

MAR 29 2022

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

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

ADMINISTRATIVE ORDER RE:
MANDATORY FACE MASKS AND
PUBLIC ACCESS

) ADMINISTRATIVE ORDER
) NO. 2022-03
)
)
)
)
)
)
)
)
)

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 substantial decline in COVID-19 cases, and due to the change in masking requirements by the California Department of Public Health, which now “strongly recommends” that all individuals mask in indoor public settings, 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,

THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:

1. Until further notice, all persons entering the jury assembly room or any courtroom that is formally in session, regardless of vaccination status, shall wear a mask that always fits securely and snugly over the nose and mouth within the courtroom. A face mask with a valve, neck gator, bandana, or handkerchief shall not be used. A face shield shall not be used without a mask, unless required by a physician. Children under the age of two (2) are exempt from this order.

- 1 2. Individual judicial officers retain the authority to modify this order to address courtroom
2 needs and circumstances and may permit individuals to remove their masks as necessary
3 when testifying as a witness, being questioned as a prospective juror or as necessary to
4 ensure that a court reporter or electronic recording device can clearly report or record the
5 proceedings.
- 6 3. Judicial officers may also, in their discretion, authorize persons within their individual
7 courtroom to remove their masks when removal of masks is consistent with the safety of
8 all occupants. Prior to authorizing the removal of masks, judicial officers shall consider
9 the size and configuration of the courtroom, the number of persons within their courtroom
10 and the physical proximity of those persons to each other prior to authorizing removal of
11 masks. Before authorizing the voluntary removal of masks, persons should be reminded
12 that the CDC does strongly recommend mask wearing indoors.
- 13 4. Individuals who remove their face mask from covering their nose and mouth after entering
14 a courtroom formally in session when masks are required will be reminded to wear them.
15 If they refuse to do so, they may be denied services, may have their legal matters
16 rescheduled or be asked to leave the courtroom immediately or both. Individuals who
17 refuse to leave voluntarily will be escorted out of the courthouse or courtroom by Santa
18 Barbara County Sheriff's Department personnel and may be punished by contempt.
- 19 5. Other than as stated above, beginning April 4, 2022, masks are no longer required in court
20 facilities, including courtrooms that are not in session. Masks, however, are strongly
21 recommended and the court encourages all persons, including employees, to wear masks
22 for their protection. The court encourages the use of KN95 or KF94 masks.
- 23 6. Beginning April 4, 2022, the court no longer requires that individuals be seated in every
24 other seat in the jury assembly room or courtrooms, including audience seating and the
25 jury box.
- 26 7. Individuals with a physical or mental health impairment or disability who seek an
27 exemption from the face mask requirement must request a reasonable accommodation
28

1 under the Americans with Disabilities Act or California Rules of Court, rule 1.100. Written
2 requests can be made by use of Judicial Council form MC-410, which can be found at
3 <https://www.courts.ca.gov/documents/mc410.pdf>.

4 THIS ORDER IS EFFECTIVE APRIL 4, 2022 AND IS INTENDED TO SUPERSEDE AND
5 REPLACE ALL PRIOR ADMINISTRATIVE ORDERS RE MASK REQUIREMENTS. IT WILL
6 REMAIN IN EFFECT UNTIL FURTHER NOTICE.

7 **IT IS SO ORDERED.**

8
9 DATED: 3/29/22


10 GUSTAVO E. LAVAYEN
11 Presiding Judge, Santa Barbara County
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28