

IN THE SUPREME COURT OF THE STATE OF ALASKA
SPECIAL ORDER OF THE CHIEF JUSTICE
ORDER NO. 8310
CORRECTED¹

Update Regarding Visitor Health Precautions and Remote Participation

Under the authority of Supreme Court Order No. 1957, this Special Order supercedes Special Orders 8149 and 8275 regarding visitor health precautions and Special Order 8280 regarding remote participation rules.

Alaska has seen increased COVID-19 case counts and the prevalence of the Delta variant, and all regions are in high alert status.² In a renewed effort to limit the spread of COVID-19, the Centers for Disease Control and Prevention (CDC) recommends people who live in an area of substantial or high coronavirus transmission wear masks in indoor public spaces, regardless of vaccination status. It also recommends vaccinated people with vulnerable household members, including young children and those who are immunocompromised, wear masks indoors in public spaces. The agency recently released information showing fully vaccinated people can spread the highly contagious Delta variant as readily as non-vaccinated people.

IT IS ORDERED:

1. All visitors to Alaska Court System courthouses and facilities must take precautions to keep other members of the public and court staff safe.
2. Visitors may be required to undergo a screening protocol and fill out a log book, which may include questions about:
 - a. whether the visitor has recently suffered flu-like symptoms;

¹ The correction is to cure the omission of “law enforcement and personnel assigned to the facility” in paragraph 7, referring to persons who may exclude from court facilities visitors who do not comply with this order.

² Alaska Department of Health and Social Services (DHSS) defines the high alert level as greater than 10 cases per 100,000 over 14 days.


- b. whether the visitor has been directed to quarantine, isolate or self-monitor at home for the COVID-19 by a medical provider; and
- c. whether the visitor has had close contact with anyone diagnosed with COVID-19.
- d. whether the visitor has a current COVID-19 diagnosis or is pending a test result for COVID-19.

The screening protocol may include body temperature screening using a non-contact thermometer.

3. All visitors are required to wear face coverings or masks in court system facilities unless they have an exemption, regardless of vaccination status, including during courtroom proceedings. The following persons are exempt from the face covering or mask requirements:
 - a. Any child under two years of age;
 - b. Any individual who has a mental or physical disability that prevents the person from being able to wear or remove a face covering or mask, provided the person is able to maintain required social distancing while in the court system facility; and
 - c. Any individual who has trouble breathing, is unable to remove a face covering or mask without assistance, or has been advised by a medical professional that wearing a face covering or mask may pose an unreasonable risk to that person, provided the person is able to maintain required social distancing while in the court system facility.
4. Visitors must continue to adhere to six-foot social distancing, including during courtroom proceedings. However, with the consent of the affected participants, the judge may authorize participants who have an ongoing professional relationship to sit or confer without maintaining the usual social distancing. This includes criminal defendants and their attorneys and prosecutors and their case officers.
5. During courtroom proceedings, the judge may authorize removal of face coverings/masks as necessary, including for purposes of witness testimony, defendant identification, or making an appropriate record, provided that other protective measures are in place such as Plexiglas barriers.

6. Judges should continue to liberally allow remote participation in regions with high average daily case rates as reported by DHSS. Judges should also continue to liberally allow remote participation by the parties for all pretrial hearings where personal appearance is not necessary. And judges should avoid requiring the parties to attend large block hearings where they cannot enforce social distancing. During courtroom proceedings, the judge may authorize removal of face coverings/masks as necessary, including for purposes of witness testimony, defendant identification, or making an appropriate record, provided that other protective measures are in place such as Plexiglas barriers.
7. Court system officers and employees and law enforcement personnel assigned to the facility may exclude visitors who refuse to cooperate with this Order and those who fail the screening protocol.
8. If there is a more restrictive municipal ordinance or local emergency order requiring face coverings or masks, the court system facility in that location shall also follow that ordinance regarding visitors.
9. This order supercedes prior orders requiring court system facilities visitor health precautions and remote participation in courtroom proceedings. But the presiding judges may issue overriding orders regulating remote participation and personal attendance to address local conditions or to promote consistency.

DATED: August 9, 2021



Daniel E. Winfree
Chief Justice

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