

On January 4, 2022, the Superior Court issued Amended Standing Order No. 8 Use of Unsworn Declarations which extended the expiration date of Standing Order No. 8 until further Order of the Court. Effective September 1, 2022, the Superior Court has rescinded Amended Standing Order No. 8. After a review of Superior Court's Civil Rules and taking instruction from the Supreme Court's issuance of Administrative Order No. 22, the Superior Court determined that a working group comprised of members of the Civil Rules Committee should convene to discuss whether the expanded use of unsworn declarations is appropriate and consistent with constitutional and statutory requirements. Until such time as that working group makes a recommendation for consideration by the Superior Court, and the Court implements a new rule, the use of unsworn declarations shall no longer be permitted.

Therefore, starting on September 1, 2022, the Superior Court will require sworn declarations, verifications, certificates, statements, oaths, or affidavits to be filed as set forth in statutes or Superior Court's Civil Rules.

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
RESCINDING AMENDED STANDING ORDER No. 8**

USE OF UNSWORN DECLARATIONS

WHEREAS, on May 22, 2020, the Delaware Supreme Court issued Administrative Order No. 3, which suspended, until the expiration of the judicial emergency, requirements for sworn declarations, verifications, certificates, statements, oaths, or affidavits filed with the Superior Court;

WHEREAS, on June 29, 2021, the Delaware Supreme Court issued Administrative Order No. 22 that lifted the judicial emergency as of July 13, 2021, with certain precautions to prevent the spread of COVID-19 remaining in effect;

WHEREAS, in paragraph 4 of Administrative Order No. 22, the Supreme Court instructed that “[c]ourts should examine their rules and procedures to determine whether the expanded use of unsworn declarations under 10 *Del. C.* § 3927 should continue, to the extent consistent with constitutional and statutory requirements, after expiration of the judicial emergency”;

WHEREAS, given that many law firms and businesses continue to operate remotely in full or part as a precaution to prevent the spread of COVID-19, the Superior Court determined that continued use of unsworn declarations under 10 *Del. C.* § 3927 after the expiration of the judicial emergency for a period of time was appropriate and consistent with constitutional and statutory requirements;

WHEREAS, on October 6, 2021, this Court issued Standing Order No. 8 which suspended the requirements of sworn statements, verifications, certificates, or affidavits in filings with the Superior Court until December 31, 2021;

WHEREAS, on January 4, 2022, this Court issued Amended Standing Order No. 8 which suspended the requirements of sworn statements, verifications, certificates, or affidavits in filings with the Superior Court until further Order of this Court.

NOW, THEREFORE, having determined that the suspension of the requirements of sworn statements, verifications, certificates, or affidavits in filings with the Superior Court is no longer necessary,

IT IS HEREBY ORDERED this 8th day of August 2022, that effective September 1, 2022, Amended Standing Order No. 8 is HEREBY RESCINDED.

FOR THE COURT:

/s/ Jan R. Jurden
President Judge Jan R. Jurden