

EIGHTH JUDICIAL DISTRICT, STATE OF COLORADO LARIMER COUNTY AND JACKSON COUNTY 201 Laporte Avenue, Suite 100 Fort Collins, CO 80521 Telephone: (970) 494-3500	COURT USE ONLY
THIRD AMENDED ADMINISTRATIVE ORDER REGARDING LIMITED COURT OPERATIONS RELATED TO COVID-19	
THIRD AMENDED ADMINISTRATIVE ORDER 2020 – 2	

In light of the continuing public health crisis posed by COVID-19 (“novel coronavirus”) and the advisories and orders circulated by the Centers for Disease Control, the Colorado Department of Public Health and Environment, and the Larimer County Department of Health and Environment requiring or recommending active steps to slow the spread of the disease and precautions to reduce the risk of exposure, as well as the expiration of the Governor’s and CDPHE’s Stay-At-Home order and the substitution of Safer-At-Home orders effective April 27, 2020 and most recently amended June 2, 2020, the Courts and Probation of the 8th Judicial District will continue to operate at a reduced level with focus on matters of immediate concern for public health and safety while gradually expanding operations including in-person proceedings.

Pursuant to the authority granted in Chief Justice Directive 95-01 and the directives found in Chief Justice Coats’ Orders dated March 16, 2020, March 20, 2020, April 16, 2020, May 5, 2020 and June 15, 2020, as well as Fifth Amended Public Health Order 20-228 issued June 2, 2020, it is hereby ORDERED as follows:

- 1. Access to Courts and Proceedings:** Anyone who is not required to appear for a scheduled court matter such as a party, attorney, victim or witness in a case, law enforcement, media, or appearing in relation to a shelter hearing or to file court documents in one of the essential proceedings listed below, is strongly encouraged to conduct their business remotely and stay away from the Larimer County Justice Center, Loveland County Court, and Jackson Combined Court buildings. Remote public access is available for most proceedings through Webex. Connection information is available on the 8th Judicial District’s website or contact the clerk for the courtroom where the proceeding is scheduled to request access information.

2. Operations: Due to the public health concerns related to COVID-19, and under Public Health Order 20-28 “Safer at Home” the courts cannot function normally and will continue to be operating on a limited basis.

- a. The clerk’s office front counter in the Larimer County Justice Center is open 7:30 a.m. to 4:30 p.m., Monday through Friday. The Loveland Police and Courts building will be open 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., Monday through Friday. The clerk’s office in Jackson County is open 9:00 a.m. to 1:00 p.m., Monday, Wednesday and Thursday and 8:00 a.m. to 4:00 p.m. on Tuesday. Staff at all facilities will be reduced as coordinated by the Clerk of Court and the Court Executive, with the approval of the Chief Judge until such time as it is deemed safe to return to a 100% staffing level.
- b. Electronic filings may be faxed, e-mailed or submitted through Colorado Courts E-filing. Filers who cannot access E-filing are strongly encouraged to submit filings in either WORD or PDF format to 08courtresourcecenter@judicial.state.co.us, via fax or via U.S. mail. During operating hours, clerk’s offices will accept paper filings. A drop box for paper filings and payments is located in the lobby outside the Collection’s office at the Larimer County Justice Center and in front of the security station at Loveland County Court. **Filings not related to essential proceedings may be delayed due to the reduction in staffing levels.**
- c. The Records Department, Court Resource Center and Collections Office will remain closed for in-person business at this time but may be reopened at the discretion of the Clerk of Court and the Court Executive with the approval of the Chief Judge. You may contact these departments at:

8th District Clerk’s Office (970) 494-3500
or email 08CourtResourceCenter@judicial.state.co.us
or fax (970) 494-3580

8th District Records Requests
email 08RecordRequest@judicial.state.co.us

8th District Collections (970) 494-3530
or email 08Collections@judicial.state.co.us

- d. Judicial Administration, Jury Commissioner and Jackson County Combined Court will remain open during normal business hours. If in-person assistance is needed, you may contact these departments at:

Larimer County Jury Commissioner (970) 494-3595
or email LarimerJury@judicial.state.co.us

8th District Judicial Administration (970) 494-3590

or email 08CourtExecutiveAdmin@judicial.state.co.us

Jackson County Clerk's Office or Jury Commissioner
(970) 723-4363

or email 08CourtResourceCenter@judicial.state.co.us
or JacksonJury@judicial.state.co.us or fax (970)723-4337

e. Non-medical face masks must be worn by all employees, members of the public or other individuals entering or in line to enter any court facility with the following exceptions:

i. Children under the age of two.

ii. Those individuals who have medical conditions which make wearing a mask or covering a risk to their health or that will interfere with their breathing.

iii. A mask is not required for those working in a location where they will not be within 6 feet of any other individuals or for employees who do not have any face-to-face interactions with the public.

f. County court civil returns will not be scheduled in person in any court facility. The defendant's answer will be due on or before the date and time stated in the summons.

g. People are strongly encouraged to pay fines and costs online or via U.S. Mail. However, during operating hours, people may pay fines and costs at the clerk's offices.

