

Involuntary Isolation or Quarantine

Legal Team Protocol

Table of Contents

Legal Team Procedure

1. Court Orders
2. LHO Emergency Detention Orders
3. Arrest Warrants

Process Flow Charts for Court-Ordered Isolation or Quarantine

List of Forms

1. LHO Isolation Request (can be adapted for quarantine)
2. LHO Emergency Detention Order
3. Pleadings for Court Orders

Note: Form templates are stored at J:\Isolation & Quarantine

Involuntary Isolation or Quarantine Legal Team Procedure

Contents:

- 1. Court Orders**
- 2. LHO Emergency Detention Orders**
- 3. Arrest Warrants**

1. Court Orders

(Also see process flow charts contained in this document for role of Legal Team in relationship to other actors in the process.)

Ex Parte Court Order for Detention for up to 10 Days

- Verify:
 - Whether (a) “Request for Voluntary Compliance” was delivered and non-compliance occurred, or (b) voluntary compliance was not sought because doing so would create a risk of serious harm
 - Location where LHO is recommending detention
 - Current location of client
 - Whether client is going to need transportation
 - Client’s primary language
- Alert PAO
- Obtain copy of documentation from CD-EPI
- Prepare draft declaration for signature by DCO
- Send draft declaration to DCO for review
 - Note: Do not send documents via e-mail because of HIPAA Security requirements
- Revise draft declaration based on DCO review
- Obtain DCO’s signature on declaration
- Make copy of signed declaration
- Start file
- Deliver original signed declaration to PAO
- Coordinate with PAO for delivery of notice to client
 - If client is in community:
 - Arrange for interpreter services, if necessary
 - Arrange for law enforcement civil stand-by escort, if necessary
 - Provide PPE and fit-testing to interpreter and law enforcement, if necessary
 - Deliver paperwork to client in person (sign the copy of the Statement of Rights at time of service)
 - Sign the original Statement of Rights and original Declaration of Service
 - Provide original signed Statement of Rights and Declaration of Service to PAO

If client is in hospital:

- Coordinate with hospital provider for interpreter services, if necessary
- Coordinate with hospital provider for delivery of paperwork to client
- Deliver paperwork to client in person (sign the copy of the Statement of Rights at time of service)
- Sign the original Statement of Rights and original Declaration of Service
- Provide original signed Statement of Rights and Declaration of Service to PAO

If client is in jail:

- Coordinate with JHS for interpreter services, if necessary
 - Coordinate with JHS for delivery of paperwork to client
 - Deliver paperwork to client in person (sign the copy of the Statement of Rights at time of service)
 - Sign the original Statement of Rights and original Declaration of Service
 - Provide original signed Statement of Rights and Declaration of Service to PAO
 - Provide copy of order to Intake, Transfer & Release Section (ITR: 296-1220)
- Record start date and time of detention in tracking system
 - Record end date and time of detention as contained in court order in tracking system
 - Obtain copies of all paperwork that PAO filed with court and add to file
 - If detention is at KCCF or RJC, check Jail Inmate Lookup System to verify that “charge” label does not reveal health issue
 - If there is a problem, contact Intake, Transfer & Release (ITR: 296-1220)

Hearing within 72 Hours of Start of 10-Day Detention

- Notify DCO of date, time, and place of hearing
- Coordinate as needed with preparation for hearing
 - Identify PHSKC personnel who may need to testify
 - Schedule preparatory time with PAO, if needed
 - Assist with infection control procedure if client is to be present in courtroom
- After hearing, obtain copies of all paperwork from PAO and add to file
- Update tracking system as needed
 - Location of detention
 - End date of court order
 - Review hearings, if scheduled

Petition for Continued Detention for up to 30 Days

- Verify as soon as possible:
 - Whether LHO is recommending continued detention
 - Whether location will change
 - Whether client is going to need transportation
- Update PAO
- Prepare declarations
- Notify DCO of date, time, and place of hearing
- Coordinate as needed with preparation for hearing
 - Identify PHSKC personnel who may need to testify
 - Schedule preparatory time with PAO, if needed

- Assist with infection control procedure if client is to be present in courtroom
- After hearing, obtain copies of all paperwork from PAO and add to file
- Update tracking system, as needed
 - Location of detention
 - End date of court order
 - Review hearings, if scheduled
 - Tickler for ten-day alert before end date

