

SCMF-20-0000152

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the Judiciary’s Response
to the COVID-19 Outbreak

FOURTH AMENDED ORDER REGARDING ENTERING JUDICIARY FACILITIES
(By: Recktenwald, C.J.)

In mid-March 2020, when Governor David Ige declared a state of emergency in Hawai‘i in response to the public health threat posed by COVID-19, restrictions on entry to Judiciary facilities were implemented to ensure the safety of court users and Judiciary personnel, consistent with State and Federal guidelines. The Judiciary has updated its restrictions as guidelines, including Statewide and County specific interisland and trans-pacific travel mandates, evolve.

Current guidance from the Department of Health (“DOH”) relating to exposure by vaccinated persons to someone with suspected or confirmed COVID-19, Governor Ige’s “Twentieth Proclamation Related to the COVID-19 Emergency Quarantine for Travel Between Counties” (“Twentieth Proclamation”), and

Statewide and County specific interisland and trans-pacific travel mandates currently in place, necessitate additional revisions to the entry requirements to Judiciary facilities at this time. The health and safety of court users and Judiciary personnel continues to be paramount, and the Judiciary remains flexible and vigilant in these efforts.

Accordingly, pursuant to article VI, sections 6 and 7 of the Hawai'i Constitution, Hawai'i Revised Statutes §§ 601-1.5 and 601-2, and Governor David Y. Ige's Emergency Proclamations,

IT IS HEREBY ORDERED that the following provisions are effective immediately:

1. No one shall enter Judiciary facilities in the **First Circuit** if they:

- Have a fever or chills, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness or of COVID-19 as set forth by the Centers for Disease Control and Prevention ("CDC"), except where the DOH has advised that quarantine is not necessary.
- Have had close contact with a person who has or is suspected to have COVID-19, except where the DOH has advised that quarantine is not necessary.
- Have traveled outside of Hawai'i in the past 10 days and have not satisfied the negative test exception to the mandatory self-quarantine period, subject to any subsequent out-of-state travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.

2. No one shall enter Judiciary facilities in the
Second Circuit if they:

- Have a fever or chills, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness or of COVID-19 as set forth by the CDC, except where the DOH has advised that quarantine is not necessary.
- Have had close contact with a person who has or is suspected to have COVID-19, except where the DOH has advised that quarantine is not necessary.
- Have traveled interisland and 10 days has not passed since such travel, except (a) if the person satisfies the negative test exception to the self-quarantine mandate and any applicable post-arrival test requirements as set forth by the County of Maui, (b) if the person is not subject to any quarantine or stay-at-home order and is traveling solely within the islands of Maui County (Maui, Moloka'i, and Lāna'i) or solely between Kalawao County and other locations on Moloka'i, or (c) where the Director of the Hawai'i Emergency Management Agency ("Emergency Management") has advised that quarantine is not necessary as set forth in the Twentieth Proclamation, subject to any subsequent interisland travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.
- Have traveled outside of Hawai'i in the past 10 days and have not satisfied the negative test exception to the mandatory self-quarantine period and any applicable post-arrival test requirements as set forth by the County of Maui, subject to any subsequent out-of-state travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.

3. No one shall enter Judiciary facilities in the

Third Circuit if they:

- Have a fever or chills, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness or of COVID-19 as set forth by the CDC, except where the DOH has advised that quarantine is not necessary.
- Have had close contact with a person who has or is suspected to have COVID-19, except where the DOH has advised that quarantine is not necessary.
- Have traveled interisland and 10 days has not passed since such travel, except (a) if the person satisfies the requirements of the negative test exception to the self-quarantine mandate, (b) if the person avails themselves of the pre-test requirements and does not have their results upon arrival, but later receives a negative test result, (c) if the person satisfies any post-arrival test requirements during the applicable period of self-quarantine as set forth by the County of Hawai'i, or (d) where the Director of Emergency Management has advised that quarantine is not necessary as set forth in the Twentieth Proclamation, subject to any subsequent interisland travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.
- Have traveled outside of Hawai'i in the past 10 days and have not satisfied the requirements of the negative test exception to the mandatory self-quarantine period and any applicable post-arrival test requirements as set forth by the County of Hawai'i, subject to any subsequent out-of-state travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.

4. No one shall enter Judiciary facilities in the **Fifth Circuit** if they:

- Have a fever or chills, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness or of COVID-19 as set forth by the CDC, except where the DOH has advised that quarantine is not necessary.
- Have had close contact with a person who has or is suspected to have COVID-19, except where the DOH has advised that quarantine is not necessary.
- Have traveled interisland and 10 days has not passed since such travel, except (a) if the person satisfies the requirements of the negative test exception to the self-quarantine mandate, or (b) where the Director of Emergency Management has advised that quarantine is not necessary as set forth in the Twentieth Proclamation, subject to any subsequent interisland travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.
- Have traveled outside of Hawai'i in the past 10 days and have not satisfied the requirements of the negative test exception to the mandatory self-quarantine period, subject to any subsequent out-of-state travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.

5. The emergency orders previously issued by the chief judge of each circuit shall remain in effect, but may be modified consistent with this order.

6. Exceptions may be made to the restrictions in extraordinary circumstances, including by the chief judge of

each circuit and/or the respective chief or deputy chief court administrators.

7. This order may be modified as necessary.

Dated: Honolulu, Hawai'i, May 14, 2021.

/s/ Mark E. Recktenwald
Chief Justice

