



**FIFTH JUDICIAL DISTRICT, STATE OF COLORADO
CLEAR CREEK COUNTY, EAGLE COUNTY, LAKE COUNTY,
AND SUMMIT COUNTY**

**ADMINISTRATIVE ORDER)
REGARDING FACE COVERINGS) 2021 - FC AUG. 11 2021
UNDER COVID-19 ADVISORY)
)**

Since the Novel Coronavirus (“COVID- 19”) was first detected in Colorado in March 2020, the undersigned has issued numerous orders regarding courthouse operations, including jury trials, designed to balance public health and safety with the commitment to protect constitutional and statutory rights and to ensure equal access to justice for those we serve. These orders have consistently followed existing national, state, and local public health orders and/or guidance, as well as orders issued by the Chief Justice of the Colorado Supreme Court.

On June 15, 2021, Chief Justice Boatright issued an Updated Order Regarding Safety in Colorado Courthouses (“Chief Justice’s Updated Safety Order”), wherein the Chief Justice delegated to the Chief Judges to determine mask and social distancing requirements in courthouses and probation offices in their respective judicial districts. Chief Judges are directed to make decisions in consultation with local public health officials, when possible, and to consider local circumstances, including vaccination rates, COVID positivity rates/metrics, and courthouse layout. Chief Judges must prioritize safety for the public and staff in making these decisions and must strive to ensure that individuals interacting with the court system feel safe.

On June 22, 2021, after consultation with local public health officials, the Fifth Judicial District returned to normal operations, reducing social distancing, while at the same time, directing that those who are sick not enter the courthouses or probation offices and strongly encouraging those who are unvaccinated or not yet fully vaccinated to wear a face covering.

On July 27, 2021, the Center for Disease Control (“CDC”) issued new guidance based on increasing concern related to the potential spread and impact of the B.1.671.2 (“Delta”) variant. This guidance recommends that both vaccinated and unvaccinated individuals wear face coverings in public indoor settings in areas identified as having “substantial” or “high” community transmission. Based on current data, positivity rates within the District are as follows: Clear Creek – 9.7%, Eagle – 11.4%, Lake – 16.0%, and Summit – 10.9%. The CDC also categorizes counties in the District as either “high” or “substantial” with respect to community transmission. While vaccination rates are generally high among residents across the District, the District is in the height of the summer tourism season with many visitors. Additionally, “breakthrough” cases have been reported across the District in previously vaccinated individuals.

In view of the foregoing, and after consultation with the Court Executive, the Chief Probation Officer, and the Judges, it has been determined that it is appropriate to reimplement the requirement for face coverings in public areas of the courthouses and probation offices as set forth in this Order.

Pursuant to the authority granted in Chief Justice Directive 95-01 and Chief Justice Order dated June 15, 2021, it is hereby ORDERED as follows:

1. **Definitions:** For purposes of this Order:
 - a. **“face coverings”** means medical or non-medical cloth face coverings that cover the mouth and nose and are intended to reduce transmission of viruses, including those associated with COVID 19 and its variants.
 - b. **“private areas of the courthouses and probations offices”** are defined as areas within said buildings only accessible by way of key, key card, or access code by authorized personnel.
 - c. **“public”** means all persons that are not employees of the Fifth Judicial District courts or probation department.
 - d. **“staff”** means employees of the 5th Judicial District, including judges.

2. **Private Areas. Face coverings are not required** to be worn by staff in the private areas of the courthouses and probation offices **unless**: (1) staff are meeting in a private area with member(s) of the public that have not been vaccinated against COVID 19 or whose vaccination status is unknown; or (2) staff are in the private area of the courthouse or probation office but interacting with the public through or at a clerk’s window/counter. In these two instances face coverings will continue to be required for

all persons (staff and public). Per Executive Order D 2021 -103, and notwithstanding any other provision of this Order, "Any individual, age eleven (11) and older, who is not fully vaccinated is encouraged to wear a medical or non-medical cloth face covering that covers the nose and mouth when entering or within an indoor space where members of different households are present."

3. **Public Areas. Face coverings are required for all persons** when in the public areas of the courthouses and probation offices, **except** when the only persons present are staff (e.g. if a judge and CJA are in a courtroom, but no one else is present, then the judge and CJA may remove their face coverings).

4. **Presiding Judge Orders.** Judges may exercise their discretion to determine whether and under what circumstances a face covering may be removed by a participant on a case-by-case basis for all in-person court proceedings, including jury trials

5. **Discretionary Face Coverings.** Any individual may chose to continue wearing a face covering at their discretion and individuals are expected to be amenable to requests from others to apply a face covering when meeting in individual offices and/or personal work stations in the private areas of the courthouses and probation offices.

6. **Effective Date, Modification, and Binding Effect.** This Order shall be effective on **August 16, 2021, at 8:00 a.m.** Circumstances continue to change and this Order may be updated or modified frequently. All persons are encouraged to check regularly on the 5th Judicial District homepage which can be found on the website for the Colorado Judicial Branch at www.courts.state.co.us for the latest information. The Order shall be deemed filed in each and every case filed in the District and binding on all parties and attorneys in each case.

SO ORDERED this 11th day of August, 2021.


Mark D. Thompson
Chief District Court Judge

