

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY  
COMMONWEALTH OF PENNSYLVANIA  
CRIMINAL DIVISION - LAW**

**IN RE: ADMINISTRATIVE ORDER 2021-20** | **No.: C-48-AD-130-2021**

FILED  
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CRIMINAL DIVISION  
NORTHAMPTON COUNTY, PA

**ADMINISTRATIVE ORDER**

**AND NOW**, this 19<sup>th</sup> day of November, 2021, it is hereby **ORDERED** as follows:

1. Except as provided in paragraph 4 below, all court employees who are not fully vaccinated against COVID-19 and are under the supervision and authority of the President Judge, and all individuals who are not fully vaccinated against COVID-19 who enter any courtroom or court facility under the supervision and authority of the President Judge, including all Magisterial District Courts, the Office of Court Administration, the Domestic Relations Building, the Juvenile Justice Center, and the offices of Adult Probation and Pretrial Services, shall wear a mask which covers the mouth and nose, irrespective of physical distance from other individuals.<sup>1</sup>

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<sup>1</sup> The Pennsylvania Department of Health has not had a mandatory mask order in place since June 28, 2021. *See Coronavirus FAQs, What's the rule on face masks in Pennsylvania?*, PENNSYLVANIA DEPARTMENT OF HEALTH, <https://www.health.pa.gov/topics/disease/coronavirus/Pages/FAQs.aspx> (last visited Nov. 19, 2021) ("The order requiring universal face coverings was lifted

2. Pursuant to CDC guidance updated on October 15, 2021, an individual is fully vaccinated two weeks after the individual's second dose in a two-

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**FOOTNOTE CONTINUED FROM THE PREVIOUS PAGE**

statewide at 12:01 am on Monday, June 28."). Additionally, Pennsylvania's statewide mask requirement for K-12 schools is anticipated to expire on January 17, 2022. See *Gov. Wolf: State Anticipates Returning K-12 School Mask Requirement to Local Leaders January 17, 2022*, GOVERNOR TOM WOLF (Nov. 8, 2021), <https://www.governor.pa.gov/newsroom/gov-wolf-state-anticipates-returning-k-12-school-mask-requirement-to-local-leaders%E2%80%AFjanuary-17-2022/> ("The full order remains in effect until an additional announcement in mid-January at which time the administration anticipates local K-12 school officials will again be able to implement mitigation efforts at the local level."). Finally, the Pennsylvania Supreme Court has not adopted a statewide rule regarding the wearing of masks, leaving discretion to each President Judge.

On July 27, 2021, the CDC issued non-mandatory guidance stating: "If you've been fully vaccinated: . . . To reduce the risk of being infected with the Delta variant and possibly spreading it to others, wear a mask indoors in public if you are in an area of substantial or high transmission." *When You've Been Fully Vaccinated*, CDC (last updated Oct. 15, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html> (discussing guidance); see also *In Re: Administrative Order 2021-16* at n.1. As of November 19, 2021, CDC data states that the level of community transmission in Northampton County is "high." *COVID-19 Integrated County View*, CDC, <https://covid.cdc.gov/covid-data-tracker/#county-view> (last visited Nov. 19, 2021) (displaying community transmission data).

Because Pennsylvania has no mandatory mask order, Governor Wolf anticipates the expiration of the K-12 school mask requirement on January 17, 2022, the Pennsylvania Supreme Court has left decisions regarding masks to the discretion of each President Judge, and the CDC's recommendation that individuals wear masks in areas of "substantial" or "high" transmission is non-mandatory guidance, we presently believe that based upon all the above factors, fully vaccinated individuals will no longer be required to wear masks in "any courtroom or court facility under the supervision and authority of the President Judge, including all Magisterial District Courts, the Office of Court Administration, the Domestic Relations Building, the Juvenile Justice Center, and the offices of Adult Probation and Pretrial Services." See Secretary of the Pennsylvania Department of Health, Order of the Acting Secretary of the Pennsylvania Department of Health Amending the November 17, 2020 Order of the Secretary of the Pennsylvania Department of Health Requiring Universal Face Coverings (Mar. 16, 2021) (previously adopting CDC guidance allowing individuals who are fully vaccinated against COVID-19 to forego wearing masks, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance.).

dose series, such as the Pfizer or Moderna vaccines, or two weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.<sup>2</sup>

3. Masks shall be made and worn in accordance with CDC guidelines found at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>. Notwithstanding the foregoing, masks shall not be required for individuals who cannot wear a mask due to a medical condition (including children under the age of two).
4. Pursuant to CDC guidelines, residents, employees, and visitors to the Northampton County Juvenile Justice Center, including juvenile detention and treatment, must wear masks irrespective of vaccination status.<sup>3</sup> Juvenile probation officers, including those who are fully vaccinated against COVID-19, are required to wear masks when present in the Juvenile Justice Center or when in contact with residents of the Juvenile Justice Center. Additionally, irrespective of vaccination status, all individuals who enter a courtroom in which a resident of the Juvenile Justice Center and/or treatment center is present must wear a mask in accordance with paragraph 3 above.

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<sup>2</sup> See *When You've Been Fully Vaccinated*, CDC (last updated Oct. 15, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html#vaccinated> (discussing guidance).

<sup>3</sup> See *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities*, CDC (last updated June 9, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html#Overview> (directing all individuals in correctional and detention facilities to wear masks).

5. Irrespective of vaccination status, the following individuals are prohibited from entering any courtroom or court facility under the supervision and authority of the President Judge, including all Magisterial District Courts, the Office of Court Administration, the Domestic Relations Building, the Juvenile Justice Center, and the offices of Adult Probation and Pretrial Services:

- Have been directed to quarantine, isolate or self-monitor at home for the coronavirus by any doctor, hospital or health agency; or
- Have been diagnosed with COVID-19; or
- Have flu-like symptoms.

To the extent that this Administrative Order conflicts with Administrative Order 2021-16, this Administrative Order shall govern. This Administrative Order is effective November 22, 2021 at 8:30 a.m. until further Order of Court.

**BY THE COURT:**

  
**MICHAEL J. KOURY, JR.**  
**PRESIDENT JUDGE**