Petition for Continued Detention for up to 30 Days (second and last 30-Day period)

- Same steps as first 30-Day Detention above; start approximately 10 days before end of first 30-day detention

2. LHO Emergency Detention Orders

Emergency Detention Order for up to 10 Days

- Verify:
 - Whether (a) “Request for Voluntary Compliance” was delivered and non-compliance occurred, or (b) voluntary compliance was not sought because doing so would create a risk of serious harm
 - Location where LHO is ordering detention
 - Current location of client
 - Whether client is going to need transportation
 - Client’s primary language
- Alert PAO
- Obtain copy of documentation from CD-EPI
- Prepare Emergency Detention Order
- Obtain LHO’s signature on Emergency Detention Order
- Make copy of Emergency Detention Order
- Start file with copy of Emergency Detention Order
- Prepare Declaration of Service
- Coordinate with PAO for delivery of notice to client
 - If client is in community:
 - Arrange for interpreter services, if necessary
 - Arrange for law enforcement civil stand-by escort, if necessary
 - Provide PPE and fit-testing to interpreter and law enforcement, if necessary
 - Deliver Order to client
 - Sign Declaration of Service
 - Add signed Declaration of Service to file
 - If client is in hospital:
 - Coordinate with hospital provider for interpreter services, if necessary
 - Coordinate with hospital provider for delivery of Order to client
 - Deliver Order to client
 - Sign Declaration of Service
 - Add signed Declaration of Service to file

If client is in jail:

- Coordinate with JHS for interpreter services, if necessary
 - Coordinate with JHS for delivery of Order to client
 - Deliver Order to client
 - Sign Declaration of Service
 - Provide copy of order to Intake, Transfer & Release Section (ITR: 296-1220)
 - Add signed Declaration of Service to file
- Record start date and time of detention in tracking system
 - Record end date and time of detention in tracking system (no longer than ten days)
 - If detention is at KCCF or RJC, check Jail Inmate Lookup System to verify that “charge” label does not reveal health issue
- If there is a problem, contact Intake, Transfer & Release (ITR: 296-1220)

