

BAKER ACT – MARCHMAN ACT

Table of Contents

A. Baker Act (Florida Mental Health Act).....	1
B. Marchman Act.....	2

A. Baker Act (Florida Mental Health Act)

The Baker Act (also known as the Florida Mental Health Act), named after former state representative Maxine Baker, was enacted in 1971. The Baker Act, Part 1 of Chapter 394, Florida Statutes, provides for voluntary or involuntary examination and treatment of mentally ill persons. Pursuant to section [394.463\(1\)](#), Florida Statutes, a person may be taken to a receiving facility for involuntary examination if there is reason to believe that he or she is mentally ill and because of that mental illness has refused voluntary examination or is unable to determine for himself or herself whether examination is necessary. A determination must be made that, without care or treatment, the person is likely to suffer from neglect or refuse to care for himself or herself or that there is substantial likelihood that without care or treatment serious bodily harm to that persons or others may result in the near future as evidenced by recent behavior.

A physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker may execute a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, a law enforcement officer shall take the person named in the certificate into custody and deliver him or her to the nearest receiving facility for involuntary examination. The law enforcement officer shall execute a written report detailing the circumstances under which the person was taken into custody. The report and certificate shall be made a part of the patient’s clinical record. Any receiving facility accepting the patient based on this certificate must send a copy of the certificate to the Agency for Health Care Administration on the next working day.

To initiate a Petition for Involuntary Examination and obtain the required paperwork for filing, contact Stewart-Marchman-Act Behavioral Healthcare at the addresses below. A judge will review the petition and evidence in the case and make a decision regarding the examination.

DeLand-Outpatient Center
105 W. Calvin Street
DeLand, FL 32720
(386) 254-1100

Daytona-Outpatient Center
1220 Willis Avenue
Daytona, FL 32114
(386) 236-3200

24-hour Crisis Unit
1150 Red John Road
Daytona, FL 32124
(800) 539-4228

Baker Act Manual – <http://www.dcf.state.fl.us/programs/samh/mentalhealth/laws/index.shtml>

B. Marchman Act

The Marchman Act provides for the involuntary assessment and stabilization of a person allegedly abusing substances such as drugs or alcohol.

According to Florida Statute [397.6811](#), Involuntary Assessment and Stabilization, a person determined by the court to appear to meet the criteria for involuntary admission under Florida Statute [397.675](#) may be admitted for a period of 5 days to a hospital or to a licensed detoxification facility or addictions receiving facility, for involuntary assessment and stabilization or to a less restrictive component of a licensed service provider for assessment only upon entry of a court order or upon receipt by the licensed service provider of a petition. Involuntary assessment and stabilization may be initiated by the submission of a petition to the court.

- (1) If the person upon whose behalf the petition is being filed is an adult, a petition for involuntary assessment and stabilization may be filed by the respondent's spouse or guardian, any relative, a private practitioner, the director of a licensed service provider or the director's designee, or any three adults who have personal knowledge of the respondent's substance abuse impairment.
- (2) If the person upon whose behalf the petition is being filed is a minor, a petition for involuntary assessment and stabilization may be filed by a parent, legal guardian, legal custodian, or licensed service provider.

To initiate proceeding and obtain the required paper work, contact the local courthouse.

Volusia County Courthouse-DeLand
101 North Alabama Avenue, Room B318
DeLand, Florida 32724
(386) 822-5769

Volusia County Courthouse Annex
125 E Orange Avenue, Room 208
Daytona Beach, Florida 32114
(386) 257-6041

Marchman Act – <http://www.dcf.state.fl.us/programs/samh/SubstanceAbuse/marchman/index.shtml>