

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
~~CITY~~ of **LIVINGSTON**  
~~TOWN~~  
~~VILLAGE~~

Local Law No. 2 of the year 2004

A local law **PROVIDING PROCEDURES FOR THE ISOLATION AND QUARANTINE OF PERSONS**  
*(Insert Title)*  
**WITH COMMUNICABLE DISEASES**

Be it enacted by the **BOARD OF SUPERVISORS** of the  
*(Name of Legislative Body)*

County  
~~CITY~~ of **LIVINGSTON**  
~~TOWN~~ as follows:  
~~VILLAGE~~

See next page.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**Section 1. Name:** This local law shall be known as the Livingston County Law Providing Procedures for the Isolation and Quarantine of Persons with Communicable Diseases.

**Section 2. Authority:** This local law is enacted under authority of Section 10 of the Municipal Home Rule Law of the state of New York, Article IX of the State Constitution of New York, the County Law, New York State Public Health Law Article 21 and Title 10 of the New York Code of Rules and Regulations and other applicable statutory and decisional law.

**Section 3. Findings and Declaration of Intent:** This Board of Supervisors recognizes the paramount importance of the health, safety and welfare of the citizens of the County and further recognizes that when the lives of its citizens are in imminent danger that appropriate assistance must be rendered as expeditiously as possible.

This Board of Supervisors further finds and declares that, by the enactment of the provisions of this local law, it is the intent of the Board of Supervisors to fulfill its obligation to provide for the health, safety and welfare of the people of this County by providing procedures to isolate and/or quarantine persons having or suspected of having communicable diseases.

**Section 4. Policy:** To protect the public, the Livingston County Department of Health (hereafter "LCDH") may need to isolate individuals or quarantine a premise. Initially, isolation or quarantine should be attempted on a voluntary basis. If this is not effective, the Livingston County Public Health Director (hereafter "Director") (or his/her designee) may need to exercise the legal authority for non-voluntary isolation or quarantine.

**Section 5. Definitions:**

A case is defined as an incident in which a person has been diagnosed to have a particular disease or condition. The diagnosis may be based on clinical judgment; laboratory evidence, or both. (10 NYCRR 2.2(b))

A suspected case is defined as an incident in which a person has been diagnosed to be likely to have a particular disease or condition. The suspected diagnosis may be based on clinical judgment; laboratory evidence, or both. (10 NYCRR 2.2(c))

An outbreak is defined as an increased incidence of disease above its expected or baseline level. While an outbreak usually involves several cases of illness (e.g., food-borne poisoning, influenza), it may consist of just one case for certain rare and/or serious diseases (e.g., botulism, measles). (10 NYCRR 2.2(d))

Isolation is defined as the separation of a person or persons from other persons, in such places, under such circumstances, and for such time, as will prevent transmission of the infectious agent, of persons known to be ill or suspected of being infected. (10 NYCRR 2.25(d).)

Quarantine, except as specifically modified in other sections of this chapter, is defined as the:

1. Prohibition of entrance into or exit from premises, as designated by the health officer, where a case of communicable disease exists of any person other than medical attendants and such others as may be authorized by the health officer; and
2. Prohibition, without permission and instructions from the health officer, of the removal from such premises of any article liable to be contaminated with infective material through contact with the patient or with his secretions or excretions, unless such article has been disinfected. (10 NYCRR 2.25(e).)

Personal quarantine is defined as the restriction of household contacts and/or incidental contacts from premises designated by the health officer. (10 NYCRR 2.25(f).)

## **Section 6. Voluntary Isolation and Quarantine:**

### **Request for Voluntary Isolation or Quarantine**

Depending on the clinical diagnosis, the organism, the mode of transmission and the behavior of a patient, community providers or LCDH staff may request that the Director or his/her designee notify a patient and request that the patient remain in isolation or that a premises be quarantined.

### **Determination of Need for Voluntary Isolation or Quarantine**

Upon receipt of a request for voluntary isolation or quarantine, the Director or his/her designee will perform an investigation. This investigation will review the clinical diagnosis, the organism, the mode of transmission and the reported behavior of the patient. The Director or his/her designee will consult with the Livingston County Attorney or his/her designee about the appropriateness of voluntary isolation or quarantine.

