

FOURTH JUDICIAL DISTRICT EL PASO COUNTY AND TELLER COUNTY	 Chief Judge Order 20-16 April 3, 2020
<p style="text-align: center;">CHIEF JUDGE ORDER 20-16 REGARDING COURT OPERATIONS UNDER THE NOVEL CORONAVIRUS (COVID-19) ADVISORY EFFECTIVE APRIL 3, 2020 THROUGH MAY 1, 2020</p>	

In light of the continuing public health risk posed by COVID-19 and the advisories and orders from the Centers for Disease Control, the Colorado Governor’s Office, the Colorado Department of Public Health and Environment, and the El Paso County Department of Health recommending the continuation of active steps to slow the spread of COVID-19, the El Paso County Courthouse and the Teller County Courthouse, including the Probation Department in both counties, will continue to focus only on matters of the most immediate concern for public health and safety.

Pursuant to the authority granted in Chief Justice Directive 95-01 and the directives found in the Order Regarding COVID-19 and Operation of Colorado State Courts, issued by Colorado Supreme Court Chief Justice Nathan B. Coats on March 16, 2020 and March 20, 2020, it is hereby ORDERED as follows:

- 1. Courthouse Operations:** The El Paso County Courthouse, located at 270 S. Tejon St., Colorado Springs, CO 80901, and the Teller County Courthouse, located at 101 Bennett Dr., Cripple Creek, CO 80813, **will be closed to the public through May 1, 2020, EXCEPT as set forth in this Order.** For only those filings related to public safety matters listed in **Section 5 of this Order**, the El Paso County Courthouse and Teller County Courthouse Clerk’s Offices will be open from **8 am to 2 pm**, Monday through Friday, with the exception of legal holidays. During operating hours, the Clerk’s Office at each courthouse will only accept paper filings related to the public safety matters listed in

Section 5 of this Order. All other paper filings shall be mailed directly to the courthouse or e-filed through CCE.

2. DISTRICT COURT CASES. Subject to the public safety exceptions noted in Section 5 of this Order, the following applies to district court dockets (Divisions 1-24):

A. Criminal Cases.

I. Subject to the exceptions set forth in Section 2.A.II., defendants who are out of custody and have court appearances between April 3, 2020 and May 1, 2020, will be prohibited from entering the courthouse.

Out-of-custody defendants with attorneys shall immediately contact their attorney to receive further direction. Attorneys shall be in contact with the division clerk to determine whether the scheduled matter will be heard by telephone or video under the newly revised Crim. Rule 43.

Whenever a represented defendant is given a new court date, the attorney shall arrange for the defendant to sign a notice for the next court date and shall then file that signed notice with the court. Alternatively the attorney shall arrange for the defendant to speak with the division clerk by phone so that the division clerk can order defendant over the phone to appear on the new court date.

In either case, once defendants acknowledge their bond has been continued for a new court date, they are ordered to immediately notify their bondsman that their bond has been continued until the new court date.

Out-of-Custody Defendants without attorneys shall immediately contact the court clerk for the division in which the case is pending to receive further directions. In leaving any voicemail message, defendants without attorneys shall include their first and last name, their phone number, their email address (if they have one), and a case number, if available. Defendants with access to a computer will find a list of the Court's division phone numbers at:

https://www.courts.state.co.us/Courts/District/Contact.cfm?District_ID=4

Failure by an unrepresented defendant to contact the division clerk by phone or email within 24 hours after any scheduled court date may result in the issuance of an arrest warrant.

If the division clerk gives an unrepresented defendant a new court date by telephone, the division clerk shall order the defendant to appear either in person or by telephone on that next court date. Any such defendants shall immediately notify their bondsman that their bond has been continued until the next court date.

Any bondsman who objects to any procedure of continuing bonds set forth in this Order shall immediately communicate in writing to Chief Judge Bain the nature of the objection.

Defendants may also contact division staff by sending an email to the Court at 4thclerkofcourt@judicial.state.co.us. Email correspondence will then be forwarded to the appropriate division.

II. EXCEPTIONS in District Court Criminal Cases (Out-of-Custody Defendants' Appearance is Required):

Defendants who are out of custody with court dates between April 3, 2020, and May 1, 2020, **shall appear in-person** for:

- The initial appearance on bond court date given by the Sheriff upon posting bond at the jail (Criminal Rule 5/bonded advisements);
- Any felony summons return date (bonded advisements);
- First Appearance/Filing of Formal Charges for defendants who do not have an attorney; and
- Any case set for trial where the speedy trial period expires on or before May 8, 2020.

Subject to the exceptions in 2.A.II, all other jury trials and any pre-trial readiness court date for those trials that are scheduled between April 6, 2020 and May 1, 2020 are hereby cancelled, subject to rescheduling.

