

26 GAR PUBLIC HEALTH & SOCIAL SERVICES
DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES

CHAPTER 10
PROCEDURES FOR ISOLATION AND QUARANTINE

SOURCE: Entire chapter added by P.L. 31-247:2 (Dec. 6, 2012), and renumbered by the Compiler pursuant to the authority of 1 GCA § 1606.

2019 NOTE: References to Chapter 3 of Title 10 GCA have been clarified throughout.

Attachments have been renumbered from the original submission, and references to the attachments have been changed to correspond to the new number. To avoid confusion and to assist in identification, the name of each attachment has been added.

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§ 10101. Introduction.

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(a) This Regulation outlines the procedures by which the Department of Public Health and Social Services (DPHSS) may initiate and enforce the isolation or quarantine of people who have been exposed to a potentially communicable condition. It outlines DPHSS actions necessary to obtain voluntary isolation or quarantine, involuntary emergency isolation or quarantine, and petitioning the Superior Court of Guam to obtain a judicial order for an individual or group of people to be involuntarily isolated or quarantined.

(b) The diagram at Attachment 1 (Isolation and Quarantine Flowchart) provides a visual of the processes to be used when the DPHSS Director believes that isolation or quarantine is appropriate to limit the spread of disease or contamination of a chemical, radiological, or biological agent.

(c) Attachment 2 (Use of Forms) describes the use of the forms needed for each type of isolation or quarantine.

(d) Attachment 3 (Use of Isolation or Quarantine Legal Documents Process Chart) describes the legal documents used when initiating isolation or quarantine.

(e) Assumptions:

(1) If wide-scale isolation and quarantine is needed the DPHSS Director, Medical Director and/or Chief Public Health Officer will assess the need to declare a Public Health Emergency.

(2) An Incident Command System will be implemented to provide adequate staff to meet the needs of this Plan and Process.

§ 10102. Requesting Voluntary Isolation or Quarantine. Definitions.

(a) Isolation: the separation, for the period of communicability or contamination, of infected or contaminated persons or animals from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of the infectious agent or contaminant from those infected or contaminated to those who are susceptible or who

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may spread the agent or contaminant to others. [Chapter 3; 10 GCA § 330I(b)]

(b) Quarantine: the limitation of freedom of movement of such well persons or domestic animals as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a period of time not longer than the longest usual incubation period of the infectious agent, in such manner as to prevent effective contact with those not so exposed. [Chapter 3, 10 GCA § 330I(c)]

(c) Suspected to be infected: for suspected cases means the Department of Public Health and Social Services (DPHSS) Medical Director and/or Chief Public Health Officer, in his or her professional judgment, reasonably believes that infection with a particular infectious agent is likely based on signs and symptoms, laboratory evidence, or contact with an infected individual, animal, or contaminated environment.

(d) Incubation Period for Communicable Disease: The incubation period is defined as the time from exposure to onset of disease, and when limited to infectious diseases, corresponds to the time from infection with a microorganism to symptom development.

SOURCE: Amended by P.L. 32-221:6 (Dec. 29, 2014).

§ 10103. Requesting Voluntary Isolation or Quarantine Authority.

(a) In accordance with the provisions of an order issued by a DPHSS Director, or his or her designee, in accordance with Chapter 3; 10 GCA § 3310 (a & b) of P.L. 22-130 shall constitute the duly authorized application of lawful rules adopted by Guam and must be enforced by all health workers, law enforcement officers and all other officers and employees within the jurisdiction of the health department.

(b) Upon the advice of the DPHSS Medical Director and/or Chief Public Health Officer, the DPHSS Director, or his or her designee, may issue an emergency detention order causing a person or group of persons to be immediately detained for purposes of isolation or quarantine or may petition the Superior

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Court of Guam ex parte for an order to take the person or group of persons into involuntary detention for purposes of isolation or quarantine.

2019 NOTE: Reference to “the territory” removed and replaced with “Guam” pursuant to 1 GCA § 420.

§ 10104. Use of Voluntary Isolation or Quarantine.

(a) Voluntary Isolation should always be used as a first option unless the DPHSS Director under the medical advice of the Chief Medical Officer has:

(1) determined in his or her professional judgment that seeking voluntary compliance would create a risk of serious harm; and

(2) determined that there is a reason to believe that the person or persons is/are, or is/are suspected to be, infected with, exposed to or contaminated with a communicable disease or chemical, biological, or radiological agent that could spread to or contaminate others if remedial action is not taken; and

(3) determined that there is a reason to believe that the person or persons would pose a serious and imminent risk to the health and safety of others if not detained for purposes of isolation and quarantine; and

(4) determined that there is a satisfactory medical evidence providing reason to believe that although the person or persons does not demonstrate or show symptoms of a communicable disease which is identified and declared by the U.S. Center for Disease Control and Prevention (CDC) to be critically dangerous to public health and safety, and ongoing CDC mandates, directives, instructions and protocol criteria are being implemented in a national effort to combat the spread of the communicable disease, and that, due to significant exposure to the communicable disease, the person or persons shall nonetheless be deemed to pose a serious and imminent risk to the health and safety of others if not detained for purposes of isolation and quarantine for the known incubation period, as determined by the CDC.

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(b) If the subject(s) have been non-compliant with voluntary isolation or quarantine and immediate action is believed to be needed, see §§ 10109 to 10113 of this Chapter.

SOURCE: Added by P.L. 31-247:2 (Dec. 6, 2012). Subsection (a)(4) added by P.L. 32-221:5 (Dec. 29, 2014).

2019 NOTE: The reference in subsection (b) to “Section III, Procedure: EMERGENCY DETENTION ORDER” altered to reflect the current codification as 26 GAR §§ 10109-10113.

§ 10105. Procedure for Voluntary Isolation or Quarantine.

Make a reasonable effort to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, and decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities using the following steps:

(a) Isolation and Quarantine staff will initiate direct contact with person or persons suspected to be infected.

(b) Establish new case/contact in Isolation and Quarantine files/records.

(c) Verbally direct person or persons to voluntarily comply with request for medical examination, testing, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine, inspection and closure of facilities, and to avoid travel by commercial air or commercial sea conveyance. If needed, seek interpreter services.

(d) Document date and time of verbal contact with person or persons and specific instructions given to person or persons in Isolation an Quarantine file or records.

(e) Isolation and Quarantine staff will follow up verbal request by immediately issuing written request to person or persons and acknowledgment of voluntary isolation form found in Attachment 4, (Voluntary Isolation or Quarantine Letter). If needed, help can be provided by DPHSS’s legal counsel; seek interpreter services, as appropriate.

(f) Hand deliver letter and acknowledgement of voluntary isolation or quarantine form to person or persons.

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(g) Document date and time letter was delivered to person or persons in isolation or quarantine. Also document whether or not person signed the acknowledgement of voluntary isolation or quarantine form found in Attachment 5 (Acknowledgement of Voluntary Isolation or Quarantine).

(h) Maintain copy of letter(s) and acknowledgement of voluntary isolation or quarantine form(s) for files.

(i) Add case contact name(s) to schedule of daily check-in calls.

(j) Establish and Emergency Call Center if the number of affected parties exceeds the day-to-day capacity of CD/EPI.

(k) Conduct daily check-in calls to verify person or persons is/are at specified location and to monitor health status. Continue conducting daily check-in calls until such time that person or persons are released from voluntary isolation or quarantine.

(l) Record any irregularities discovered in check-in calls in Isolation or Quarantine File or Records (i.e. change in health status, not responding to calls).

(m) Notify the appropriate law enforcement agency and Attorney General's Office of the Prosecuting Attorney of voluntary isolation and quarantine.

(n) Flag any and all irregularities for supervisory action and follow up.

(o) IF REPEATED ATTEMPTS TO LOCATE PERSON OR PERSONS ARE UNSUCCESSFUL, SEEK DECISION BY DPHSS DIRECTOR ON ISSUING AN EMERGENCY DETENTION ORDER (maximum 10 days) AND/OR TO PETITION THE SUPERIOR COURT OF GUAM FOR INVOLUNTARY DETENTION (maximum 30 days, except for active TB cases which may require longer than 30 day detention).

(p) Document in the Isolation and Quarantine Database any requests for assistance. Include the following information:

(1) nature and type of assistance requests, be specific;

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(2) date and time the request was made;

(3) purveyor organization, contact name and phone number to which the request was assigned (*i.e.* Red Cross, NGO services agency, health care provider, and public health nurse). For multiple requests assigned to different purveyors, note this information *each* type of assistance requested.

(4) NOTE: Reasonable requests for assistance could include requests for food, clothing, shelter, and means of communication, medication, medical care and special needs related to cultural and religious beliefs.

§ 10106. Procedure for Release from Voluntary Isolation or Quarantine.

(a) There are a number of circumstances under which a person or persons may be released from voluntary isolation or quarantine.

(1) The person or persons is no longer suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent; or

(2) The person or persons is/are deemed to no longer pose a serious and imminent risk to the health and safety of others if released from voluntary isolation or quarantine.

(b) In such cases, once a decision has been made to release a person or persons from voluntary isolation or quarantine, the following steps should be followed:

(1) Initiate direct contact with person or persons to be released from voluntary isolation or quarantine.

