

FOR IMMEDIATE RELEASE
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Delaware Supreme Court Chief Justice Declares Judicial Emergency

Emergency order keeps courts open but allows flexibility in scheduling and suspends speedy trial guidelines

Effective 8 a.m. Monday, March 16, 2020, Chief Justice Collins J. Seitz, Jr. exercised his authority under State law to declare a judicial emergency. The declaration will be in effect for 30 days, subject to further review. The declaration gives all trial courts in Delaware the flexibility to continue trials and hearings in civil and criminal cases for 30 days. The declaration will also limit the number of people gathering in public court buildings. The declaration authorizes and urges the use of audiovisual devices by all courts to conduct proceedings, except for jury trials. During the period of judicial emergency, all time requirements under the Speedy Trial Guidelines are tolled.

The emergency declaration is authorized under 10 Del. C. § 2004, which allows the Chief Justice to declare a judicial emergency when emergency circumstances are present affecting one or more court facilities. Unless circumstances require otherwise, the Delaware courts will remain open until further notice to handle emergency matters or other urgent issues, particularly those related to criminal proceedings.

According to the Chief Justice, “I signed this emergency declaration after the President of the United States and the Governor of the State of Delaware declared national and state emergencies, and only after careful consideration by the Delaware Supreme Court and the other State courts. The judicial branch also heard from our justice partners about the urgent need to alter the way we handle criminal and civil cases in the Delaware courts. Declaring a judicial emergency is needed to protect our State employees and the public from the spread of the Covid-19 virus. The emergency declaration will be revisited every 30 days, or earlier if circumstances change or the public health emergency has passed.”

All Delaware Courts have adopted standing orders implementing preventative measures related to Covid-19, which can be found on the Delaware Judiciary Response to Covid-19 web page <https://courts.delaware.gov/aoc/covid-19>. The trial courts may take additional measures now that they have more flexibility in scheduling under this order.

For more information, please contact:
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Full details on the Delaware Judiciary’s response to Covid-19, and other important advisories can be found here: <https://courts.delaware.gov/aoc/covid-19>.

Additional information about Covid-19 and how to prevent its spread can be found here: <https://courts.delaware.gov/Forms/Download.aspx?id=120068> or on the State of Delaware's informational website on Covid-19 at: de.gov/coronavirus. If you have any questions you can contact the State's DPH Coronavirus Call Center by phone at 1-866-408-1899 or by email at DPHCall@delaware.gov.