



Clerk of the Circuit and County Courts
Orange County • Florida

Petition and Affidavit Seeking Ex Parte Order Requiring Involuntary Examination (Baker Act)

This packet should be filed when there is reason to believe an individual is experiencing a mental health crisis and may meet the legal criteria for involuntary examination under Florida's Baker Act. The petitioner must have personally observed the individual's behavior and be willing to swear under oath to the facts stated in the petition.

The Baker Act is intended for emergency mental health intervention and evaluation. It does not guarantee long-term treatment, hospitalization, or placement.

Filing Fee

None

Filing Options

- Online: [Florida Courts E-Filing Portal] (<https://www.myflcourtaccess.com/>)
- In Person or by mail: Orange County Clerk of Courts, Probate Division, 425 N Orange Avenue, Suite 335, Orlando, FL 32801

Please ensure all sections are completed fully, accurately, and legibly so the Clerk's Office can properly process your request

For Your Information

Petitioner – The individual filing the petition and requesting that the Court review the circumstances for possible involuntary examination.

Respondent – The individual who is alleged to meet the criteria for involuntary examination under the Baker Act.

Ex Parte – A legal term meaning "from one side only." The request is presented to the Court without the respondent being present or receiving advance notice.

Baker Act – Florida's Mental Health Act, which permits emergency examination of an individual when specific legal criteria are met.

To serve as the petitioner, you must be willing to swear under oath that you have personally observed behavior indicating the individual may present a danger to themselves or others, or is otherwise unable to care for themselves due to mental illness.

Baker Act Criteria



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A petition may be considered when there is reason to believe the individual has a mental illness and, because of that mental illness:

- The individual has refused voluntary examination after the purpose of the examination has been explained; or
- The individual is unable to determine whether examination is necessary; and

One of the following applies:

- Without care or treatment, the individual is likely to suffer from neglect or refuse to care for themselves, creating a real and present threat of substantial harm to their well-being; and it is not apparent that such harm can be avoided through the assistance of willing family members, friends, or other services; or
- There is a substantial likelihood that, without care or treatment, the individual will cause serious bodily harm to themselves or others in the near future, as evidenced by recent behavior.

Contents of This Packet

- **Petition and Affidavit** – This is the form that the Judge will review to determine if the individual is eligible for an involuntary examination under the Baker Act. Incomplete or inaccurate petitions may result in an order of denial.
- **Ex Parte Order Information Sheet** – On this form, there are two boxes. The box in the top right corner is for the petitioner's information. The larger box in the middle of the page is for the individual for whom you are filing. Please enter this information fully, accurately, and legibly so the Clerk's Office can properly process your request.
- **Designation of Email Address for a Party Not Represented by an Attorney** – This form provides the Court with contact information for the petitioner. Most correspondence regarding the petition will be transmitted electronically. If you do not have an email address, please advise the Clerk's Office when filing so an alternative form may be provided.

What to Expect After Filing

1. The Judge will review the petition.
2. Baker Act petitions are considered emergency filings and are generally reviewed within approximately six (6) hours of filing during normal court operations.
3. Once the petition has been reviewed, the Judge will enter an Order granting or denying the requested relief.
4. You will receive notification through the Florida Courts E-Filing Portal when a document has been filed in the case. The notification will include a link allowing you to review the Court's Order.

If the Petition Is Granted



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- The Judge may enter an Ex Parte Order finding that the respondent appears to meet the criteria for involuntary examination.
 - The order will be transmitted for service by law enforcement.
 - A law enforcement officer may take the respondent into custody and transport the respondent, or arrange transportation to an appropriate receiving facility within the designated receiving system.

Please Note

Neither the Clerk nor the Judiciary may designate a specific receiving facility on an Ex Parte Order, even when requested by the petitioner. Placement and treatment decisions are determined by the receiving system and medical professionals in accordance with Florida law.

If the Petition Is Denied

- The Clerk's Office will contact the petitioner regarding the denial and may provide procedural information regarding the filing process.

After the Examination

A person may not be held in a receiving facility for more than seventy-two (72) hours unless further legal action is taken.

At the conclusion of the examination period, one of the following generally occurs:

- The individual is released unless charged with a crime; or
- The individual is released, which may include recommendations for outpatient treatment or services; or
- The individual agrees to voluntary treatment and provides informed consent for admission; or
- The facility administrator files a Petition for Involuntary Placement with the Circuit Court. If this occurs, the individual may remain at the facility pending a court hearing on involuntary placement.

Important

The Baker Act process is intended for emergency mental health evaluation and stabilization. Filing a petition does not guarantee that an Ex Parte Order will be entered, that an individual will be admitted to a facility, or that long-term treatment will occur.



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