

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA**

**ACCESS AND RULES WITHIN
COURTHOUSES DUE TO STATUS
OF COVID-19 PANDEMIC**

AMENDED STANDING ORDER 21-6

Since March of 2020, this Court has implemented various safety precautions within courthouses in the District of South Dakota to seek to prevent the spread of the COVID-19 virus while performing the critical task of properly administering justice. Those safety precautions have paralleled guidance from the Centers for Disease Control and Prevention (CDC). Many people now are fully vaccinated against COVID-19, and the vaccines have been proven to be safe and very effective in preventing spread. Approximately 95% of the employees of the District of South Dakota are fully vaccinated, but less than 50% of the total population of South Dakota is presently fully vaccinated. Masks have proven critical to block the spread of the virus. This court implemented a Return to Work Plan effective June 1, 2021 when infection rates were declining dispensing with mask-wearing requirements for the fully vaccinated. However, due to a renewed spread of COVID-19 and its Delta variant, on July 27, 2021, the CDC revised its guidance to recommend that even fully vaccinated people wear masks in public indoor settings in areas of substantial or high transmission of COVID-19. Therefore, **IT IS ORDERED:**

1. Masks must be worn in all common areas of any courthouse and probation office located within a South Dakota county experiencing substantial or high transmission of COVID-19 as defined by the CDC. A gaiter, bandana, or handkerchief does not qualify as a mask under this standing order.

2. For courthouses in South Dakota counties without substantial or high transmission of COVID-19, the Court Security Officers (CSOs) shall notify those entering the courthouse that, if they are not fully vaccinated, they must wear a mask while in the courthouse, and the CSOs should continue to furnish a mask to anyone who does not have one. Mask-wearing within the common areas of any courthouse where there is not substantial or high transmission is optional for those who are fully vaccinated. Anyone who falsely claims to be fully vaccinated and goes without a mask may be subject to contempt of court proceedings for violating this order.

3. All people who are not fully vaccinated - including jurors, court employees, witnesses, CSOs, Deputy U.S. Marshals, parties and attorneys - must wear a mask within all common areas of the courthouse, including within the courtroom.

4. The CSOs are to stop entry into the courthouse of anyone who:
- has contracted the COVID-19 virus and has not fully recovered for a period of at least 14 days;
 - is unvaccinated and has had contact within the past 14 days with someone who has contracted the COVID-19 virus;
 - has been directed to self-quarantine by any doctor, medical provider, hospital, or health agency;
 - has a fever (by CDC guidelines, a temperature greater than 100.4); or
 - is unvaccinated and has traveled internationally within the past 14 days.

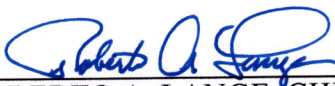
A temperature scanner exists at each public entry in courthouses to assist in determining if a person is running a fever. The CSOs are authorized to question people entering the courthouse to determine whether any person fits any of these criteria. Asking a person whether they have been vaccinated is not a violation of the Health Insurance Portability and Accountability Act or other law, but a person may refuse to answer and may then enter the courthouse if, and only if, they are wearing a mask.

5. Anyone who has business to conduct in the courthouse but is unable to appear because of these restrictions should proceed as follows:

- If you are represented by an attorney, please contact your attorney;
- If you are an attorney and you are scheduled to appear in court before a judge, please contact chambers directly (contact information is on the Court's website);
- If you are scheduled to meet with a Pretrial/Probation officer, please contact the Probation office at (605) 977-8900;
- If you are a juror, please contact the Jury Administrator at (605) 330-6620;
- For Bankruptcy Court matters, please contact the Bankruptcy Clerk at (605) 357-2400;
- For all other matters, including participation in hearings remotely, please contact the District Clerk of Court at (605) 330-6600. The Court has made arrangements for members of the public to listen to hearings, and in some cases participate, by telephone.

6. Due to the fluid nature of the COVID-19 outbreak and need for flexibility in responding, the judicial officer before whom any hearing is scheduled may determine whether any different standards should apply for a particular court proceeding.

DATED this 4th day of August, 2021.


ROBERTO A. LANGE, CHIEF JUDGE
UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA