

The Marchman Act Process

(Hal S. Marchman Alcohol and Other Drug Services Act of 1993)

From 1970 until 1993, Florida had two statutes (Chapter 396 and 397) regulating varying elements of substance abuse and addiction. Since many people with addiction problems abuse more than one substance, former Florida State legislator Steven Wise authored legislation that combined the two statutes so that issues such as involuntary and voluntary admissions and the intent of the legislator were clearly addressed. Reverend Hal Marchman was recognized for his hard work in advocating for services for substance abusers when the legislation was named after him.

The person petitioning for involuntary assessment and stabilization on behalf of an adult must be a spouse, relative, guardian, the director (or someone acting on behalf of the director) of a licensed provider, a private practitioner or three adults. The petitioner(s) must have personally witnessed the respondent's (the alleged impaired person) substance impairment and must file the petition with the Clerk of Court in the county where the respondent is located. If the respondent is a minor, the petition must be completed by the parent(s), legal guardian, legal custodian or a licensed service provider.

Once the petition is completed, the clerk will forward the petition to the court. In cases involving a minor respondent, an order appointing an attorney for the minor goes to the judge at the same time the petition for involuntary assessment is forwarded to the court. If the respondent is an adult, the court will decide (based on the petition) whether it is appropriate to appoint counsel for the respondent. If the judge enters an order, the clerk will call the petitioner to pick up the order, which must then be delivered to the sheriff's office for service upon the respondent or in the case of a minor, the parents, guardian or legal custodian—the petitioner is not permitted to personally serve the order and the cost of service is forty (\$40) dollars and must be paid in cash, certified check or credit card.

A copy of the petition and summons (issued by the court and setting a hearing to be held within ten days) are given to adult respondents or the adult respondent's guardian or in the case of a minor to the minor respondent's parent, guardian, custodian and attorney.

¹The court may also, based on the petition, enter an order requiring a law enforcement officer to take the respondent into custody and deliver him to a licensed service provider.

The court will hear all relevant testimony at the aforementioned hearing and unless the court believes the respondent's attendance would be self-injurious, the respondent must be present. After the court has heard all of the evidence, the court will decide if it is reasonable to believe the respondent meets the criteria for involuntary admission. If, at some point after being committed for involuntary admission, the licensed service provider believes the respondent no longer meets the requirement for involuntary treatment the provider can release the respondent, but must also notify all of the persons the court requires.

¹ The Florida Department of Children and Families (2003), The Marchman Act Handbook 2003 retrieved from <http://www.dcf.state.fl.us/programs/samh/SubstanceAbuse/marchman/marchmanacthand03p.pdf>