

<b>DENVER COUNTY COURT          AMENDED ADMINISTRATIVE ORDER          COUNTY OF DENVER, COLORADO</b>	<b>March 31, 2020          Revised April 20, 2020          Revised May 8, 2020          Revised June 16, 2020          Revised November 6, 2020          Revised December 4, 2020          Revised January 4, 2021          Revised February 1, 2021</b>
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This Order is being issued in response to the Coronavirus (COVID-19) in Denver County

**The Court has the authority to modify this order at any time and without notice**

WHEREAS: The Court finds that it is under a national and state health emergency due to the COVID-19 virus. As of the date of this Order, thousands of Coloradans have tested positive for the disease, and many have died. This national public health emergency creates circumstances that are both exigent and extraordinary such that good cause exists for the Court to enter the following Order and take the following actions.

WHEREAS: This Order is based on, *inter alia*, the President’s order declaring a national state of emergency, Public Health Orders issued by the Colorado Department of Public Health and Environment (“CDPHE”), recommendations of national health organizations for limiting gatherings of people and maintaining social distancing, Executive Orders issued by Governor Jared Polis declaring a state of emergency, ordering social distancing, “stay at home,” and “safer at home” orders, Denver Mayor Hancock’s “stay at home,” and “safer at home” orders, and orders issued by Colorado Supreme Court Chief Justice Nathan Coats suspending all jury calls until August 3, 2020, all of which are currently in place.

WHEREAS: The Court cannot conduct normal business operations during this national pandemic, including trials.

**It is hereby ORDERED, effective June 16, 2020:**

Individuals who meet any of the following conditions are asked to not appear at the Courthouse: (1) has been diagnosed with COVID-19 (“Novel Coronavirus”) (2) has been in direct contact with someone who has been diagnosed with COVID-19 within the past fourteen days; (3) experiencing a fever, cough, shortness of breath, or any other respiratory illness symptoms.

**CASE MANAGEMENT: TRIALS AND HEARINGS**

1. Pursuant to the Sixth Amended Order from the Chief Judge of the 2<sup>nd</sup> Judicial District, Michael A. Martinez, jury trials in all Denver Courts will be suspended through April 2, 2021.

2. Except as outlined below, Denver County Court is suspending all in-person proceedings from March 16, 2020 until further Order of the Court, subject to the exceptions below.

Exceptions to the suspension of in-person court proceedings include but are not limited to:

- Proceedings necessary to protect constitutional rights of criminal defendants, including bond related matters and plea agreements for incarcerated individuals;
  - Proceedings related to advisement of incarcerated individuals entitled to a Preliminary Hearing;
  - Proceedings related to in-custody Criminal and General Sessions matters;
3. For the safety of the community, staff and litigants, all remaining hearings and conferences, to the maximum extent possible, are to be conducted virtually, namely via video or phone conference, or by any other method that does not require the physical presence of persons in Court Buildings. Instructions on how to appear in court virtually are [HERE](#).

### **DECORUM WHILE APPEARING VIRTUALLY**

The provisions of the Joint Order 19-01 and 19-02 are incorporated by reference into this order. It is prohibited for anyone appearing virtually (either by telephone or videoconferencing) to disrupt judicial proceedings, yell or make other outbursts, harass, intimidate or threaten court personnel or others, or engage in similar conduct that interferes with the ability of other employees to carry out the business of the courts or the ability of other persons to effectively access the courts. This includes the requirement that all participants appearing via videoconferencing be appropriately and fully clothed.

Furthermore, under Joint Order 19-02, with the exception of security and court personnel, no person appearing virtually (either by telephone or videoconferencing) is permitted to record or broadcast the proceedings in any manner. Any person who wishes to observe the proceedings may only do so by phone or video conference. A violation of this order is punishable by contempt under Colo. R. Civ. P. 107, and is subject to enforcement under Colo. Rev. Stat. §§ 18-9-111, and 19-9-117. Colorado Supreme Court Rules, Chapter 38, Court Rule 3, Media Coverage of Court Proceedings shall be followed for all requests for expanded media coverage during virtual proceedings.

### **CRIMINAL**

1. Pursuant to the Sixth Amended Order from the Chief Judge of the 2<sup>nd</sup> Judicial District, Michael A. Martinez, jury trials in all Denver Courts will be suspended through April 2, 2021;
2. For the safety of the community, staff and litigants, all remaining hearings and conferences, to the maximum extent possible, are to be conducted virtually, namely via

video or phone conference, or by any other method that does not require the physical presence of persons in Court Buildings. Instructions on how to appear in court virtually are [HERE](#);

3. All Writs of Habeas Corpus shall be issued to accommodate virtual appearances, to the extent possible, until further Order of the Court;
4. All Bond Return dates, including bond returns that are determined by the Sheriff's Department regarding other jurisdictions in Colorado, are to be scheduled for virtual appearances;
5. All County Court Orders for work search/work release shall be suspended until further Order of the Court;
6. All requests for warrants will be submitted electronically;
7. All defendants who are on probation are hereby permitted a reprieve from meeting with probation officers in person. However, such defendants are ORDERED to remain in contact with their probation officers remotely be it by email, phone, video or as otherwise as directed by the officer until further Order of the Court;
8. Alternative methods of signing, delivery and service of court documents and orders shall be permitted. This includes, but is not limited to, facsimile signatures, electronic signatures and proxy signatures. Necessary and appropriate findings of such alternative method shall be made on the record;
9. All criminal, general sessions, and traffic defendants set for final hearing or trial may file motions to continue with a waiver of speedy trial rights.;
10. Defendants who wish to address active warrants for failure to appear or comply may do so by calling (720) 337-0062 or online [HERE](#);
11. Specialty Court dockets, shall be conducted virtually until further order of the Court;
12. In order to alleviate the threat of COVID-19 in County Jails, the Denver County Court, as outlined in Joint Administrative Order 20-02, provides law enforcement discretion to issue summons in lieu of arrest and discretion in executing active bench and arrest warrants in all general sessions (GS) and misdemeanor (M) offenses, not required to execute the warrant and arrest that individual, unless the arrest or bench warrant includes a Victims Rights Act ("VRA") offense listed in C.R.S. §24-4.1-302, until further Order of the Court. All the requirements and conditions of the warrants previously signed by Denver County Court Judges remain in effect but are suspended during this state of emergency;

