

A GUIDE TO MENTAL HEALTH PROCEEDINGS

1. What is a Baker Act proceeding?

Chapter 394 of the Florida Statutes is known as “The Baker Act” and as “The Florida Mental Health Act”. A Baker Act proceeding is a means of providing an individual with emergency services and temporary detention for mental health evaluation and treatment, either on a voluntary or involuntary basis.

2. How are voluntary and involuntary Baker Act admissions different?

A voluntary Baker Act admission occurs when a person 18 years of age or older, or a parent of a minor, applies for admission to a facility for observation, diagnosis, and treatment.

An involuntary Baker Act admission occurs upon a finding by a court that (1) a person is mentally ill and, because of the mental illness, he/she has refused voluntary placement for treatment or is unable to determine whether placement is necessary; (2) he/she is incapable of living alone or with help, and without treatment is likely to suffer from neglect or refuse to care for him/herself, or there is a substantial likelihood in the near future that he/she will inflict serious bodily harm on him/herself/others as evidenced by recent behavior; and (3) all less restrictive treatment alternatives are not appropriate.

3. How is an involuntary Baker Act proceeding initiated?

A. A **law enforcement officer** may take a person who appears to meet the criteria for involuntary examination into custody and deliver the person to the nearest receiving facility for an examination.

B. A **physician, clinical psychologist, psychiatric nurse, or clinical social worker** may execute a certificate 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. A law enforcement officer shall take the person named in the certificate to the nearest receiving facility for an examination.

C. A **court** may enter an *ex parte* (on behalf of one party, without notice) order stating that the person appears to meet the criteria for involuntary examination. A law enforcement officer shall take the person into custody and deliver him or her for an examination.

4. What steps must be taken to obtain an *ex parte* order?

A person who has personal knowledge of the behavior of the individual should give sworn testimony. The individual believed to be suffering from mental illness should be in Liberty County. The petitioners must have observed the behavior and must have talked to the individual about obtaining a voluntary examination within a few days. The

Clerk’s Office will assist with the necessary paperwork.

Because paperwork has to be processed, the petitioners should visit the Clerk’s Office by 3:30 p.m. The petitioners should bring valid photo identification, and be prepared to provide a specific address for the individual.

5. What happens after the order is issued?

The order will be faxed to the Liberty County Sheriff’s Office, which will take the person into custody and to a receiving facility. The receiving facility generally utilized is the Apalachee Center for Human Services located at 2634 Capital Circle N.E., Tallahassee, FL. The person is examined at the facility and the staff and doctors there determine any further action.

6. How long may a person be held under an *ex parte* Baker Act order?

A person may not be held for more than 72 hours.

7. Where can I find more information about the Baker Act?

Florida’s Baker Act Law is located in Chapter 394 of the Florida Statutes. Visit our website and find the link to the statutes online.

ROBERT HILL

CLERK OF COURTS

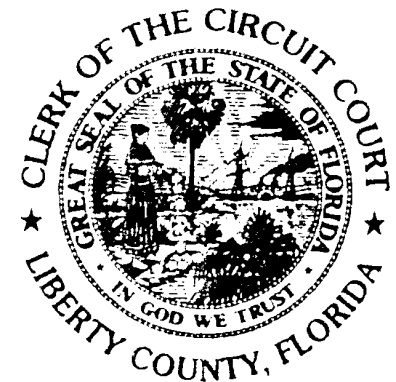
P.O. BOX 399
BRISTOL, FL 32321

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Clerk's Office, Liberty County Courthouse, Bristol, FL 32321, (850) 577-4180; if you are hearing or voice impaired, call 711 via the Florida Relay System.

Please visit our home page at

<http://www.libertylerk.com>

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Clerk

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Rev. 04/30/07