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Supreme Court of Guam, Clerk of Court

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IN THE SUPREME COURT OF GUAM

RE:) Supreme Court of Guam
TENTH UPDATED ORDER) Administrative Order No. ADM20-411
RELATIVE TO COURT)
OPERATIONS UNDER EXIGENT)
CIRCUMSTANCES RELATED TO)
COVID-19 (CORONAVIRUS))
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Because of the continued public health concerns arising from the COVID-19 (coronavirus) pandemic, *I Maga'hågan Guåhan* has issued a series of executive orders to stem the spread of the virus. The most recent of such orders, Executive Order No. 2020-34, loosens certain restrictions beginning 12:00 p.m. on September 25, 2020, and authorizes the reopening of government operations subject to occupancy limitations.

In line with the various executive orders, the court, under its jurisdiction to issue orders in aid of its supervisory jurisdiction over the Superior Court of Guam and all other courts of the judicial branch of Guam, has issued several administrative orders to protect the public health. On September 18, 2020, the court issued Administrative Order No. ADM20-410, which continued the suspension of in-person court operations except for limited business transactions at the Northern Court Satellite and essential matters that cannot be resolved remotely, and authorized certain in-person essential appointments with the Probation Services Division and the Client Services and Family Counseling Division. The order continued to authorize the hearing of non-essential matters through remote court conferencing.

The court recognizes that the growing number of confirmed COVID-19 cases in Guam and its resulting strain on the island's healthcare system require continued efforts to limit the



1 transmission of the disease. At the same time, the court recognizes that it must expand its services
2 to the extent possible, keeping at the forefront the need to protect the health and safety of court
3 employees, patrons, and the general public. With these considerations in mind, the court issues
4 this **TENTH UPDATED ORDER** regarding the suspension of certain court operations to protect
5 the public health by reducing the risk of exposure to COVID-19 and slowing the spread of the
6 disease:

7 1. Effective September 25, 2020, this Tenth Updated Order shall repeal and
8 replace Administrative Order No. ADM20-410. To the extent this Tenth Updated Order
9 conflicts with any other existing administrative order of the court, this Tenth Updated
10 Order shall prevail.

11 2. The Supreme Court of Guam and Superior Court of Guam will continue to be
12 open to conduct court business, but all court facilities—including the Guam Judicial
13 Center in Hagåtña, the Northern Court Satellite in Dededo, the offices of the Probation
14 Services Division, and the Judicial Education Center—will remain closed to the general
15 public, except where entry is required to address the following matters:

16 a. Essential matters that cannot be resolved remotely (i.e., by telephone,
17 videoconference, email, or comparable means, or through the electronic
18 filing system) because it is not practicable or would contravene the
19 protection of constitutional rights. Essential court operations shall
20 continue at the Guam Judicial Center in Hagåtña;

21 b. During the hours of 10:00 a.m. to 3:00 p.m., Monday to Friday at the
22 Northern Court Satellite in Dededo, the following transactions:

- 23 i. Payment of traffic citations;
- 24 ii. Payment of case-related obligations, including bail, restitution,
25 and fines and fees; and
- 26 iii. Requests for traffic and court clearances;

27 c. The following transactions at the Guam Judicial Center in Hagåtña by
28 appointment only:

- 1 i. Forensic evaluations
- 2 ii. Psychological evaluations
- 3 iii. Juvenile and adult intake and assessments
- 4 iv. Urgent individual, couples, or family counseling sessions
- 5 v. Intake processing of new clients referred directly by Probation

6 3. The following essential matters shall continue to be scheduled and heard in
7 keeping with the urgency of those matters and consistent with statutory requirements,
8 either in person as provided in paragraph 2 or remotely by video conferencing or
9 telephonic appearance, with the court to notify all participants necessary to the
10 proceeding:

- 11 a. Magistrate proceedings;
- 12 b. Preliminary hearings for detained juveniles;
- 13 c. Hearings for temporary orders of custody requested by Child Protective
14 Services;
- 15 d. Civil protection orders;
- 16 e. Temporary restraining orders when necessary for the protection of the
17 safety and welfare of a person or persons;
- 18 f. Search warrants;
- 19 g. Criminal warrant returns and non-criminal warrant returns executed on a
20 person with a criminal warrant or who has otherwise been detained;
- 21 h. Emergency guardianships;
- 22 i. Probation pretrial services;
- 23 j. Probation post-judgment services involving high-risk offenders;
- 24 k. Quarantine and isolation petitions and related proceedings;
- 25 l. Other court proceedings under the Emergency Health Powers Act codified
26 in Title 10, Chapter 19 of the Guam Code Annotated; and
- 27 m. Any other locally or federally mandated hearings.
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1 4. In addition to essential matters, courts will review their docket of pending
2 cases, assess matters that can be advanced or resolved through remote court conferencing,
3 and schedule and hold conferences in such matters upon its own initiative, and where
4 appropriate at the request of parties. No non-essential proceedings shall be heard in
5 person before October 5, 2020. Courts should limit in-person contact as much as possible
6 by using available technologies, including alternative means of filing, teleconferencing,
7 video conferencing (e.g., Zoom), and use of email to reasonably ensure the health and
8 safety of all participants. In-person proceedings shall adhere to Department of Public
9 Health and Social Services social distancing guidelines.

10 The following are appropriate for hearings on a virtual platform:

- 11 a. Status, case management, and pretrial conferences in all case types;
- 12 b. Non-evidentiary and evidentiary motion hearings in all case types;
- 13 c. Arraignments and pleas in criminal cases;
- 14 d. Hearings in juvenile delinquency cases;
- 15 e. Hearings in traffic cases;
- 16 f. Problem-solving court staffings and hearings;
- 17 g. Probate petitions and guardianship petitions;
- 18 h. Non-jury trials in all case types, except for criminal, juvenile delinquency,
19 and termination of parental rights petitions in dependency cases unless the
20 parties in an excepted case agree to conduct a virtual non-jury trial;
- 21 i. Settlement conferences held by the magistrates and the referee.

22 When scheduling hearings, it is recommended that the courts prioritize matters in
23 the following order:

- 24 a. Criminal, with those in custody having the highest priority
- 25 b. Juvenile
- 26 c. Civil Protection Orders
- 27 d. Mental Health
- 28 e. Domestic and Guardianship

- 1 f. Probate
- 2 g. Civil
- 3 h. Other case types

4 5. Criminal and civil jury trials scheduled to be heard between August 21, 2020,
5 and November 30, 2020, are postponed and shall not be heard before December 1, 2020.
6 Where a jury trial is postponed because of this Tenth Updated Order or any prior
7 administrative order, the parties may seek a conference with the court to address matters
8 arising from the postponement. Such conference should be conducted by teleconference
9 or videoconference, where practicable. In criminal cases, where appropriate, a defendant
10 may ask the court for reconsideration of bail or conditions of release. Nothing in this
11 Tenth Updated Order addresses the disposition of such requests for reconsideration.

12 6. Until November 9, 2020, at 8:00 a.m., in the event that any law enforcement
13 makes contact with a person who has only a non-criminal warrant, that person may be
14 released on the non-criminal warrant and the non-criminal warrant shall remain active. If
15 the person has both a criminal warrant and non-criminal warrant, law enforcement shall
16 execute the return on both warrants.

17 7. No new grand juries shall be empaneled before November 9, 2020. Grand
18 juries whose terms expire on or before November 9, 2020, shall be extended until that
19 date. No in-person orientation of new jurors shall take place before November 9, 2020.
20 All active petit jurors and grand jurors shall serve to the full extent of the law. To prevent
21 the spread of the virus, ensure the safety of jurors and court staff, and determine the
22 availability of jurors, all active petit jurors and grand jurors must complete a screening
23 questionnaire issued by the Jury Commissioner.

24 8. All grand jury proceedings are suspended until no earlier than November 9,
25 2020. The time periods for a preliminary examination and for filing an indictment are
26 tolled until December 31, 2020.

27 9. Any temporary restraining order, injunction, civil protection order, or stay set
28 to expire on or after August 21, 2020, in any criminal or civil matter, shall automatically

1 be extended under the same terms for fourteen (14) days or up to October 12, 2020,
2 whichever is longer, unless the Presiding Judge, or the judge who issued the order,
3 terminates or modifies the temporary restraining order, injunction, or stay.

4 10. Orders granting Child Protective Services the custody of any minor shall not
5 expire before October 5, 2020.

6 11. Defendants serving weekend sentences at the Department of Corrections will
7 have their weekend sentences suspended until at least October 10, 2020, unless otherwise
8 ordered by the assigned Superior Court judge.

9 12. Defendants sentenced and set to commence serving on weekends will have
10 their time start no earlier than October 10, 2020, unless otherwise ordered by the assigned
11 Superior Court judge.

