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**IN THE SUPREME COURT OF GUAM**

<b>RE:</b>	)	Supreme Court of Guam
<b>FIFTH UPDATED ORDER</b>	)	Administrative Order No. ADM20-399
<b>RELATIVE TO COURT</b>	)	
<b>OPERATIONS UNDER EXIGENT</b>	)	
<b>CIRCUMSTANCES RELATED TO</b>	)	
<b>COVID-19 (CORONAVIRUS)</b>	)	
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Because of the continued public health concerns arising from the COVID-19 (coronavirus) pandemic, *I Maga'hågan Guåhan* has issued a series of executive orders to stem the spread of the virus. The most recent of such orders—Executive Order No. 2020-27 issued on August 14, 2020—returned the island to Pandemic Condition of Readiness (PCOR) 1 for a two-week period beginning August 16, 2020, through August 29, 2020. Under PCOR 1, all but essential in-person government operations are suspended.

On August 20, 2020, *I Maga'håga* announced that because of the recent rapid rise in the number of confirmed COVID-19 cases in Guam and the limited capacity of the island's healthcare system, even stronger measures are necessary to stem the spread of the virus. As a result, *I Maga'håga* announced that effective 12:00 p.m. on August 21, 2020, all but essential government and business operations shall be suspended for a period of at least one week.

In line with the various executive orders, the court, under its jurisdiction to issue orders in aid of its supervisory jurisdiction over the Superior Court of Guam and all other courts of the judicial branch of Guam, has issued several administrative orders to protect the public health, the most recent of such orders being ADM20-392, which, among other things, suspended in-person

1 court operations for all matters except those deemed essential and limited the hearing of non-  
2 essential proceedings to remote means (e.g., by videoconference or teleconference).

3 The court recognizes that the growing number of confirmed COVID-19 cases in Guam  
4 requires more stringent measures to limit the transmission of the disease. With these  
5 considerations in mind, the court issues this **FIFTH UPDATED ORDER** regarding the  
6 suspension of certain court operations to protect the public health by reducing the risk of exposure  
7 to COVID-19 and slowing the spread of the disease:

8 1. Effective August 21, 2020, this Fifth Updated Order shall repeal and replace  
9 Administrative Order No. ADM20-392. To the extent this Fifth Updated Order conflicts  
10 with any other existing administrative order of the court, this Fifth Updated Order shall  
11 prevail.

12 2. The Supreme Court of Guam and Superior Court of Guam will continue to be  
13 open to conduct only essential court business. Until at least August 31, 2020, all court  
14 facilities—including the Guam Judicial Center in Hagåtña, the San Ramon Temporary  
15 Courtroom, the Northern Court Satellite in Dededo, the offices of the Probation Services  
16 Division, and the Judicial Education Center—shall be closed to the general public, except  
17 where entry is required to address essential matters that cannot be resolved remotely (i.e.,  
18 by telephone, videoconference, email, or comparable means, or through the electronic  
19 filing system) because it is not practicable or would contravene the protection of  
20 constitutional rights. Essential court operations shall continue at the Guam Judicial  
21 Center in Hagåtña.

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

- 27 a. Magistrate proceedings;
- 28 b. Preliminary hearings for detained juveniles;

- c. Hearings for temporary orders of custody requested by Child Protective Services;
- d. Civil protection orders;
- e. Temporary restraining orders when necessary for the protection of the safety and welfare of a person or persons;
- f. Search warrants;
- g. Warrant returns;
- h. Emergency guardianships;
- i. Probation pretrial services;
- j. Probation post-judgment services involving high-risk offenders;
- k. Quarantine and isolation petitions and related proceedings;
- l. Other court proceedings under the Emergency Health Powers Act codified in Title 10, Chapter 19 of the Guam Code Annotated; and
- m. Any other locally or federally mandated hearings.

4. All other Supreme Court and Superior Court matters scheduled to be heard between August 21, 2020, and August 31, 2020, are postponed and shall not be heard before August 31, 2020. These include, but are not limited to, criminal and civil trials, arraignments, appellate arguments, motion hearings, probate proceedings, and child support hearings.

5. In-person appointments with the Probation Services Division are postponed until further notice.

6. No new grand juries shall be empaneled before August 31, 2020. Grand juries whose terms expire on or before August 31, 2020, shall be extended until that date. No orientation of new jurors shall take place before August 31, 2020. All active petit jurors and grand jurors shall serve to the full extent of the law.

7. All grand jury proceedings are suspended until no earlier than August 31, 2020. The time periods for a preliminary examination and for filing an indictment are tolled until November 17, 2020.

1           8. Any temporary restraining order, injunction, civil protection order, or stay set  
2 to expire on or after August 21, 2020, in any criminal or civil matter, shall automatically  
3 be extended under the same terms for ten (10) days or up to August 31, 2020, whichever  
4 is longer, unless the Presiding Judge, or the judge who issued the order, terminates or  
5 modifies the temporary restraining order, injunction, or stay.

6           9. Orders granting Child Protective Services the custody of any minor shall not  
7 expire before August 31, 2020.

8           10. Defendants serving weekend sentences at the Department of Corrections will  
9 have their weekend sentences suspended until at least August 30, 2020, unless otherwise  
10 ordered by the assigned Superior Court judge.

11           11. Defendants sentenced and set to commence serving on weekends will have  
12 their time start no earlier than August 30, 2020, unless otherwise ordered by the assigned  
13 Superior Court judge.

14           12. Defendants sentenced with delayed confinement to report to the Department  
15 of Corrections will have their delays extended until at least August 30, 2020, unless  
16 otherwise ordered by the assigned Superior Court judge.

17           13. With the exception of the filing of indictments, all filing deadlines—including  
18 statutory filing deadlines—shall be tolled from August 16, 2020, until August 31, 2020,  
19 unless otherwise specifically ordered by the applicable court. Any court filing due  
20 during this period shall be deemed timely filed if filed on August 31, 2020.

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

- 25           a. E-filing
- 26           b. If e-filing is unavailable, pleadings may be filed by email to the respective  
27 Clerk's Office: [efile@guamcourts.org](mailto:efile@guamcourts.org) for Superior Court filings and  
28 [efile@guamsupremecourt.com](mailto:efile@guamsupremecourt.com) for Supreme Court filings.

- c. Facsimile in accordance with court rules
- d. Postal mail
- e. Designated drop boxes at the Judiciary

15. Any filing that requires payment of a filing fee should be paid online if available, but if court users cannot do so, filing fees will be deferred until August 31, 2020. Clerk's Office personnel will be available by telephone to answer questions regarding filing methods and fees.

16. Until at least August 31, 2020, the Clerks of Court and parties shall serve documents through electronic means or by mail, except for those limited instances in which personal service is required. Attorneys are encouraged to provide a dedicated email address for the service of documents.

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

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

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

20. The following persons shall not enter the Guam Judicial Center in Hagåtña, the Northern Court Satellite in Dededo, or any Judiciary of Guam facility, including, but

1 not limited to, the San Ramon Temporary Courtroom, probation offices, and the Judicial  
2 Education Center:

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

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

18 22. If you are scheduled to appear in person and fall into any of the categories  
19 listed in paragraph 20, you should proceed as follows:

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

