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**IN THE SUPREME COURT OF GUAM**

**RE:** ) Supreme Court of Guam  
**ELEVENTH UPDATED ORDER** ) Administrative Order No. ADM20-413  
**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. Recent orders authorized non-essential government operations at a limit of 25% occupancy, *see* Executive Order No. 2020-34, and permitted social gatherings of no more than five people beginning October 3, 2020, *see* Executive Order No. 2020-36.

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 25, 2020, the court issued Administrative Order No. ADM20-411, which, among other things, reopened the Guam Judicial Center in Hagåtña for certain business transactions by appointment only and authorized in-person proceedings in non-essential matters that cannot be resolved remotely.

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 transmission of the disease. At the same time, the court recognizes that it must expand its services to the extent possible, keeping at the forefront the need to protect the health and safety of court



1 employees, patrons, and the general public. With these considerations in mind, the court issues  
2 this **ELEVENTH UPDATED ORDER** regarding the suspension of certain court operations to  
3 protect the public health by reducing the risk of exposure to COVID-19 and slowing the spread of  
4 the disease:

5           1. Effective October 9, 2020, this Eleventh Updated Order shall repeal and  
6 replace Administrative Order No. ADM20-411. To the extent this Eleventh Updated  
7 Order conflicts with any other existing administrative order of the court, this Eleventh  
8 Updated Order shall prevail.

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

- 14           a. Essential matters that cannot be resolved remotely (i.e., by telephone,  
15 videoconference, email, or comparable means, or through the electronic  
16 filing system) because it is not practicable or would contravene the  
17 protection of constitutional rights. Essential court operations shall  
18 continue at the Guam Judicial Center in Hagåtña;
- 19           b. During the hours of 10:00 a.m. to 3:00 p.m., Monday to Friday at the Guam  
20 Judicial Center in Hagåtña and the Northern Court Satellite in Dededo, the  
21 following transactions:
- 22                   i. Payment of traffic citations;
- 23                   ii. Payment of case-related obligations, including bail, restitution,  
24 and fines and fees; and
- 25                   iii. Requests for traffic and court clearances;
- 26           c. Non-essential matters as scheduled by the court and which cannot be  
27 resolved remotely (i.e., by telephone, video conference, email, or  
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1 comparable means, or through the electronic filing system) because it is  
2 not practicable or would contravene the protection of constitutional rights;

3 d. In-person essential appointments with the Probation Services Division as  
4 scheduled by the division and approved by the Administrator of the Courts,  
5 including the following treatment programs and services:

- 6 i. Adult Drug Court Group Treatment Sessions
- 7 ii. Anger and Stress Management for Adults
- 8 iii. Driving With Care: Level I (English and Chuukese Languages)
- 9 iv. Driving With Care: Level II (English and Chuukese Languages)
- 10 v. Anger and Stress Management for Juveniles
- 11 vi. Moral Reconciliation Therapy
- 12 vii. Early Recovery Group Treatment Program (Juvenile Drug  
13 Court)
- 14 viii. Relapse Prevention 1 (Juvenile Drug Court)
- 15 ix. Relapse Prevention 2 (Juvenile Drug Court)
- 16 x. Parenting Classes (Juvenile Drug Court)
- 17 xi. Petty Theft Diversion Program - Adult
- 18 xii. Court Crime Prevention Program - Juvenile

19 e. In-person essential appointments with the Client Services and Family  
20 Counseling Division as scheduled by the division and approved by the  
21 Administrator of the Courts, including the following:

- 22 i. Forensic evaluations
- 23 ii. Psychological evaluations
- 24 iii. Juvenile and adult intake and assessments
- 25 iv. Urgent individual, couples, or family counseling sessions
- 26 v. Intake processing of new clients referred directly by Probation

27 3. The following essential matters shall continue to be scheduled and heard in  
28 keeping with the urgency of those matters and consistent with statutory requirements,

1 either in person as provided in paragraph 2 or remotely by video conferencing or  
2 telephonic appearance, with the court to notify all participants necessary to the  
3 proceeding:

- 4 a. Magistrate proceedings;
- 5 b. Preliminary hearings for detained juveniles;
- 6 c. Hearings for orders of custody requested by Child Protective Services;
- 7 d. Civil protection orders;
- 8 e. Restraining orders when necessary for the protection of the safety and  
9 welfare of a person or persons;
- 10 f. Search warrants;
- 11 g. Criminal warrant returns and non-criminal warrant returns executed on a  
12 person with a criminal warrant or who has otherwise been detained;
- 13 h. Emergency guardianships;
- 14 i. Probation pretrial services;
- 15 j. Probation post-judgment services involving high-risk offenders;
- 16 k. Quarantine and isolation petitions and related proceedings;
- 17 l. Other court proceedings under the Emergency Health Powers Act codified  
18 in Title 10, Chapter 19 of the Guam Code Annotated; and
- 19 m. Any other locally or federally mandated hearings.

20 4. In addition to essential matters, courts will review their docket of pending  
21 cases, assess matters that can be advanced or resolved through remote court conferencing,  
22 and schedule and hold conferences in such matters upon its own initiative, and where  
23 appropriate at the request of parties. Courts should limit in-person contact as much as  
24 possible by using available technologies, including alternative means of filing,  
25 teleconferencing, video conferencing (e.g., Zoom), and use of email to reasonably ensure  
26 the health and safety of all participants. In-person proceedings shall adhere to Department  
27 of Public Health and Social Services social distancing guidelines.

