

# **THE MARCHMAN ACT**

## **1. What is the Marchman Act?**

Chapter 397 of the Florida Statutes is known as the “Hal S. Marchman Alcohol and Other Drug Services Act of 1993”. It provides for the involuntary or voluntary assessment and stabilization of a person allegedly abusing substances like drugs or alcohol, and provides for treatment of substance abuse.

## **2. What is a voluntary Marchman Act admission?**

A voluntary admission occurs when a person seeks treatment for substance abuse and applies to a service provider to receive such treatment.

## **3. What is an involuntary admission for assessment and stabilization?**

An involuntary admission occurs when there is good faith reason to believe the person is substance abuse impaired, and because of such impairment, the person has (a) lost the power of self control with respect to substance use, and either (b) has inflicted or attempted/threatened to inflict, or, unless admitted for treatment, is likely to inflict, physical harm to him/herself or another; or (c) the person’s judgment has been so impaired because of substance abuse that he/she is incapable of appreciating the need for substance abuse services and to make a rational decision regarding substance abuse services.

## **4. Who files the Petition for Involuntary Assessment and Stabilization?**

The petition may be filed by the person’s spouse, guardian, any relative, a private practitioner, the director of a licensed service provider or designee, or any three adults with personal knowledge of the person. For a minor, the petition may be filed by a parent, legal guardian, legal custodian, or licensed service provider. The petitioner must have recently observed the behavior of the person who is the subject of the petition.

## **4. What do I need to bring with me to the Clerk’s Office to file a petition to have a person evaluated?**

You will need to bring picture identification and an address/location for the person. You should arrive at the Clerk’s Office by 3:30 p.m. to allow time for the processing of paperwork.

## **5. What happens after I file the petition?**

The court will review the petition and, relying solely on the contents of the petition, enter an order authorizing the involuntary stabilization and assessment of the person. The order will be faxed to the Warrants Division of the Leon County Sheriff’s Office and the person will be transported to Apalachee Center for Human Services at 2634 Capital Circle, N.E. The facility will assess and stabilize the patient for a period not to exceed 5 days. A written assessment is sent to the court.

## **6. How can a person be ordered to involuntary treatment for substance abuse?**

After the court receives the written assessment, a Petition for Involuntary Treatment may be filed. The assessment must be received, and the petition must be filed, within 12 days of the assessment and stabilization period.

## **7. Who files the Petition for Involuntary Treatment of Substance Abuse?**

For an adult, the petition may be filed by the spouse or guardian, any relative, a service provider or any three adults who have personal knowledge of the respondent’s substance abuse impairment and the previous course of assessment and treatment. For a minor, a petition may be filed by a parent, legal guardian or service provider.

## **8. What happens after the petition is filed?**

A hearing is held within 10 days. A notice of hearing is provided by mail to the petitioners and any attorney on record. A summons, a copy of the Notice of Hearing, and a copy of the petition is served on the subject by the Leon County Sheriff’s Office. At the hearing, all relevant testimony is taken by the court and the court may enter an Order for Involuntary Treatment for a period not to exceed 60 days.

**9. Where can I find more information about the Marchman Act?**

The Marchman Act can be found in Chapter 397 of the Florida Statutes. Visit our website and find the link to the statutes online.

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, Probate Division, Leon County Courthouse, Room 226, 301 South Monroe Street, Tallahassee, FL 32301, (850) 577-4180; if you are hearing or voice impaired, call 711 via the Florida Relay System.

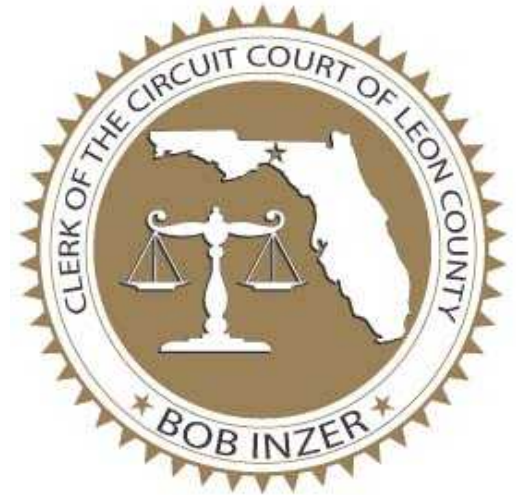
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**Probate Division**  
301 S. Monroe St., Rm. 226  
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**SUBSTANCE  
ABUSE &  
MARCHMAN ACT  
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