(2) Issue a written statement that they are released from voluntarily isolation or quarantine because:

(A) they are no longer suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent; or

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(B) they are deemed to no longer pose a serious and imminent risk to the health and safety of others if released from voluntary isolation or quarantine.

(3) The form is found in Attachment 6 (Release for Voluntary Isolation or Quarantine).

(4) Courier written statement to person or persons, return receipt requested.

(5) File return receipt(s).

(6) Document date and time letter was delivered to person or persons in the Isolation and Quarantine Database.

(7) Maintain copy of letter(s) for files.

(8) Inactivate.

§ 10107. Emergency Detention Order. Definitions.

(a) Isolation: the separation, for the period of communicability or contamination, of infected or contaminated persons or animals from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of the infectious agent or contaminant from those infected or contaminated to those who are susceptible or who may spread the agent or contaminant to others. [P.L. 22-130; 10 GCA § 330I(b)]

(b) Quarantine: the limitation of freedom of movement of such well persons or domestic animals as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a period of time not longer than the longest usual incubation period of the infectious agent, in such manner as to prevent effective contact with those not so exposed. [P.L. 22-130; 10 GCA § 330I(c)]

(c) Suspected to be infected: for suspected cases means the Department of Public Health and Social Services (DPHSS) Medical Director and/or Chief Public Health Officer, in his or her professional judgment, reasonably believes that infection with a particular infectious agent is likely based on signs and symptoms, laboratory evidence, or contact with an infected individual, animal, or contaminated environment.

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§ 10108. Emergency Detention Order. Authority

(a) In accordance with the provisions of (P.L. 22-130 Chapter 3; 10 GCA § 3301), an order issued by the DPHSS Director, or his or her designee, in accordance with Chapter 3 of Title 10 GCA shall constitute the duly authorized application of lawful rules and must be enforced by all officers and employees of any political subdivisions within the jurisdiction of the health department.

(b) Upon the advice of the DPHSS Medical Director and/or Chief Public Health Officer, the Director, or his or her delegate, may issue an Emergency Detention Order causing a person or group of persons to be immediately detained for purposes of isolation or quarantine in accordance with law, or may petition the Superior Court of Guam *ex parte* for an order to take the person or group of persons into involuntary detention or purposes of isolation or quarantine in accordance with P.L. 22-130.

§ 10109. Procedures for Determining Need for Emergency Detention Orders.

(a) Before proceeding to the issuance of an Emergency Detention Order, the DPHSS Director or his or her designee must FIRST answer and document responses to the questions contained in Attachment 7 (Questions to ask prior to ordering involuntary Detention).

(b) If you have answered YES to either question 2-a or 2-b, and YES to question 1 and 3 in Attachment 7 (Questions to ask prior to ordering involuntary Detention), AND have documented your decisions and the responses to said questions, proceed to the next section.

(c) If you answered NO to any of the questions in Attachment 7 (Questions to ask prior to ordering involuntary Detention), your responses suggest that sufficient evidence is not available to seek an Emergency Detention Order at this time.

§ 10110. Use of Emergency Detention Orders.

(a) If the Director orders the immediate involuntary detention of a person or persons for purposes of isolation or

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quarantine, the Director shall issue a written emergency detention order as soon as reasonably possible and in all cases within twelve (12) hours of detention. The emergency detention order shall be for a period not to exceed ten (10) days.

(b) If the Director determines that there is satisfactory medical evidence providing professional justification to believe that although the person or persons does not demonstrate or show symptoms of a communicable disease resulting from significant exposure to the communicable disease, the person or persons shall nonetheless be deemed to pose a serious and imminent risk to the health and safety of others if not detained for purposes of isolation and quarantine for the duration of the known incubation period, as determined by the CDC, for a communicable disease identified and declared by the U.S. Center for Disease Control and prevention (CDC) to be critically dangerous to public health and safety, and ongoing CDC mandates, directives, instructions and protocol criteria are being implemented in a national effort to combat the spread of the communicable disease.

SOURCE: Amended by P.L. 32-221:7 (Dec. 29, 2014).

§ 10111. Relief from Emergency Detention Orders.

A person or persons who are subjected to an Emergency Detention Order may seek relief from the Superior Court of Guam through a motion to show cause. A person or persons who are subjected to an Emergency Detention Order have the right to court appointed counsel pursuant to Chapter 3 of Title 10 GCA. If the Superior Court of Guam grants the person or people's relief from the Emergency Detention Order, proceed to § 10113 of this Chapter.

2019 NOTE: The reference to "Part VII, PROCEDURE FOR RELEASE FROM EMERGENCY DETENTION ORDER" altered to reflect the current codification as 26 GAR § 10113.

§ 10112. Procedure for Executing Emergency Detention Order.

(a) Internal steps for executing Emergency Detention Order.

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(1) Having made a reasonable effort to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine, inspection and closure of facilities, and to avoid travel by commercial air or commercial sea conveyance and having found that voluntary compliance has not or would not be effective, an Emergency Detention Order is to be executed by taking the following steps:

(A) Isolation and Quarantine staff will establish new* case contact(s) in Isolation and Quarantine File or Records. [**Only new if NO attempt has been made to secure voluntary compliance based on professional judgment and corresponding documentation of same, that seeking voluntary compliance would have created a risk of serious harm. Otherwise, case contact(s) will already be recorded from the attempted voluntary compliance.*]

(B) If needed, notify Isolation and Quarantine Logistics staff in order to activate isolation and/or quarantine facilities for specified number of people.

(2) Isolation and Quarantine Supervisor will notify relevant law enforcement and the Office of the Prosecuting Attorney of intention to issue “Emergency Detention Order” for specific person or person(s).

(3) Request assistance from law enforcement personnel, as necessary, in order to take person or persons into custody and/or to assume control of specified facilities. [See Compiler’s Note below.]

(4) Within 12 hours of taking person or persons into custody, issue written emergency detention order(s) to said person or persons. Provide copy to relevant law enforcement officials. Hand deliver by courier – return receipt requested. Attachment 8 (Emergency Detention Order) is a copy of the Emergency Detention Order. If needed, help can be provided by DPHSS’s legal counsel.

(5) File return receipt(s).

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(6) Document date and time Emergency Detention Order was delivered to person or persons in the Isolation and Quarantine Database.

(7) Maintain copy of Emergency Detention Order for files.

(8) Add case contact name(s) to schedule of daily check-in calls.

(9) Establish an Emergency Call center if the number of affected parties exceeds the day-to-day capacity of Communicable Disease Control.

(10) Conduct daily check-in calls to monitor person or persons' health status. Continue conducting daily check-in calls until such time that person or persons are released from emergency detention.

(11) Record any irregularities discovered in check-in calls in Isolation and Quarantine file/records (i.e., change in health status or person(s) not responding to calls).

(12) Flag any and all irregularities for IMMEDIATE action and follow up (i.e., Law Enforcement or Public Health action).

(13) Document in the Isolation and Quarantine file any requests for assistance. Include the following information:

(A) nature and type of assistance requested (be specific) (B) date and time the request was made;

(C) purveyor organization, contact name and phone number to which the request was assigned (i.e. Red Cross, local human services agency, health care provider, and public health nurse). For multiple requests assigned to different purveyors, note this information *each* type of assistance requested.

(D) NOTE: Reasonable requests for assistance could include requests for food, clothing, shelter, and means of communication, medication, medical care and special needs related to cultural and religious beliefs.

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(b) Intergovernmental coordination:

(1) The DPHSS in coordination with the Guam Memorial Hospital Authority, private health care providers, and/or with guidance from the Centers for Disease Control and Prevention (CDC) will assess the need to declare a Public Health Emergency.

(2) The DPHSS Director determines the need to activate the incident command structure for DPHSS including augmenting regular communicable disease staff to perform isolation and quarantine monitoring and follow up.

(3) The DPHSS leadership coordinates between the Department, appropriate law enforcement, and local elected officials for the appropriate jurisdiction(s).

(4) The DPHSS in coordination with the CDC, Division of Global Migration and Quarantine to assess the need for commercial air travel restriction.

(5) The DPHSS, Bureau of Communicable Disease Control to coordinate with Guam Customs and Quarantine Agency, private airline partners, and other GovGuam partners to prevent travel while a federal Do Not Board Order is being processed with the CDC's Division of Global Migration and Quarantine and the Honolulu Quarantine Station.

2019 NOTE: The bracketed language in subsection (a)(1)(A) was contained in brackets and italicized in the original submission.

Section (a)(3) could not be read in the version of the rules attached to P.L. 31-247:2 (Dec. 6, 2012). However in the Bill introduced it states the following:

“Request assistance from law enforcement personnel, as necessary, in order to take person or persons into custody and/or to assume control of specified facilities.”

§ 10113. Procedure for Release from Emergency Detention Order.

(a) There are several circumstances under which a person or persons may be released from Emergency Detention:

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(1) The person or persons is no longer suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent; or

(2) The person or persons is/are deemed to no longer pose a serious and imminent risk to the health and safety of others if released from emergency detention; or

(3) The emergency detention has expired; or

(4) The Superior Court of Guam has granted the person or persons' request for relief from the Emergency Detention Order.