### **Notification for Voluntary Isolation or Quarantine**

If the Director or his/her designee determines that the patient or the premise poses a significant public health risk and that voluntary isolation or quarantine substantially reduces the risk, the Director will formally communicate this request. Depending on the circumstances, the request for voluntary isolation may be communicated to the patient, a family member, a parent or guardian, or other responsible person. A request for quarantine will be made to the owner of the premise, the manager of the property or other responsible

person. Under ideal circumstances the request will be transmitted in the form of a letter that is personally delivered or sent via certified mail. To assure prompt communication, the request may be made verbally but then will be followed-up with a formal written request, a copy of which will be forwarded to the Livingston County Attorney or his/her designee.

#### Methods of Isolation or Quarantine

The method of voluntary isolation or quarantine will be specified and will be made in accordance with best practices or guidelines from the NYS Department of Health or the Centers for Disease Control.

#### Transportation of Patients

The Director or his/her designee will arrange for necessary transportation of patients in voluntary isolation.

#### Protection of Health Workers

The Director or his/her designee will define the appropriate practices and personal protective equipment necessary for protection of health workers providing care to patients in voluntary isolation or facilities that are voluntarily quarantined.

#### Compliance Monitoring Plan (see Section 7 below)

The Director or his/her designee will define a plan for monitoring compliance with the request for voluntary isolation or voluntary personal quarantine. This plan will define compliance and non-compliance in specific terms. The Director or his/her designee will assign LCDH staff to monitor compliance

#### Non-compliance

If LCDH staff assigned to a particular case assess that there is non-compliance with voluntary isolation or quarantine, they will notify the Director or his/her designee. Under such circumstances, the Director may then seek involuntary isolation or quarantine under the procedures set forth in Section 7 of this Local Law.

### **Section 7. Involuntary Isolation and Quarantine:**

#### Request for Involuntary Isolation or Quarantine

Depending on the clinical diagnosis, the organism, the mode of transmission and the behavior of a patient, the state of compliance with a voluntary isolation or quarantine, community providers or LCDH staff may request that the Director or his/her designee place a patient in involuntary isolation or that a premises be involuntarily quarantined.

### Determination of Need for Involuntary Isolation or Quarantine

Upon receipt of such a request, the Director or his/her designee will perform an investigation. This investigation will review the clinical diagnosis, the organism, the mode of transmission and the reported behavior of the patient. The Director or his/her designee will consult with the Livingston County Attorney or his/her designee about the appropriateness of involuntary isolation or quarantine. The Livingston County Attorney or his/her designee will recommend the appropriate legal approach to assure that the civil rights of the patient or owner of a premise are protected and that the public health is also protected. (10 NYCRR 2.29)

### Determination of Need for Involuntary Isolation or Quarantine Before a Court Order is Issued

If the Director or his/her designee determines that there is a need for involuntary isolation or quarantine, before a court order is obtained, the following approach will be used:

*If there is more than a single case of*

- a communicable disease as defined in NYS Sanitary Code 10 NYCRR 2.1(a) or
- a non-designated or emergent communicable disease or
- a suspect case of a communicable disease as defined in NYS Sanitary Code 10 NYCRR 2.1(a) or
- a suspect case of a non-designated or emergent communicable disease or
- persons exposed to a communicable disease, defined in the NYS Sanitary Code 10 NYCRR 2.1(a) or to a non designated emergent communicable disease, who may be infected and contagious, but not yet exhibiting any signs of illness,

the Director will assess whether the county is experiencing an outbreak or a probable outbreak.

If the Director assesses that there is an outbreak or a probable outbreak and the public can only be protected by the use of involuntary isolation and quarantine, the director will request that the Chairman of the Livingston County Board of Supervisors declare a state of emergency.

The declaration of the state of emergency will authorize the Director to order involuntary isolation and quarantine.

