

Delaware Courthouse Phased Re-Opening Plan To Begin June 8, 2020

On May 29, 2020, Delaware's Supreme Court Chief Justice Collins J. Seitz, Jr., along with infectious disease specialist Dr. Alfred E. Bacon, III, and Acting Resident Judge William C. Carpenter, Jr., hosted a virtual Town Hall with the Delaware Bar to discuss the judiciary's response to COVID-19 and introduce a four phased reopening plan prepared by the Courts Reopening Committee.

The Courts Reopening Committee prepared a 56-page report to guide the courts as they reopen the courthouses to the public. The Committee recommends that once the Governor has implemented Phase One of his plan and the necessary screening equipment and training in the courthouses has occurred, the Courts would proceed to Phase One of their reopening plan on June 8, 2020. If no significant issues arise, the Courts will move to Phase Two on approximately June 15, 2020. Dates for Phase Three and Phase Four were not provided.

Phase One is intended as a "soft opening" to test the screening procedures put in place. In Phase One, only attorneys, bail bondsmen, private individuals posting bail, data miners, and the media will have access to the Courthouse. During Phase One, individuals in the Courthouse must maintain six-feet in social distancing, and face coverings are required. All public spaces are closed, and only 10 people will be allowed in the courtroom at one time. Supreme Court oral arguments at the Dover courthouse, Court of Chancery proceedings, and civil pre-trial conferences will be allowed.

Phase Two is designed to open the courthouses to the public while maintaining precautions to limit virus exposure. Courtrooms will be limited to no more than 10 people and will require wearing a face covering and social distancing of 6 feet. Court staff and attorneys are not included in the 10 person limitation as long as the social distancing and face covering requirements are maintained. Courthouse entry will be monitored to maintain no more than 50% building capacity.

Phase Three will allow up to 50 people in the courtroom, so civil jury trials and minor tort settlement cases may proceed. Courthouse entry will be monitored to maintain no more than 75% building capacity.

The Committee calls Phase Four the "new normal." This Phase contemplates a return to normal court operations with social distancing practices in place. Public areas will be open, and staffing will increase to 100%.

In addition to the phased re-opening, procedures for courthouse entry were addressed. Any individual entering the courthouses will be subject to the standard security measures in addition to maintaining social distancing, wearing a face covering, using hand sanitizer upon entry, answering COVID-19 screening questions, and submitting to a temperature scan.

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The committee recommends if they court officials become aware that a visitor or employee has tested positive for COVID-19 within 14 days of their appearance in the courthouse, the Court should begin a process of tracking and notifying others who may have been in close contact with that individual.

The committee report also issued guidance on managing employee workspaces and elevator access, recommending that no more than four people be allowed on an elevator at a time.

The report is available on the Delaware Court [COVID-19 response page](#).

[Check out our COVID-19 resource page](#) for all our alerts, updates and information regarding COVID-19 across all our practices.