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Delaware Judiciary unveils public reopening plan

Phased approach recommended by Courts Reopening Committee to begin week of June 8, 2020

Date to resume normal operations not set; new procedures will involve wearing masks and social distancing inside court facilities.

After scaling back operations and closing court facilities to the public in March 2020 due to the COVID-19 pandemic, the Courts Reopening Committee has recommended to Chief Justice Collins J. Seitz, Jr. a phased approach to reopening court facilities and increasing court operations. The Chief Justice accepted the Committee's recommendations this week and shared the details with court employees and members of the Delaware Bar during back-to-back town hall style videoconferences.

The reopening plan, which is available on the Delaware Judiciary's COVID-19 response page https://courts.delaware.gov/aoc/courtsreopeningplan.pdf, does not set any firm dates or deadlines to move from phase to phase, but leaves that determination to the Chief Justice in consultation with the Supreme Court. The Chief Justice will rely heavily on advice from Dr. Alfred Bacon, a Delaware infectious disease expert who is advising the Delaware Judiciary.

"The COVID-19 pandemic required the Delaware courts to limit public access to our judicial facilities. Even though the courthouse doors have been physically closed, judicial officers, their employees, and our judicial partners have continued to provide essential services to Delaware citizens. As the Governor starts to lift restrictions on the public, the Judiciary is looking to increase its operations. Like many of our sister courts, we will follow a phased approach as we increase our operations. The move from phase to phase will be guided by medical experts. If we find our procedures are not working or there is a second spike in COVID-19 cases we might have to slow our progress or step back a phase. The safety of the public and judicial branch employees will be our guide. We hope to start Phase One during the week of June 8, 2020," said Chief Justice Seitz.

Phase One will be a "soft opening" allowing attorneys and a limited number of other professionals who have business with the Courts, to return to the building. As part of this phase, new safety protocols will be enforced such as heightened screening at courthouse entrances, temperature checks and COVID-19 questionnaires. Once inside, all visitors will be asked to use sanitizer at hand sanitizer stations, wear facial coverings for their mouth and nose, and observe social distancing rules. These rules will also provide a four person limit per elevator in the courthouses. The number and type of proceedings held at the courthouses will increase, including a resumption of Delaware Supreme Court oral arguments, and courthouse staff will be increased. Court security will limit the total number of visitors to 25 percent of the building's total occupancy. Non-courtroom public areas of the courthouse like the lunch area will remain closed.

Phase Two will reopen court facilities to the public with the protocols established during Phase One in place. In addition, no more than 10 visitors will be allowed in a courtroom or in public areas adjacent to courtrooms. Non-courtroom public areas will remain closed. Proceedings involving non-incarcerated individuals will resume including non-jury civil and criminal trials. Jury trials will remain on hold. Grand Jury proceedings will resume. Court staffing will continue to increase and building occupancy will be limited to 50 percent.

Phase Three will increase the number of people allowed in courtrooms and public areas adjacent to courtrooms to 50 and will allow the resumption of civil and criminal jury trials. New safety protocols, established in earlier phases, will remain in place. More in-person proceedings will resume and incarcerated defendants will once again be brought to the courthouse rather than appearing only by video (though increased use of video proceedings will still be encouraged). Court staffing can increase to no more than 75 percent and building occupancy will be limited to 75 percent.

Phase Four will mark a return to full operations, though under "new normal" that may include maintaining certain safety procedures and an increased use of technology as established during the emergency and phased reopening period. Court staffing and building occupancy will return to 100 percent.

In addition to the phased reopening framework, the report also included a number of other recommended operational changes including: adopting contact tracing procedures in the event any visitor or employee at the courthouse contracts or is exposed to COVID-19, making changes to court employee workspaces to comply with social distancing, adding floor markings in public areas of courthouse offices to indicate six foot separation, installing plastic shields in offices where employees interact with the public and in certain courtroom areas, and coordination of court calendars to minimize traffic at the courthouses.

For the latest information about the Delaware Judiciary's response to COVID-19, please visit https://courts.delaware.gov/aoc/covid-19. For the latest information on COVID-19 please visit the State of Delaware's informational website on COVID-19 at: de.gov/coronavirus. If you have any questions, you can contact the State's Department of Public Health Coronavirus call center by phone at 1-866-408-1899 or by email at DPHCall@delaware.gov.