*If there is a single case of*

- a communicable disease as defined in NYS Sanitary Code 10 NYCRR 2.1(a) or
- a non-designated or emergent communicable disease or
- a suspect case of a communicable disease as defined in NYS Sanitary Code 10 NYCRR 2.1(a) or
- a suspect case of a non-designated or emergent communicable disease or

- persons exposed to a communicable disease, defined in the NYS Sanitary Code 10 NYCRR 2.1(a) or to a non designated emergent communicable disease, who may be infected and contagious, but not yet exhibiting any signs of illness,

and the Director assesses that the public can only be protected by the use of involuntary isolation and quarantine,

the Director will consult with the Livingston County Attorney or his/her designee and prepare an order for isolation or quarantine.

#### Decision to Order Involuntary Isolation or Quarantine

1. If the Director or his/her designee determines that the patient or the premise poses a significant public health risk and that involuntary isolation or quarantine substantially reduces the risk, and that voluntary isolation or quarantine does not substantially reduce the risk to the public, the Director will begin the process to order involuntary isolation or quarantine.
2. The Director or his/her designee will contact the Livingston County Attorney or his/her designee to prepare an order for involuntary isolation or quarantine.
3. If the Director or his/her designee determines that petitioning the court to obtain a court order for isolation or quarantine will result in a delay that would pose an immediate and serious threat to the public health, the Director or his designee may issue a Director's Order for Isolation or Quarantine.

#### Issuing a Director's Order for Involuntary Isolation or Quarantine

1. The Director or his/her designee may issue an order for isolation or quarantine without first obtaining court approval if any delay in the isolation or quarantine of the person/premises would pose an immediate and serious threat to the public health (see Exhibit A: DIRECTOR'S ORDER FOR ISOLATION OR QUARANTINE).
2. The Director's Order will specify the identity of the person(s) subject to isolation or quarantine, the premises subject to isolation or quarantine, the date and time at which isolation/quarantine commences, the suspected highly contagious and fatal disease, if known.
3. The Director's Order will contain provisions advising person(s) of legal authority, of purpose for isolation/quarantine, procedure for court hearing and rights available to isolated person(s).
4. The Director's Order is served upon person(s) to be isolated or quarantined. If the order applies to groups of persons and it is impractical to provide individual copies, the order may be posted in a conspicuous place in the isolated/quarantined premises.
5. Within 5 days after service of Director's order, the Livingston County Attorney or

his/her designee will file an order to show cause/petition with the Livingston County Supreme or County Court for a court order authorizing the initial or continued isolation or quarantine and an expedited hearing to continue isolation/quarantine.

#### Obtaining a Court Order for Involuntary Isolation or Quarantine

If the Director or his/her designee determines that obtaining a court order for isolation or quarantine will not result in delay that would pose an immediate and serious threat to the public health, the Director will request that the Livingston County Attorney or his/her designee prepare

1. a Request for Judicial Intervention (see Exhibit B),
2. a Motion for Order to Schedule an Expedited Hearing (see Exhibit C),
3. an Order for the Respondent to Show Cause Why an Order for Isolation or Quarantine Should Not BE Made or Continued (see Exhibit D), and
4. an Order for Continuing Isolation or Quarantine (see Exhibit E).

The Petition shall provide the following:

1. Identity of person or group of persons subject to isolation or quarantine.
2. Premises subject to isolation or quarantine.
3. Date and time at which isolation or quarantine commences.
4. The suspected communicable disease.
5. A statement of compliance with the conditions and principles for isolation and quarantine.
6. A statement of the basis on which isolation or quarantine is justified.

The petition must be accompanied by the sworn affidavit of the Director or his/her designee attesting to the facts asserted in the petition, together with further information that may be relevant and material to the Court's consideration.

The petition and supporting papers must be served upon person(s) so isolated/quarantined within 24 hours (excluding weekends and holidays) of filing the petition and in accordance with the New York State Civil Practice Law and Rules.

A hearing must be scheduled within 10 business days after filing of the petition, and held within 30 days after filing.

The court shall grant the petition if, by a preponderance of the evidence, isolation or quarantine is shown to be reasonably necessary to protect the public health.

A court order authorizing isolation or quarantine may do so for a period not to exceed 60 days. The order will:

1. Identify the isolated or quarantined person(s) by name or shared or similar characteristics or circumstances.
2. Specify factual findings warranting isolation or quarantine, including any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes of this procedure.

The Court order shall be served upon the affected person(s)/premises within 24 hours (excluding weekends and holidays) of filing of order.

