

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE COVID-19 §
PRECAUTIONARY MEASURES §

ADMINISTRATIVE ORDER NO. 3

**STATEWIDE JUDICIARY RESTRICTED OPERATIONS
AND THE TEMPORARY SUSPENSION OF STATUTES
OF LIMITATIONS, FILING DEADLINES AND
NOTARIZATION REQUIREMENTS IN ALL COURTS**

This 22nd day of March 2020, it appears to the Supreme Court of Delaware that:

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, the Centers for Disease Control and Prevention has determined that a novel coronavirus (“COVID-19”) presents a serious public health threat, and this threat is affecting Delaware;

WHEREAS, the President of the United States of America has declared a National State of Emergency due to the public health threat caused by COVID-19;

WHEREAS, under his authority set forth in 20 *Del. C.* ch. 31, Governor John C. Carney declared a State of Emergency for the State of Delaware due to the public health threat caused by COVID-19;

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 that will continue for 30 days, subject to further review;

WHEREAS, to the greatest extent possible, the Courts and judicial offices have remained operational and held scheduled and required events while balancing the health and safety of court visitors and personnel during the early stages of this emergency;

WHEREAS, the escalation of the emergency now requires greater measures to protect the health and safety of litigants, practitioners, court staff, and the public;

NOW, THEREFORE, IT IS ORDERED that:

1. All courthouses and their administrative offices in the State of Delaware are closed to the public beginning March 23, 2020 until April 15, 2020 or further order of the Chief Justice of the Supreme Court of Delaware. Access to the State courthouses is restricted to identified personnel and emergency and essential hearings and operations;
2. Each state court shall have sufficient judicial officers and staff to hear emergency and essential matters in person or remotely through video or teleconferencing during the pendency of this Order;
3. Judicial branch personnel identified by the Presiding Judges of each court and the State Court Administrator, or their designees, shall report to work as required. If an identified employee is unable to serve due to illness or has been excused consistent with applicable leave policies, a substitute shall be determined. Other judicial branch personnel shall not report to the courthouses until further notice. Instead, other judicial branch personnel shall work remotely as directed by the Presiding Judge of each court, the State Court Administrator, or their designee;
4. Each courthouse shall provide a method, such as a dropbox or mailing address, for attorneys and the public to fill out and file paper documents if electronic filing is not available to them. For such cases, the courts shall provide, when practical, an email address for attorneys and the public to email paper documents which will be considered filed with the court when received.
5. Non-emergency and non-essential telephonic arguments, telephonic hearings or videoconferences shall proceed at the discretion of each of the State courts. For all court proceedings conducted through April 15, 2020, when practical, the courts shall post on their websites the date and time of the hearing or proceeding, and when requested and permitted, provide reasonable access to media organizations.
6. Deadlines in court rules or state or local statutes and ordinances applicable to the judiciary that expire between March 23, 2020 and April 15, 2020 are extended through April 21, 2020. Statutes of limitations and statutes of

repose that would otherwise expire during the period between March 23, 2020 and April 15, 2020 are hereby extended through April 21, 2020. Deadlines, statutes of limitations, and statutes of repose that are not set to expire between March 23, 2020 and April 15, 2020 are not extended or tolled by this order. Deadlines imposed by court order continue to remain in place but may be extended, consistent with court practices, for good cause shown, including a COVID-19 related cause.

7. The Family Court shall have the authority, in its discretion to extend emergency ex parte protection from abuse orders beyond 30 days, but not to exceed 45 days. Temporary injunctions and interim guardianships that would expire between March 23, 2020 and April 15, 2020 are hereby extended until April 21, 2020.
8. Under 10 *Del. C.* § 3927, as limited by 10 *Del. C.* § 5354(b), any requirements for sworn declarations, verifications, certificates, statements, oaths, or affidavits in filings with the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, or the Justice of the Peace Court are suspended while the judicial emergency remains in effect.
9. Except as provided in 10 *Del. C.* § 5354(b), any person or party may submit an unsworn declaration, verification, certificate, or statement under penalty of perjury to the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, or the Justice of the Peace Court in place of a sworn declaration, verification, certificate, statement, oath or affidavit.
10. The unsworn declaration, verification, certificate, or statement shall, as required by 10 *Del. C.* § 3927, be in substantially the following form:

I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.

Executed on the _____ day of

_____ (month) _____ (year).

_____ (Printed Name)

_____ (Signature)

11. 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.

FOR THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice