

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE COVID-19 §  
PRECAUTIONARY MEASURES §

**ADMINISTRATIVE ORDER NO. 20**

**MODIFICATION OF ADMINISTRATIVE ORDERS REGARDING THE  
USE OF FACE MASKS OR COVERINGS IN COURT FACILITIES**

On this 20<sup>th</sup> day of May 2021:

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 “disease ... or other natural or manmade causes [affecting] the ability to access the courthouses, or the ability to staff courts;”

WHEREAS, under his authority set forth in 20 *Del. C.* ch. 31, Governor John C. Carney, on March 12, 2020, declared a State of Emergency for the State of Delaware due to the public health threat caused by COVID-19, and extended the State of Emergency on April 10, 2020, May 8, 2020, June 6, 2020, July 6, 2020, August 5, 2020, September 3, 2020, October 2, 2020, October 30, 2020, November 25, 2020, December 24, 2020, January 25, 2021, February 19, 2021, March 19, 2021, April 16, 2021, and May 14, 2021;

WHEREAS, under 10 *Del. C.* § 2004, the Chief Justice, in consultation with other members of the Supreme Court, declared a judicial emergency that went into effect on March 16, 2020 at 8:00 a.m., and extended the judicial emergency in orders dated April 14, 2020, May 14, 2020, June 5, 2020, July 6, 2020, August 5, 2020, September 4, 2020, October 2, 2020, November 2, 2020, December 2, 2020, December 30, 2020, January 28, 2021, March 3, 2021, March 31, 2021, and April 30, 2021;

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 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, in an order dated April 30, 2020, the Chief Justice directed court staff and all visitors to any court facility to wear a face mask or covering under most circumstances;

WHEREAS, in an order dated June 5, 2020, the Chief Justice accepted the recommendations of the Courts Reopening Committee and the Justice of the Peace Court for reopening, which included masking requirements;

WHEREAS, in an order dated September 4, 2020, the Court accepted a Jury Management Plan, which included masking requirements;

WHEREAS, on May 18, 2021, Governor Carney issued the twenty-ninth modification of his order declaring a State of Emergency for the State of Delaware to lift the mask mandate, effective 8:00 a.m. on May 21, 2021, in most places, but continued to require mask-wearing in State-owned buildings and facilities; and

WHEREAS, the Chief Justice, in consultation with the other members of the Supreme Court, the presiding judges, and health experts has determined that modification of administrative orders regarding the use of face masks or coverings in State court facilities is necessary.

NOW, THEREFORE, IT IS ORDERED, effective 8:00 a.m. on May 21, 2021, that:

- (1) Judicial branch employees must wear a face mask or covering when: speaking with any visitors to State court facilities, away from their designated workspace (except when eating or drinking in a break room or kitchen where three feet of physical distance can be consistently maintained), with other individuals in a workspace where a minimum of three feet of physical distance cannot be consistently maintained, and in a courtroom (except when speaking).

- (2) All visitors to State court facilities must wear a face mask or covering at all times except when speaking in a courtroom.
- (3) 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