Prior to the expiration of the isolation/quarantine order, LCDH may move to continue said isolation or quarantine for an additional period, not to exceed 60 days. The court shall grant the motion if, by a preponderance of the evidence, isolation or quarantine is shown to be reasonably necessary to protect the public health.

A person(s) isolated or quarantined pursuant to this protocol may apply to the court for an order to show cause seeking a hearing as to why the person(s) should not be released. If the court grants the application, the court must schedule a hearing on the order to show cause within 3 business days after it issues the order to show cause. The issuance of an order to show cause does not stay or enjoin an isolation or quarantine order.

The person(s) being isolated/quarantined shall be advised by LCDH that he/she has the right to arrange to be represented by counsel or to have counsel provided if the Court determines them to be indigent and that, if he/she qualifies to have counsel provided, such counsel will be provided under Livingston County's indigent defense program established under section 722-b of the County Law of the State of New York.

The LCDH will advise the person(s) to be detained that he/she may supply addresses and/or telephone numbers of friends and/or relatives to receive notification of the person's isolation/quarantine and that LCDH shall, at the person's request, provide notice to a reasonable number of such people that the person is being isolated/quarantined.

In any proceedings brought pursuant to this protocol, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected person(s), the protection of the public's health,

the severity of the emergency and the availability of necessary witnesses and evidence, the court may order the consolidation of individual claims into groups of claims if:

1. The number of persons involved or to be affected is so large as to render individual participation impractical.
2. There are questions of law or fact, to the individual claims or rights to be determined.
3. The group claims or rights to be determined are typical of the affected person's claims or rights.
4. The entire group will be adequately represented in the consolidation.

#### Procedure for Petitioning the Court.

The Livingston County Attorney's Office will contact the clerk of the Supreme or County Court at the time and arrange for delivery and filing of the petition and order with the Livingston County Clerk. No filing fee shall be collected by the Livingston County Clerk for the filing of documents in these proceedings. In an emergency the Judge or Justice can be contacted directly at home and in such a case, the petition and order may be filed directly with the Judge or Justice

#### Procedure for Serving the Order

The Director's Order shall be served in person by the Livingston County Sheriff's Department and the person(s) shall be physically brought to the place of detention or the Livingston County Sheriff's Department shall be contacted to provide assistance in enforcing the isolation of person(s) at specific premises, or enforcing quarantine of specific premises.

#### Methods of Isolation or Quarantine

The method of involuntary isolation or quarantine will be specified and will be made in accordance with best practices or guidelines from the NYS Department of Health or the Centers for Disease Control.

#### Transportation of Patients

The Director or his/her designee will arrange for necessary transportation of patients in involuntary isolation.

#### Protection of Health Workers

The Director or his/her designee will define the appropriate practices and personal protective equipment necessary for protection of health workers providing care to patients in involuntary isolation or facilities that are involuntarily quarantined.

### Compliance Monitoring Plan

The Director or his/her designee will define a plan for monitoring compliance with the request for voluntary isolation or voluntary quarantine. This plan will define compliance and non-compliance in specific terms. The Director or his/her designee will assign LCDH staff to monitor compliance. The plan will also define the role for law enforcement agencies in the event of non-compliance.

### Law Enforcement Agency

The Director or his/her designee will request the assistance of the Livingston County Sheriffs Department to participate in Compliance Monitoring Plan

### Non-compliance

If staff assigned assess that there is non-compliance with involuntary isolation or quarantine, they will notify the Director or his/her designee.

## **Section 8. Role of Law Enforcement Agencies in Isolation and Quarantine:**

### Identification of Law Enforcement Agency and Officer Protection of Law Enforcement Agencies

The Livingston County Sheriff's Department will provide law enforcement services related to orders for isolation and quarantine

### Role of Law Enforcement Agencies

The Director or his/her designee will contact a law enforcement agency for the following:

1. Serve orders for isolation or quarantine
2. Enforce orders for isolation or quarantine if there is non-compliance
3. Transport of non-compliant patients.

### Serving Orders for Isolation or Quarantine

In advance of obtaining a court order for isolation or quarantine the Director or his/her designee will alert the Livingston County Sheriff's Department.

