

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE COVID-19 §  
PRECAUTIONARY MEASURES §

**ADMINISTRATIVE ORDER NO. 5**  
**USE OF FACE MASKS/COVERINGS IN COURT FACILITIES**

On this 30<sup>th</sup> day of April 2020:

WHEREAS, under the Delaware Constitution, Article IV, § 13, the Chief Justice of the Delaware Supreme Court is the administrative head of all the courts in the State and has general administrative and supervisory powers over all the courts;

WHEREAS, under 10 *Del. C.* § 2004(a), the Chief Justice, in consultation with other members of the Supreme Court, has the authority to “declare a judicial emergency when the Chief Justice determines that there are emergency circumstances affecting 1 or more court facilities;”

WHEREAS, under 10 *Del. C.* § 2004(a), “emergency circumstances” includes but is not limited to “disease ... or other natural or manmade causes [affecting] the ability to access the courthouses, or the ability to staff courts;”

WHEREAS, under 10 *Del. C.* § 2004, the Chief Justice, in consultation with other members of the Supreme Court, declared a judicial emergency due to the COVID-19 pandemic, which went into effect on March 16, 2020 at 8:00 a.m. for a period of 30 days and, by order dated April 14, 2020, was extended until May 14, 2020;

WHEREAS, under 10 *Del. C.* § 2009, the Chief Justice “shall have the authority to take such other actions as the Chief Justice reasonably believes are necessary to provide for the continued operation of the courts during a judicial emergency;”

WHEREAS, on April 25, 2020, Governor John C. Carney issued the thirteenth modification of his order declaring a State of Emergency for the State of Delaware to require, among other things, that Delawareans wear a mask or face covering in public areas effective April 28, 2020, with certain exceptions;

WHEREAS, the Delaware courts remain open with limited staff during this State of Emergency, although the courts’ facilities (with the exception of 24-hour

court operations at Justice of the Peace Court 11, Court 7, and Court 3) are closed to the general public;

WHEREAS the Judicial Branch will continue to take reasonably prudent steps to protect the health and safety of litigants, practitioners, court staff, vendors, contractors, and the public who enter court facilities;

NOW, THEREFORE, IT IS ORDERED that:

1. Court staff should wear a mask or face covering when interacting with the public and when in the common or public areas of court facilities if staff cannot maintain a 6-foot separation from other individuals. Face coverings need not be worn in private work areas unless the employee is likely to come within 6 feet of other staff.
2. The provisions of paragraph 1 also apply to lawyers, litigants, jurors, contractors, vendors, and any other visitors to any court facility.
3. This Order shall remain in effect until amended or vacated.
4. The Clerk of the Court is directed to transmit forthwith a certified copy of this Order to the clerk of each trial court in each county.

BY THE CHIEF JUSTICE:

/s/ Collins J. Seitz, Jr  
Chief Justice