III. This order shall not affect **defendants who remain in custody**, except that no jury trial shall be held between April 6, 2020 and April 17, 2020, and no trial shall be held thereafter unless the speedy trial period expires on or before May 8, 2020. This section is subject to change, depending on the evolving nature of the threat posed by Covid-19.

B. Civil Cases. Effective immediately all in-person civil hearings, trials and other matters scheduled through May 1, 2020 are vacated, subject to rescheduling. Counsel and unrepresented parties are directed to contact the clerks for the individual divisions to reschedule their matters. To the extent possible, judges with civil dockets are encouraged to proceed with any matter that can be reasonably addressed over the telephone or through any audio-visual technology, such as Webex.

All **Rule 120 foreclosure cases** are stayed until May 1, 2020.

C. Domestic Relations Cases. Effectively immediately all domestic relations hearings, with the exception of emergency motions to restrict parenting time and motions for abduction prevention measures, will not occur in-person during the time period set forth in this Order. Counsel and unrepresented parties shall contact the clerks for the individual divisions to determine whether their hearing will occur by telephone or video conference, or will be rescheduled. **All Parties are advised that all existing court orders, including parenting time and parenting exchange orders, are not suspended by the Stay-at-Home Order issued by Governor Jared Polis, and shall continue to be followed unless otherwise modified by the court or agreement of the parties.**

If you have a domestic relations mediation scheduled with the Office of Dispute Resolution during the time period set forth in this Order, your mediator will contact you to make arrangements for the mediation to occur by telephone or to reschedule. You may call the Office of Dispute Resolution at 719-452-5005 if you have any questions.

D. Juvenile Docket. Any emergency orders regarding the **Juvenile Docket** issued by Judge Billings-Vela remain in place and are not affected by this order.

E. Probate Docket. Any emergency orders regarding the **Probate Docket** issued by Magistrate Rahaman remain in place and are not affected by this order.

F. All Problem-Solving Courts are subject to this order.

3. **COUNTY COURT CASES:** With the exception of the criminal case classes listed in Section 3.B. of this Order and any public safety exception listed in Section 5 of this Order, all court dates between April 3, 2020 and May 1, 2020 in County Court (Divisions A-H,J-K), including all criminal and civil trials, are hereby cancelled subject to rescheduling.

A. Criminal Cases.

- I. **Subject to the exceptions set forth in Section 3.B., defendants who are out of custody** and have court appearances between April 3, 2020 and May 1, 2020, will be prohibited from entering the courthouse.

Out-of-Custody Defendants with attorneys shall immediately contact their attorney to receive further direction. Attorneys shall be in contact with the division clerk to determine whether the scheduled matter will be heard by telephone under the newly revised Crim. Rule 43.

Whenever a represented defendant is given a new court date, the attorney shall arrange for the defendant to sign a notice for the next court date and shall then file that signed notice with the court. Alternatively the attorney shall arrange for the defendant to speak with the division clerk by phone so that the division clerk can order defendant over the phone to appear on the new court date.

In either case, once defendants acknowledge their bond has been continued for a new court date, they are ordered to immediately notify their bondsmen that their bond has been continued until the new court date.

Out-of-Custody Defendants without attorneys shall immediately contact the court clerk for the division in which the case is pending to receive further directions. In leaving any voicemail message, defendants without attorneys should include their first and last name, their phone number, their email address (if they have one), and a case number, if available. Defendants with access to a computer will find a list of the Court's division phone numbers at:

https://www.courts.state.co.us/Courts/District/Contact.cfm?District_ID=4

Failure to contact the division clerk by phone or email within 24 hours after any scheduled court date may result in the issuance of an arrest warrant.

If the division clerk gives an unrepresented defendant a new court date by telephone, the division clerk shall order defendant to appear either in person or by

telephone on that next court date. Any such defendants shall immediately notify their bondsman that their bonds have been continued until the next court date.

Defendants may also contact division staff by sending an email to the Court at 4thclerkofcourt@judicial.state.co.us. Email correspondence will then be forwarded to the appropriate division.

Any bondsman who objects to any procedure of continuing bonds set forth in this Order shall immediately communicate in writing to Chief Judge Bain the nature of the objection.

This order shall not affect **defendants who remain in custody**, except that no jury trial shall be held between April 6, 2020 and April 17, 2020, and no trial shall be held thereafter unless the speedy trial period expires on or before May 8, 2020. The section is subject to change, depending on the nature of the threat posed by Covid-19.