3. Persons who may not enter the Larimer County Justice Center, Loveland Police & Courts Building, and Jackson County Combined Court: Persons who meet any of the below criteria are prohibited from entering any courthouse in the 8th Judicial District **and instead should call the division to which your case is assigned to request to reschedule your court date, request to appear by phone, or to receive further instructions.** If the case is not assigned to a division or if you are uncertain of the division assignment, contact the clerk's office at (970)494-3500 or in Loveland at (970)622-2100.

a. Anyone who has been diagnosed with COVID-19 and who has not received a subsequent test confirming that the person is currently virus-free;

- 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, or any respiratory illness symptoms;

4. Limitations on Court Proceedings:

- a. The following essential proceedings shall be conducted without delay. Judicial officers shall have discretion to determine whether such essential proceedings should occur in person or remotely but are encouraged to limit in-person participation and to accommodate telephone and/or video appearance.
 - 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;
 - 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; and
 - x. Emergency mental health proceedings.
 - 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 the particular case.

- b.** All jury trials scheduled prior to July 13, 2020, are vacated as a result of the May 5 and June 15, 2020 Orders from Chief Justice Coats. For scheduled criminal trials, counsel and defendant shall appear at the time and place scheduled for trial unless directed differently by the presiding judge. Although Chief Justice Coats' June 15, 2020 order precludes summoning people for jury service prior to August 3, 2020, a decision has not yet been made as to whether to request a waiver from the Chief Justice for jury trials scheduled to begin on or after July 13, 2020. Any juror who receives a jury summons for a date to appear commencing on or after July 13, 2020, please monitor the 8th Judicial District's website for updates.
- c.** All proceedings should be conducted in compliance with the guidelines of the public health agencies. Judicial officers are authorized, in their discretion and as judicial resources allow, to hear limited in-person proceedings in all docket types when remote proceedings are not reasonably feasible, as follows:

 - i. **ARRAIGNMENTS AND ADVISEMENTS IN DIVISION 1A.** Arraignments and advisements in Division 1A will be conducted in person as there is no reasonably feasible way to conduct these proceedings remotely.
 - ii. **CRIMINAL CASES.** Judicial officers shall strongly encourage the parties to conduct criminal proceedings via remote technology. However, defendants in some criminal proceedings are not able to appear via remote technology, defendants may not agree to the use of remote technology, or it may not be reasonably feasible to complete certain actions via remote technology. In these and similarly limited situations, the judicial officer may conduct an in-person proceeding if the in-person proceeding is reasonably necessary and the safety parameters set forth in Section 5 are strictly followed.
 - iii. **ALL OTHER CASES.** Judicial officers shall conduct proceedings in all other cases via remote technology whenever reasonably possible. However, some proceedings must be resolved by in-person appearances. In these limited situations, the judicial officer may exercise discretion to conduct an in-person proceeding if the safety parameters set forth in Section 5 are strictly followed.

5. Parameters for In-Person Proceedings:

- a. Participants for an in-person proceeding shall maintain social distancing of a minimum of **six feet** and wear a mask or other face covering at all times.
- b. Judicial officers shall be responsible for assuring that the minimum six-foot separation between people is strictly observed and shall have discretion to continue any proceeding where a party refuses to wear a face mask. If a criminal case is continued because a defendant refuses to wear a face mask the delay will be attributed to the defendant for speedy trial purposes.
- c. The distancing requirements set forth above, as well as other requirements of the Safer-At-Home guidelines will necessarily limit the number of cases that can be heard on a docket and for that reason the **processing of all types of cases will be delayed compared to how they were handled in the past. Parties and attorneys will need to be patient.**
- d. Judicial officers have the authority to enter orders to address case-specific issues provided 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.
- e. The parties involved in an in-person proceeding 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, subject to the orders of the presiding judicial officer.
- f. The parameters associated with in-person proceedings may be modified after considering any changes or additions to the guidelines received from state and local public health agencies.

6. Probation:

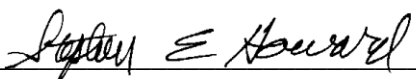
- a. **Although** the 8th Judicial District Probation offices have partially reopened on a limited basis, face-to-face contact will remain limited until further notice. Unless directed otherwise by the court, people directed to probation should make contact by phone or e-mail.

8th District Probation Offices (970) 494-3900 or
08ProbationRequest@judicial.state.co.us

- b. Probation staff are also working at reduced schedules due to COVID-19, but will make every effort to timely respond to phone messages and/or emails.

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.

Dated this 15th day of June, 2020.



Stephen E. Howard
Chief Judge, Eighth Judicial District