12 13. Defendants sentenced with delayed confinement to report to the Department
13 of Corrections will have their delays extended until at least October 10, 2020, unless
14 otherwise ordered by the assigned Superior Court judge.

15 14. With the exception of the filing of indictments, all filing deadlines—including
16 statutory filing deadlines—shall be tolled from August 16, 2020, until October 19, 2020,
17 unless otherwise specifically ordered by the applicable court. Any court filing due
18 during this period shall be deemed timely filed if filed on October 19, 2020.

19 15. Under Guam law and court rules, the court is deemed always open for filing
20 any proper paper, issuing and returning process, making a motion, and entering an order.
21 *See* 8 GCA § 1.31; Guam R. Civ. P. 77(a); Guam R. App. P. 31(a)(2). Instead of in-
22 person contact, filings will be accepted by the following methods:

- 23 a. E-filing
- 24 b. If e-filing is unavailable, pleadings may be filed by email to the respective
25 Clerk's Office: efile@guamcourts.org for Superior Court filings and
26 efile@guamsupremecourt.com for Supreme Court filings.
- 27 c. Facsimile
- 28 d. Postal mail

1 e. Designated drop boxes at the Judiciary

2 16. Any filing that requires payment of a filing fee should be paid online if
3 available, but if court users cannot do so, filing fees will be deferred until October 5,
4 2020. Clerk's Office personnel will be available by telephone to answer questions
5 regarding filing methods and fees.

6 17. The Clerks of Court and parties shall continue to serve documents through
7 electronic means or by mail, except for those limited instances in which personal service
8 is required. Attorneys are encouraged to provide a dedicated email address for the service
9 of documents.

10 18. Any court rule that impedes the court's ability to use technologies to eliminate
11 or limit in-person contact in the conduct of court business is suspended until December
12 31, 2020, except such suspension is subject to constitutional requirements.

13 19. Members of the public or media who would like to access court proceedings
14 should contact the court's Public Information Officer, Kristina Blaz, by email at
15 kblaz@guamcourts.org. To the extent logistically possible, the court shall provide public
16 access by video or audio to court proceedings typically open to the public to maximize
17 the public's ability to observe these proceedings.

18 20. Individuals entering a Judiciary of Guam facility for any purpose shall wear
19 face masks or other appropriate face coverings and adhere to social distancing guidelines,
20 including maintaining a distance of at least six (6) feet from other individuals in the
21 courthouse except for those residing in the same household. Persons seeking entry shall
22 also be subject to a non-contact temperature test and questioning related to COVID-19.
23 Judiciary personnel will enforce these restrictions to protect the health and safety of court
24 patrons and employees.

25 21. The following persons shall not enter the Guam Judicial Center in Hagåtña,
26 the Northern Court Satellite in Dededo, or any Judiciary of Guam facility, including, but
27 not limited to, the San Ramon Temporary Courtroom, probation offices, and the Judicial
28 Education Center:

- a. Persons diagnosed with or have had contact with anyone who has been diagnosed with COVID-19 and have yet to be released from quarantine or isolation by a medical provider or the Department of Public Health and Social Services (DPHSS);
- b. Persons with any acute respiratory illness symptoms (i.e., cough, shortness of breath, headaches), flu-like symptoms, fever, or sneezing;
- c. Persons asked to self-quarantine or self-isolate by any doctor, hospital, board of health, or other medical provider or health agency, or who reside with anyone who has been asked to self-quarantine or self-isolate;
- d. Persons who have been in a country with confirmed COVID-19 cases within the last fourteen (14) days; and
- e. Persons who reside or have had close contact with someone who has traveled to these countries in the last fourteen (14) days.

22. Anyone trying to enter in violation of this Tenth Updated Order will be denied entry by Judiciary marshals, probation officers, or other security personnel.

23. If you are scheduled to appear in person and fall into any of the categories listed in paragraph 21, you should proceed as follows:

- a. If you are represented by an attorney, please contact your attorney.
- b. If you have no attorney and are seeking emergency relief, please call the Clerk’s Office of the court in which you are seeking relief.
- c. If you are an attorney scheduled to appear before a judge, please contact that section or team directly by telephone.
- d. If you are scheduled to meet with a probation officer, please contact the probation officer or applicable probation section directly by telephone.
- e. If in doubt as to whom you should contact, please call the Clerk’s Office of the court in which you are scheduled to appear.

24. The continuances occasioned by this Tenth Updated Order serve the ends of justice, protect the health and safety of criminal defendants, attorneys, court employees,

