

1 **SUPERIOR COURT**
2 **COUNTY OF SAN BERNARDINO**
3 247 West Third Street, Eleventh Floor
4 San Bernardino, CA 92415-0302
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9 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN BERNARDINO**
11

12 IN RE:

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14 FIFTH AMENDMENT TO GENERAL
15 ORDER:

16 FACE COVERINGS AND SOCIAL
17 DISTANCE
18

}
} GENERAL ORDER OF THE PRESIDING
} JUDGE

} EMER ORDER 45
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21 On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency in
22 California as a result of COVID-19. On March 13, 2020, former President Trump declared a
23 national emergency in the United States due to COVID-19. Since the states of emergency were
24 declared, State and County public health officials have issued guidelines and mandates targeted
25 at limiting the spread of COVID-19 and its variants.

26 The State received its first doses of COVID-19 vaccines in mid-December 2020 and the
27 rate of COVID-19 infections and COVID-19-related deaths diminished in the spring and part of
28 the summer months before increasing starting in July 2021. The Centers for Disease Control and

1 Prevention (CDC) attributed the dramatic increase in COVID-19 infections and deaths to the
2 Delta variant of COVID-19. The court has maintained enhanced sanitization of court facilities
3 since April 2020, but on July 6, 2021, in accordance with Cal/OSHA'S emergency temporary
4 standards, the court eliminated physical distancing and face covering requirements for vaccinated
5 persons. However, less than three weeks later, due to a rapid increase in COVID-19 infections in
6 San Bernardino County and among court staff, the court reinstated mandatory face coverings for
7 all persons while onsite at the court districts.

8 In November 2021, a new variant of COVID-19, Omicron, was identified in Botswana
9 and South Africa. This new variant, which the CDC has described as more resistant to existing
10 vaccines and significantly more transmissible than the Delta variant, was detected in the United
11 States in December 2021, and like last year, there has been a nationwide spike in COVID-19
12 infections since Thanksgiving and Christmas, resulting in high transmission rates and increased
13 hospitalizations. On December 13, 2021, the State reinstated a mandate requiring masks to be
14 worn in all indoor public settings, regardless of vaccination status, from December 14, 2021,
15 through January 15, 2022. On January 5, 2022, due to rampantly increasing COVID cases and
16 hospitalizations, the State extended the indoor mask mandate to February 15, 2022.

17 Approximately 56% of San Bernardino County's residents are fully vaccinated but the
18 vaccination rate has remained flat for the past several months. The County has experienced
19 several spikes in COVID-19 infections and COVID-19-related deaths since early July 2021 with
20 the most recent increase occurring right after Thanksgiving and continuing presently. The recent
21 surge in COVID exposures and confirmed cases has adversely impacted court operations. Since
22 January 3, 2022, the court has experienced a fluctuating reduction in judges and staff who are
23 unable to perform their duties due to being quarantined.

24 The court must balance access to justice with protecting the health and safety of the
25 public, judicial officers, staff, vendors, Sheriff's department staff, and inmates. The continuing
26 escalation in the number of COVID-19 cases in San Bernardino County continues to impact the
27 court's ability to provide adequate access to court services and proceedings while it
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1 contemporaneously implements appropriate measures to protect the health and safety of judicial
2 officers, court staff, litigants, defendants, and members of the public.

3 Consequently, pursuant to California Rule of Court, Rule 10.603 and the Chief Justice's
4 March 17, 2020, statewide order, the court HEREBY ORDERS AS FOLLOWS:

5 Effective February 15, 2022, and continuing until further notice, all judicial officers, court
6 employees, members of the public, members of the media, vendors, justice partners, law
7 enforcement personnel, and any other person entering into any courthouse must wear a face
8 covering at all times while in a courthouse, regardless of vaccination status. The court strongly
9 recommends that unvaccinated persons wear a face covering while on a court's external premises
10 if it is not possible to maintain at least six feet of physical distance from others. Examples of
11 permissible face coverings include cloth face masks, surgical masks and N95 masks upon
12 approved training. Please visit the court's website at www.sb-court.org/covid-19 to view the
13 State of California's Guidance for the Use of Face Coverings.

14 Face coverings are not required for children aged 2 years or younger. Children registered
15 to the Children's Waiting Room and all those entering the Children's Waiting Room must wear
16 face coverings at all times. Persons with a medical condition, mental health condition, or
17 disability that prevents them from wearing a face covering may request accommodations by
18 submitting Judicial Council form MC-410, Request for Accommodations by Persons with
19 Disabilities and Response form in accordance with California Rules of Court, Rule 1.100(c)(1).
20 Requests for accommodations must include a description of the accommodation sought, along
21 with a statement of the impairment that necessitates the accommodation. Requests must be made
22 no fewer than 5 court days before the scheduled hearing date, although the court may, in its
23 discretion, waive this requirement. (Cal. Rules of Court, Rule 1.100(c)(3).) More information
24 regarding requests for accommodations can be found on the court's website.

25 With respect to court proceedings that are scheduled to take place outside of a court
26 building and on the court's external premises (commonly known as "Outdoor Court"), the
27 judicial officer presiding over the case shall determine the masking requirements based on the
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1 court's ability to implement at least six feet of physical distancing between persons involved in
2 the proceedings, and other public health considerations.

3 The San Bernardino County Sheriff and court security staff are authorized to determine
4 whether a person's face covering complies with the terms of this General Order. The San
5 Bernardino County Sheriff is further authorized to remove persons who refuse to comply with
6 this order from the court premises.

7 THIS ORDER IS EFFECTIVE February 15, 2022, and until further ordered.

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10 Dated: 2/9/2022 
11 R. GLENN YABUNO
12 Presiding Judge of the Superior Court
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