## **CIVIL AND TRAFFIC**

1. Pursuant to the Sixth Amended Order from the Chief Judge of the 2<sup>nd</sup> Judicial District, Michael A. Martinez, jury trials in all Denver Courts will be suspended through April 2, 2021;
2. For the safety of the community, staff and litigants, all remaining hearings and conferences, to the maximum extent possible, are to be conducted virtually, namely via video or phone conference, or by any other method that does not require the physical presence of persons in Court Buildings. Instructions on how to appear in court virtually are [HERE](#)
3. Civil filings by attorneys will still be accepted on the Court's filing system [HERE](#).
4. Denver County Court will require landlords in cases involving non-payment of rent to serve a 30-day notice pursuant to Governor Polis' Executive Order D 2020 223.
5. Before filing a Forcible Entry and Detainer (FED/Eviction case), the Court is temporarily requiring the filing party, or the attorney representing the filing party, to submit an affidavit indicating the filing party is in compliance with Governor Polis' Executive Orders D 2020 223 and 227 and that the landlord has not received a CDC Declaration, DOLA Declaration, or similar statement from the tenant. More information can be found at:
  - a. Governor Polis' Executive Order D 2020 227 [HERE](#) and 2020 223 [HERE](#)
  - b. Department of Local Affairs (DOLA):
    1. Frequently Asked Questions for Tenants and Landlords [HERE](#)
    2. Model Notification of CDC Eviction Protection Order [HERE](#)
  - c. Centers for Disease Control and Prevention (CDC) Order 55292 [HERE](#)
    1. CDC Declaration Form: English [HERE](#) Spanish [HERE](#)
  - d. To seek assistance from Colorado Legal Services, please contact them at (303) 837-1313 or [www.coloradolegalservices.org](http://www.coloradolegalservices.org).
  - e. To seek assistance from the Denver Department of Human Services Outreach Coordinator, please contact Tim Townsend at (720) 471-5744 or [tim.townsend@denvergov.org](mailto:tim.townsend@denvergov.org).

6. Temporary Protection from Abuse motions will continue to be heard and ruled upon on paper with supplemental telephone testimony on the record when necessary. If you are unable to email a Motion for Protection Order, you may call Project Safeguard at 720-865-9159 for assistance. If you have an emergency, you may also call the Safehouse Denver Hotline at (303) 318-9989. Emergency protection order filings will be accepted electronically by email [HERE](#). Permanent Order Hearings will be held through video conference. If the hearing cannot proceed via videoconference, the hearing shall be held by audio or teleconference.
7. Mediation and Arbitration hearings including landlord/tenant arbitration hearings are suspended until further Order of Court unless same can be heard via remote virtual setting;
8. In traffic cases, defendants are encouraged to resolve tickets either through the court's website [HERE](#) or through the court's plea by email option [HERE](#).
9. In parking cases, defendants are encouraged to resolve tickets either through the court's website [HERE](#) or by calling the Parking Magistrate at 720-913-5300 to schedule a time to appear by phone or video conference.

## **OPERATIONS**

1. Until further Order of Court, the Denver County Court will operate at a skeleton crew; in accordance with the Governor's Order at 50% or less. Staff are working remotely to meet the needs of our citizens and may be contacted by phone at City and County Building (720) 865-7840 and Lindsey-Flanigan Courthouse at (720) 337-0410 or by mail at 1437 Bannock, room 135, Denver CO 80202 or 520 W. Colfax Ave., room 160, Denver CO 80204, respectively.
2. Increased cleaning rounds across buildings, including additional cleanings and sanitizing for high-touch surface areas such as doors, counters, railings, restroom fixtures, customer counters, and doorknobs also increased restroom checks of paper towels and soap dispensers.
3. Denver Department of Health and Environment (DDPHE) has provided recommendations targeting risk mitigation and spread prevention in high volume areas such as Courtrooms, Clerk's Offices and customer service areas to include; social distancing, identification of high-touch surface areas requiring additional cleaning or modification, and education to staff regarding spread prevention measures which have been implemented.
4. Until further Order of the Court, the Denver County Court will hold all above-referenced essential criminal custodial hearings at the Van Cise-Simonet Detention Center;

5. The County Court Self-Help Center will only be available by phone or email [HERE](#) until further Order of the Court;
6. All defendants in the criminal, traffic, general sessions and civil divisions are reminded to ensure their contact and mailing information is up to date with the Court. Updated Contact information can be submitted online [HERE](#) or by contacting the court at 720-865-7800;
7. All notices re-setting hearings and trials will be mailed to litigants and counsel by Clerk's Office or Court room staff. Parties can confirm their future court date [HERE](#).
8. All nonessential court-related travel for staff and judicial officers is canceled until further notice;
9. All non-essential court-related activities, such as weddings, tours, meetings with outside groups, after-hours classes, social activities and events will be postponed and rescheduled until further order of the court;

The Court has the authority to modify this order at any time and without notice.

Dated this 1<sup>st</sup> day of February of 2021.

BY THE COURT:

/s/ Theresa A. Spahn

Theresa A. Spahn

Presiding Denver County Court Judge