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SUPREME JUDICIAL COURT RULES

Order in re: COVID-19 (coronavirus) pandemic

Supreme Judicial Court third order regarding public access to state courthouses & court facilities

ADOPTED DATE:

07/29/2020

EFFECTIVE DATE:

08/03/2020

UPDATES:

Entered July 29, 2020, effective August 3, 2020 (https://www.mass.gov/media/2162446/download)

Repealing and replacing Second Order Regarding Access to State Courthouses & Court Facilities effective August 3, 2020.

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Introduction

In light of continuing public health concerns arising from the COVID-19 (coronavirus) pandemic, the Supreme Judicial Court (SJC), pursuant to its superintendence authority, issues the following ORDER.

1. Prior order

Effective August 3, 2020, this Order shall repeal and replace the Order Regarding Access to State Courthouses & Court Facilities, which was issued on July 7, 2020 and effective on July 13, 2020.

2. Scope

This Order applies to (a) litigants, attorneys, witnesses, jurors, law enforcement personnel, contractors, vendors, media, and other members of the public when in or seeking entry to a Massachusetts state courthouse or other state court facility, including a probation office or a building that is temporarily being used for court proceedings (courthouse); and (b) non-court personnel whose place of work is in a courthouse (e.g., employees of a Registry of Deeds or the Social Law Library) whenever they are in the courthouse but outside of their immediate place of work. It does not apply to court personnel, who, instead, must comply with health and safety protocols established by the Trial Court or the relevant appellate court, as applicable, when in or seeking entry to a courthouse.

In addition to complying with this Order, persons entering courthouses must comply with all other court orders regarding entry during the pandemic. See, e.g., Third Updated Order Regarding Court Operations Under The Exigent Circumstances Created By The COVID-19 (Coronavirus) Pandemic, which, as of July 13, 2020, limits entry to persons who are present for one or more of the following purposes: attending in-person court proceedings; conducting in-person business with a clerk's, register's, or recorder's office; meeting with a probation officer or probation staff person; or conducting business at other offices that are open to the public and housed in the courthouse.

3. Persons prohibited from courthouses

The following persons shall not enter or remain in any courthouse:

- Persons not wearing a mask or cloth face covering as set forth in § 6 below. Visitors should come to the courthouse with their own mask or face covering;
- Persons who have tested positive for, or been clinically diagnosed with, COVID-19 within the last 14 days;
- Persons who are currently experiencing, or have experienced within the last three days, symptoms of COVID-19, such as a fever, chills, sore throat, or new symptoms of a severe cough, shortness of breath, severe muscle pain, headache, loss of taste or smell, extreme fatigue, nausea, diarrhea, or vomiting;
- Persons who have been advised to self-quarantine by a doctor or other health care provider or a public health agency within the last 14 days;
- Persons who are required to quarantine under the Governor's Order Instituting a Mandatory 14 Day Quarantine Requirement for Travelers Arriving in Massachusetts (COVID--19 Order No. 45) or any updates of that order;
- Persons who reside with someone who has tested positive for, or been clinically diagnosed with, COVID-19 within the last 14 days;
- Persons awaiting COVID-19 test results after experiencing symptoms of COVID-19 or having been in close contact with someone who has COVID-19, and persons who reside with someone who is awaiting such COVID-19 test results; and
- Persons who fail or refuse to engage in the screening process referenced in § 4 below.

4. Screening

All persons seeking entry to a courthouse will be subject to a screening process that may include:

- Answering questions designed to determine whether the person is prohibited from entering a courthouse under § 3. Any person whose answer(s) indicate that he or she falls into one of the categories listed in § 3 above will not be permitted to enter the courthouse.
- Having their temperature taken, using a contactless thermometer. A person with a temperature reading of 100 degrees or higher, will not be permitted to enter the courthouse. If a person's initial temperature reading is 100 degrees or higher, the person may be given a second temperature reading no less than ten minutes later. If the second reading is below 100 degrees, the person will not be barred from the courthouse because of a fever.

5. What to do if entry is prohibited

If a person has a scheduled appearance or appointment at a courthouse and falls into any of the categories listed in § 3 above and/or is denied entry after undergoing the screening process referenced in § 4 above, the person should proceed as follows:

- If the person is represented by an attorney, contact the attorney;
- If the person has no attorney, call the clerk's office for the court where the person is scheduled to appear or would seek relief;
- If the person is an attorney and is scheduled to appear before a judge, contact the clerk's office or, if practicable, that session directly by telephone;
- If the person is scheduled to meet with a probation officer, contact the probation officer or applicable probation office directly by telephone;
- If the person is a juror sitting on an ongoing trial or grand jury or appearing for empanelment, call the telephone number the person was provided when the person was seated on the jury or summoned for empanelment; or
- If in doubt as to whom to contact, call the clerk's office for the particular court in which the person was scheduled to appear.

6. Rules while in courthouse

All persons must comply with the following rules while in a courthouse:

- *Face Coverings*. All persons over the age of two are required to wear masks or cloth face coverings that cover their nose and mouth at all times. Visitors should come to the courthouse with their own mask or face covering. The courts will endeavor to have face coverings available in the event that someone does not have one.
- *Physical Distancing*. All persons must engage in physical distancing, by standing or sitting at least six feet away from other individuals whenever practicable and abiding by markings on floors and benches indicating places to stand or sit. The number of persons allowed to be in elevators, offices (including clerks', registers', recorder's, and probation offices), courtrooms, restrooms, and public waiting areas will be limited to protect public health.

The presiding judge or clerk-magistrate may modify these rules in a courtroom or hearing room during a judicial proceeding as justice requires.

Anyone who fails to abide by these rules, or the rules established in a courtroom or hearing room by the presiding judge or clerk-magistrate, after receiving a verbal warning will be required to leave the courthouse immediately or will be subject to such other sanction as the presiding judge or magistrate may order.

7. Hand-sanitizing

All persons are strongly encouraged to engage in frequent hand-washing and/or the frequent application of hand sanitizer while in a courthouse. Courts will endeavor to provide hand-sanitizer inside the entrance to, and in other strategic locations throughout, courthouses, but all persons entering a courthouse are encouraged to provide their own hand-sanitizer and disinfectant wipes.

8. Writing instruments

All persons are encouraged to bring their own pen with them to court for completing and signing pleadings and other documents.

This Order shall be effective on August 3, 2020, and remain in effect until further order of the court.

Downloads

Supreme Judicial Court third order regarding public access to state courthouses & court facilities

(https://www.mass.gov/doc/supreme-judicial-court-third-order-regarding-public-access-to-state-courthouses-court/download)

(PDF 307.55 KB)

UPDATES:

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