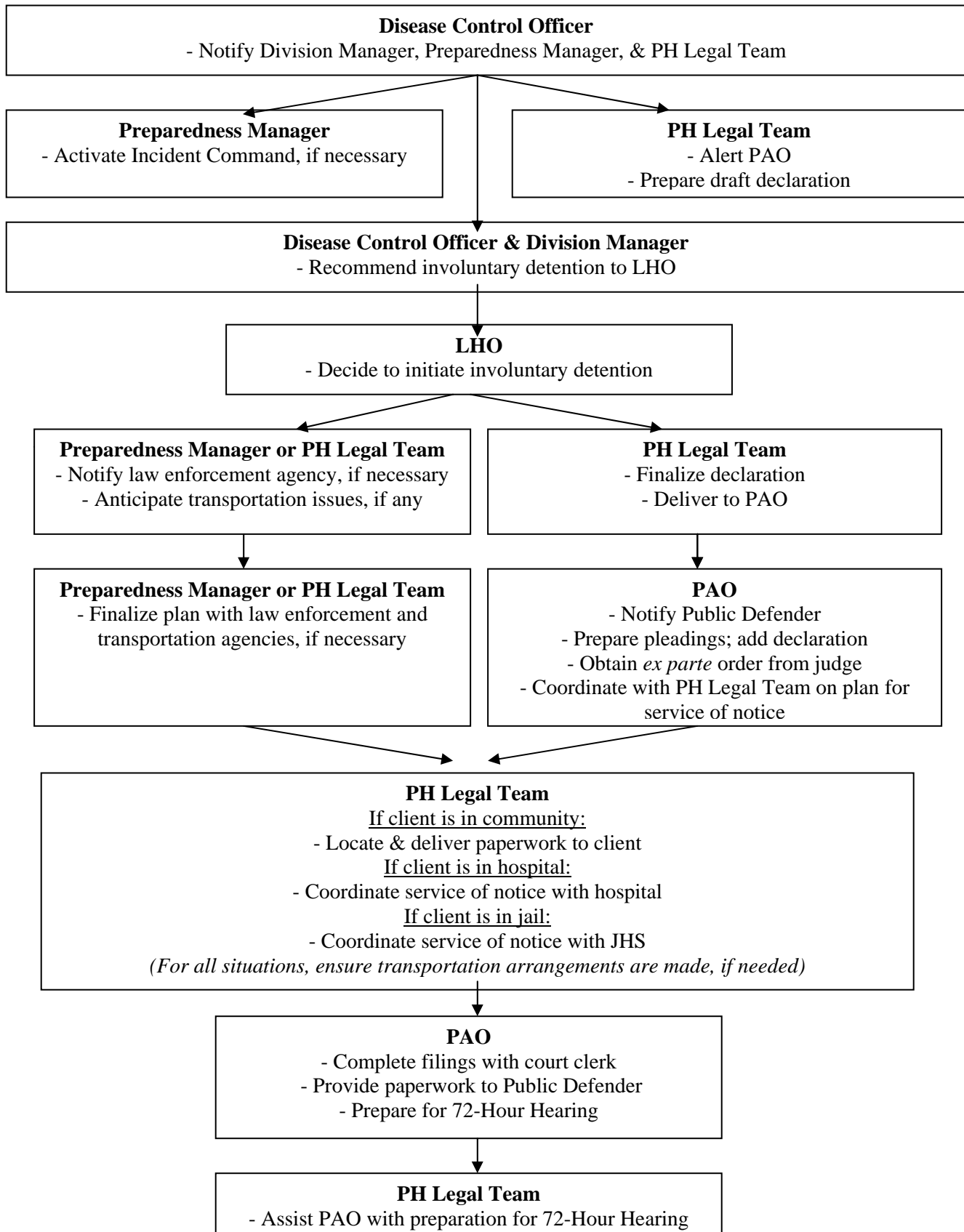
After Detention Starts

- Start process for ex parte court order for detention up to 10 days; follow Section 1 above
Note: This procedure assumes that PHSKC will initiate a petition for an ex parte court order for detention up to ten days rather than complete an entire ten-day detention under a LHO emergency detention order. If necessary, however, the LHO emergency detention order may be used for the entire ten-day detention. Detention beyond ten days must be ordered by a court.

