

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE ADDITIONAL COVID-19 §
PRECAUTIONARY MEASURES §

ADMINISTRATIVE ORDER

On this 9th day of December 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, more than 750,000 Americans and 2,000 Delawareans have died of COVID-19 since March 2020;

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) and the Delaware Division of Public Health (“DPH”) have advised that the COVID-19 vaccines available in the United States—Pfizer, Moderna, and Johnson & Johnson—are safe and effective in preventing infection, serious illness, hospitalization, and death from COVID-19;

WHEREAS, on July 27, 2021, in light of the highly transmissible Delta variant of COVID-19, the CDC recommended that fully vaccinated people wear masks indoors in public places in areas of substantial or high transmission to prevent the spread of the Delta variant;

WHEREAS, on August 10, 2021, Governor John C. Carney announced that State employees and visitors to State facilities must wear masks indoors, regardless of vaccination status, beginning on August 16, 2021;

WHEREAS, in an order dated August 11, 2021, the Chief Justice announced that all persons entering any judicial facilities must wear a face mask or face covering, regardless of their vaccination status, beginning on August 16, 2021, and that all Judicial Officers and judicial branch employees who did not provide evidence of their full vaccination for COVID-19 must undergo weekly testing for COVID-19, beginning on September 7, 2021;

WHEREAS, on August 12, 2021, Governor Carney announced that State employees would be required to provide proof of vaccination or undergo regular testing for COVID-19, beginning on September 30, 2021;

WHEREAS, on November 10, 2021, Governor Carney announced an extension of the emergency masking requirement in public and private schools until February 8, 2022;

WHEREAS, on December 3, 2021, Governor Carney extended the public health emergency another 30 days;

WHEREAS, all Delaware counties are presently areas of high transmission of COVID-19;

WHEREAS, a significant number of people in Delaware have not been fully vaccinated;

WHEREAS, COVID-19 cases and hospitalizations remain high in Delaware, and medical experts advise that these conditions will continue this winter;

WHEREAS, thousands of people, including jurors, parties, witnesses, lawyers, judges, and court staff, are required to enter Delaware judicial facilities every day, and those who are incarcerated travel to judicial facilities and are returned to places of confinement where protection from the spread of COVID-19 is critical;

WHEREAS, the Chief Justice has determined, after consultation with the Court's infectious disease expert, that universal masking should be continued in all judicial facilities to help prevent the spread and harm of COVID-19; and

WHEREAS, the Chief Justice has determined, after consultation with the Court's infectious disease expert, that continued weekly testing of unvaccinated judicial branch employees is warranted to keep employees, the public, and incarcerated individuals as safe as possible from exposure to the highly transmissible Delta and Omicron variants of COVID-19 and future variants.

NOW, THEREFORE, IT IS ORDERED that:

- (1) All persons entering any judicial facilities, regardless of their vaccination status, shall continue to wear a face mask or covering that completely covers the nose and mouth. Visitors must wear a face mask or covering at all times except when speaking in a courtroom. Face masks will be provided for visitors who do not have one.

- (2) Judicial Officers and judicial branch employees who have a private office may remove their mask or face covering when in their office. Judicial branch employees who share workspace may remove their face mask or covering if they have enough space to maintain six feet of distance from others and are permitted by a supervisor to do so. Judicial branch employees must wear a face mask or covering whenever speaking with any visitor to judicial facilities. Judicial Officers and judicial branch employees may remove their face mask or covering when speaking in a courtroom.
- (3) All Judicial Officers and judicial branch employees who have not provided evidence of their full vaccination for COVID-19 must continue to undergo weekly testing for COVID-19 and each week provide evidence of a negative test result. An individual is fully vaccinated two weeks after the second dose of a two-dose vaccine or two weeks after one dose of the Johnson & Johnson vaccine. Judicial Officers and judicial branch employees may discontinue weekly testing for COVID-19 when they are fully vaccinated and provide evidence of their vaccination.
- (4) This order shall remain in effect for 60 days, subject to review and amendment as COVID-19 conditions evolve in Delaware.
- (5) 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