWED. IN-PERSON APPEARANCES OF IN-CUSTODY DEFENDANT MUST BE APPROVED BY THE CHIEF JUDGE.**
- b. Each problem-solving court team has maintained contact with the participants and conducted weekly staffing via Remote Technology including probation and the judicial officer to address any individual participant or case needs. These will continue prior to virtual dockets.
- c. Problem-solving courts will begin implementing virtual dockets via Remote Technology, and each problem-solving court team shall determine what cases shall be heard based on the individual circumstances of the participants.
 - i. All professionals shall appear for court virtually to limit the number of persons in the courtroom at one time.
 - ii. Participants may appear for court virtually or may appear in person on a voluntary basis when recommended by the team.
 - iii. Courts will continue to order screens for problem-solving courts
 - iv. In-custody participants will continue to appear shortly after acceptance.
 - v. New sentences will be handled in the magistrate's division beginning June 1, 2020.

12. **CHANGE OF PLANS AND ASSISTANCE** – Everyone must be mindful that the District may be forced to modify operations with short or no notice. The District encourages parties to contact the court with questions or concerns.

To the extent there is a conflict between this and other Chief Judge Orders, this order governs.

May 11, 2020



Jeffrey R. Pilkington, Chief Judge
First Judicial District