Upon the receipt of a court order for isolation or quarantine, the Livingston County Attorney or his/her designee will meet with a representative of the Livingston County Sheriff's Department and the LCDH to;

1. explain the nature of the order,
2. determine the most appropriate method of serving the order,

3. identify the name of the LCDH staff person responsible for monitoring compliance,
4. identify the role of the Livingston County Sheriff's Department in the event of non-compliance and
5. identify the appropriate personal protective equipment to protect the health of all parties.

After serving the order, the Livingston County Sheriff's Department will report this to the Livingston County Attorney or his/her designee and the LCDH.

#### Enforcement of Orders for Isolation or Quarantine

In the event that the LCDH staff responsible for monitoring compliance determines that non-compliance is occurring, the Livingston County Attorney or his/her designee will meet with a representative of the Livingston County Sheriff's Department and the LCDH to:

1. determine the best plan of action to be sure that compliance resumes,
2. determine the role of the Livingston County Sheriff's Department and the staff of the LCDH
3. identify the appropriate personal protective equipment to protect the health of all parties.

#### Transportation of non-compliant patients.

Under certain circumstances, the LCDH may determine that they need the assistance from the Livingston County Sheriff's Department to assist with transportation of patients under court order.

### **Section 9. Compliance Monitoring:**

#### Compliance Monitoring Plan

The Director or his/her designee will define a plan for monitoring compliance with the request for voluntary isolation or voluntary quarantine. This plan will define compliance and non-compliance in specific terms. The Director or his/her designee will assign LCDH staff to monitor compliance. The plan will also define the role for the Livingston County Sheriff's Department in the event of non-compliance.

### Compliance Monitoring Staffing

The Director or his/her designee will make assignments of staff to perform compliance monitoring. These staff will be drawn from the various disease control programs and will be based on workloads, skill and experience with patient compliance monitoring. If many patients are placed in isolation or quarantine or isolation, the Director or his/her designee will create teams of compliance monitors headed by a team leader.

In a large-scale incident, if the needs for staff exceed the capacity of the LCDH, the Director or his/her designee will request assistance from other county health departments and local home health agencies.

### Methods of Compliance Monitoring

The methods of compliance monitoring that will be utilized based on the type of the disease, the site at which the patient is isolated or the location is quarantined, the number of other cases of disease present at the same time, the history of compliance of the patient. The most dependable method of assuring compliance with isolation or quarantine is to post a permanent compliance monitor. Other options include:

1. home visiting,
2. assigning neighbors, friend or relatives responsible for compliance monitoring
3. periodic telephone contact.

### Documentation of Compliance

The Director or his/her designee will determine the method of documentation of Compliance. Options include utilizing the Clinical Information System used by the Division of Communicable Disease Prevention and Control, a system provided by NYSDOH or CDC or a system devised for this purpose.

### **10. Section 10. Effective Date:**

This local law shall be effective upon it's filing in the Office of the Secretary of State.

Dated at Geneseo  
April 28, 2004 – Introduced  
May 12, 2004 - Adopted

**EXHIBIT A**

**Director's Order for Isolation or Quarantine**

**TO:** \_\_\_\_\_

**NAME**

**ADDRESS**

**SIR/MADAM:**

Effective upon your receipt of this order you are hereby directed by the Public Health Director of the Livingston County Department of Public Health ("Director") to be isolated and/or quarantined at \_\_\_\_\_, due to the belief of the Livingston County Department of Public Health that you suffer from a communicable disease as defined in the New York State Sanitary Code §10 N.Y.C.R.R. 2.1/suffer from a suspect case of a communicable disease as defined in the New York State Sanitary Code §10 N.Y.C.R.R. 2.1/suffer from a non-designated communicable disease/suffer from a suspect case of a non-designated communicable disease.

You are ordered to remain at \_\_\_\_\_ by the authority vested in the Director under the New York State Public Health Law, regulations and Livingston County Local Law No. \_\_\_\_\_ of the year \_\_\_\_\_. The Livingston County Department of Public Health has been advised that you possess \_\_\_\_\_ and that you have been unwilling or unable to voluntarily comply with the request for isolation or quarantine. The Department of Public Health finds that there is a substantial likelihood, based on your past and present behavior, that you cannot be relied upon to voluntarily remain in isolation/quarantine until such time as your disease/suspected disease can be diagnosed or treated. The disease which you are suspected of having is highly contagious/fatal/\_\_\_\_\_.