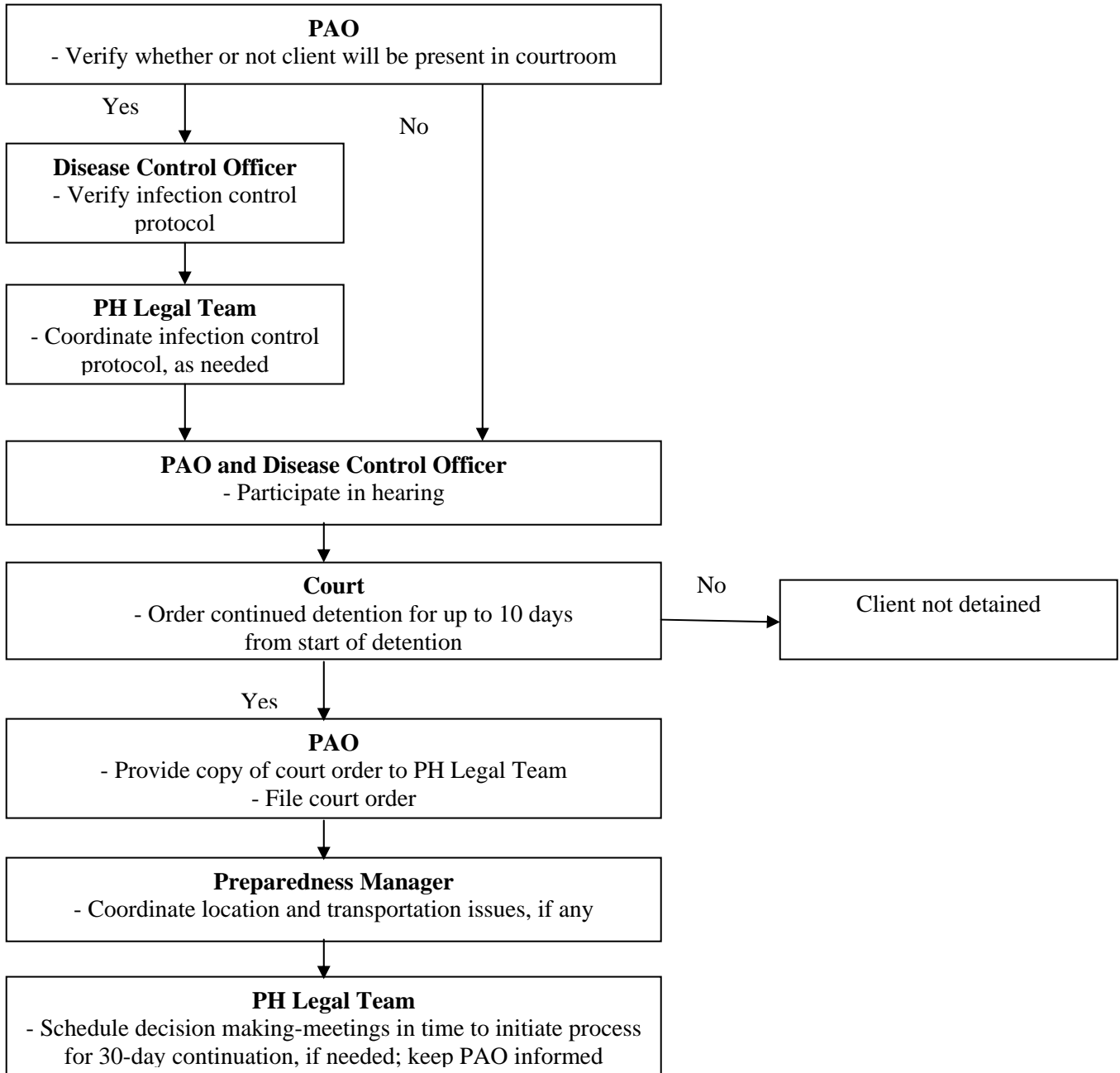
3. Arrest Warrants

Detention under court orders and LHO emergency detention orders is assumed to occur at non-secure locations. If it is necessary to detain a person in the KCCF or RJC in order to ensure secure confinement, the PAO will file a motion for a bench warrant. If the court issues a bench warrant, then the law enforcement agency with jurisdiction will be asked to execute the warrant. PHSKC will provide PPE and fit-testing to participating officers, if necessary. PHSKC also will arrange for Emergency Medical Services to provide transportation of the client to the KCCF or RJC. The use of an arrest warrant would be most likely in situations in which clients have not complied with court-ordered or LHO-ordered detention and non-secure locations.

