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Delaware Courts to lift judicial emergency on July 13, 2021 and lift mask mandate for the fully vaccinated on July 1, 2021

Some pandemic precautions will remain in place and those who are not fully vaccinated must continue to wear face coverings in judicial facilities

On Tuesday, June 29, 2021, Chief Justice Collins J. Seitz, Jr., in consultation with the other Justices of the Delaware Supreme Court, the Presiding Judges of all Courts, and health experts, signed what is hoped to be the final order extending the judicial emergency to July 13, 2021. The order, which is the 16th such extension of the Judicial Emergency since it was first declared by the Chief Justice on March 16, 2020, will lift the state of emergency on July 13, 2021 and restore normal court rules and procedures including amended speedy trial guidelines that had been placed on hold during the pandemic. The judicial workforce is also authorized to return to 100% staffing starting July 6, 2021.

“We are taking this action in the wake of positive news about falling infection rates and deaths due to COVID-19 thanks to high vaccination rates, along with the Governor’s announcement that he was lifting the state of emergency for the State of Delaware on July 13, 2021,” said Chief Justice Seitz.

In addition, after consulting with health experts, the Delaware Courts will be dropping its mask mandate on July 1, 2021 for all fully vaccinated individuals – including both employees and visitors to state courthouses. Those who are not yet fully vaccinated or are immunocompromised must continue to wear masks in Delaware Court facilities. Those who are simply more comfortable wearing a mask should continue to do so without any hesitancy, said Chief Justice Seitz. And while some precautionary measures, like the mask mandate for fully vaccinated individuals and capacity limits on courthouse visitors and employees will be lifted, other COVID-19 precautions will remain in place for now, including social distancing and the use of plexiglass shields throughout court facilities as court operations transition back to normal.

In restoring speedy trial guidelines, the Court has also adopted special rules for cases delayed by the COVID-19 pandemic to hear those cases in a timely manner. Jury trials have now resumed in Superior Court in all three counties, Court of Common Pleas will be resuming jury trials in August and the Chief Justice said all Courts will continue to give priority to all pandemic-delayed criminal cases. The Delaware Courts plan a robust scheduling effort throughout the rest of the year.

“I am proud of the way the Delaware Bench and Bar and judicial branch employees responded in this moment of crisis to keep our court system operating safely, efficiently and fairly during these unprecedented times. We will continue to monitor the public health situation in Delaware, and if needed will not hesitate to reinstate COVID-19 prevention protocols and restrictions if conditions change for the worse,” the Chief Justice said. He also noted that COVID-

19 vaccines are widely available for no charge and if you have not been vaccinated, the time is right to do your part for the health and safety of all Delaware citizens.

The Courts learned a great deal about new ways to conduct business more efficiently during the past 15 months. To that end Chief Justice Seitz encouraged all Courts to continue to use innovations like document drop boxes, special e-mail addresses and audiovisual technology – like the online platform Zoom – for certain hearings and procedures when appropriate and consistent with constitutional and statutory requirements and court rules.

The order is available here: <https://courts.delaware.gov/rules/pdf/COVIDOrder22.pdf>