(5) If the Emergency Detention Order has expired, and the DPHSS Director desires to continue detention by petitioning the Superior Court of Guam for Involuntary Detention, see procedure §§10114 to 10119 of this Chapter.

(b) Upon the occurrence of any of the above, the following steps should be taken:

(1) Notify Isolation and Quarantine Logistics staff that person or persons are to be released from Emergency Detention on a specified date and time.

(2) Notify relevant law enforcement that person or persons are to be released from Emergency Detention on a specified date and time.

(3) Initiate direct contact with person or persons to be released from emergency detention.

(4) Issue to person or persons at time of physical release, a written "Release from Emergency Detention" statement. The written statement should indicate that they are being released because:

(A) They are no longer suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent; or

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(B) They are deemed to no longer pose a serious and imminent risk to the health and safety of others if released from emergency detention; or

(C) They have been detained for the maximum time period allowed.

(5) Release from Emergency Detention form letter is in Attachment 9 (Release from Involuntary Detention).

(6) Document date and time “Release from Emergency Detention” statement was hand delivered to person or persons in the Isolation and Quarantine File.

(7) Maintain copy of letter(s) for files.

(8) Inactivate case contacts Emergency Detention Status.

2019 NOTE: The reference to “Procedure: PETITIONING SUPERIOR COURT FOR INVOLUNTARY DETENTION” altered to reflect the current codification as 26 GAR §§ 10114-10119.

§ 10114. Petitioning the Superior Court of Guam for Involuntary Detention. Definitions.

(a) Isolation: the separation, for the period of communicability or contamination, of infected or contaminated persons or animals from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of the infectious agent or contaminant from those infected or contaminated to those who are susceptible or who may spread the agent or contaminant to others. [P.L. 22-130, Chapter 3; 10 GCA § 330l(b)]

(b) Quarantine: the limitation of freedom of movement of such well persons or domestic animals as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a period of time not longer than the longest usual incubation period of the infectious agent, in such manner as to prevent effective contact with those not so exposed. [P.L. 22-130m, Chapter 3; 10 GCA § 330l(c)]

(c) Suspected to be infected: for suspected cases means the Department of Public Health and Social Services (DPHSS)

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Medical Director and/or Chief Public Health Officer, in his or her professional judgment, reasonably believes that infection with a particular infectious agent is likely based on signs and symptoms, laboratory evidence, or contact with an infected individual, animal, or contaminated environment.

§ 10115. Petitioning the Superior Court of Guam for Involuntary Detention. Authority.

(a) In accordance with the provisions, an order issued by the DPHSS Director, or his or her designee, shall constitute the duly authorized application of lawful rules adopted by the state board of health and must be enforced by all police officers, healthcare providers, and all other officers and employees within the jurisdiction of the health department.

(b) In accordance with P.L. 22-130, the DPHSS Director, or his or her designee, upon the professional advice of the DPHSS Medical Director and/or Chief Public Health Officer, may issue an Emergency Detention Order causing a person or group of persons to be immediately detained for purposes of isolation or quarantine in accordance with P.L. 22-130 Chapter 3, 10 GCA § 3310, or may petition the Superior Court of Guam *ex parte* for an order to take the person or group of persons into involuntary detention for purposes of isolation or quarantine.

§ 10116. Procedure for Determining Need for Involuntary Detention Orders.

(a) Before proceeding to the court to petition for an Involuntary Detention Order, the DPHSS Director or his or her designee must FIRST complete § 10117, answer and document responses to the Questions contained in Attachment 10 (Questions to ask prior to petitioning for an Involuntary Isolation/Quarantine Order).

(b) If you have answered YES to either question 2-a or 2-b, and YES to question 1 and 3 in Attachment 10 (Questions to ask prior to petitioning for an Involuntary Isolation/Quarantine Order), AND have documented your decisions and the responses to said questions, proceed to the next section.

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(c) If you answered NO to any of the questions in Attachment 10 (Questions to ask prior to petitioning for an Involuntary Isolation/Quarantine Order), your responses suggest that sufficient evidence is not available to seek an INVOLUNTARY DETENTION ORDER at this time.

2019 NOTE: The reference in subsection (a) to “Section IV, Procedure for Petitioning the Superior Court of Guam for Involuntary Detention; Section IV, Page 2” altered to reflect the current codification as 26 GAR § 10117.

§ 10117. When to Petition the Superior Court of Guam.

(a) The DPHSS Director having first made a reasonable effort to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities; **OR**

(b) having found that voluntary compliance has not or would not be effective; **AND/OR**

(c) having executed an emergency detention order for a maximum period of 10 days; **AND**

(d) having found that circumstances require continued isolation and or quarantine for an extended period of time; the DPHSS Director may elect to Petition the Superior Court *ex parte*.

§ 10118. Procedure for Petitioning the Superior Court of Guam.

(a) If the DPHSS Director elects to petition the Superior Court of Guam seeking Involuntary Detention of a person or persons for purposes of isolation or quarantine, the following steps must be taken:

(1) Isolation and quarantine staff will establish new* case contact(s) in Isolation and Quarantine File. [**Only new if NO attempt had been made to secure voluntary compliance based on professional judgment and corresponding documentation of same, that seeking voluntary compliance would have created a risk of serious*

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harm. Otherwise, case contact(s) will already be recorded from the attempted voluntary compliance].

(2) Isolation and Quarantine Supervisor will notify the Attorney General's Office of Prosecuting Attorney (OPA) of intent to petition the Superior Court for Involuntary Detention for specific person or person(s).

(3) Notify Isolation and Quarantine Logistics staff in order to activate isolation and/or quarantine facilities for specified number of people.

(4) The Isolation and Quarantine Supervisor will notify relevant law enforcement [i.e. Chief of police] of intentions to petition the Superior Court of Guam for Involuntary Detention for specific person or person(s).

(5) **Initial Petition for 10-day Involuntary Detention (except for active TB cases which may require longer than 30 days detention)**. Isolation and Quarantine staff will prepare the necessary legal documents, if needed, help can be provided by DPHSS' legal counsel, and submit the following information to the OPA for review and action:

(A) Initial Petition for 10-day Involuntary Detention. The Petition is found in Attachment 11 (Petition for ordering Involuntary Detention).

(B) Documentation supporting a declaration of the DPHSS Director attesting to the facts asserted in the petition. The Declaration is found in Attachment 12 (DPHSS Director Declaration in Support of Petition).

(C) The Confidential Schedule is used no matter how many people are being quarantined. It is a means to protect private health information. The Emergency Detention Order and/or Court pleadings will use an identifier, such as initials. The person(s) actual name will only appear on the confidential schedule. Confidential Schedule is found at Attachment 13 (Confidential Schedule).

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DIV. 1 – DIRECTOR OF PUBLIC HEALTH & SOCIAL SERVICES

(D) Preparation of any further information that might be relevant and material to the Court's consideration.

(E) Statement of compliance with the conditions and principles of isolation and quarantine contained in P.L. 22-130.

(F) A summons. The Summons is found in Attachment 14 (Summons).

(G) An Order for the Superior Court of Guam to issue if the involuntary isolation/quarantine is approved. The Order is found in Attachment 15 (Order for Involuntary Detention).

(6) Extension of 10-day Involuntary Detention. A 10-day Involuntary Detention Order can be extended up to 30 days by petitioning the Superior Court of Guam (except for active TB cases which may require longer than 30 days detention). Prepare the necessary legal documents (If needed, help can be provided by DPHSS' legal counsel), and submit the following information to the OPA for review and action:

(A) Motion for Detention. The Motion is found in Attachment 16 (Motion for Involuntary Detention).

(B) Documentation supporting a declaration of the DPHSS Director attesting to the facts asserted in the petition. The Declaration is found in Attachment 17 (DPHSS Director Declaration for Continued Involuntary Detention).

(C) The Confidential Schedule is used no matter how many people are being quarantined. It is a means to protect private health information. The Emergency Detention Order and/or Court pleadings will use an identifier, such as initials. The person(s) actual name will only appear on the confidential schedule. Confidential Schedule is found at Attachment 18 (Confidential Schedule for Continued Involuntary Detention).

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(D) Preparation of any further information that might be relevant and material to the Superior Court of Guam's consideration.

(E) Statement of compliance with the conditions and principles of isolation and quarantine contained in P.L. 22-130.

(F) An Order for the Superior Court of Guam to issue if the involuntary isolation/quarantine is approved. The Order is found in Attachment 19 (Order for Continued Involuntary Detention).

(7) Extension of Emergency Detention. If DPHSS has not petitioned the Superior Court of Guam before, a different set of forms must be used. A 10-day Emergency Detention Order can be extended up to 30 days (except for active TB cases which may require longer than 30 days detention) by petitioning the Superior Court of Guam. Prepare the necessary legal documents, if needed help can be provided by DPHSS' legal counsel, and submit the following information to the Attorney General's Office for review and action:

(A) Petition for Continued Detention. The Petition is found in Attachment 21 (Petition for Continued Detention).

(B) Documentation supporting a declaration of the DPHSS Director attesting to the facts asserted in the petition. The Declaration is found in Attachment 22 (DPHSS Director Declaration for Continued Detention).

