

COMBINED COURTS, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma Counties, State of Colorado.	
ADMINISTRATIVE ORDER NO. 2021-D	▲ COURT USE ONLY ▲
13TH JUDICIAL DISTRICT COMBINED COURT COVID-19 FACE COVERING ORDER, JUNE 17, 2021	

This Court entered an Order on July 19, 2020, mandating face coverings under a variety of circumstances and in various locations within those courthouses in the 13th Judicial District. The Order was amended on March 23, 2021. More recent developments in public health relative to COVID-19 permit that earlier Order to be modified.¹

Accordingly, in a continuing effort to maximize protection of our staff and the public, balanced with the need to recognize the generally recognized liberty interests of citizens in the control over their own bodily integrity,² and litigants’ rights to fair trials, I hereby Find, Order and Direct as follows:

¹ These include the substantial reduction in the number of “active cases” throughout the 13th Judicial District and many other areas of Colorado, namely, 66 cases out of a population of approximately 80,000 as of this date; and the past and ongoing administration of a significant number of emergency authorization vaccines to staff in the 13th Judicial District and consumers of Court services. Further, the Chief Justice of Colorado has now ordered that each Chief Judge may determine the “facial covering and physical distancing requirements” in the courthouses and probation offices of that Chief Judge’s own District. See Updated Order Regarding Safety in Colorado Courthouses, dated June 15, 2021. The undersigned also has considered P.H. Order 20-38, as amended, together with any recommendations of the Northeast Colorado and Kit Carson County Departments of PH&E in this regard. It is also noted that certain variant strains of COVID-19 may affect persons within our District. Nevertheless, no binding public health orders have been issued as to the mitigation of such variants.

² *Planned Parenthood v. Casey*, 505 U.S. 833, 849 (1992) (“the Constitution places limits on the State’s right to interfere with a person’s most basic decisions about...bodily integrity) (citations omitted)); *Guertin v. State*, 912 F.3d 907, 919 (6th Cir. 2019) (the right “bears an impressive constitutional pedigree”) (internal quotation marks and citation omitted); *Sepulveda v. Ramirez*, 967 F.2d 1413, 1415-16 (9th Cir. 1992) (right to bodily privacy is clearly established); see also *Vitek v. Jones*, 445 U.S. 480, 492 (1980) (the Due Process Clause protects against “unjustified intrusions on personal security”) (internal quotation marks omitted) (citing *Ingraham v. Wright*, 430 U.S. 651, 673-

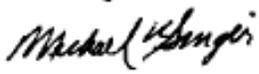
1. Public hallways, elevators, courtrooms and hearing rooms have previously been determined to be Public Indoor Spaces. All individuals entering and moving through those areas are allowed, but not required to wear masks covering their nose and mouth.
2. Each judicial officer, employee or contract employee of the 13th Judicial District is empowered to inform members of the public of this Order and, for their own protection, may suggest to members of the public that they wear masks in the relevant Public Indoor Spaces, unless exempt.
3. Nevertheless, a person who appears to have active symptoms of cold, flu, COVID-19, or like respiratory disease, may either be mandated to wear a face covering (unless medically exempt), or asked to leave the premises until they have recovered or, if applicable, are no longer subject to isolation or quarantine pursuant to CDHPE guidelines.
4. Where plexiglass, glass partitions, or other means are present to reduce the likelihood of potential transmission of the virus, judicial officers or employees working within such partitions need not wear a mask, unless directed to do so by a presiding judge.
5. I have determined previously by means of the Order dated July 21, 2020 that office areas, stairways, interior hallways, chambers, storage rooms, “break rooms,” copy rooms, and meeting rooms where judicial officers, employees or contract employees are regularly present for the performance of their regular duties are NOT Public Indoor Spaces. In such areas, judicial officers, employees or contract employees are encouraged to wear face coverings when other staff are present and social distancing is not possible. This will also include jury deliberation rooms.
6. All persons are encouraged to maintain “social distancing” of three feet or more for the comfort of others within our courthouses.

Nothing in this Order modifies prior Chief Judge Orders in terms of operations, except as this Order is inconsistent with those prior Orders; in such case, this Order governs.

This Order remains in effect until modified or amended from time-to-time.

74 (1977) (unjustified intrusions on personal security are among “historic liberties” under Due Process Clause)); *Robinson v. Atty. General*, 957 F.3d 1171, 1179 (11th Cir. 2020) (deference traditionally extended to orders by public health officials is “not an absolute blank check for the exercise of governmental power”); *cf. Green v. Alachua County*, ___ So.3d ___, 2021 WL 2387983 (Dist.Ct. of Appeal of Florida, First Dist., 6/11/21) (holding that the “right to privacy” protected under Florida Constitution is “fundamental”; mask mandate must be analyzed under “strict scrutiny” principle).

IT IS SO ORDERED, effective June 19, 2021.



Chief Judge

June 17, 2021, at 0930 hours.