Defendants with an appearance in the **First Appearance Center** (W119) will receive a notice of the next court date sent to the address on the citation or summons. If that address is no longer valid, counsel and unrepresented parties shall immediately contact the First Appearance Center at (719) 452-5500 to reschedule their matters. They shall also file a notice of change of address form:

<https://www.courts.state.co.us/Forms/PDF/JDF%2088%20Change%20of%20Address%20Form.pdf>

All defendants without attorneys should include their first and last name, their phone number and a case number if available in all correspondence with the Court.

All **Problem-Solving Courts** are subject to this order.

- B.** All motions hearings and trials that are scheduled to occur between April 20, 2020 and May 1, 2020 where the speedy trial deadline on the case will expire on or before May 8, 2020 for the following case classes shall remain scheduled on the court's docket, and out-of-custody defendants shall appear in person unless otherwise directed by their attorney or the division court clerk:

C.R.S. § 18-6-800.3	Domestic Violence
C.R.S. § 18-3-404	Unlawful sexual contact
C.R.S. § 18-7-707	Posting a private image
C.R.S. § 18-9-204.5	Cruelty to Animals

C.R.S. § 42-4-1301
C.R.S. § 42-4-1402(2)(b-c)

Driving Under the Influence
Careless Driving Causing Injury/Death

- C. Civil Cases.** Effective immediately all in-person civil hearings, trials and other matters scheduled through May 1, 2020 are cancelled, subject to rescheduling. Counsel and unrepresented parties are directed to contact the clerks for the individual divisions to reschedule their matters. See Section 3.A.I.

This order does not affect any order entered by Magistrate Andrea Paprzycki regarding **Forcible Entry and Detainer** actions. Please refer to the Division CVL Memo on the Court's website for instructions on how to proceed with CVL matters.

If you are scheduled to appear in *Civil Returns (CVL), W170, or Small Claims (S), S290*, please note your hearing has been vacated and will be rescheduled. Parties in the case will receive notice of next court date from the attorney in the case or directly from the court. Please make sure your current address is on file with the court. If you need to update your address, please do so immediately with this form:

<https://www.courts.state.co.us/Forms/PDF/JDF%2088%20Change%20of%20Address%20Form.pdf>

- 4. Jury Duty:** Any juror with a jury summons return date between April 6, 2020 and April 17, 2020, **shall not** report for jury duty. All jury trials between April 6, 2020 and April 17, 2020 are cancelled. **For those jurors who have a jury summons with a date to appear on or after April 20, 2020, please continue to monitor the Court's website for updates.**
- 5. Public Safety Matters:** The El Paso County Courthouse will continue to accept filings and conduct limited hearings on public safety matters. Public safety matters are **limited** to the following:
- A.** Petitions for temporary civil protection orders and permanent protection order hearings;
 - B.** Petitions for temporary emergency risk protection orders and hearings on emergency risk protection orders;
 - C.** Crim. P. Rule 5 advisements;

- D. Juvenile detention and advisement hearings for juvenile delinquency cases;
- E. Shelter hearings in dependency and neglect cases;
- F. Petitions for appointment of an emergency guardian and/or special conservator and hearings related to same;
- G. Hearings on motions to restrict parenting time and parental abduction prevention;
- H. Emergency mental health filings and proceedings;
- I. Probable cause hearings for dog impoundment/dangerous dog cases; and
- J. 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 any individual or members of the community.

6. **Social Distancing:** When hearings are conducted anywhere in the El Paso County Courthouse, judicial officers and court staff shall limit in person participation and encourage and accommodate telephone and video appearance for all participants.

7. **Self-Help Centers:** The self-help center at the El Paso County Courthouse is **closed** until May 1, 2020. All court forms and instructions can be found at https://www.courts.state.co.us/Self_Help/Index.cfm

8. **Extrajudicial Activities:** The use of any of the courthouses for extrajudicial activities (e.g., the solemnization of marriages, CASA swearing in ceremonies) is prohibited until further notice.

9. **Probation:** The probation staff is conducting all business by phone. If you have a regular appointment with your probation officer, please call your Probation Officer directly, email your Probation Officer at firstname.lastname@judicial.state.co.us or call or email the Probation Department at 719-452-5900 or 04probation@judicial.state.co.us for further instructions. If your situation requires you report in person, the department will add your name to an approved entry list and will notify you of your reporting date and time. You will not be allowed in the building if you are not on this approved entry list. Physical office hours are Monday, Wednesday, and Friday from 10:00am-2:00pm. Voicemails and

Emails are checked every day; when leaving a message, please indicate the level of urgency of your situation. Due to a high volume of calls and emails, please allow 24 hours for a response prior to contacting again.

I will continue to monitor available information and recommendations from health organizations, and this CJO 20-16 may be revised or extended as deemed necessary.



Will Bain
Chief Judge