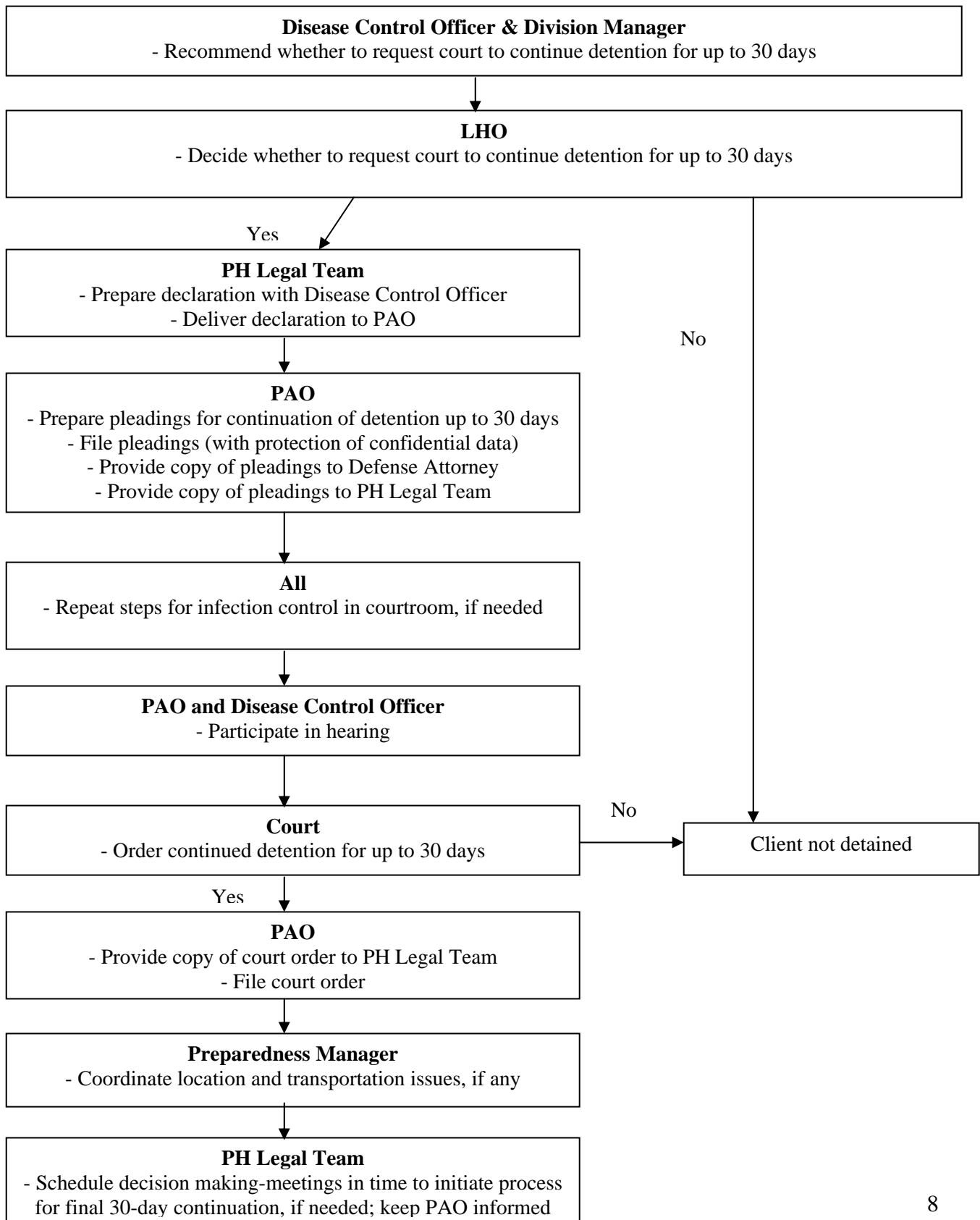
Court Order for up to 10 Days – Process Flow Chart



72-Hour Hearing – Process Flow Chart



Court Order for Continuation up to 30 Days – Process Flow Chart



**Communicable Diseases (WAC 246-100-040 to -070)
 Forms for Isolation or Quarantine**

Efforts to Obtain Voluntary Compliance	
<u>Local Health Officer Letter</u>	
<ul style="list-style-type: none"> Isolation Request (can be adapted for quarantine) 	
Initial Detention for up to 10 Days	
<u>Local Health Officer Order</u>	
<ul style="list-style-type: none"> Emergency Detention Order Declaration of Service 	<div style="border: 1px solid black; padding: 5px;">To be signed and returned by person who completes service</div>
<u>Pleadings for Court Order</u>	
<ul style="list-style-type: none"> Note for Motion Sealed Data Motion for Order to Seal Records [Proposed] Order to Seal Records Summons Petition Ex Parte for Involuntary Isolation or Quarantine Declaration of Disease Control Officer in Support of Petition Ex Parte for Involuntary Isolation or Quarantine [Proposed] Order for Involuntary Isolation or Quarantine Statement of Rights of Respondent and Notification of Attorney 	<div style="border: 1px solid black; padding: 5px;">To be served to Respondent</div>
<ul style="list-style-type: none"> Declaration of Service Motion and Order for Bench Warrant (if needed) 	
Continued Isolation or Quarantine for up to 30 Days	
<u>Pleadings for Court Order</u>	
<ul style="list-style-type: none"> Petition for Continued Isolation or Quarantine Declaration of Disease Control Officer in Support of Petition for Continued Isolation or Quarantine Declaration of Compliance with WAC 246-100-045 [Proposed] Order for Continued Isolation or Quarantine 	<div style="border: 1px solid black; padding: 5px;">To be served to defense attorney</div>
Continued Isolation or Quarantine for up to an Additional 30 Days	
<u>Pleadings for Court Order</u>	
<ul style="list-style-type: none"> (Same forms as 30-day period above, updated for new facts) 	