

STATE OF MICHIGAN
17TH JUDICIAL CIRCUIT
KENT COUNTY

PETITION, AFFIDAVIT, AND EX
PARTE ORDER FOR TRANSPORT
AND/OR TEMPORARY DETENTION
REGARDING CONTAINMENT OF
COVID-19 AND PROTECTION OF THE
PUBLIC HEALTH

CASE NUMBER _____

Hon. Mark Trusock
Chief Judge

PETITION AND AFFIDAVIT
COVID – 19 PATIENTS

1. I, Adam London, PhD, RS, am the Health Officer for Kent County and the Director of the Kent County Department of Health (“KCHD”) possess all of the powers of the Health Officer under the Michigan Public Health Code, MCL 333.5201 et. seq, and am making this affidavit in my official capacity as Public Health Officer for Kent County.
2. COVID -19 is a highly infectious, communicable virus that has a high mortality rate, at least in the population with underlying health conditions, is, therefore, an imminent threat to public health as that term is used in the Michigan Public Health Code, MCL 333.5201 et.seq.
3. Governor Whitmer has Declared a State of Emergency due to the presence of and threat presented by COVID – 19 to the public. EO 2020-4 and 2020-23.
4. Michigan Public Health Code, MCL 333.5207 states:

In an emergency, upon the filing of an affidavit by a Department representative or a local health officer, the Circuit Court may order the Department representative, local health officer, or a peace officer to take an individual whom the court has reasonable cause to believe is a carrier and a health threat to others into custody and transport the individual to an appropriate emergency care or treatment facility for observation, examination, testing, diagnosis, or treatment and, if determined necessary by the court, temporary detention. If the individual is already institutionalized in a facility, the court may order the facility to temporarily detain the individual. An order issued under this subsection may be issued in

an ex parte proceeding upon an affidavit of a Department representative or a local health officer. The court shall issue an order under the subsection upon determination that reasonable cause exists to believe that there is a substantial likelihood that the individual is a carrier and a health threat to others. An order under the subsection may be executed on any day and at any time, and shall be served upon the individual who is subject to the order immediately upon apprehension or detention.

5. Determination of a person's reasonable and probable infection by or exposure to COVID-19 is based on guidance and criteria issued by the U.S. Centers for Disease Control ("CDC") and is as follows ("CDC Criteria"):
 - a. A prior positive test for COVID-19 within the previous seven (7) days; or
 - b. A pending COVID-19 test result; or
 - c. The presence of a fever of 100.4 degrees Fahrenheit or higher, along with a new cough, in which case the person should be tested for COVID-19 as soon as possible
6. Upon a written determination by a licensed physician, licensed physician's assistant or licensed nurse practitioner (collectively "Physician") that a person meets any of the above CDC Criteria for determining the risk posed by any individual, that person is a "carrier and health threat" ("CHT") as defined in subparagraph 4, above and must be isolated.
7. The appropriate method of isolation to address the public health threat posed by a CHT is isolation within a place of permanent residence including the ability to maintain 6 feet of physical separation from non-household members ("Isolation Location").
8. The imminent threat to the health of others and / or the public health posed by a CHT abates when the person has been confirmed and documented to meet the CDC Criteria for release from isolation for non-hospitalized persons¹, as determined by a Physician.
9. An individual who has been determined to be a CHT shall be given an individual and specific warning notice by the Petitioner or his representative, requiring that individual's cooperation with the Petitioner and KCHD, as required by law. MCL 333.5203.

¹ <https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html>.

I, AS THE KENT COUNTY HEALTH OFFICER, PURSUANT TO MY AUTHORITY UNDER THE MICHIGAN PUBLIC HEALTH CODE THEREFORE REQUEST:

1. Upon presentation to me of each of the following:

- a. Written determination by a Physician that an individual is exhibiting any of the CDC Criteria above; and
- b. Reasonable belief by the Physician or a peace officer, that the individual does not have access to or will not voluntarily use an Isolation Location in which to self-isolate until 72 hours have passed since the person last exhibited a fever of 100.4 degrees Fahrenheit (without use of fever reducing medication) or is otherwise non-symptomatic or receives a negative COVID-19 test result;

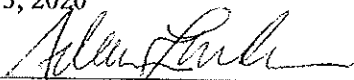
and in the event that I believe, based upon reasonable grounds, that an individual determined to be a CHT is failing or has failed to cooperate as requested by the Petitioner or the KCHD in Paragraph 9 above, such individual can be transported involuntarily to and detained for up to 24 hours at any facility identified for such detention and/or treatment in the Public Health Code at MCL section 333.5207 which includes but not limited to an appropriate emergency care or treatment facility; if the individual is already institutionalized in a facility, the facility in which the individual is already institutionalized; and/or a facility established under the authority of the Health Officer for the purpose of isolation and/or quarantine of persons infected with, or believed to be exposed to, COVID-19 ("Involuntary Isolation Facility"). For the purposes of this Petition and clarity, under MCL 333.5207, if, at the time the determination is made that an individual is a CHT, the individual is detained or institutionalize at the Kent County Correctional Facility ("KCCF") if no other Involuntary Isolation Facilities are available, I request that the CHT be detained at KCCF.