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

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

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

- a. Criminal, with those in custody having the highest priority
- b. Juvenile
- c. Civil Protection Orders
- d. Mental Health
- e. Domestic and Guardianship
- f. Probate
- g. Civil
- h. Other case types

5. Criminal misdemeanor jury trials scheduled to be heard between August 21, 2020, and October 23, 2020, are postponed and shall not be heard before October 26, 2020.

6. Criminal felony and civil jury trials scheduled to be heard between August 21, 2020, and November 30, 2020, are postponed and shall not be heard before December 1, 2020.

1           7. Notwithstanding paragraphs 5 and 6 above, any pending criminal jury trial in  
2 which the jury has already been empaneled may proceed—at the discretion of the judge  
3 presiding over the trial—beginning October 19, 2020.

4           8. Any scheduling of jury trials shall be subject to the approval of the Presiding  
5 Judge of the Superior Court and shall adhere to Department of Public Health and Social  
6 Services social distancing requirements.

7           9. Where a jury trial is postponed because of this Eleventh Updated Order or any  
8 prior administrative order, the parties may seek a conference with the court to address  
9 matters arising from the postponement. Such conference should be conducted by  
10 teleconference or videoconference, where practicable. In criminal cases, where  
11 appropriate, a defendant may ask the court for reconsideration of bail or conditions of  
12 release. Nothing in this Eleventh Updated Order addresses the disposition of such  
13 requests for reconsideration.

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

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

26           12. All grand jury proceedings are suspended until no earlier than October 19,  
27 2020. The time periods for a preliminary examination and for filing an indictment are  
28 tolled until December 31, 2020.

1           13. Any temporary restraining order, injunction, civil protection order, or stay set  
2 to expire on or after August 21, 2020, in any criminal or civil matter, shall automatically  
3 be extended under the same terms for fourteen (14) days or up to October 12, 2020,  
4 whichever is longer, unless the Presiding Judge, or the judge who issued the order,  
5 terminates or modifies the temporary restraining order, injunction, or stay.

6           14. 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           15. 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           16. 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           17. 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           18. 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. The email address for Supreme Court filings is  
26 efile@guamsupremecourt.com. The email addresses for Superior Court  
27 filings are:
  - 28           i. Criminal cases – efilecriminal@guamcourts.org

- 1                   ii.    Juvenile cases – [efilejuvenile@guamcourts.org](mailto:efilejuvenile@guamcourts.org)
- 2                   iii.   Small Claims cases – [efilesmallclaims@guamcourts.org](mailto:efilesmallclaims@guamcourts.org)
- 3                   iv.    Child Support cases – [efilechildsupport@guamcourts.org](mailto:efilechildsupport@guamcourts.org)
- 4                   v.    Civil, Probate, Domestic, Special Proceedings, and all other
- 5                         cases – [efilecivil@guamcourts.org](mailto:efilecivil@guamcourts.org)

- 6           c.   Facsimile
- 7           d.   Postal mail
- 8           e.   Designated drop boxes at the Judiciary

9           19. Any filing that requires payment of a filing fee should be paid online if  
10           available. Clerk’s Office personnel will be available by telephone to answer questions  
11           regarding filing methods and fees.

12           20. The Clerks of Court and parties shall continue to serve documents through  
13           electronic means or by mail, except for those limited instances in which personal service  
14           is required. Attorneys are encouraged to provide a dedicated email address for the service  
15           of documents.

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

19           22. Members of the public or media who would like to access court proceedings  
20           should contact the court’s Public Information Officer, Kristina Blaz, by email at  
21           [kblaz@guamcourts.org](mailto:kblaz@guamcourts.org). To the extent logistically possible, the court shall provide public  
22           access by video or audio to court proceedings typically open to the public to maximize  
23           the public’s ability to observe these proceedings.

24           23. Individuals entering a Judiciary of Guam facility for any purpose shall wear  
25           face masks or other appropriate face coverings and adhere to social distancing guidelines,  
26           including maintaining a distance of at least six (6) feet from other individuals in the  
27           courthouse except for those residing in the same household. Persons seeking entry shall  
28           also be subject to a non-contact temperature test and questioning related to COVID-19.

1 Judiciary personnel will enforce these restrictions to protect the health and safety of court  
2 patrons and employees.

3 24. The following persons shall not enter the Guam Judicial Center in Hagåtña,  
4 the Northern Court Satellite in Dededo, or any Judiciary of Guam facility, including, but  
5 not limited to, the San Ramon Temporary Courtroom, probation offices, and the Judicial  
6 Education Center:

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

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

22 26. If you are scheduled to appear in person and fall into any of the categories  
23 listed in paragraph 24, you should proceed as follows:

- 24 a. If you are represented by an attorney, please contact your attorney.
- 25 b. If you have no attorney and are seeking emergency relief, please call the  
26 Clerk's Office of the court in which you are seeking relief.
- 27 c. If you are an attorney scheduled to appear before a judge, please contact  
28 that section or team directly by telephone.