(C) The Confidential Schedule is used no matter how many people are being quarantined. It is a means to protect private health information. The Emergency Detention Order and/or Court pleadings will use an identifier, such as initials. The person(s) actual name will only appear on the confidential schedule. Schedule is found in Attachment 23 (Confidential Schedule for Continued Detention).

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(D) A summons to appear is in Attachment 24 (Summons for Continued Detention).

(E) Preparation of any further information that might be relevant and material to the Superior Court of Guam's consideration.

(F) Statement of compliance with the conditions and principles of isolation and quarantine contained in P.L. 22-130.

(G) An Order for the Superior Court of Guam to issue if the involuntary isolation/quarantine is approved. The Order is found in Attachment 25 (Order for Continued Involuntary Detention).

(8) Additional Extensions of Involuntary Detention (except for Active TB cases which may require longer than 30 days detention). A 30-day Extended Involuntary Detention Order can be extended as necessary pursuant to 10 GCA § 3310 up to 30 additional days per extension by petitioning the Superior Court of Guam. Prepare the necessary legal documents according to the procedure described in subsection 6 of this section (if needed, help can be provided by DPHSS' legal counsel), and to submit to the OPA for review and action.

(9) Request assistance from law enforcement personnel, as necessary, in order to take person or persons into custody and/or to assume control of specified facilities.

(10) Document date and time of submission to OPA, in the Isolation and Quarantine File.

(11) Maintain copy of Petition and supporting documents for files.

(12) OPA office to notify DPHSS Department when petition is filed. Record filing time+ 72* hours for approximate date/time for hearing. [*Exclusive of Saturdays, Sundays and holidays]

(13) Follow up with OPA's office DAILY regarding status of outstanding petitions. Record status of petitions in

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Isolation and Quarantine Database as “pending review by Superior Court.”

(b) If Petition is Denied, then proceed to § 10119 of this Chapter.

(c) If the Superior Court of Guam grants the petition, take the following steps:

(1) Notify Isolation and Quarantine Logistics staff in order to activate isolation and/or quarantine facilities for specified number of people.

(2) Notify relevant law enforcement that Petition for Involuntary Detention has been granted for specific person or person(s).

(3) Request assistance from law enforcement personnel as necessary, in order to take person or persons into custody and/or to assume control of specified facilities.

(4) Add case contact name(s) to schedule of daily check-in calls.

(5) Conduct daily check-in calls to monitor person or persons’ health status. Continue conducting daily check-in calls until such time that person or persons are released from involuntary detention.

(6) Record any irregularities discovered in check-in calls in Isolation and Quarantine File/records. (i.e., change in health status).

(7) Flag any and all irregularities for IMMEDIATE supervisory action and follow up. (i.e., Law Enforcement or Public Health action).

(8) Document in the Isolation and Quarantine Database any requests for assistance. Include the following information:

(A) nature and type of assistance requested (be specific);

(B) date and time the request was made;

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(C) source organization, contact name and phone number to which the request was assigned. (e.g., Red Cross, local human services agency, health care provider, public health nurse) or multiple requests assigned to different purveyors, note this information for each type of assistance requested.

(D) reasonable requests for assistance could include requests for food, clothing, shelter, and means of communication, medication, medical care and special needs related to cultural and religious beliefs.

2019 NOTE: The bracketed language in subsection (a)(1) was contained in brackets and italicized in the original submission.

The reference in subsection (b) to “Section VI, PROCEDURE FOR RELEASE FROM INVOLUNTARY DETENTION” altered to reflect the current codification as 26 GAR § 10119.

§ 10119. Procedure for Release from Involuntary Detention.

(a) There are several circumstances under which a person or persons may be released from Emergency Detention:

(1) The person or persons is no longer suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent; or

(2) The person or persons is/are deemed to no longer pose a serious and imminent risk to the health and safety of others if released from emergency detention; or

(3) The emergency detention order has expired; or

(4) The Superior Court of Guam did not grant authority for involuntary detention based upon the Petition.

(b) In all such cases, once a decision has been made to release a person or persons from Involuntary Detention prior to, or upon the expiration date as noted on the Petition granted by the Superior Court of Guam, the following steps should be followed:

(1) Notify ISOLATION AND QUARANTINE LOGISTICS STAFF that person or persons are to be

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released from Involuntary Detention on a specified date and time.

(2) Notify relevant law enforcement that person or persons are to be released from Involuntary Detention on a specified date and time.

(3) Initiate direct contact with person or persons to be released from Involuntary Detention.

(4) Issue to person or persons at time of physical release, a written “Release from Involuntary Detention” statement. The written statement should indicate that they are being released because:

(A) They are no longer suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent; or

(B) They are deemed to no longer pose a serious and imminent risk to the health and safety of others if released from involuntary detention, or

(C) They have been detained for the maximum time period of 30 days.

(5) A copy of the Release from Involuntary Detention is in Attachment 20 (Release from Involuntary Detention).

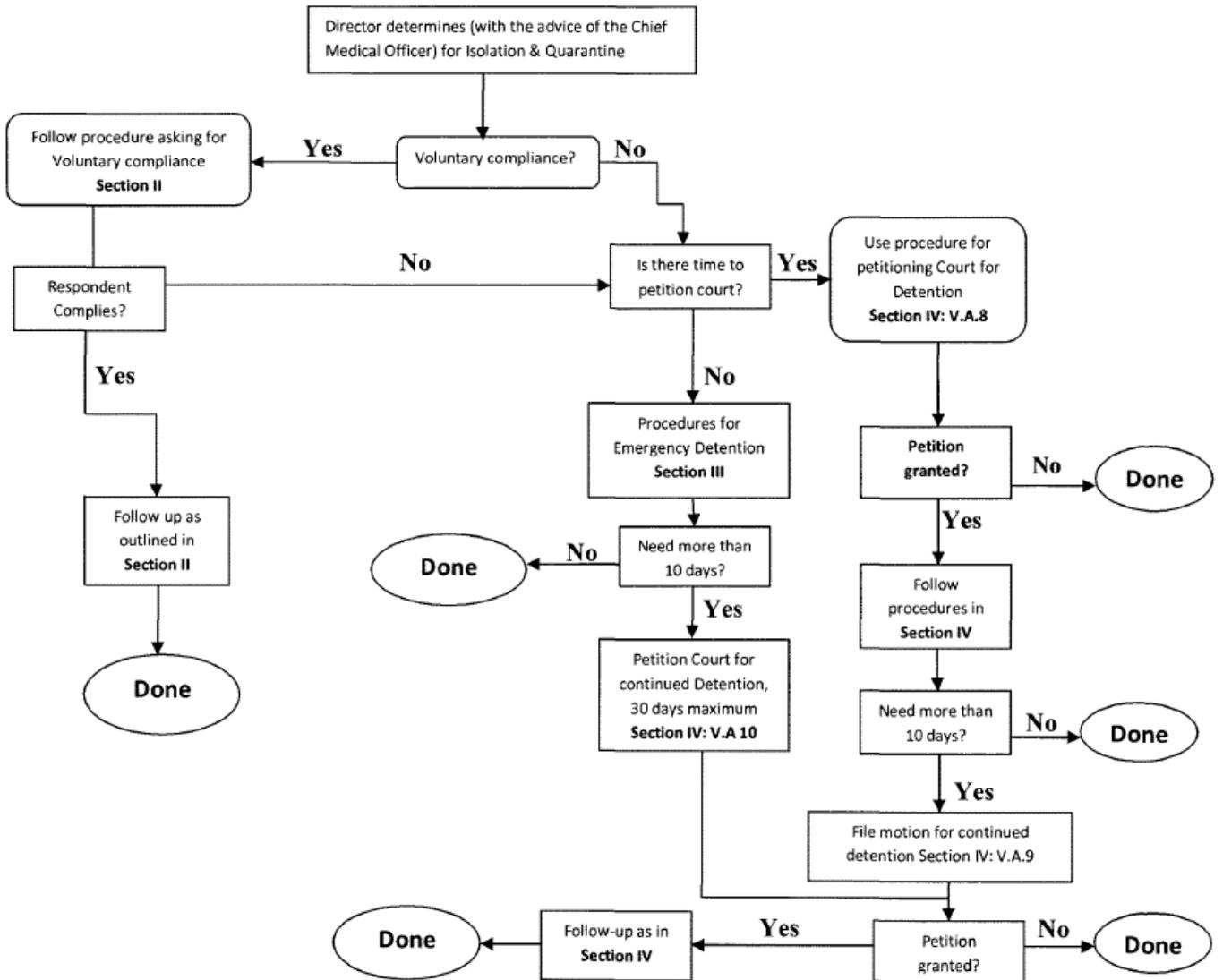
(6) Document date and time “Release from Involuntary Detention” statement was hand delivered to person or persons in the Isolation and Quarantine File.

(7) Maintain copy of letter(s) for files.

(8) Inactivate case contact(s), Involuntary Detention Status.