Any involuntary detention would end without further intervention of the Court upon confirmation by a Physician and KCHD that the person has not exhibited a fever higher than 100.4 degrees Fahrenheit for a minimum of 72 hours (without use of fever reducing medication) or otherwise meets the CDC's criteria for release from quarantine or isolation.

2. The Court will be immediately informed via e-mail, of any and all uses of an Order resulting from this Petition and Affidavit and the termination of any detention that results from said Order.
3. If an involuntary detention under an Order resulting from this Petition and Affidavit is reasonably anticipated to extend beyond twenty-four (24) hours, a Petition for Treatment of an Infectious Disease (SCAO Form PC-104) will be filled with a request for an ex-parte hearing and subsequent hearing as required by the Public Health Code at MCL 333.5207.

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief. I further declare that I have the authority under the Michigan Public Health Code as the Kent County Health Officer to file this petition and execute this affidavit and that I am acting in my professional capacity.

April 3, 2020



Adam London, PhD, RS
Kent County Health Officer
700 Fuller Avenue, NE
Grand Rapids, MI 49503
616.632.7100

ORDER

WHEREFORE, THE COURT FINDS, ORDERS AND ADJUDGES:

1. An affidavit has been filed in compliance with MCL §333.5207.
2. There is an emergency which requires the protection of the public health.
3. Reasonable cause exists to believe that there is a substantial likelihood that an individual identified as having the CDC Criteria for COVID-19 is a health threat to others if not isolated in an Involuntary Isolation Facility is a “carrier and health threat” (“CHT”) as defined in MCL §333.5207.
4. The Health Officer has been presented with documentation that CHTs as detained under this Order have been determined not to have cooperated with KCHD and constitute a public health threat.
5. Detention in an Involuntary Isolation Facility as defined above and in MCL 333.5207, established or selected by the Health Officer until seventy-two (“72”) hours after the last fever of at least 100.4 degrees Fahrenheit (without use of fever reducing medication) and/or is otherwise non-symptomatic is confirmed by a Physician and the KCHD is the least restrictive means of protecting the public health.

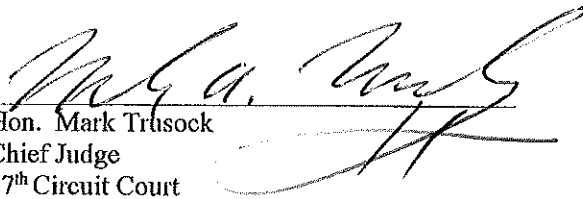
IT IS ORDERED:

1. A CHT as defined above who is presented with a copy of this Order may be involuntarily detained by a peace officer, transported to and detained in an Involuntary Isolation Facility selected by the Health Officer for observation, testing, and/or treatment;
2. The Health Officer may instruct the Involuntary Isolation Facility to detain an individual until the CHT has been confirmed by a Physician and the Health Officer to be without a fever of 100.4 degrees Fahrenheit for at least seventy-two (72) consecutive hours (without use of fever reducing medication) and/or is otherwise non-symptomatic and meets the CDC criteria for release from isolation, or until twenty-four (24) hours from the date and time of involuntary detention without further Order of this Court, whichever is earlier;
3. If the Health Officer reasonably believes the involuntary detention of a CHT will exceed twenty-four (24) hours, the Health Officer may file a Petition for Treatment of an Infectious Disease (SCAO Form

PC 104) with a request for an ex parte order under MCL 333.5207. If no Petition for Treatment of an Infectious Disease is filed before the expiration of the twenty-four (24) hours, the involuntary detention will terminate without further order of this Court;

4. The Involuntary Isolation Facility and all peace officers are entitled to rely on a copy of this Order to detain a CHT at the instruction of the Health Officer;
5. The Health Officer shall inform this Court of each use of this Order within twenty-four ("24") hours and shall inform the Court as to the Involuntary Isolation Facility being used for the detention. This information shall be conveyed to the Court electronically via e-mail;
6. A copy of this Order shall be served on the CHT immediately upon involuntary detention and a certificate of service shall be completed.

April 6, 2020


Hon. Mark Trisock
Chief Judge
17th Circuit Court

CERTIFICATE OF SERVICE

I certify that immediately upon detention, I personally served a copy of this Petition and Order upon

_____.

_____, 2020

Signature

Printed name and title

NOTICE OF TIME AND LOCATION OF TEMPORARY DETENTION

TO THE CIRCUIT COURT:

You are notified that _____ [name of person detained] was detained at _____ [Involuntary Isolation Facility] on _____, 2020 [date] at _____ [time].