

Instructions for Requesting Involuntary Services

(The following is for informational purposes only and does not constitute legal advice)

Chapter 397, Florida Statute, is known as the Hal S. Marchman Alcohol and other Drug Services Act.” and addresses issues of substance and alcohol abuse. The Marchman Act supports substance abuse prevention, detoxification, and treatment services to assist individuals at risk for or affected by substance abuse. The Respondent has certain rights, and these rights will be upheld.

1. A Petition for Involuntary Services may be filed when there is reason to believe that a person is substance abuse impaired AND
 - a. Because of the impairment, he or she has lost the power of self-control with respect to substance abuse and
 - i. He or she has either inflicted, or is likely to inflict, physical harm on himself or herself or another or others unless the court orders the involuntary services, or
 - ii. The reason the petitioner believes that the respondent’s refusal to voluntarily receive care is based on judgment so impaired by the reason of substance abuse that the respondent is incapable of appreciating his or her need for care and of making a rational decision regarding that need for care.
2. A petition for involuntary treatment services may only be filed by:
 - a. The person’s spouse or legal guardian, any relative, a service provider or an adult who has direct personal knowledge of the person’s substance abuse impairment and his or her prior course of assessment and treatment.
 - b. In the case of a minor, only the parents, legal guardian or service provider can file a petition.
3. The Petitioner must complete all parts of the PETITION AND AFFIDAVIT FOR INVOLUNTARY TREATMENT SERVICES and file it with the Pasco County Clerk of Court. Please provide detailed, factual allegations based on first-hand knowledge (your own observations of the Respondent’s behavior and statements). If your handwriting is not legible, the Petition will be denied. You must swear that all the information provided is true and correct. Thus, **do not sign the Petition until you are in the presence of a notary or Deputy Clerk.**
 - a. Petition filed with an Assessment: The Petition may be filed with a substance abuse assessment, a report, or a certificate by a qualified professional that was conducted within 30 days before filing. The assessment should be filed with the Petition or the Petitioner must make sure the assessment is filed with the court.
 - b. Petition filed without an Assessment: If no assessment was done by a qualified professional prior to filing the Petition, the lack of assessment or refusal must be noted in the petition.
 - c. The Petitioner may request an order for assessment and stabilization at the hearing or, if an emergency exists, the Petitioner may request in the petition that an emergency order for assessment and stabilization be executed without a hearing.
4. The Petitioner is responsible for finding an approved licensed service provider to conduct a clinical assessment that complies with Florida Statute section 397.6957, or to provide appropriate treatment.
 - a. **TO FIND A FACILITY**: A treatment locator is available on the Substance Abuse and Mental Health Services Administration (SAMHSA) website at <https://findtreatment.gov>.
5. A hearing will be scheduled within 10 court working days of the filing of the Petition unless a continuance is granted.
6. There is no fee to file the Petition.
7. The Respondent must be present at all court hearings related to the Petition unless excused by the Court. At the hearing, the Court shall hear and review all relevant evidence, including testimony from individuals such as family members familiar with the respondent's prior history and how it relates to his or her current condition, and the review of results of the assessment completed by the qualified professional. The court may also order drug tests. Witnesses may remotely attend and, as appropriate, testify at the hearing under oath via audio-video telecommunications technology. A witness intending to remotely attend and testify must provide the parties with all relevant documents by the close of business on the day before the hearing.