Attachment 1: Isolation and Quarantine Flowchart

Isolation and Quarantine Flowchart



Attachment 2: Use of Forms

2019 NOTE: The references have been altered to reflect the current codification in the GAR.

USE OF FORMS

Voluntary Compliance:

This is the first step in all cases unless the DPHSS Director has determined that the risk necessitates going directly to an Emergency Detention Order or Petition for Judicial Detention. See procedure “Requesting Voluntary Isolation or Quarantine” in 26 GAR §§ 10102-10106.

Use the “Voluntary Isolation or Quarantine Letter” and “Voluntary Isolation or Quarantine Acknowledgment,” both of which are in the “Letters” folder. If voluntary compliance is effective until the risk is no longer present, use the “Release from Isolation or Quarantine Letter.” [Note: this same letter is also issued following the expiration of detention pursuant to an emergency order and judicial order.]

If Voluntary compliance is refused, the DPHSS Director with the advice of the DPHSS Medical Director and/or Chief Public Health Officer can either (1) proceed with an Emergency Detention Order, use the “Involuntary Order” folder; or (2) petition the Superior Court for a judicial order of detention, use the “Judicial Detention when Voluntary Isolation or Quarantine Refused” folder.

Emergency Detention Order:

If the DPHSS Director decides to proceed with an emergency order, use the DPHSS Director’s Emergency Detention Order procedure, the guidance is contained in 26 GAR §§ 10107-10113.

Petition for Judicial Detention:

If the DPHSS Director under the advice of the DPHSS Medical Director and/or Chief Public Health Officer decides to petition the Superior Court of Guam for an order (without first attempting voluntary compliance), use the “Judicial Detention for Imminent Risk” folder. The guidance is contained in 26 GAR §§ 10118(a)(8).

Continued Detention:

If the DPHSS Director with the advice of the DPHSS Medical Director and/or Chief Public Health Officer determines that more than ten (10) days of isolation or quarantine are needed, application to the Superior Court of Guam can be made for an additional thirty (30) day period (except for active TB cases which may require longer than 30 days detention). The type of application to the court will vary depending on prior action: If the person is being isolated based on an Emergency Detention Order issued by the DPHSS Director; use the “Continued Detention Lawsuit” folder because there has not been prior court involvement, a summons and petition will need to be filed (with the other documents). Guidance is found in 26 GAR §§ 10118(a)(10).

If the person is being isolated based on a Judicial Order of Detention issued by the Superior Court, use the “Continued Detention Motion” folder because a petition will have been previously filed and so no new summons and petition are required. Guidance is found in 26 GAR §§ 10118(a)(9).

Attachment 3: Use of Isolation or Quarantine Legal Documents Process Chart

USE OF ISOLATION OR QUARANTINE LEGAL DOCUMENTS PROCESS CHART

The DPHSS Director's Options for Initiating Isolation or Quarantine under the P.L.:22-130 with the advice of the DPHSS Medical Director and/or Chief Public Health Officer

Request for Voluntary Quarantine (P.L.:22-130)	Order for Involuntary Isolation or Quarantine	Court Order for Involuntary Isolation or Quarantine
Likely to be used when:	Likely to be used when:	Likely to be used when:
<p>The Director is confident that the quarantined individual will comply</p> <p>NOTE: a) The term "isolation" is not used in this request, as isolation is used when a person already has symptoms. This person would need care in a hospital or hospital-like setting, as opposed to a voluntary quarantine to home or other residential-type setting.</p> <p>b) The last part of the form calls for an attachment. The types of local resources which should be considered are telephone numbers for crisis clinic, mental health clinics, alcoholics anonymous, domestic violence counselors, or other support groups. The attachment should also inform the quarantined individual how to access basic necessities, e.g. Red Cross volunteers, volunteers from local faith based organizations, whatever organizations the Director has enlisted and educated to safely assist the quarantined individuals.</p>	<p>Not as confident the individual will comply with a Voluntary Request for Voluntary Isolation or Quarantine; when the Director believes the formality of the order with police enforcement will better ensure compliance, or there is no time or ability to secure a Court Order (i.e., person ready to leave jurisdiction, need to impose quarantine on a weekend or at night and no pre-arrangements were made to locate a judge in an emergency). Want to avoid court filing fees.</p>	<p>Not confident that individual will comply with either Request or Order; the Director believes that it may be necessary to move to a contempt of court proceeding with the threat of incarceration and/or greater fine to secure the individual; as a supplement to the Order for Involuntary Isolation or Quarantine (both can be obtained, i.e. not mutually exclusive).</p> <p>NOTE: There are two sets of pleadings here – one is for use when no attempt is made to seek voluntary compliance due to the serious and imminent risk to the public. The second set is for use when voluntary compliance was sought, but the individual refused or otherwise indicated that he or she would not comply. P.L.:22-130 section § 3309 provides for these two methods, which affects what the Director must include in his or her declaration. That is the reason for the pleadings. Take note of the footer to see which pleading is being used.</p>

Options for Non-compliance

If used Director's Request for Voluntary Quarantine Initially, then	If used Director's Order for Involuntary Isolation or Quarantine Initially, then	If used Court Order for Involuntary Isolation or Quarantine Initially, then
a) Director's Order for Involuntary Isolation or Quarantine under P.L.:22-130 or b) Court Order for Involuntary Isolation or Quarantine under P.L.:22-130	Court Order for Involuntary Isolation or Quarantine under P.L.:22-130	Seek an order from the court finding the individual in contempt of court under P.L.:22-130 Note: Given potential exposure to others, imprisonment might take the form of electronic monitoring at the quarantine site

To Extend Isolation or Quarantine Period

Note: Both the DPHSS Director's Order and Court Order described above are valid for a maximum of ten days isolation or quarantine. If the Director needs to extend the isolation or quarantine beyond ten days, only the Superior Court of Guam may order an extension for up to thirty days (except for active TB cases which may require longer than 30 days detention). If the individual is voluntarily complying, then the DPHSS Director may request the individual to continue in isolation/quarantine on a voluntary basis without seeking an order from the Court. There is **no** DPHSS Director's Order extending an involuntary isolation or quarantine in P.L.:22-130.

Attachment 4: Voluntary Isolation or Quarantine Letter

Date: _____

Addressee
Mailing/Delivery Address

Dear _____,

I have determined that your voluntary isolation and/or quarantine are necessary for the preservation and protection of the public health. This determination is based on the following information:

Therefore, your compliance is hereby requested. You are requested to report to, or remain at your primary residence of record at

_____ by _____
(Premises subject to isolation) (Date and time)

Please read the enclosed information carefully and follow the enclosed recommendations. The Department of Public Health and Social Services (DPHSS) requests that you stay home from work, school, child care, other public areas, and to avoid travel by air and sea until we notify you that it is safe to resume your normal activities.

I am including the most recent information available on what you can do to help prevent spread of _____ to others, including your household contacts. The information sheets about _____ are updated often as new information becomes available. You can also access information at the DPHSS website, www.dphss.guam.gov or the Centers for Disease Control and Preventions website at www.cdc.gov.

We understand that staying home may cause significant inconvenience to you. However, it is very important for the protection of your own health and that of others that you abide by this request for isolation and/or quarantine. If you have any questions about this request or need assistance in complying, please call _____ at (735-7102 or 735-7142) ____ - _____. Failure to voluntarily comply with this request may result in an emergency detention order, pursuant to P.L:22-130.

Sincerely,

Director, DPHSS

Attachment 5: Acknowledgement of Voluntary Isolation or Quarantine

VOLUNTARY ISOLATION ACKNOWLEDGMENT

On, _____, 20__, I received a written notice from the Department of Public Health and Social Services (DPHSS) indicating that the Director with the advice of the Medical Director and/or Chief Public Health Officer of the DPHSS requests my voluntary isolation and/or quarantine from the public.

I have read the notice and the enclosed information carefully and intend to follow the enclosed recommendations. I understand that I will stay home from work, school, child care, and other public areas until I am notified by the DPHSS staff that it is safe to resume my normal activities. Additionally, I will follow any other requests of the DPHSS relating to my isolation and/or quarantine. I understand that if I have any questions regarding my condition, I will **stay where I am and call the department at (671) 735-7201 or 735-3062 or 735- 7142.**

DATED this _____ day of, 20 _____

[Sign name]

[Print name]

[Date of birth]

[Social security number]

Attachment 6: Release for Voluntary Isolation or Quarantine

COMPLETION OF ISOLATION /QUARANTINE CLEARANCE FORM

Date _____

To Whom It May Concern:

_____ has completed a period of isolation and/or quarantine as recommended by the Department of Public Health and Social Services (DPHSS) for persons suspected of having _____. Isolation is recommended when someone has a communicable disease and contact with other people is restricted in order to prevent the spread of the illness.

DPHSS requested isolation and/or quarantine based on the isolation and quarantine principles and conditions contained in P.L. ????. At the completion of the isolation and/or quarantine period, the activities of the above named individual are no longer restricted and they may return to work, school, and other public activities.

Attached is a fact sheet about _____. In addition, you may find information about _____ at the CDC website, www.cdc.gov, and the WHO website, www.who.org. You may also call DPHSS at 735- 7102, 735-3602 or 735-7142 if you have questions about this letter or about _____.

