



Clerk of the Circuit and County Courts
Orange County • Florida

Petition for Involuntary Treatment Services and Emergency Ex Parte Petition for Involuntary Assessment and Stabilization (Marchman Act)

This packet should be filed when an individual has lost the power of self-control with respect to alcohol or drugs and is unable or unwilling to voluntarily seek appropriate substance abuse treatment. The petitioner must have personally observed the individual's behavior and be willing to swear under oath to the facts stated in the petition.

Filing Fee

None

Filing Options

- Online: [Florida Courts E-Filing Portal] (<https://www.myflcourtagency.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

Substance abuse – Means the misuse or abuse of, or dependence on alcohol, illicit drugs, or prescription medications. As an individual progresses along this continuum of misuse, abuse, and dependence, there is an increased need for substance abuse intervention and treatment to help abate the problem.

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

Marchman Act – A civil law allowing family members, concerned adults, or licensed service providers to petition the court for the involuntary assessment, stabilization, and treatment of someone whose severe substance use disorder impairs their judgment and poses an imminent safety risk.

Petitioner – The individual requesting that the Court order involuntary assessment, stabilization, or treatment under the Marchman Act.



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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 substance abuse impairment.

Marchman Act Criteria

A person meets the criteria for involuntary admission if there is good faith reason to believe that the person is substance abused or has a co-occurring mental health disorder and, because of such impairment or disorder:

- Has lost the power of self-control with respect to substance abuse; and
- Is in need of substance abuse services and, by reason of substance abuse impairment, his or her judgment has been so impaired that he or she is incapable of appreciating his or her need for such services and of making a rational decision in that regard, although mere refusal to receive such services does not constitute evidence of lack of judgment with respect to his or her need for such services; or
- Without care or treatment, is likely to suffer from neglect or refuse to care for himself or herself; that such neglect or refusal inflict real and present threat of substantial harm to his or her well-being; and that it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services, or there is substantial likelihood that the person has inflicted, or threatened to or attempted to inflict, or, unless admitted, is likely to inflict physical harm on himself, herself, or another.

Contents of This Packet

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| <ul style="list-style-type: none">• <u>Petition for Involuntary Treatment Services</u> – This is the form that the Judge will review to determine whether the individual is eligible for an involuntary assessment and stabilization under the Marchman Act. |
| <ul style="list-style-type: none">• <u>Ex Parte Order Information Sheet</u> – 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. |
| <ul style="list-style-type: none">• <u>Designation of Email Address for a Party Not Represented by an Attorney</u> – 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. Marchman 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.



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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

- The Judge may enter an Ex Parte Order finding that the respondent appears to meet the criteria for involuntary examination (and/or assessment).
- A hearing is typically scheduled within ten (10) days of the petition being filed. If the Judge grants the petition, **an** Order will be issued specifying the date, time, and location of the hearing.
- The Order will be transmitted to law enforcement for service. A law enforcement officer may take the respondent into protective custody and transport, or arrange transportation, to an appropriate receiving facility for assessment.

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.

After the Initial Assessment

After the respondent has been assessed by a qualified service provider, the provider will submit the assessment and any recommendations to the Court.

At the scheduled hearing, the Court will review the assessment, consider any testimony or other relevant evidence presented, and determine whether the respondent meets the statutory criteria for involuntary treatment services under the Marchman Act.

After considering the assessment, the provider's recommendations, and any other relevant evidence presented, the Court may enter an Order for further services, which can include stabilization, detoxification, or outpatient or inpatient treatment.

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.
- If appropriate, the petitioner may file a **new petition** containing additional or corrected information addressing the concerns identified in the Court's Order or pursue other available legal or community resources.

Important

The Marchman Act process is intended for emergency substance abuse impairment treatment. 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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