In view of your inability or unwillingness to voluntarily remain isolated/quarantined in a less-restrictive setting, the Livingston County Department of Public Health finds there is no appropriate, less restrictive alternative for you than \_\_\_\_\_ at the present time.

Except as described below, you may not leave \_\_\_\_\_ without further order of the Director or a court of proper jurisdiction. This order will remain in effect until otherwise ordered by the court; or until the Livingston County Department of Public Health has received notice that you are no longer contagious.

**Please be advised that within five (5) business days of service of this Director's order and your isolation/quarantined at \_\_\_\_\_, the Livingston County Department of Public Health shall submit by affidavit and other supporting documents, an order to show cause and petition seeking a court order authorizing your initial and/or continued isolation or quarantine and an expedited hearing to continue said isolation/quarantine on the grounds that you possess a health threat to yourself and to the general public. Your detention shall not continue for more than 10 business days after the filing of the petition in the absence of the scheduling of a hearing for a court order authorizing such isolation/quarantine. Moreover, the Director must obtain a court order authorizing your continuing isolation/quarantine.**

**Please be advised that you have a right to be represented by legal counsel or to have counsel provided, and that if you qualify to have counsel provided, such counsel will be made available. Moreover, you may supply to the Livingston County Department of Public Health the addresses and/or telephone numbers of friends and/or relatives to receive notification of your isolation/quarantine. At your request, the Livingston County Department of Public Health shall provide notice to a reasonable number of such persons that you are being isolation/quarantined.**

**Dated:**

\_\_\_\_\_  
**Joan H. Ellison, Public Health Director**

## EXHIBIT B

### Request for Judicial Intervention

UCS-840 (REV 1/96)

|   |                       |
|---|-----------------------|
| <b>Livingston COUNTY    INDEX NO.    DATE PURCHASED</b>   | <b>For Clerk Only</b> |
| <b>PETITIONER(S):</b> In the Matter of the Application of the Livingston County Department of Public Health,<br><br><p style="text-align: center;"><b>For an Order of Isolation/Quarantine against</b></p><br><br><b>RESPONDENT(S):</b> _____ | <b>IAS entry date</b> |
|   | <b>Judge Assigned</b> |
|   | <b>RJI Date</b>       |

e issue joined: \_\_\_\_\_

Bill of particulars served:  Yes  No

**NATURE OF JUDICIAL INTERVENTION (check ONE box only AND enter information)**

- |  |  |
|--|--|
| <input type="checkbox"/> Request for preliminary conference<br><input type="checkbox"/> Note of issue and/or certificate of readiness<br><input type="checkbox"/> Notice of motion (return date _____)<br>Relief sought _____<br><input checked="" type="checkbox"/> Order to show cause (clerk enter return date _____)<br>Relief sought <u>Isolation/Quarantine &amp; Expedited Hearing</u><br><input type="checkbox"/> Other ex parte application (specify _____) | <input type="checkbox"/> Notice of petition (return date _____)<br>Relief sought _____<br><input type="checkbox"/> Notice of medical or dental malpractice action (specify _____)<br><input type="checkbox"/> Statement of net worth<br><input type="checkbox"/> Writ of habeas corpus<br><input type="checkbox"/> Other (specify _____) |
|--|--|

**NATURE OF ACTION OR PROCEEDING (Check ONE box only)**

**MATRIMONIAL**

- Contested -CM  
 Uncontested -UM

**TORTS**

- Malpractice  
 Medical/Podiatric -MM

**COMMERCIAL**

- Contract -CONT
- Corporate -CORP
- Insurance (where insurer is a party, except arbitration) -INS
- UCC (including sales, negotiable instruments) -UCC
- \*Other Commercial \_\_\_\_\_ -OC

**REAL PROPERTY**

- Tax Certiorari -TAX
- Foreclosure -FOR
- Condemnation Claim for damages for real estate -COND
- Landlord/Tenant -LT
- \*Other Real Property \_\_\_\_\_ -ORP

**OTHER MATTERS**

- \* \_\_\_\_\_ -OTH

\*if asterisk used, please specify further.