Sincerely,

Director, DPHSS

Attachment 7: Questions to ask prior to ordering involuntary Detention

Questions to ask prior to Issuing an Emergency Isolation/Quarantine Order

Name of individual or Group: _____

Date: _____

1) Do you have reason to believe that the person or group of persons is, or is suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent that could spread to or contaminate others if remedial action is not taken?

YES / NO

2-a) Have you made a reasonable effort, which you have documented, to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities?

YES / NO

OR

2-b) Have you determined and documented in your professional judgment that seeking voluntary compliance would be unsuccessful/ ineffective?

YES / NO

3) Do you have reason to believe that the person or group of persons would pose a serious and imminent risk to the health and safety of others IF NOT DETAINED for purposes of isolation or quarantine?

YES / NO

Individual Making Determination: _____

Date: _____

Signature: _____

Attachment 8: Emergency Detention Order

EMERGENCY INVOLUNTARY DETENTION ORDER

Under authority of Public Law 22-130; chapter 3: I, _____, the Director for the Department of Public Health and Social Services (DPHSS), order the person or persons on the attached Confidential Schedule to be detained for isolation or quarantine at the location described on the Confidential Schedule beginning on _____, 20__ at _____ o'clock AM/PM and ending on _____, 20__ at _____ o'clock AM/PM. (not to exceed 10 days).

Based on my assessment of the information available, I suspect the communicable or infectious disease or agent affecting the person(s) identified in this order, or with which these persons have been exposed, infected, or contaminated by, is _____, and the person(s) identified in this order pose a serious and imminent risk to the health and safety of others if not detained for purposes of isolation or quarantine.

[] I made the following efforts to obtain voluntary compliance, which were unsuccessful

(OR)

[] In my professional judgment with the advice of the DPHSS Medical Director and/or Chief Public Health Officer, seeking voluntary compliance creates a risk of serious harm. This detention order is medically justified because _____

DATED this _____ day of _____ 20__ at _____ AM/PM

Director
Department of Public Health & Social Services

NOTICE TO PERSONS DETAINED BY THIS ORDER

NOTICE: You have the right to petition the superior court for release from isolation or quarantine in accordance with P.L:22-130. You have the right to legal counsel in accordance with P.L:22-130. If you are unable to afford legal counsel, then counsel will be appointed for you at government expense and you should request the appointment of counsel at this time. If you currently have legal counsel, then you have an opportunity to contact that counsel for assistance.

CONFIDENTIAL SCHEDULE

ATTACHED TO EMERGENCY INVOLUNTARY DETENTION ORDER

Protected under the Health Care Information Act, HIPPA

Name(s)

Address

Identity in Pleadings

Location of Detention

Attachment 9: Release from Involuntary Detention

COMPLETION OF ISOLATION /QUARANTINE CLEARANCE FORM

Date _____

To Whom It May Concern:

_____ has completed a period of isolation and/or quarantine as recommended by the Department of Public Health and Social Services (DPHSS) for persons suspected of having _____. Isolation is recommended when someone has a communicable disease and contact with other people is restricted in order to prevent the spread of the illness.

The DPHSS requested isolation based on the isolation and quarantine principles contained in P.L. ????. At the completion of the isolation and/or quarantine period, the activities of the above named individual are no longer restricted and they may return to work, school, and other public activities.

Attached is a fact sheet about _____. In addition, you may find information about _____ at the CDC website, www.cdc.gov, and the WHO website, www.who.org. You may also call the DPHSS at 735-3602, 735-7152 or 735-7102.

Director, DPHSS

Attachment 10:

Questions to ask prior to petitioning for an Involuntary Isolation/Quarantine Order

Questions to ask prior to petitioning for an Involuntary Isolation/Quarantine Order

Name of individual or Group: _____

Date: _____

1) Do you have reason to believe that the person or group of persons is, or is suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent that could spread to or contaminate others if remedial action is not taken?

YES / NO

2-a) Have you made a reasonable effort, which you have documented, to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities?

YES / NO

OR

2-b) Have you determined and documented in your professional judgment that seeking voluntary compliance would be ineffective?

YES / NO

3) Do you have reason to believe that the person or group of persons would pose a serious and imminent risk to the health and safety of others IF NOT DETAINED for purposes of isolation or quarantine?

YES / NO

Individual Making Determination: _____

Date: _____

Signature: _____

Attachment 11: Petition for ordering Involuntary Detention

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Territory of Guam
Superior Court of Guam

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
PETITION FOR EX PARTE ORDER
AUTHORIZING INVOLUNTARY
DETENTION FOR ISOLATION OR QUARANTINE
WHEN VOLUNTARY ISOLATION
OR QUARANTINE REFUSED

COMES NOW _____, Director of the Department of Public Health and Social

Services, Guam, by and through his/her attorney, _____, and petitions this
court for an order *ex parte* authorizing involuntary detention for isolation or quarantine . This
petition is based on the pleadings and declaration of _____, attached hereto.

1. JURISDICTION: This petition is requested under authority of Public Law 22-130; Ch:3;§ 3333

2. IDENTITY PARTIES: _____, is the Director of the Department of Public Health and
Social Services with Office located at 123 Chalan Kareta, Mangilao, Guam
Respondent(s) and their location are identified in the attached Confidential Schedule.

3. FACTUAL ALLEGATIONS:

a. The Director of the Department of Public Health and Social Services (DPHSS) has determined, or has
reason to believe, that the respondent(s) is/are, or is/are
suspected to be, infected with, exposed to, or contaminated with _____, which could infect or
contaminate others if respondent(s) is/are not detained and quarantined or isolated.

The Director requested that respondent(s) voluntarily comply with isolation and quarantine requirements
to protect the public health, safety and welfare. Respondent(s) failed to comply or refused to comply
with infection control directives, including the directive for isolation or quarantine.

PETITION FOR EX PARTE ORDER
WHEN VOLUNTARY DETENTION
REFUSED

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b. The DPHSS Director took the following measures seeking voluntary compliance:

c. The medical basis justifying detention for isolation or quarantine is justified is:

4. RELIEF REQUESTED. Based on the above allegations as supported by the attached declaration, the
the DPHSS Director requests the following:

a. The entry of an order ex parte authorizing involuntary detention of the person(s) named herein at
the location specified in the Confidential Schedule from _____, 20__ at _____ o'clock
(Guam Time) to _____, 20__ at _____ o'clock AM/PM (not to exceed
ten days);

b. The entry of an order sealing the Confidential Schedule and any other documents containing
the identity of the respondent(s), including the location of isolation or quarantine, to protect the privacy
of their health care information.

c. Such other relief as the court deems reasonable and proper.

DATED this ____ day of _____, 20__.

Attorney's Name
Attorney for DPHSS, Guam

PETITION FOR EX PARTE ORDER
WHEN VOLUNTARY DETENTION
REFUSED

Attachment 12: DPHSS Director Declaration in Support of Petition

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Territory of Guam
Superior Court of Guam

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
DECLARATION IN SUPPORT OF PETITION
FOR EX PARTE AUTHORIZING
INVOLUNTARY DETENTION FOR
ISOLATION OR QUARANTINE

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_____ declares:

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1. I am the Director of the Department of Public Health and Social Services, Guam.
2. I am authorized by chapter 3 and chapter 19 to take action necessary to protect the public health safety and welfare.
3. I am authorized to request this court to issue an ex parte order for involuntary detention of individuals who should be isolated or quarantined to protect the public health, safety and welfare.
4. I am asking this court to issue an order involuntarily detaining the individuals named on the attached confidential schedule because they pose a threat to the public health, safety and welfare for the following reasons:
5. Respondent(s) has/have been diagnosed with, or is/are suspected to have been exposed to, infected with, or contaminated by, _____ because:

DECLARATION SUPPORTING
EX PARTE DETENTION PETITION

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- 6. Respondent(s)' condition or suspected condition poses a serious and imminent risk to the health and safety of others because:
- 7. Voluntary isolation or quarantine was attempted on. Respondent(s) refused to agree to voluntary isolation or quarantine.
- 8. To protect the public, respondent(s) should be detained in isolation or quarantine for a period of _____ days (no more than ten days), unless medical tests or other information conclusively establishes that he/she /they no longer present a threat to the public health, safety and welfare
_____ declares:

I declare under penalty of perjury under the laws of the Territory of Guam that the foregoing is true and correct.

DATED this ____ day of _____, 20__

Insert Full Name

Signed this ____ day of _____ 20__
at _____, Guam

DECLARATION SUPPORTING EX
PARTE DETENTION PETITION

Attachment 13: Confidential Schedule

CONFIDENTIAL SCHEDULE

**ATTACHED TO PETITION FOR EX PARTE ORDER AUTHORIZING INVOLUNTARY DETENTION
FOR ISOLATION OR QUARANTINE WHEN VOLUNTARY ISOLATION OR QUARANTINE
REFUSED**

Protected under the Health Care Information Act, HIPPA

Name(s)	Address	Identity in Pleadings
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Location of Detention

Attachment 14: Summons

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Territory of Guam
Superior Court of Guam

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
SUMMONS

13 **TO THE RESPONDENT(S):** A lawsuit has been started against you in the above entitled court by
14 _____ petitioner. Petitioner's claim is stated in the written petition, a copy of which is served
15 upon you with this summons.
16

17 In order to defend against this lawsuit, you must respond to the petition by stating your defense in writing,
18 and serve a copy upon the undersigned attorney for the petitioner within 20 days after the service of this
19 summons excluding the day of service, or a default judgment may be entered against you without notice.
20 If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before
21 default judgments may be entered.
22

23 You may demand that the petitioner file this lawsuit with the court. If you do so, the demand must be in
24 writing and must be served upon the petitioner. Within 14 days after you serve the demand the petitioner
25 must file this lawsuit.

