

## CLERK OF THE COURT, MENTAL HEALTH DEPARTMENT

(904)255-1986

The Mental Health Department of the Clerk's Office provides customer assistance to litigants seeking court ordered **involuntary** services for a family member or friend for substance abuse and mental health disorders.

Only one adult petitioner is required to file.

- **Case types and filing options:**

- **Baker Act** for Mental Illness
- **Marchman Act** for Substance Abuse
  - Option #1 – (Court Hearing) Petition for Involuntary Assessment and Stabilization
  - Option #2 – (Detox) Petition for Ex Parte Order for Assessment and Stabilization
- We also assist with the filing of a Petition for Injunction for Protection Against Exploitation of a **Vulnerable Adult**. Ask a staff member for more details.

### **BAKER ACT:**

- A **Petition for Involuntary Examination on Ex Parte Order** may be filed when there is reason to believe an individual is mentally ill and because of mental illness, he/she:
  - Has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination, **or** is unable to determine for himself or herself that examination is necessary; **and:**
    - Without care or treatment, his/her neglect or refusal to care for himself/herself poses a real and present threat to his/her well-being; **or**
    - Without care or treatment, there is a substantial likelihood he/she will cause serious bodily harm to himself/herself or others in the near future.
- A patient may not be held in a receiving facility for involuntary examination for more than 72 hours.

### **MARCHMAN ACT:**

- A **Petition for Involuntary Assessment and Stabilization** may be filed when there is good-faith reason to believe that:
  - an individual is substance abuse impaired, **and**
  - because of such impairment he/she has lost the power of self-control with respect to substance abuse, **and**
  - he/she has inflicted or is likely to inflict physical harm on himself/herself or others unless admitted, **or**
  - his/her refusal to voluntarily receive care is based on judgment so impaired by reason of substance abuse that he/she is incapable of appreciating his/her need for care and of making a rational decision regarding that need for care.
- If the individual has refused to submit to an assessment, such refusal must be alleged in the petition.
- Marchman Court is held on Thursday mornings at 9:00AM.
  - The hearing is set within 10 business days of filing. The hearing date is determined by the day of the week you file.
  - YOUR APPEARANCE at the hearing is MANDATORY. The hearing date cannot be changed. You may bring witnesses.
  - A Notice of the hearing will be provided to you upon filing, and the Respondent is served notice of the hearing and summons by a JSO Special Process Server.
  - After all relevant testimony is given, the Court may enter an Order for Involuntary Assessment. The Order will specify the date, time and location for the assessment.
  - After completion of the assessment, the facility may proceed with a Petition for Involuntary Treatment, if deemed necessary.
- If you elect to file a **Petition for Ex Parte Order for Assessment and Stabilization** (eligible for adult respondent only), there will not be a hearing and the court may only order a law enforcement officer or other designated agent of the court to take the individual into custody and deliver him/her to the nearest appropriate licensed **detox** service provider (currently Gateway Community Services) for an assessment.
  - Please note this is not a lockdown facility. He/she will be free to choose to refuse an assessment and leave the premises.