

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

SUFFOLK, ss.

OE-144

In Re: COVID-19 (Coronavirus) Pandemic

FOURTH ORDER REGARDING PUBLIC ACCESS TO
STATE COURTHOUSES & COURT FACILITIES

In view of the guidance for vaccinated and unvaccinated persons recently issued by the Centers for Disease Control and Prevention (CDC) and the Department of Public Health (DPH), the Governor's lifting of the State of Emergency and most of the restrictions imposed in the Commonwealth in response to COVID-19, the widespread availability of COVID-19 vaccinations, and the overall situation in the Commonwealth with respect to COVID-19, as well as in consideration of the health and safety of court users and personnel, the Supreme Judicial Court (SJC), pursuant to its superintendence authority, issues the following ORDER.

1. Prior Order. Effective July 12, 2021, this Order shall repeal and replace the Third Order Regarding Access to State Courthouses & Court Facilities, which was issued July 29, 2020, and became effective August 3, 2020.

2. Scope. This Order applies to (a) all persons 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.

3. Fully Vaccinated. For purposes of this Order, a person is considered fully vaccinated 2 weeks after receiving the second dose of a 2-dose COVID-19 vaccine, such as the Pfizer or Moderna vaccines, or 2 weeks after receiving a single-dose COVID-19 vaccine, such as Johnson & Johnson's Janssen vaccine.

4. Fully vaccinated persons shall not enter a courthouse if they:

- Tested positive for COVID-19 within the previous 10 days; or
- Are awaiting COVID-19 test results after experiencing symptoms of COVID-19; or
- Have been directed to isolate or quarantine; or
- Currently have symptoms consistent with 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.

5. Persons not fully vaccinated shall not enter a courthouse if they:

- Tested positive for COVID-19 within the previous 10 days; or
- Are awaiting COVID-19 test results after experiencing symptoms of COVID-19 or after having close contact (as defined by the CDC) with someone who has COVID-19; or
- Have been directed to isolate or quarantine; or
- Within the previous 14 days have had symptoms consistent with 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; or
- Have traveled internationally within the previous 14 days; or
- Within the previous 14 days, have had close contact (as defined by the CDC) with someone who has COVID-19.

6. Screening. All persons seeking entry to a courthouse, even if fully vaccinated, must comply with any required screening procedures and directions.

7. Masks. Until further notice, except as provided below, all persons, even if fully vaccinated, must wear a mask covering their nose and mouth while inside a courthouse.

Visitors should come to the courthouse with their own mask. The courts will endeavor to have masks available if someone does not have one.

The presiding judge or clerk-magistrate may modify this rule in a courtroom or hearing room during a judicial proceeding consistent with any policy established by the Trial Court or the relevant appellate court.

Anyone who fails to wear a mask as required, 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 clerk-magistrate may order.

8. Capacity/Physical Distancing. COVID-19-related capacity and physical distancing restrictions in courthouses are no longer required.

9. 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 §§ 4 or 5 above and/or is denied entry after undergoing a screening process as referenced in § 6 above, the person should proceed as follows:

- If the person is represented by an attorney, contact the attorney; or
- If the person has no attorney, call the registry or clerk's office for the court where the

person is scheduled to appear or would seek relief; or

- If the person is an attorney and is scheduled to appear before a judge, contact the registry or clerk’s office or, if practicable, that session directly by telephone; or
- If the person is scheduled to meet with a probation officer, contact the probation officer or applicable probation office directly by telephone; or
- 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 seated on the jury or summoned for empanelment; or
- If the person is a potential juror appearing for the first day of service, contact the Office of Jury Commissioner; or
- If in doubt as to whom to contact, call the registry or clerk's office for the particular court in which the person was scheduled to appear.

10. Further Orders. This order may be updated at any time in the ongoing effort to balance the safety of everyone who enters a courthouse with the need for efficient court operations.

This Order shall be effective on July 12, 2021 and remain in effect until further order of the court.

KIMBERLY S. BUDD)
) Chief Justice
)
FRANK M. GAZIANO)
) Justices
)
DAVID A. LOWY)
)
ELSPETH B. CYPHER)
)
)
SCOTT L. KAFKER)
)
)
DALILA ARGAEZ WENDLANDT)
)
)
SERGE GEORGES, JR.)

Entered: July 1, 2021
Effective: July 12, 2021