

Chief Judge, Twelfth Judicial District
**12th JUDICIAL DISTRICT-
COVID-19 ORDER
REQUIRING FACE
COVERINGS DURING
CURRENT COVID-19 CRISIS**



**CHIEF JUDGE
ADMINISTRATIVE ORDER
2021-03**

In light of the public health risk posed by COVID-19 and the advisories from the Centers for Disease Control and the Colorado Department of Public Health and Environment (CDPHE) recommending active steps to slow the spread of the disease and precautions to reduce the risk of exposure, the Chief Judge of the 12th Judicial District issues the following orders modifying all previous mask or face covering orders in the 12th Judicial District.

As of October 7, 2021, the San Luis Valley falls in the high transmission rate category. There are currently 317 active cases in the San Luis Valley, this number has continually increased over the past three weeks. The number of active cases is as high as it has ever been since we began experiencing the results of COVID-19 and its variants. The “One-Week and Two-Week Incidence Rates” according to CDPHE are “Very High”. According to CDPHE, the “Current Epidemic Curve” which measures the total number of new cases from September 22, 2021-October 5, 2021, indicates the San Luis Valley has an “Elevated Incidence Growth”; The San Luis Valley region is currently the only region in the state with an Elevated Incidence Growth. Additionally, the San Luis Valley as a whole has a “One Week Positivity Rate” of 12.73%. This higher positivity rate is particularly alarming as state and local health officials have consistently tried to maintain a positivity rate under 5%. Based upon the current trend, it is necessary to take action to protect the health and safety of staff, the public, attorneys, and judges in the 12th Judicial District.

Therefore, pursuant to the authority granted in Chief Justice Directive 95-01 and the directives found in the Order issued by Chief Justice Brian Boatright on June 15, 2021, it is hereby ORDERED that the following CJAO applies to all courthouses in

the 12th Judicial District and supersedes all previous orders relating to masks and face coverings, 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 probation 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 Twelfth Judicial District courts or probation department.
 - d. “**staff**” means employees of the 12th Judicial District, including judges.
 - e. “**fully vaccinated**” means for purposes of this order 14 days after they have had both doses of any two-dose vaccine for Covid-19 or the single dose of the Johnson and Johnson Covid-19 vaccine.

2. **Public Areas. Face Coverings are Required for all Persons in ALL Public Areas of the Courthouses and Probation Offices of the 12th Judicial District.**
 - a. The only exception is 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).

3. **Private Areas. Fully vaccinated employees** need not wear facial covering in private areas of the courthouses, clerk, or probation offices of the 12th Judicial District so long as no members of the public are present in those areas. **Employees who are not fully vaccinated shall** be required to wear complying facial coverings in private areas of the courthouses, clerk, and probation offices, but may remove them in their individual offices or workspaces so long as no other persons are in those areas.

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. **Exemptions.** Regarding face covering exemptions, the 12th Judicial District will incorporate prior public health requirements including the following:
- a. Individuals who cannot medically tolerate a face covering.
 - b. Individuals who are testifying as witnesses in court proceedings, so long as they wear a face covering at all other times in the proceeding.
 - c. Individuals who are interpreting for participants in a court proceeding, where the ability to see the mouth and hear the translation is essential to communications, so long as the language interpreters wear a face covering when not providing interpretation services.

The Chief Judge will continue to monitor available information and recommendations from national, state, and local public health organizations, and this CJO 2021-03 may be revised, modified, or extended as deemed necessary.

Dated this 8th day of October 2021, this Order is Effective October 11, 2021.

BY THE COURT:



Michael A. Gonzales
Chief Judge, 12th Judicial District