Supreme Court of Colorado

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NATHAN B. COATS
CHIEF JUSTICE

SUPREME COURT OF COLORADO

OFFICE OF THE CHIEF JUSTICE

Updated Order Regarding COVID-19 and Operation of Colorado State Courts

On March 16 and 20, and April 16, 2020, in my capacity as Chief Justice of the Colorado Supreme Court, I issued orders concerning the administration of the state courts during the COVID 19 pandemic.

In consideration of changing guidance from health officials and modified executive orders at all levels of government gradually relaxing some limitations on assembly and personal contact; the obligations of the judiciary to provide forums for the timely ordering of the legal affairs of the people of this state; and the intervening exercise of its constitutional rulemaking powers by the supreme court; I now amend those orders as follows:

Until further directive by the Chief Justice, the state courts are to continue to operate on an emergency basis. The Chief Judges of the various districts are expected to continue to make all reasonable efforts to facilitate work by department employees from remote locations and to minimize personal contact. To that end, and with the understanding that some judicial proceedings may require personal appearances, wherever reasonably feasible, judicial proceedings, regardless of their nature, should continue to be conducted remotely.

In furtherance of the obligations of the state courts to provide forums for the conduct of legal business and protection of legal rights, and consistent with staffing and resources available under these emergency conditions, state courts are to continue the safe conduct of all legal business, whether essential or not. For the protection of the public health, safety, and welfare, however, certain judicial functions must be considered essential, even during the current health crisis, and therefore these functions must take priority over other matters and may not be altogether suspended, even where they cannot be provided remotely. These matters include:

1. Petitions for temporary civil protection orders and permanent protection order hearings;

2. Petitions for temporary emergency risk protection orders and hearings on emergency risk protection orders;
3. Crim.P. Rule 5 advisement for incarcerated persons and the initial setting of bail;
4. Revocation hearings on complaints to revoke probation involving an incarcerated defendant;
5. Proceedings necessary to protect the constitutional rights of criminal defendants including bond-related matters and plea agreements for incarcerated individuals;
6. Detention hearings for juvenile delinquency cases;
7. Shelter hearings in dependency and neglect cases or other juvenile proceedings;
8. Petitions for appointment of an emergency guardian and/or special conservator;
9. Hearings on motions to restrict parenting time and parental abduction prevention;
10. Emergency mental health proceedings; and
11. And 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 or 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.

Because jury pools, at least according to current practices, still cannot be assembled consistent with existing public health guidelines, no person shall be summoned by state courts to assemble for jury service to begin any time prior to July 6, 2020, unless or until further modification of this order. In consideration, however, of constitutional and statutory rights to jury trials, and the imperative to secure those rights as expeditiously as feasible, any Chief Judge devising an approach for the conduct of limited jury trials consistent with health guidelines and local executive orders concerning assembly and personal contact may seek a waiver of this prohibition against the assembly of jury pools.

Done at Denver, Colorado this 5th day of May, 2020.

Nathan B. Coats
Chief Justice, Colorado Supreme Court