

BAKER ACT HEARINGS

HEARING SCHEDULE AT THE FIVE (5) RECEIVING FACILITIES

MONDAYS AND WEDNESDAYS

AdventHealth: 8:30 a.m.

Located at: 601 E. Rollins Street, Orlando, FL 32803
King Street garage: 414 E. King Street, Orlando, FL 32803
Directions to the hearing room are with the Clerk.

Aspire Health Partners, Kassab Plaza: 10:00 a.m.

Located at 434 W. Kennedy Blvd., Orlando, FL 32810
Directions to the hearing room are with the Clerk.

University Behavioral Center: 2:30 p.m.

Located at 2500 Discovery Drive, Orlando, FL 32826
Directions to the hearing room are with the Clerk.

TUESDAYS AND THURSDAYS

Central Florida Behavioral Hospital: 1:30 p.m.

Located at 6601 Central Florida Parkways, Orlando, FL 32821
Directions to the hearing room are with the Clerk.

Orlando VA Healthcare Systems, Lake Nona: 3:00 p.m.

Located at 13800 Veterans Way, Orlando, FL 32827
Directions to the hearing room are with the Clerk.

On court holidays, the cancelled court docket will be reset the following day. All other regularly scheduled hearings will be heard in addition to the reset hearings. Ex: Labor Day falls on Monday. All Monday hearings are cancelled. Monday's hearings will be scheduled for Tuesday. Therefore, hearings at all 5 hospitals will be docketed for Tuesday. Coverage may be necessary.

HEARING PROCEDURES

I. Virtual Appearances of Witnesses

Per sec. 394.467(7)(b), Fla. Stat.: “The state attorney and witnesses may remotely attend and, as appropriate, testify at the hearing under oath via audio-video teleconference.”

However, connectivity problems are **not** good cause for a continuance. **Failure to connect, remain connected, and/or properly appear during the hearing may subject the Petition to a dismissal.**

The Assistant Public Defender and their witnesses must appear in-person.

All Counsel must confer with their witnesses prior to the hearing.

Appearances are through the Magistrate’s Orange County Baker Act WebEx link. The Baker Act WebEx link is separate and apart from the Magistrate’s Personal Hearing Room link.

Witnesses must test their equipment prior to the hearing. If appearing by telephone, download the WebEx app for appearances. Otherwise, appearances may be through the link on a computer.

The camera must be on during the hearing. The witness must be in a location where they will be able to virtually attend the hearing (i.e., not walking outside) and where no other parties are present.

Courtroom (professional) attire is required.

Note: **Failure to properly appear may subject the Witness to appear in-person at all future hearings.**

WebEx link: <https://ninthcircuit.webex.com/meet/orangebakeract1>

This is the same link used by all Magistrates for Orange County Baker Act hearings

II. Hospital as the Petitioner

The Hospitals, as Petitioners, are held to the same standard as attorneys. Therefore, professionalism, adherence to law and procedure, and timely filings are expected. The Hospitals' expert witnesses are subject to the same standards of behavior as any person in the Courthouse. Lack of professional decorum, display of aggression toward the Court, or display of any other behavior that frustrates the proceedings, may subject the witness to referrals on hearings on a Rule to Show Cause in front of the Judge.

Baker Act hearings "must be as convenient to the patient as is consistent with orderly procedure, and shall be conducted in physical settings not likely to be injurious to the patient's condition." Sec. 394.467(7)(a)(3), Fla. Stat. The Hospital hearing rooms are substitutes to the Courthouse. As such, the Hospital is responsible for providing as safe an environment as possible, equivalent to the courtroom, insofar as maintaining a technician or officer to escort and/or restrain the patient if necessary. **Failure to provide a mental health technician or other person at the time of the hearing shall delay the hearing.** The Court will not commence the hearing on the Petition until a technician or other officer is present in the room.

The Hospital must timely notify the Court as to whether Petitions will be withdrawn. Therefore, the Hospital must timely file its Notices of Withdrawal with the Court on same.

The Hospital must email the Clerk of withdrawals or same-day cancellations, in addition to notifying the Court.

The Hospital must timely provide names and addresses of additional witnesses not otherwise on the Petition.

Any related Orders (i.e., guardianship, competency) must be provided to the Court, Assistant State Attorney, and Assistant Public Defender *before* the hearing. Said related Orders may be filed with the Court alongside the Petition for Involuntary Inpatient Placement.

The Court will not communicate with any party *ex parte*. All emails **must** include all parties involved in the proceeding, i.e., the Assistant State Attorney, Assistant Public Defender, and court liaison.

The Court cannot provide legal advice to the Hospital, per the Rules of Judicial Conduct. Hospitals are encouraged to either consult their General Counsel or discuss the matter with the State Attorney's Office.

III. Requesting Expedited Hearings

Baker Act hearings are scheduled by the Clerk. No Petitions are heard within 24 hours of filing, unless the court liaison emails the Magistrate, Assistant State Attorney, Assistant Public Defender, and Clerk requesting an expedited hearing. In the email, the court liaison must:

1. Specify the reason for the request, and
2. Provide attachments of the recently filed pleadings for the attorneys' review.

Upon all parties' review, the Magistrate will reply as to whether the matter can be placed on the docket for an expedited hearing.

IV. Interpreters

The Hospital's court liaison must notify the Court Interpreting Department of the need for an interpreter at the time of filing. The Hospital's court liaison must notify the Court Interpreting Department of any cancellations at the time of withdrawal of the Petition.

Interpreter's email: interpreter@ocnjcc.org