- Dental -DM
- \*Other Professional \_\_\_\_\_ -OPM

- Motor Vehicle -MV
- \*Products Liability \_\_\_\_\_ -PL
- Environmental -EN
- Asbestos -ASB
- Breast Implant -BI
- \*Other Negligence \_\_\_\_\_ -OTN
- \*Other Tort (including intentional) \_\_\_\_\_ -OT

**SPECIAL PROCEEDINGS**

- Art. 75 (Arbitration) -ART75
- Art. 77 (Trusts) -ART77
- Art. 78 -ART78
- Election Law -ELEC
- Guardianship (MHL Art. 81) GUARD81
- \*Other Mental Hygiene \_\_\_\_\_ -MHYG
- \*Other Special Proceeding \_\_\_\_\_ -OSP

Check YES or NO for each of the following questions. Is this action/proceeding against a:

YES  NO Municipality: (Specify \_\_\_\_\_)  YES  NO Public Authority:  
(Specify

YES  NO Does this action/proceeding seek equitable relief?

YES  NO Does this action/proceeding seek recovery for personal injury?

YES  NO Does this action/proceeding seek recovery for property damage?

**All Cases Except Contested Matrimonials:**

Estimated time period for case to be ready for trial (from filing of RJI to filing of Note of Issue):

0-12 months  12-15 months

**Contested Matrimonial Cases Only:** (Check and give date)

Has summons been served?  No  Yes, Date

Was a Notice of No Necessity filed?  No  Yes, Date

**ATTORNEY(S) FOR PETITIONER(S):**

| <u>NAME</u>                      | <u>ADDRESS</u>  | <u>PHONE</u> |
|----------------------------------|---|--------------|
| David J. Morris, County Attorney | Room 302, Livingston County Gov't Center<br>Geneseo, New York 14454 | 585-243-7033 |

**ATTORNEY(S) FOR RESPONDENT(S):**

| <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE</u> |
|-------------|----------------|--------------|
|-------------|----------------|--------------|

None

Parties appearing pro se (without attorney) should enter information in space provided above for attorneys.

**INSURANCE CARRIERS:**

**RELATED CASES: (if NONE, write NONE below)**

| <u>Title</u> | <u>Index #</u> | <u>Court</u> | <u>Nature of Relationship</u> |
|--------------|----------------|--------------|-------------------------------|
| None         |                |              |                               |

**I affirm under penalty of perjury that, to my knowledge, other than as noted above, there are and have been no related actions or proceedings, nor has a request for judicial intervention previously been filed in this action or proceeding.**

**Dated:** \_\_\_\_\_

**(Signature)**

**(Print or type name)**

**(Attorney for Livingston County)**

**Attach rider sheet if necessary to provide  
required information**



the petition within \_\_\_\_\_; and

- 3) Such other and further relief as to this Court may seem just and proper.

Supporting Papers:

Petition of David J. Morris, Esq.

Affidavit of Joan H. Ellison, R.N., M.P.H.

DAVID J. MORRIS, COUNTY ATTORNEY

*Attorney for Petitioner*

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Room 302, Livingston County Gov't Center  
6 Court Street, Geneseo, New York 14454  
Telephone: (585) 243-7033

Dated: \_\_\_\_\_

To: \_\_\_\_\_

C:\Documents and Settings\David\My Documents\Quarantine Docs.wpd

**EXHIBIT D**

**Order for the Respondent to Show Cause Why an Order for Isolation or  
Quarantine Should Not Made or Continued**

At a Special Term of the Supreme Court  
of the State of New York, County of  
Livingston, held at the County  
Courthouse, Geneseo, New York, on the  
\_\_\_\_ day of \_\_\_\_\_

Present: Hon. \_\_\_\_\_  
Supreme Court Justice

SUPREME COURT  
COUNTY OF LIVINGSTON: STATE OF NEW YORK

\_\_\_\_\_  
IN THE MATTER OF THE APPLICATION OF LIVINGSTON  
COUNTY DEPARTMENT OF PUBLIC HEALTH,

Petitioner,

ORDER

For an ORDER of Isolation/Quarantine Against

\_\_\_\_\_

Index No. \_\_\_\_\_

Respondent.

\_\_\_\_\_  
STATE OF NEW YORK)  
COUNTY OF LIVINGSTON) ss.

Upon reading and filing the petition of the Livingston County Department of  
Public Health, through the County of Livingston by its counsel, David J. Morris, Esq., dated

\_\_\_\_\_ ; and the Affidavit of Joan H. Ellison, R.N., M.P.H., Public Health Director of the Livingston County Department of Public Health, dated \_\_\_\_\_ ; and the Respondent appearing pro se, and a hearing having been held before the undersigned and testimony having been given therein by Joan H. Ellison, R.N. and the Respondent,

Now, pursuant to the Order to Show Cause brought by the Livingston County Department of Public Health, through the County of Livingston,

It is hereby Ordered and adjudged:

1. That a hearing shall be held on \_\_\_\_\_ , at \_\_\_\_\_ upon the Petitioner's petition seeking the involuntary isolation/quarantine of the above named Respondent.

2. That Respondent shall remain in isolation/quarantine at \_\_\_\_\_ as determined by the Director of the Livingston County Health Department until the date fixed above for a hearing and until further Order of this Court.

\_\_\_\_\_  
The Honorable \_\_\_\_\_  
Justice of the Supreme Court

**EXHIBIT E**  
**Order for Continuing Isolation or Quarantine**

At a Special Term of the Supreme Court of the State of New York, County of Livingston, held at the County Courthouse, Geneseo, New York, on the \_\_\_\_ day of \_\_\_\_\_

Present: Hon. \_\_\_\_\_  
Supreme Court Justice

SUPREME COURT  
COUNTY OF LIVINGSTON STATE OF NEW YORK

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IN THE MATTER OF THE APPLICATION OF LIVINGSTON  
COUNTY DEPARTMENT OF PUBLIC HEALTH,

Petitioner,

ORDER

For an ORDER of Isolation/Quarantine Against

\_\_\_\_\_

Index No. \_\_\_\_\_

Respondent.

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STATE OF NEW YORK)  
COUNTY OF Livingston) ss.

Upon reading and filing the petition of the Livingston County Department of Public Health, through the County of Livingston by its counsel, David J. Morris, Esq., dated \_\_\_\_\_; and the Affidavit Joan H. Ellison, R.N., M.P.H., Public Health Director of the Livingston County Department of Public Health, dated \_\_\_\_\_; and the Respondent appearing pro se, and a hearing having been held before the undersigned and testimony having been given therein by Joan H. Ellison, R.N. and the Respondent,

Now, pursuant to the Order to Show Cause brought by the Livingston County Department of Public Health, through the County of Livingston,

It is hereby Ordered and adjudged:

1. That Respondent shall remain in isolation/quarantine at \_\_\_\_\_ as determined by the Director of the Livingston County Department of Health for a period of \_\_\_\_\_, or until further Order of this Court; and

2. \_\_\_\_\_

\_\_\_\_\_  
Honorable \_\_\_\_\_  
Justice of the Supreme Court

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2004 of the (County)~~(City)~~~~(Town)~~~~(Village)~~ of LIVINGSTON was duly passed by the BOARD OF SUPERVISORS on MAY 12 2004, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

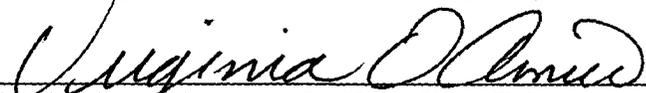
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

  
\_\_\_\_\_  
Clerk of the County/legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

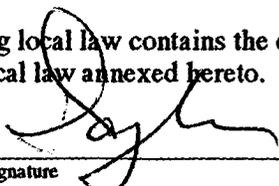
(Seal)

Date: 5/12/04

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF LIVINGSTON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature

COUNTY ATTORNEY  
\_\_\_\_\_  
Title

County \_\_\_\_\_  
~~City~~ of LIVINGSTON  
~~Town~~  
~~Village~~

Date: 5/14/04