

ADMINISTRATIVE DIRECTIVE 185

This 17th day of April, 2014,

IT APPEARS THAT:

- 1) In accordance with Section 9 of Article 1 of the Delaware Constitution, Delaware Courts are open to conduct court business. But, there are emergency situations, including extreme weather conditions, which necessitate that the Delaware Courts be closed and their regular operations cease for limited time periods. The closing of the courts will occur only in those rare circumstances when the safety of the public or Judicial Branch employees is jeopardized.
- 2) As an independent Branch of government, the Judiciary is, under the direction of the Chief Justice, entitled to determine when emergency situations require closing the courts or restricting their hours of operation.
- 3) Although the Judiciary has a right to make its own decisions, its decision recognizes that all Branches share a common purpose of serving the public and that when the Governor determines that public safety is advanced by keeping traffic off the road, the Judiciary respects that concern. Moreover, the Judiciary recognizes that, unlike the Judiciary itself, the Executive Branch has agencies expert in public safety, transportation, and emergency management that provide information to the Governor, to help him make the sound decisions regarding emergency closures for the Executive Branch. For that reason, the Governor is thus generally best positioned to make decisions regarding when conditions exist that require closing state government or changing its hours of operation. Thus, the Judicial Branch, under the direction of the Chief Justice, has typically followed the guidance of the Governor on these issues.
- 4) Establishing an emergency court closure policy is necessary to ensure that the most-informed decisions regarding court closures are made by the Judicial Branch as quickly as possible, depending upon emergency conditions and timing of the opening of court operations, and to minimize the confusion that may result if the Courts within close proximity do not act consistently among themselves or with

the other branches of government regarding weather, or other emergency, closures which impact all branches of government.

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the members of the Supreme Court pursuant to Delaware Constitution, Art. IV, 13(1), that:

A. The attached Emergency Court Closure Policy for the Judicial Branch is adopted.

BY THE COURT:

/s/ Leo E. Strine, Jr.

Chief Justice

c: The Honorable Jack A. Markell
The Honorable Randy J. Holland
The Honorable Carolyn Berger
The Honorable Jack B. Jacobs
The Honorable Henry duPont Ridgely
Members of the Judicial Conference
The Honorable Joseph R. Biden, III

The Honorable Brendan O'Neill
State Court Administrator
Court Administrators
Clerk of the Supreme Court
Counsel to the Governor
Chair Senate Judiciary Committee
Chair House Judiciary Committee

EMERGENCY COURT CLOSURE POLICY

A. COURT CLOSURE DECISION-MAKING POLICY

It is the Judicial Branch's policy that, with limited exceptions, the Delaware Courts will act consistently with the Governor's actions regarding emergency and weather closures of state offices. If the Governor announces that state offices throughout Delaware will be closed, then the Delaware Courts will also be closed during that same time period. Similarly, if the Governor announces that State of Delaware offices in one county are closed, then courts in that county will be closed, and court employees who live or work in that county, except for Justice of the Peace Court employees as provided in section B(1) below, will also not report to work during that period. Jurors, litigants and others required to appear in court during that period, and members of the public, should not report to a court if it is closed.

B. EXCEPTIONS TO THIS POLICY:

1. Employees who work at Justice of the Peace Court locations that are open on a 24 hour basis or have extended hours outside of the Governor's closing time period are considered 'essential' personnel. Employees working in these courts should follow Governor's decisions related to 'essential' personnel unless otherwise notified by the Chief Magistrate. The Chief Magistrate will make the determination as to when those courts will be closed and under what circumstances if needed beyond the Governors' decision for essential personnel. The Chief Magistrate will communicate those closure decisions to the public and court employees (through local news outlets, the Courts' website and other means, as appropriate), as well as to the Administrative Office of the Courts (AOC).
2. Unusual emergency circumstances in which it is appropriate for the Chief Justice, consistent with 10 *Del. C.* § 2004, to make a decision regarding closure of all, or certain, courthouses, court facilities, or operations of the Judicial Branch. These circumstances would typically not pertain to hazardous weather conditions, but would involve other emergency situations which affect the Courts, without necessarily affecting the other branches of government, such as security and safety issues.

- a. Emergency circumstances (typically not pertaining to weather conditions) that pertain to individual courthouses, court facilities or operations.
 - 1) Under these circumstances, if the courthouse or facility houses multiple courts, then the Chief Justice, or his or her designee, will make the decision regarding the closure of an individual courthouse or facility.
 - 2) If the courthouse or facility houses the operations of only one Court, the operations of the AOC or a Judicial Branch agency, or if unusual circumstances exist with regard to court operations in that courthouse, then the chief judge, or other court official designated by the chief judge (for court operations), or the State Court Administrator (SCA), or other official designated by the SCA (for AOC or Judicial Branch agency operations) will be responsible for making such decision(s).
 - 3) Any independent decision by a chief judge, SCA, or their designees, to close a courthouse or facility should be communicated immediately by phone or email to the AOC, which will relay the information to others, as appropriate.
 - 4) The individual courts or the AOC, as appropriate, are responsible for communicating any independent closure decision(s) to the public and court employees (through local news outlets, the Courts' website and other means).

C. DELAYED OPENINGS

If the Governor's determination is to delay the opening of state offices for a period of time (rather than closure of operations for a full work day) because of weather conditions, it is the Judicial Branch policy that affected courthouse(s), court facilities, or operations, will open to the public at the time that the Governor has indicated that other state offices will be open in that county.

1. When there is a delayed opening, court employees should report to their offices as soon after the regular work starting time as they can do so safely, without violating any state of emergency proclamations by the Governor. In no event shall they report later than the specified delayed opening time.
2. There may be circumstances during which Judicial Branch employees are unable to report to work when their Court or other Judicial Branch operations are open

because of weather conditions or for personal hardship reasons caused by the weather conditions (i.e., no alternative forms of child/elder care, no available public transportation or health/medical limitations). Courts and the AOC should establish policies, consistent with court operational needs, to allow Judicial Branch employees flexibility in taking unscheduled leave, leave without pay, or as otherwise determined to be appropriate by their Court or the AOC, related to their inability to report to work at the scheduled time because of the exceptional circumstances.

3. When there is a delayed opening, jurors, litigants and others required to appear in court that day should report to the court at the same time that court employees report, unless directed otherwise by the court to which they would be required to report.

D. NOTIFICATION OF THE PUBLIC AND JUDICIAL BRANCH EMPLOYEES

Information concerning State of Delaware and the Judicial Branch closures is available:

- by checking the Judicial Branch website (<http://courts.delaware.gov>), or the State of Delaware website www.delaware.gov
- By listening to the following radio and television stations:

<u>New Castle County</u>	<u>Kent County</u>	<u>Sussex County</u>
WDEL	WDSB	WBOC (TV)
WSTW	WBOC (TV)	WGMD
WJBR	WAFL	WZBH

FOR JUDICIAL BRANCH EMPLOYEES

- By signing up to receive weather closure information from the State of Delaware at www.delaware.gov (go to SUBSCRIBE e-mail/text alert and sign up for the Delaware Notification Service)
- From the Judicial Branch Emergency Notification system
- By calling the following phone number(s):
 - New Castle County Courthouse: 302-255-0555
 - Kent County Courthouse (Superior) – 302-735-3292

- Kent County Courthouse (CCP) – 302-735-3288
 - Kent County Family Court – 302-672-1096, option 4
 - Sussex County Courthouse (CCP) – 302-858-5759
 - Sussex County Family Court – 302-855-7490
 - Justice of the Peace Court Administration – 302-323-4530
- Other communication means established by individual courts, AOC or Judicial Branch agencies.