

IN THE FAMILY COURT OF THE STATE OF DELAWARE

**STANDING ORDER
CONCERNING COVID-19
PRECAUTIONARY MEASURES**

WHEREAS, the Centers for Disease Control and Prevention has determined that a novel coronavirus ("COVID-19") presents a serious public health threat.

WHEREAS, the President of the United States has issued Proclamations prohibiting travel to the United States by foreign nationals who recently visited areas acutely impacted by COVID-19; the Department of State has issued Level 3 and Level 4 Travel Advisories for certain affected countries; and domestic and foreign health authorities have issued guidance to citizens within their respective jurisdictions, both recommending and mandating precautionary measures to defend against the spread of COVID-19.

WHEREAS, the Delaware Supreme Court has issued a statement advising that members of the public who are experiencing symptoms such as cough, fever or other respiratory problems should stay home and, if they have a court date scheduled, that they should notify the appropriate parties.

WHEREAS, the Family Court regularly conducts trials and hearings involving the attendance of litigants, practitioners, witnesses, and other interested agencies.

WHEREAS, in the interest of protecting the foregoing individuals, court staff, and the public.

NOW, THEREFORE, it is **HEREBY ORDERED**, this 13th day of March, 2020, that the Family Court will implement the following precautionary measures, which will remain in place until further order of the Court:

1. The Court will consider conducting proceedings, including mediations, telephonically when it believes it would be practicable and efficient to do so and will promptly consider any request by the parties to change a proceeding from being held in-person to being held telephonically.

2. With respect to trials and hearings for which it is not practicable to handle the matter telephonically, the following procedures shall be followed:

- (a) Any attorney or self-represented party appearing in a case shall promptly provide written notice to the other counsel or self-represented party appearing in such case, if such attorney or party reasonably believes that a scheduled trial or hearing may require or cause the presence of an individual who (i) may be infected with COVID-19 or (ii) has been in contact within the past fourteen (14 days) with an individual who may be infected by COVID-19.
- (b) If notice is given pursuant to subsection (a), the parties shall promptly confer regarding the appropriate means to conduct the trial or hearing that is the subject of the notice. In doing so, the parties shall consider, among other things, (i) whether video conferencing would be appropriate and effective; (ii) whether an alternative attorney, party representative, witness, or source of proof is available without conflicting with subsection (a); and (iii) whether a delay in such trial or hearing would be appropriate, and if so, what is the least amount of delay necessary.
- (c) Within three (3) days of any notice given pursuant to subsection (a), and as soon as practicable before any trial or hearing that is the subject of such notice, the parties shall file a joint letter or joint motion that (i) identifies the concern that was the subject of the notice; (ii) explains the steps the parties have agreed upon and implemented to alleviate such concern; (iii) sets forth any relief requested from the Court to address such concern; and (iv) sets forth any disagreements among the parties, including alternative proposals not mutually agreed upon.

3. The presiding judicial officer or mediator in a case shall be responsible for overseeing the implementation of these procedures.

4. The Court, along with its appropriate stakeholders, shall conduct weekly conference calls to adjust or cancel calendars as necessary.

Communication of scheduling issues shall be by separate memorandum to avoid amending or reissuing a standing order.



Chief Judge Michael K. Newell