

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: COVID-19 VACCINATION AND TESTING :
REQUIREMENTS OF VISITORS TO COURT :
FACILITIES AND OF FEDERAL DETAINEES : STANDING ORDER 2021-08
IN THE DISTRICT OF NEW JERSEY :**

This Standing Order is issued in response to the recent increase in the transmission of COVID-19, due to the delta and other variants, and actions taken by several authorities, including:

The CDC's guidance, on July 27, 2021, advising all persons, including those fully vaccinated,* to wear a mask in public indoor settings, in areas of substantial or high transmission;

The directives of the Safer Federal Workforce Task Force ("Task Force"), established pursuant to President Biden's Executive Order No. 13991, in its COVID-19 Workplace Safety: Agency Model Safety Principles ("Model Safety Principles"), issued on July 29, 2021;

President Biden's announcement, on August 6, 2021, of testing and other requirements of Executive Branch employees and onsite federal contractors who are not fully vaccinated against the virus, implementing the Task Force's Model Safety Principles;

The mandate, on August 23, 2021, by New Jersey Governor, Phil Murphy, that all state employees, including those at state agencies, authorities, public colleges and universities, be fully vaccinated by October 18, 2021, or submit to regular COVID-19 testing;

The New Jersey State Judiciary requirement that all of its employees become fully vaccinated or submit to regular COVID-19 testing;

The full and final approval by the U.S. Food and Drug Administration of the widely available Pfizer vaccine, on August 23, 2021; and

President Biden's Executive Order of September 9, 2021, removing the testing option previously allowed, pursuant to the Task Force's Model Safety Principles, and requiring that Executive Branch employees be fully vaccinated against COVID-19.

* A person is considered fully vaccinated two weeks after receiving the second dose in a 2-dose series (e.g., Pfizer, Moderna) or two weeks after receiving a single-dose vaccine (e.g., Johnson & Johnson).

In consideration of the above actions taken, and the fact that all 21 counties of New Jersey are areas of high transmission of the virus, and, to protect the health and safety of the public and Court staff, this Court recently established a policy mandating that all employees of the U.S. District Court, U.S. Bankruptcy Court, Probation, and Pretrial Services, in the District of New Jersey (“Court employees”), be fully vaccinated by October 19, 2021. The Court now finds it necessary and appropriate to adopt the following requirements, applicable to all persons other than Court employees (“visitors”), seeking entry into any U.S. Courthouse or any site of a Probation or Pretrial Services Office, in the District of New Jersey (“Court facilities”), with the exception of: petit and grand jurors; individuals younger than 12 years of age; and persons who will be onsite in Court facilities for less than 15 minutes (“excepted persons”).

IT IS, THEREFORE ORDERED, regarding visitors generally, that:

1. Subject to further specifications noted below, visitors, who are not excepted persons, will be granted entry into Court facilities only upon providing proof that they have been fully vaccinated against COVID-19. Acceptable proof of vaccination shall consist of that person's vaccination card or a recognized application, such as the Docket mobile phone application record or any similar State specific application that produces a digital health record, accompanied by proof of identification.

2. Those visitors who are not excepted persons, and who fail to provide proof of full vaccination, including those who decline to disclose their vaccination status, will be granted entry only upon presenting proof of a negative result from a PCR test (not a rapid test) taken no more than 72 hours prior to seeking entry, and proof of identification.

3. The term “visitor(s)” herein expressly includes, but is not limited to: attorneys; criminal defendants, including federal detainees; government agents; investigators; employees of counsel; parties or party representatives in civil matters; witnesses; employees of state and federal law enforcement agencies, including Deputy U.S. Marshals and Court Security Officers; members of the press; observers of court proceedings; contractors; and vendors.

4. All persons, including those denied entry into Court facilities, for failure to provide proof of full vaccination or of a negative COVID-19 test result, may deposit and date-stamp papers in drop boxes at each Courthouse entrance, Monday through Friday, during the hours posted on the Court’s website.

5. Until further Order of the Court, all of the Court’s safety protocols, established by earlier Standing Orders, remain in place. That is, masks completely covering the nose and mouth are still required of all entrants to, and occupants of Court facilities, regardless of vaccination status, in all public areas of Court facilities. All persons seeking entry to Court facilities, including fully vaccinated persons, must abide by the entry screening processes of temperature screening and hand sanitizing. Additionally, all occupants of Court facilities must observe markings and instructional signage regarding masks, social distancing, occupancy restrictions and hand sanitizing.

6. Masked persons within Court facilities may be asked to lower their masks briefly for identification purposes, in compliance with safety and security requirements, and the removal of masks may also be ordered at the discretion of the judicial officer before whom masked persons appear.

IT IS FURTHER ORDERED, regarding federal detainees specifically, that:

1. Federal detainees housed in detention centers in this District who are not fully vaccinated must be tested for COVID-19 prior to appearing for in-person court hearings, and where practicable and when space allows, said detention centers shall hold those detainees in quarantine, in between the test's administration and the hearing, to protect against further exposure before transport to the Court.

2. As test results may not be available prior to initial court appearances, the use of video conferencing, or teleconferencing if video conferencing is not readily available, remains appropriate for initial appearances, arraignments, detention hearings, and preliminary hearings, upon the consent of the defendant, to the extent consistent with the CARES Act and this Court's Second Extension of Standing Order 2021-03.

3. The United States Attorney's Office must notify the United States Marshals Service of any in-person hearing for an in-custody defendant 7 days prior to the hearing to ensure that the detention center housing that defendant has sufficient time to administer the test, and to avoid any unnecessary testing for canceled or moved hearings.

IT IS FURTHER ORDERED that consenting parties in a civil jury trial may move before the presiding judicial officer to request that all sitting jurors be fully vaccinated.

IT IS FURTHER ORDERED that:

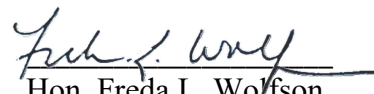
1. The United States Marshal, his Deputies, and the Court Security Officers shall enforce this Order.

2. This Standing Order does not affect the COVID-19 mandatory vaccination policy previously established for Court employees.

3. This Order shall take effect on September 20, 2021.

4. The Court shall continue to closely monitor the public health emergency created by the COVID-19 pandemic and amend this Order, or enter additional Orders, as circumstances warrant.

DATED: September 13, 2021


Hon. Freda L. Wolfson
U.S. Chief District Judge
District of New Jersey