

JAN 18 2022

Darrel E. Parker, Executive Officer
BY Tanya Perez
Tanya Perez, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA,
IN AND FOR THE COUNTY OF SANTA BARBARA

ADMINISTRATIVE ORDER RE:) ADMINISTRATIVE ORDER
MANDATORY FACE MASKS AND) NO. 2022-02
PUBLIC ACCESS)

During the ongoing COVID-19 pandemic, the court must continue to fulfill its statutory duties, while safeguarding the well-being of the public it serves. Due to the highly contagious OMICRON variant and the existence of breakthrough cases, and at the recommendation of the Santa Barbara County Public Health Officer, the court hereby amends its order requiring the use of masks in court facilities.

To continue to protect the health of court users, pursuant to Cal. Const. art., VI §1, Code Civ. Proc. §128, Gov. Code §68070, Cal. Rules of Court, rule 10.603, and the inherent powers of the court (In re Reno (2012) 55 Cal.4th 428, 522), and in compliance with federal, state, and local public health guidance,

1 **THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:**

2 1. Until further notice, all persons entering any courthouse, courtroom, or other court
3 facility – regardless of vaccination status – shall wear a mask that fits securely and snugly over
4 the nose and mouth at all times within public areas of the courthouse or courtroom. A face mask
5 with a valve, neck gaiter, bandana, or handkerchief shall not be used. A face shield shall not be
6 used without a mask, unless required by a physician. Children under the age of two (2) are exempt
7 from this order.

8 2. The California Department of Public Health has noted the “most effective” mask,
9 in protecting against COVID-19 is an N95 mask. All persons entering any courthouse are strongly
10 encouraged to wear an N95 mask, when choosing a mask to comply with this order. Additional,
11 acceptable face coverings include a cloth mask when worn over a surgical mask, a KN95 or KF94
12 mask.

13 3. Court employees and bench officers are required to wear a KN95, KF94 mask or a
14 cloth mask with a surgical mask underneath.

15 4. Individuals with a physical or mental health impairment or disability who seek an
16 exemption from the face mask requirement must request a reasonable accommodation under the
17 Americans with Disabilities Act or California Rules of Court, rule 1.100. Written requests can be
18 made by use of Judicial Council form MC-410, which can be found at
19 <https://www.courts.ca.gov/documents/mc410.pdf>.

20 5. Individuals who decline to wear a face mask without a court order exempting them
21 from the mask requirement will be denied entry to the courthouse and/or courtroom.

22 6. Individuals who remove their face mask from covering their nose and mouth after
23 entering the courthouse or courtroom will be reminded to wear them. If they refuse to do so, they
24 may be denied services, may have their legal matters rescheduled, and/or will be asked to leave
25 the courthouse or courtroom immediately. Individuals who refuse to leave voluntarily will be
26 escorted out of the courthouse and/or courtroom by Santa Barbara County Sheriff’s Department
27 personnel and/or may be punished by contempt.
28

1 7. Court employees and bench officers may temporarily remove their masks when
2 they are alone in a room or private office. They may also temporarily remove their masks when
3 they are eating or drinking at the workplace, provided they maintain six feet of social distancing.

4 8. While in the courthouse or any court facility, practice good hand washing hygiene,
5 and cover coughs and sneezes, preferably with a tissue.

6 9. As the court continues to monitor the capacity and close contact of individuals in
7 the courthouses, the court will continue: limiting the matters to be heard on any given day;
8 staggering the scheduling of cases; monitoring the number of summoned jurors; facilitating
9 remote telephonic/video court proceedings; maintaining on-line services; and requiring
10 appointments for in-person services.

11 10. Access to any and all courtroom proceedings is open to summoned jurors, parties,
12 their attorneys, witnesses subpoenaed to testify, one support person statutorily permitted to
13 accompany a person seeking a temporary restraining order, and other authorized persons.
14 Members of the media or public may also attend to the extent that seating is safely available, which
15 will be determined by the courtroom assigned judicial officer based upon the number of required
16 court participants and the size of the individual courtroom. The assigned judicial officer retains
17 the discretion to limit the number of people within their courtroom to ensure appropriate spacing
18 for the safety of all persons within the courtroom.
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21 THIS ORDER IS EFFECTIVE 1/18/2022 AND IS INTENDED TO FURTHER AMEND
22 THE AMENDED GENERAL ORDER RE: COURT ACCESS DATED 06/18/2021. IT WILL
23 REMAIN IN EFFECT UNTIL FURTHER NOTICE.

24 **IT IS SO ORDERED.**

25
26 DATED: 1/18/2022



27 GUSTAVO E. LAVAYEN
28 Presiding Judge, Santa Barbara County