

IN THE JUSTICE OF THE PEACE COURT FOR THE STATE OF DELAWARE
STANDING ORDER NO. 3 CONCERNING COVID-19 PRECAUTIONARY MEASURES

This 23rd day of April 2020, it appears to the Delaware Justice of the Peace Court that:

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 Department of Health and Social Services, Division of Public Health, has issued an advisement that individuals should follow the Center for Disease Control's recommendation to avoid crowds as much as possible;

WHEREAS, the Governor of Delaware has declared a State of Emergency, effective Friday, March 13th at 8:00 am E.S.T. due to a public health threat from COVID-19;

WHEREAS, the Governor of Delaware has declared that Delawareans are to "shelter in place" and that all non-essential businesses are to be closed, beginning on March 24th at 8:00 am;

WHEREAS, the Chief Justice of the Delaware Supreme Court has issued an administrative order restricting judiciary operations and temporarily suspending statutes of limitations, filing deadlines and notarization requirements in all courts and has issued an order extending the judicial emergency through May 14;

WHEREAS, the Justice of the Peace Court serves in a continuous capacity during times of emergency in order to ensure that emergency and essential functions of the judicial system may continue;

NOW, THEREFORE, IT IS ORDERED that the following measures will remain in place until further order of the Justice of the Peace Court:

1) All criminal proceedings scheduled for in-court appearance from March 17, 2020 through May 14, 2020 shall be rescheduled for a date not earlier than June 1, 2020, with the following exceptions:

(a) All forthwith criminal proceedings shall continue and be conducted by videophone unless the police or other detaining agency requests an in-person proceeding, can articulate a specific reason to bring the defendant in person and permission to do so is granted by the Court;

(b) Administrative Order 4, issued by the Delaware Supreme Court on April 14, 2020 provides that periods for bringing an arrested person before a magistrate pursuant to 11 Del. C. § 1909 and for bringing a prisoner before a judge pursuant to 10 Del. C. § 6907 are extended not more than 7 days under § 2007(c). The time for taking a juvenile charged with a delinquent act before a court is extended not more than 2 days under § 2007(c). Although these time frames have been extended, the Justice of the Peace Court shall continue to hear these matters forthwith unless exceptional circumstances exist and require otherwise.

(c) All proceedings involving individuals in custody for the scheduled proceedings, and emergency reviews of bail shall proceed as scheduled and be conducted by videophone;

(d) Case-by-case exceptions may be ordered at the discretion of the Court and with proper notice to all parties;

2) The Court will continue to issue rulings on criminal motions that do not require in-person appearance by the parties;

3) All landlord/tenant, debt, replevin and trespass proceedings scheduled for in-court appearance and all evictions currently ordered and scheduled from March 17, 2020 through May 14, 2020 shall be rescheduled for a date not earlier than June 1, 2020, with the following exceptions:

(a) Forthwith summons applications in landlord-tenant matters involving essential services and/or harm to person or property will be accepted and ruled upon;

(b) Case by case exceptions to these guidelines may be ordered at the discretion of the Court and with proper notice to all parties;

4) All other non-emergency and non-essential hearings currently scheduled are postponed until a date no earlier than June 1, 2020, subject to announced change as necessary to address the needs of the current situation;

5) Having begun on March 23, 2020 and ending May 14, 2020, all Justice of the Peace Court locations will be closed to the public with the exception of 24 hour court operations at Court 11, Court 7 and Court 3; 6) Access to any Justice of the Peace Court locations at will be limited to

designated court personnel and those persons reasonably necessary for emergency and essential hearings and operations for which telephonic or video resolution of the matter is not feasible;

7) The Court has designated personnel who shall continue to report to their scheduled work locations. The remainder of the Court's personnel shall work remotely as directed by supervisory staff, and shall be subject to recall for on-site work at Court locations as necessary to continue essential services;

8) Members of the public will be admitted to Justice of the Peace Court locations for the purposes of participating in an emergency or essential hearing or to post bail. Cash payments shall not be accepted for any purpose except for the posting of bail;

9) Any Court document generally requiring the signature of a person that is noted with the language "COVID-19 procedure" shall be presumed to have been signed or assented to by the appropriate party, and the Court shall make all reasonable efforts to create a record of that event;

10) The Court will continue to accept non-emergency civil filings through the Court's e-filing system, E-flex, and through a court e-mail account with an address that will be provided to the public and the Bar, and through drop boxes at the 24-hour locations;

11) Non-emergency filings in all cases, with the exception of landlord/tenant matters, may be filed and will be processed by the Court to the extent possible. In accordance with the Governor's 6th Modification of the Declaration of a State of Emergency, pleadings related to landlord/tenant matters are permitted to be filed, but no action will be taken by the Court until such time as the Governor's Order is lifted;

12) Access to the court by members of the public seeking to utilize a public access terminal or otherwise request court documents pursuant to Policy Directive 14-250 (Public Access to Court Documents) shall be limited to ensure that social distancing practices may be applied. The public may utilize the electronic mail box at COVID-19@delaware.gov to request public access documents;

13) All Justice of the Peace Court staff and any other person entering a court location through a non-public entrance shall engage in a health screening pursuant to guidelines established by the Delaware Division of Public Health. Access to the court location may be denied if an individual does not pass the health screening.

To the extent that anything in this Order conflicts with previous orders, the content of this Order shall supersede.

The Court will review this order as necessary. The Court will continue to explore alternative means of conducting court business utilizing available technology and best practices. As such, this order is subject to change if, and when, alternative means of conducting proceedings become available.

A handwritten signature in blue ink, appearing to read 'A G Davis', with a stylized flourish at the end.

Alan G. Davis
Chief Magistrate