

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

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

STANDING ORDER 21-6

For more than a year, this Court has restricted access to 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. Many people now are fully vaccinated against COVID-19, and the vaccines have been proven to be safe and very effective in preventing spread. Masks have proven critical to block spread of the virus. The Centers for Disease Control (CDC) recently revised guidance to allow fully vaccinated people to go without masks. This court is implementing a Return to Work Plan effective June 1, 2021. Therefore,

IT IS ORDERED:

1. The mandate that masks be worn in all common areas of the courthouse shall now apply only to those who are not fully vaccinated. 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. 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.

2. All people who are not fully vaccinated - including jurors, court employees, witnesses, CSOs, Deputy U.S. Marshals, parties and attorneys - shall wear a mask within all common areas of the courthouse, including within the courtroom. A gaiter, bandana, or handkerchief does not qualify as a mask under this standing order. Mask wearing within the common areas of the courthouse, including in the courtroom, is optional for those who are fully vaccinated.

3. 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.

4. 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.

5. 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 21st day of May, 2021.


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