

IN THE JUSTICE OF THE PEACE COURT FOR THE STATE OF DELAWARE  
STANDING ORDER CONCERNING COVID-19 PRECAUTIONARY MEASURES

This 15<sup>th</sup> day of March 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 13<sup>th</sup> at 8:00 am E.S.T. due to a public health threat from COVID-19;

WHEREAS, the Supreme Court of Delaware 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 Justice of the Peace Court regularly conducts judicial proceedings involving the attendance of a significant number of individuals, making social distancing impractical;

WHEREAS, in the interest of protecting litigants, practitioners, witnesses, court staff, and the public, the Justice of the Peace Court will implement certain precautionary measures;

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

### **I. Criminal and Truancy Proceedings<sup>1</sup>**

1. All criminal proceedings scheduled for in-court appearance from March 17, 2020 through April 16, 2020 shall be rescheduled for a date not earlier than May 1, 2020, with the following exceptions:

- (a) All scheduled criminal trials shall proceed as scheduled;
- (b) All forthwith criminal proceedings shall continue and be conducted by videophone unless the police agency can articulate a specific reason to bring the defendant in person;
- (c) Walk-in practice at criminal court locations shall continue to be permitted as usual;
- (d) All proceedings involving individuals in custody for the scheduled proceedings, and emergency reviews of bail shall proceed as scheduled.
- (e) Truancy Court proceedings shall be scheduled at the discretion of the Judge, where the treatment need is determined as clinically necessary;
- (f) 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.

### **II. Civil Proceedings**

1. 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 April 16, 2020 shall be rescheduled for a date not earlier than May 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.

The Court will reassess this order in two week increments. The Court will continue to explore alternative means of conducting court business utilizing available technology and best practices.

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<sup>1</sup> This category includes civil violation proceedings.

As such, this order is subject to change if, and when, alternative means of conducting proceedings become available.



Alan G. Davis

Chief Magistrate

