

USE OF ISOLATION OR QUARANTINE LEGAL DOCUMENTS PROCESS CHART

Options for Initiating Quarantine or Isolation Under WAC 246-100-040

LHO Request for Voluntary Quarantine WAC 246-100-040(1)	LHO Order for Involuntary Isolation or Quarantine WAC 246-100-040(3)	Court Order for Involuntary Isolation or Quarantine WAC 246-100-040(4)
Likely to be used when:	Likely to be used when:	Likely to be used when:
<p>LHO is confident 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. 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 LHJ has enlisted and educated to safely assist the quarantined individuals.</p> <p>Any school "exclusion" quarantine that does not conform with the requirements of the 2nd or 3rd column is by definition voluntary</p>	<p>Not as confident the individual will comply with a Voluntary Request for Voluntary Isolation or Quarantine; when the LHO believes the formality of the order with police enforcement and fine 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 prearrangements were made to locate a judge in an emergency).</p> <p>To be involuntary the order must conform to the requirements of 246-100-040(3)</p> <p>Maximum 10 days Must include this notice</p> <p>"NOTICE TO PERSONS DETAINED BY THIS ORDER <i>You have the right to petition the superior court for release from isolation or quarantine in accordance with WAC 246-100-055. You have the right to legal counsel. 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.</i></p> <p>Non-conforming orders are illegal-i.e. too long timeframe or without notice of right to petition</p>	<p>Not confident that individual will comply with either Request or LHO Order; LHO 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 LHO 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. WAC 246-100-040(4)(vi) provides for these two methods, which affects what the LHO must include in his or her declaration. That is the reason for the two sets of pleadings. Take note of the footer to see which pleading is being used.</p>

Options for Non-compliance

These are the requirements and limitations for the Health Officer to involuntarily quarantine a student from school

If used LHO Request for Voluntary Quarantine Initially, then	If used LHO Order for Involuntary Isolation or Quarantine Initially, then	If used Court Order for Involuntary Isolation or Quarantine Initially, then
a) LHO Order for Involuntary Isolation or Quarantine under WAC 246-100-040(3) or b) Court Order for Involuntary Isolation or Quarantine under WAC 246-100-040(4)	Court Order for Involuntary Isolation or Quarantine under WAC 246-100-040(4)	Seek an order from the court finding the individual in contempt of court under chapter 7.21 RCW (incarceration and/or fine up to \$2,000 per day) Note: Given potential exposure to others, imprisonment might take the form of electronic monitoring at the quarantine site

To Extend Isolation or Quarantine Period
WAC 246-100-040(5), (6)

Note: Both the LHO Order and Court Order described above are valid for a maximum of ten days quarantine. If the LHO needs to extend the quarantine beyond ten days, only the Superior Court may order an extension for up to thirty days. If the individual is voluntarily complying, then the LHO may request the individual to continue in quarantine on a voluntary basis without seeking an order from the Court. **There is no LHO Order extending an involuntary isolation or quarantine in WAC 246-100-040.**

If a lawsuit was already filed in Superior Court because a Court Order for Involuntary Isolation or Quarantine was obtained, the extension can be requested by filing a motion with the Superior Court under the same cause number.

If the involuntary quarantine is based solely on the LHO Order for Involuntary Isolation or Quarantine, no lawsuit has yet been filed, so the LHJ will need to file a lawsuit using the summons and petition for order authorizing continued involuntary detention for quarantine or isolation.

Note: WAC 246-100-040(6) authorizes another extension up to thirty days if so ordered by the Superior Court.