26
27 If you wish to seek the advice of an attorney in this matter you should do so promptly so that your written
28 response, if any, may be served on time

DATED this ____ day of _____, 20 ____.

Attorney's Name
Attorney for DPHSS, GUAM

SUMMON

Attachment 15: Order for Involuntary Detention

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**Territory of Guam
Superior Court of Guam**

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
ORDER (EX PARTE) AUTHORIZING
INVOLUNTARY DETENTION FOR
ISOLATION OR QUARANTINE
WHEN VOLUNTARY ISOLATION OR
QUARANTINE REFUSED

THIS MATTER having come before the Court on the Petition for an Ex Parte Order Authorizing
Involuntary Detention for Isolation or Quarantine When Voluntary Isolation or Quarantine
Refused filed by _____, Director for the Department of Public Health and Social
Services (DPHSS), by and through his/her attorney, _____. The Court considered the pleadings
and file herein and the declaration of _____ in support of the petition.

Based on the argument of counsel and the evidence presented, the Court finds:

- 1.1 The court has jurisdiction over the person and subject matter in this proceeding
- 1.2 The Director of DPHSS sought voluntary compliance with isolation and quarantine measures,
with which respondent(s) has/have refused or failed to comply.
- 1.3 There is a reasonable basis supporting the need to isolate or quarantine the respondent(s)
as they present a serious and imminent risk to the health and safety of others
- 1.4 Respondent(s)' identity(ies) and the location of isolation or quarantine should be kept confidential
to protect health care information under HIPAA (42 USC §1320d-1329d-8; 45 CFR Parts 160-164)

Based on the above findings, IT IS ORDERED

**EX PARTE ORDER WHEN
VOLUNTARY DETENTION REFUSED**

1 2.1 The petition is granted and respondent(s) shall be and are hereby detained for isolation or quarantine
2 as necessary to protect the public health, safety and welfare at the location specified on the Confidential
3 Schedule from _____, 20__ at ___ o'clock AM/PM to from _____, 20__ at _____
4 o'clock AM/PM, unless medical tests or other information conclusively establishes
5 that he/she/they no longer present a threat to the public health, safety and welfare, whereupon,
6 respondent(s) shall be immediately released from detention:
7

8 2.2 The confidential schedule and any other documents containing the identifying information about the
9 respondent(s), including the location of isolation or quarantine, shall be and are hereby sealed to protect the
10 privacy of their health care information.
11

13 DATED this ____ day of _____, 20__.

16 _____
17 JUDGE
18

19 Presented by:

20 _____

21 Attorney's Name
22 Attorney for DPHSS, GUAM
23 License number:
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EX PARTE ORDER WHEN
VOLUNTARY DETENTION REFUSED

Attachment 16: Motion for Continued Involuntary Detention

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Territory of Guam
Superior Court of Guam

In Re: _____
(use identifiers per Confidential
Schedule)
Respondents

NO: _____
MOTION FOR ORDER AUTHORIZING
CONTINUED INVOLUNTARY DETENTION
FOR ISOLATION OR QUARANTINE

COMES NOW _____, Director for the Department of Public Health and Social
Services, by and through his/her attorney, _____ and asks this court for an order authorizing
extension of the period for involuntary detention for isolation or quarantine . On _____,
the court issued an, ex parte order authorizing involuntary detention for isolation or quarantine
based on the petition submitted by _____ the Director.
The order issued on _____ authorized involuntary detention for isolation or quarantine
of respondent(s) at the location specified on the Confidential Schedule from _____, 20____
at _____ o'clock AM/PM to _____, 20__ at _____ o'clock
AM/PM. This motion asks the court to extend the period of detention for isolation or quarantine
of respondent(s) up to an additional thirty days. The local health jurisdiction is in full
compliance with the isolation and quarantine principles and conditions contained in Public Law: 22-130.
This motion is based on P.L:22-130 the pleadings, record and file herein, and
the declaration of _____, attached hereto.

DATED this _____ day of _____, 20__.

Attorney's Name
Attorney for DPHSS, Guam

MOTION FOR CONTINUATION
OF DETENTION

Territory of Guam
Superior Court of Guam

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
MOTION FOR ORDER AUTHORIZING
CONTINUED INVOLUNTARY DETENTION
FOR ISOLATION OR QUARANTINE OR

_____ declares:

1. I am the Director, Department of Public Health and Social Services.
2. I am authorized by chapter 3; of P.L 22-130, to take action necessary to protect the public health, safety and welfare.
3. Under P.L:22-130 I am authorized to ask the court to issue an order for the continued involuntary detention of individuals who should be isolated or quarantined to protect the public health, safety and welfare.
4. I am asking this court to issue an order continuing the involuntarily detention of the individuals named on the attached Confidential Schedule because they continue to pose a threat to the public health, safety and welfare for the following reasons:
5. Respondent(s) has/have been diagnosed with, or is/are suspected to have been exposed to, infected with, or contaminated by, _____ because:

MOTION FOR CONTINUATION OF
DETENTION

6. Respondent(s)' condition or suspected condition poses a serious and imminent risk to the health and safety of others because:

7. Other less restrictive alternatives were considered as described below, and those alternatives will not provide adequate protection for the public health, safety and welfare because:

8. To protect the public, respondent(s) should be detained in isolation or quarantine for a period of _____ days (no more than 30 additional days, except for active TB cases which may require longer than 30 days detention) at the location specified in the attached Confidential Schedule, unless medical tests or other information conclusively establishes that he/she /they no longer present a threat to the public health, safety and welfare.

I declare under penalty of perjury under the laws of the Territory of Guam that the foregoing is true and correct.

DATED this _____ day of _____, 20__ .

[Insert full name]

Signed this _____ day of _____ 20__

at _____, GUAM

Attachment 18: Confidential Schedule for Continued Involuntary Detention

CONFIDENTIAL SCHEDULE

**ATTACHED TO MOTION FOR ORDER AUTHORIZING CONTINUED INVOLUNTARY DETENTION
FOR ISOLATION OR QUARANTINE**

Protected under the Health Care Information Act, HIPPA

Name(s)

Address

Identity in Pleadings

Location of Detention

Attachment 19: Order for Involuntary Continued Detention

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Territory of Guam
Superior Court of Guam

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
ORDER GRANTING MOTION FOR
CONTINUED INVOLUNTARY DETENTION
FOR ISOLATION OR QUARANTINE OR

THIS MATTER came before the Court on the Motion for an Order Authorizing Continued Involuntary Detention for Isolation or Quarantine filed by _____, Director for the Department of Public Health and Social Services, by and through his/her attorney, _____. The Court considered the pleadings and file herein and the declaration of _____ in support of the petition.

Based on the argument of counsel and the evidence presented, the Court finds:

- 1.1 The court has jurisdiction over the person and subject matter in this proceeding
- 1.2 There is a reasonable basis supporting the need to continue isolating or quarantining the respondent(s) as they present a serious and imminent risk to the health and safety of others.
- 1.3 Respondent(s)' identity (ies) and location of isolation and quarantine should be kept confidential to protect health care information under HIPAA (42 USC §1320d-1329d-8; 45 CFR Parts 160-164) and Public Law: 22-130

Attorney's Name
Attorney for DPHSS, Guam

MOTION FOR CONTINUATION
OF DETENTION

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Based on the above findings, IT IS ORDERED

2.1 The motion is granted and respondent(s) shall continue to be detained for isolation or quarantine necessary to protect the public health, safety and welfare at the location specified in the Confidential Schedule from _____, 20__ at _____ o'clock AM/PM to _____, 20__ at _____ o'clock AM/PM, unless medical tests or other information conclusively establishes that he/she /they no longer present a threat to the public health, safety and welfare, whereupon respondent(s) shall be immediately released from detention;

2.2 The Confidential Schedule and any other documents containing the identifying information about the respondent(s), including the location of isolation or quarantine, shall be and are hereby sealed to protect the privacy of their health care information.

DATED this _____ day of _____, 20__.

JUDGE

Presented by:

[Attorney's Name]
Attorney for DPHSS, GUAM

Attachment 20: Release from Involuntary Detention

Date: _____

To Whom It May Concern:

_____ has completed a period of isolation and/or quarantine as recommended by the Department of Public Health and Social Services for persons suspected of having _____. Isolation is recommended when someone has a communicable disease and contact with other people is restricted in order to prevent the spread of the illness.

The Department of Public Health and Social Services requested isolation and/or quarantine of the above named individual based on recommendations from the U.S. Centers for Disease Control and Prevention. At the completion of the isolation and/or quarantine period, the activities of the above named individual are no longer restricted and they may return to work, school, and other public activities.

