

A PETITIONER'S RESPONSIBILITIES UNDER THE HAL MARCHMAN ACT

The Hal S. Marchman Act, Florida Statute 397.01 et seq. (1993), has been passed by the Florida Legislature to address issues of substance and alcohol abuse. The Marchman Act encourages individuals to seek out treatment on a voluntary basis and to be actively involved in their own services with the assistance of qualified professionals. However, denial of addiction is a common symptom, raising a barrier to early intervention and treatment. The Marchman Act established a variety of methods under which substance abuse assessment, stabilization and treatment could be obtained on an involuntary basis.

Criteria for involuntary admissions includes:

There is good faith reason to believe the person is substance abuse impaired and, because of such impairment

1. Has lost the power of self-control with respect to substance use; **AND EITHER**
2. a. Has inflicted, threatened, attempted to inflict, or unless admitted is likely to inflict, physical harm on himself or herself or another; **OR**
3. b. Is in need of substance abuse services and, by reason of substance abuse impairment, his or her judgment has been so impaired that the person is incapable of appreciating his or her need for such services; mere refusal of services does not constitute evidence of lack of judgment with respect to his or her need for such services.

Involuntary Assessment and Stabilization

This procedure involves filing a petition with the Clerk of the court. The court can schedule a hearing to take place within 10 days or can issue an ex parte order immediately.

BEFORE A PETITION IS FILED:

To avoid a court hearing, **BEFORE FILING A PETITION**, you should take the following actions:

1. You **MUST** contact The Harbor (727) 816-1942 to ensure that a bed is, or will be available and that payment for these services has been arranged. (If insurance is available for the patient, you might wish to contact the insurance agency for a referral.)
2. Once you secure a bed for the patient, take the patient to the facility, if he or she is willing to be voluntarily admitted. It is only necessary to file a petition if the patient is not willing to seek treatment voluntarily.
3. He or she will then be assessed for substance or alcohol abuse. If necessary, he or she will then be admitted to the facility and treated.

IF IT IS NECESSARY TO FILE A PETITION:

(The patient is not willing to voluntarily seek an evaluation or treatment.)

- YOU HAVE the burden of proof in any court hearing.
- YOU ARE NOT entitled to a court appointed attorney.
- YOU MUST PROVE that the patient is substance abuse impaired and is in need of a professional evaluation.
- At the court hearing, to prove that the patient needs a professional evaluation, YOU must do the following:
 - ❖ Present evidence, both oral and written;
 - ❖ Present witnesses, including expert witnesses;

YOUR PETITION MUST CONTAIN THE FOLLOWING:

- A full description of the patient, including height, weight, hair color and other features;
- Detailed location where the patient can be found;
- The facility that is available to take the patient.
- The day and time that the bed will be available.
- Does the person have a current medical condition?
- If the person is on medication, please list the medications.

WHAT YOU SHOULD EXPECT ONCE A PETITION IS FILED:

A person that the court determines meets criteria for involuntary admission under the Marchman Act may be admitted to a licensed detoxification facility for a period of **up to 5 days**. In Pasco County, the Detoxification Facility is operated by The Harbor.

The Detoxification Unit is a 14-bed, medical-supervised detoxification program for adults. Medical management of withdrawal from alcohol or drugs is provided in a safe therapeutic environment along with 24-hour nursing care and supervision. Medical services are provided through a psychiatrist or advanced registered nurse practitioner. Individual, group and family services along with discharge/aftercare planning are also provided. The target population is for medically stable adults. Admissions to this unit are based on the use of substances within the last 24 to 48 hours.

This is NOT a secure or locked facility. This means that, though professional staff encourage continued treatment if necessary, they are not able to keep patients against their will.

Prior to filing a petition, you should call the Harbor to check bed availability. If the Detoxification Unit is full, they will not be able to accept any admissions, regardless of whether or not a petition has been filed.