

Are Baker Act proceedings confidential?

Yes, Baker Act cases, pleadings, and court proceedings are confidential at the Clerk's Office. No information pertaining to a Baker Act case is ever released to the public. Be aware, however, that the petition and other pleadings filed with the Court become a part of the person's clinical record. He or she has a right to access these records.

Where can I find more information about the Baker Act?

Florida's Baker Act Law is located in Chapter 394 of the Florida Statutes. You can also find more information online on the Florida Department of Children and Families website at www.MyFLFamilies.com under the "Mental Health" section. Additionally, you may contact the Collier County Clerk of Court at (239) 252-2646. Be aware that the Clerk is not able to release specific information pertaining to a Baker Act case via telephone. But, our office can answer general questions regarding Baker Act cases.

MAIN CAMPUS

Collier County Courthouse

3315 Tamiami Trail East
Naples, FL 34112-5324
Telephone: (239) 252-2646
Hours: 8 am to 5 pm Monday - Friday

SATELLITE OFFICES

HOURS MAY VARY

Airport DHSMV

725 Airport Road South
Naples, FL 34104

Eagle Creek

6654 Collier Boulevard
Naples, FL 34114

Everglades City Hall

102 Copeland Ave. N
Everglades City, FL 34139

Golden Gate

4715 Golden Gate Parkway
Naples, FL 34116

Immokalee Courthouse

106 South First Street
Immokalee, FL 34142

North Collier Government Services Center

2335 Orange Blossom Drive
Naples, FL 34109

Please refer to www.CollierClerk.com



Crystal K. Kinzel
Clerk of the Circuit Court & Comptroller

BAKER ACT

Chapter 394 of the Florida Statutes is known as The Florida Mental Health Act, or alternatively, "The Baker Act." An Ex-Parte Baker Act Petition is a means of providing you with a variety of crisis services and mental health assessment and evaluation.

For more information visit us online at:

www.CollierClerk.com

Deputy Clerks, under Florida law, are not authorized to give legal advice.

What is a Baker Act proceeding?

A Baker Act proceeding may be initiated when there is reason to believe that a person is mentally ill and because of his or her mental illness:

- The person has refused voluntary examination and/or is unable to determine whether an examination is necessary.
- Without care or treatment, the person is likely to suffer from neglect resulting in threat of substantial harm that can't be avoided through the help of others.
- A substantial likelihood exists that, without care or treatment, the person will cause serious bodily harm to him/herself or others in the near future

What is an Ex-Parte Baker Act Petition, and who can file it?

An Ex-Parte Baker Act petition is a means of providing an individual with crisis services and mental health assessment and evaluation. The petition can be filed by anyone who completes a sworn petition describing the person's actions which they have personally observed and which they believe meet the criteria described herein. The person must be in Collier County and his/her whereabouts must be known. Completion of the petition is a request of the

Court to order the person's transportation by the Sheriff's Office to, and examination at, a designated mental health facility.

How do I file the petition?

Forms are available free of charge at the Self-Help Center located on the 3rd floor of the Collier County Courthouse Annex. The forms may also be obtained by going to www.MyFLFamilies.com, under the 'Mental Health' section, or by requesting the forms from the David Lawrence Center.

You may bring your completed forms to the Probate Division of the Clerk's Office located on the 1st floor of the Collier County Courthouse Annex. The forms must be completed in full. However, your signature must be either notarized or witnessed by a Deputy Clerk. So, do not sign the forms until either a Notary Public or Deputy Clerk is present. There is no filing fee required to file a Baker Act case.

What happens after the petition is filed?

If the Court finds the criteria has been met, a court order will be issued authorizing the Sheriff to pick up and transport the person to the nearest designated facility. The Clerk's Office will provide you with certified copies to deliver to the Sheriff's Office to have it served.

A psychiatrist must examine the person within 72 hours to determine if they meet the Baker Act criteria. If they do, the facility will petition the Court for a hearing within 72 hours. The hearing must be held within 5 days, unless a continuance is granted by the court.

Where will the person be taken?

The designated Baker Act receiving facility in Collier County is the David Lawrence Mental Health Center, located at 6075 Bathey Lane, Naples, Florida 34116. They can be contacted at (239) 455-8500.

How long can a person be held under an Ex-Parte Baker Act order?

A person may not be held for longer than 72 hours under an Ex-Parte Baker Act order. Within 72 hours, one of the following must take place:

- The person must be released unless charged with a crime.
- The person must be released for outpatient treatment.
- The person must be asked to give expressed and informed consent to voluntary placement in a facility; or
- The facility must file a petition with the Court for involuntary placement.