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F I L E D
Clerk of the Superior Court

FEB 09 2022

By: A. Cabrales

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CENTRAL DIVISION

**IN RE: FACE-COVERING AND SELF-
SCREENING REQUIREMENTS**

) **GENERAL ORDER OF THE PRESIDING
DEPARTMENT**

) **ORDER NO. 020922-50**

As a result of the COVID-19 pandemic, the Governor of California declared a state of emergency in this state. The President of the United States has also declared a national emergency. The health and safety concerns associated with the pandemic, along with the State of California and County of San Diego public health orders issued in response thereto, have caused substantial operational changes for the court since March 17, 2020.

While the State of California has fully reopened its economy and allowed businesses and public entities, including the court, to generally return to usual operations, several risk-reduction measures continue to be required or recommended by county, state, and federal public health authorities and workplace safety regulations.

Most recently, the California Department of Public Health (CDPH) announced that, effective February 16, 2022, in indoor public settings, face coverings will be recommended for fully vaccinated individuals and required for individuals who are not fully vaccinated.

1 Accordingly, effective February 16, 2022, in all of the court’s facilities, face coverings will
2 be optional, but recommended, for fully vaccinated individuals and required for individuals who are
3 not fully vaccinated as defined by CDPH and Cal/OSHA as of the date of this order; however, court
4 employees may be required to wear face coverings, regardless of vaccination status, in certain
5 situations or locations pursuant to Cal/OSHA regulations. In addition, the court will continue to
6 follow applicable guidance from county, state, and federal public health authorities, including, but
7 not limited to, prohibiting individuals from entering if they are subject to an isolation or quarantine
8 order or are experiencing symptoms of COVID-19, continuing increased cleaning measures, and
9 providing hand sanitizer kiosks.

10 For good cause and pursuant to the court’s inherent supervisory and administrative
11 authority, as well as the Presiding Judge’s duty to promote access to justice for all members of the
12 public, taking into account the needs of the public and court as they relate to the efficient and
13 effective management of the court (Cal. Rules of Court, rule 10.603), this court HEREBY FINDS
14 AND ORDERS AS FOLLOWS:

15 Effective February 16, 2022, at 7:00 a.m., and until further notice, the court will follow
16 applicable guidance from county, state, and federal public health authorities and impose the
17 following COVID-19 risk-reduction measures:

18 1. For individuals who are not court employees: Face coverings are optional, but
19 recommended, for fully vaccinated individuals, and face coverings are required for individuals who
20 are not fully vaccinated. Any individual not wearing a face covering inside a court facility is self-
21 attesting that they are fully vaccinated in compliance with the requirements of the current California
22 Department of Public Health Guidance for the Use of Face Masks (“CDPH Guidance”), available at
23 [https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-
25 coverings.aspx](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-
24 coverings.aspx). Persons younger than two years old are exempt from wearing a face covering.
26 Unvaccinated persons exempted by the CDPH Guidance, such as those with a medical condition,
27 mental health condition, or disability that prevents wearing a face covering, will be assisted outside
28 the courthouse or provided with an alternative accommodation. Any unvaccinated person without a
face covering may be denied entry to, or removed from, the courthouse or courtroom.

1 2. For court employees: Face coverings are optional, but recommended, for fully
2 vaccinated employees, and face coverings are required for employees who are not fully vaccinated.
3 To be considered fully vaccinated and eligible to remove their face covering in the workplace, court
4 employees must follow the proof-of-vaccination procedures communicated by the Executive
5 Officer, including any subsequent modifications to that procedure. All court employees will be
6 considered not fully vaccinated and required to wear a face covering in the workplace unless and
7 until they have successfully completed the current procedure. Court employees who are not fully
8 vaccinated may remove their face covering when working in an office or room alone or when
9 actively eating or drinking provided they are able to maintain six feet of social distancing from
10 other persons. Employees exempted by applicable CDPH Guidance or Cal/OSHA regulations, such
11 as those with a medical condition, mental health condition, or disability that prevents wearing a face
12 covering, may be provided with an alternative accommodation, if available. Any employee that is
13 not fully vaccinated in accordance with this paragraph may not enter any court facility without a
14 face covering unless they have a pre-approved alternative accommodation. In addition, employees
15 may be required to wear face coverings, regardless of vaccination status, in certain situations or
16 locations pursuant to Cal/OSHA regulations, including, but not limited to, employees who qualified
17 for shortened isolation or quarantine periods or employees who have received a notice of multiple
18 COVID-19-positive results in a work area.

19 3. Notwithstanding the above, the court may designate certain areas within its facilities
20 where all persons, including court employees, will be required to wear face coverings, regardless of
21 vaccination status. The court will post signs in these areas indicating face coverings are required,
22 regardless of vaccination status. As of the date of this general order, such areas include Family
23 Court Counselor Offices and Children's Waiting Rooms; however, the court may subsequently
24 modify the areas requiring universal face coverings as determined by the Executive Officer. In such
25 areas, persons younger than two years old are exempt from wearing a face covering, and persons
26 exempted by the CDPH Guidance, such as those with a medical condition, mental health condition,
27 or disability that prevents wearing a face covering, will be assisted outside the applicable court area

1 or provided with an alternative accommodation. Any non-exempt person without a face covering
2 may be denied entry to, or removed from, such designated areas.

3 4. All persons, including court staff and judicial officers, are required to self-evaluate for
4 symptoms and may not enter the courthouse if they are subject to an isolation or quarantine order or
5 exhibiting COVID-19 symptoms as described by the Centers for Disease Control and Prevention
6 (“CDC”) (available at: [https://www.cdc.gov/coronavirus/2019-ncov/symptoms-](https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html)
7 [testing/symptoms.html](https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html)), which currently include, but are not limited to, fever or chills, cough,
8 shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of
9 taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea.

10 5. This order does not restrict or otherwise abrogate the express and inherent authority of
11 the court and its judges to provide for the orderly conduct of proceedings, control in the furtherance
12 of justice the conduct of persons connected with judicial proceedings, or to control processes and
13 orders so as to make them conform to law and justice. Specifically, if a judicial officer determines
14 it is necessary to the furtherance of justice to wear or remove their face covering when on the bench
15 or to direct an individual in their courtroom to wear or remove their face covering, they may do so.

16 6. Effective February 16, 2022, at 7:00 a.m., General Order of the Presiding Department of
17 the San Diego Superior Court, In Re: Face-Covering, Order No. 010122-41, is rescinded as moot.

18 IT IS SO ORDERED.

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20 DATED: February 9, 2022



21 **HONORABLE MICHAEL T. SMYTH**
22 **PRESIDING JUDGE**
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