

# **MARCHMAN ACT HEARINGS**

Marchman Act hearings are on Fridays in Courtroom 19C of the Orange County Courthouse, 425 N. Orange Ave., Orlando, FL 32801. Hearings may be scheduled for other days with notice provided to all parties.

## **HEARING PROCEDURES**

### **I. In-person and Virtual Appearances of Witnesses**

Per sec. 394.6957(1)(1), Fla. Stat., **the Respondent must be present at all hearings**. Counsel for the Respondent must also appear in-person.

Respondents *may* appear remotely **if they are already admitted to a treatment facility and have the ability to appear remotely**.

The Petitioner and their witnesses may appear remotely, as appropriate, to testify via audio-video telecommunications technology.

*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**.

Parties requesting to attend virtually must email the Magistrate's assistant or file a Motion and email same: Mistykal Stephens, MStephens@ninthcircuit.org.

Appearances are through the Magistrate's Personal Hearing Room WebEx link.

**WebEx link: <https://ninthcircuit.webex.com/meet/ctgmbb1>**

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.

## **II. Hearing on Assessment**

If the Respondent has not been assessed prior to the hearing, then the Magistrate may conduct a hearing on whether the Respondent should be ordered to undergo an assessment. However, if the Respondent has not been served, then the Magistrate may continue the hearing for a later date.

## **III. Hearing on Treatment**

If the Respondent has already been assessed, then the Magistrate will conduct a hearing to determine whether the Respondent requires involuntary treatment services. However, if the Respondent has not been served, then the Magistrate may continue the hearing for a later date.

## **IV. Hearings on other matters**

**Affidavits of Non-Compliance:** the party filing the Affidavit must notify the Clerk and copy all parties to the proceeding. At that time, the Clerk shall set a hearing where all parties will be noticed and duly served for a hearing on the Affidavit of Non-Compliance.

**Status Hearings:** Status hearings may be set by the Magistrate for the purpose of determining whether the Respondent is complying with treatment. At such status hearing, the Magistrate may consider whether the Respondent should be ordered to a higher level of care or whether the Respondent is compliant with treatment.

## **V. Professional Standards**

Unrepresented litigants are held to the same standards as attorneys. As such, the Magistrate will consider evidence and witnesses in conformity with the Florida Rules of Evidence.

If you require legal assistance, you may contact either the Orange County Bar Association at (407) 422-4551 or the Florida Bar Lawyer Referral Service at (800) 342-8011.