Attached is a fact sheet about _____. In addition, you may find information about _____ at the CDC website, www.cdc.gov, and the WHO website, www.who.org. You may also call the Department Public Health and Social Services at (671)735-7154 if you have questions about this letter or about _____.

Sincerely

Director, DPHSS

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Territory of Guam
Superior Court of Guam

In Re: _____
(use identifiers per Confidential
Schedule)
Respondents

NO: _____
PETITION FOR ORDER AUTHORIZING
CONTINUED INVOLUNTARY DETENTION
FOR ISOLATION OR QUARANTINE OR

COMES NOW _____, Director of the Department of Public Health and Social Services, Guam, by and through his/her attorney, _____, and petitions this court for an order authorizing the extension for the period of involuntary detention for isolation or quarantine . This petition is based on the pleadings and declaration of _____, attached hereto.

1. JURISDICTION: This petition is requested under authority of section § 3333 of Ch:3- Public Law 22-130

2. IDENTITY PARTIES: _____, is the Director of the Department of Public Health and Social Services with Office located at 123, Chalan Kareta, Mangilao, Guam Respondent(s) and their location are identified in the attached Confidential Schedule.

3. FACTUAL ALLEGATIONS

a. On _____, 20__, _____, the Director of the Department of Public Health and Social Services , issued an emergency order immediately involuntarily detaining the respondent(s) for isolation or quarantine under the authority P.L:22-130

b. The emergency order issued on _____, 20__, authorized the involuntary detention for isolation or quarantine of respondent(s) at the location identified on the attached Confidential Schedule from _____, 20__ at _____ o'clock AM/PM to _____, 20__ at _____ o'clock AM/PM, no more than ten days.

PETITION FOR CONTINUATION
INVOLUNTARY DETENTION

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c. The Director of the Department of Public Health and Social Services has determined or has reason to believe that the respondent(s) is/are, or is/are suspected to be, infected with, exposed to, or contaminated with _____, which could infect or contaminate others if respondent(s) is/are not detained and isolated or quarantined from others.

d. The medical basis justifying isolation or quarantine is justified is:

e. The anticipated duration of isolation or quarantine based on the suspected communicable disease or infectious agents is _____ (not to exceed thirty days, not applicable to active TB cases where the isolation could be much longer).

f. The local health jurisdiction is in full compliance with the isolation and quarantine principles and conditions contained in Public Health 22-130, Chapter 3.

4. RELIEF REQUESTED. Based on the above allegations as supported by the attached declaration, the Director of Public Health and Social Services requests the following:

a. The entry of an order authorizing the continued involuntary detention of the person(s) named on the attached Confidential Schedule at the location specified on the attached Confidential Schedule from _____, 20__ at _____ o'clock AM/PM to _____, 20__ at _____ o'clock AM/PM (not to exceed thirty days);

b. The entry of an order sealing the Confidential Schedule and any other documents containing identifying information of the respondent(s), including the location of isolation or quarantine, to protect the privacy of their health care information;

c. Such other relief as the court deems reasonable and proper.

DATED this ____ day of _____, 20__.

Attorney's Name
Attorney for DPHSS, Guam

PETITION FOR CONTINUATION OF
INVOLUNTARY DETENTION

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Territory of Guam
Superior Court of Guam

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
PETITION FOR ORDER AUTHORIZING
CONTINUED INVOLUNTARY DETENTION
FOR ISOLATION OR QUARANTINE

_____ declares:

1. I am the Director for the Department of the Public Health and Social Services, Guam
2. I am authorized by chapter 3 to take action necessary to protect the public health, safety and welfare.
3. I am authorized to ask the court to issue an order for the continued involuntary detention of individuals who should be isolated or quarantined to protect the public health, safety and welfare.
4. On _____, 20____, I issued an emergency order involuntarily detaining the respondent(s) for isolation or quarantine from _____, 20__ at ____ o'clock AM/PM (Guam Time) to _____ 20__ at _____ o'clock AM/PM (no more than ten days or longer as required of the disease based on the incubation period and results of medical examination and laboratory tests).
5. I have determined, or have reason to believe, that the respondent(s) is/are, or is/are suspected infected with, exposed to, or contaminated with _____, which could infect or contaminate others if respondent(s) is/are not detained and isolated or quarantined.
6. The medical basis justifying detention for isolation or quarantine is:

DECLARATION SUPPORTING
PETITION FOR ORDER CONTINUING
INVOLUNTARY DETENTION

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7. The anticipated duration of isolation or quarantine based on the suspected communicable disease or infectious agent is _____ (not to exceed 30 days, except for active TB cases which may require longer than 30 days detention).

8. The local health jurisdiction is in full compliance with the isolation and quarantine principles and conditions contained in P.L:22-130; chapter 3.

9. To protect the public, respondent(s) should be detained in isolation or quarantine at the location specified in the attached Confidential Schedule, unless medical tests or other information conclusively establishes that he/she /they no longer present a threat to the public health, safety and welfare.

I declare under penalty of perjury under the laws of the Territory of Guam that the foregoing is true and correct.

DATED this ____ day of _____, 20__ .

Insert Full Name

Signed this ____ day ____ of 20__ .
at _____, GUAM

DECLARATION SUPPORTING
PETITION FOR ORDER CONTINUING
INVOLUNTARY DETENTION

Attachment 23: Confidential Schedule for Continued Detention

CONFIDENTIAL SCHEDULE

**ATTACHED TO PETITION FOR ORDER AUTHORIZING CONTINUED INVOLUNTARY DETENTION
FOR ISOLATION OR QUARANTINE**

Protected Under the Health Care Information Act, HIPAA (42 USC §1320d-1329d- 8; 45 CFR Parts 160-164)

Name(s)	Address	Identity in Pleadings
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Location of Detention

Attachment 24: Summons for Continued Detention

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Territory of Guam

Superior Court of Guam

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
SUMMONS

TO THE RESPONDENT(S): A lawsuit has been started against you in the above entitled court by _____ petitioner. Petitioner's claim is stated in the written petition, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the petition by stating your defense in writing, and serve a copy upon the undersigned attorney for the petitioner within 20 days after the service of this summons excluding the day of service, or a default judgment may be entered against you without notice. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that the petitioner file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the petitioner. Within 14 days after you serve the demand the petitioner must file this lawsuit with the court, or the service on you of this summons and petition will be void.

If you wish to seek the advice of an attorney in this matter you should do so promptly so that your written response, if any, may be served on time

This summons is issued pursuant to Rule of the Superior Court Civil Rules Guam(?REFERENCE).

DATED this ____ day of _____, 20__.

Attorney's Name
Attorney for DPHSS, GUAM

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Territory of Guam
Superior Court of Guam

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
ORDER GRANTING PETITION FOR
CONTINUED INVOLUNTARY DETENTION
FOR ISOLATION OR QUARANTINE

THIS MATTER came before the Court on the Petition for Order Authorizing Continued Involuntary Detention for Isolation or Quarantine filed by _____, Director for the Department of Public Health and Social Services, by and through his/her attorney, _____. The Court considered the pleadings and file herein and the declaration of _____ in support of the petition.

Based on the argument of counsel and the evidence presented, the Court finds:

1.1. The court has jurisdiction over the person and subject matter in this proceeding.

1.2. On _____, 20____, the Department of Public Health and Social Services issued an emergency order involuntarily detaining respondent(s) for isolation or quarantine under the authority of Public Law: 22-130.

1.3. The emergency order issued on _____, 20__ authorized the involuntary detention for isolation or quarantine of respondent(s) at the location identified on the attached confidential schedule from _____, 20__ at _____ o'clock AM/PM to _____, 20__ at _____ o'clock AM/PM, no more than ten days (except for active TB cases).

ORDER GRANTING PETITION FOR
CONTINUED INVOLUNTARY
DETENTION FOR ISOLATION OR QUARANTINE

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1.4 There is a reasonable basis supporting the need to continue isolating or quarantining the respondent(s) as they present a serious and imminent risk to the health and safety of others.

1.5 Respondent(s)' identity(ies) and location of isolation and quarantine should be kept confidential to protect health care information under HIPAA (42 USC §1320d-1329d-8; 45 CFR Parts 160-164) and P.L.:22-130; chapter 3.

Based on the above findings, IT IS ORDERED:

2.1 The petition is granted and respondent(s) shall continue to be detained for isolation or quarantine as necessary to protect the public health, safety and welfare at the location specified in the Confidential schedule from _____, 20__ at _____ o'clock AM/PM to ____ o'clock AM/PM, unless medical tests or other information conclusively establishes that he/she/they no longer present a threat to the public health, safety and welfare, whereupon respondent(s) shall be immediately released from detention.

2.2 The Confidential Schedule and any other documents containing the identifying information about the respondent(s), including the location of isolation or quarantine, shall be and are hereby sealed to protect the privacy of their health care information.

DATED this _____ day of _____, 20 ____.

JUDGE

Presented by:

Attorney's Name
Attorney for DPHSS, GUAM
License #

ORDER GRANTING PETITION FOR
CONTINUED INVOLUNTARY
DETENTION FOR ISOLATION OR QUARANTINE