

## Are Marchman Act proceedings confidential?

Yes, Marchman Act cases, pleadings, and court proceedings are confidential. No information pertaining to a Marchman Act case is ever released to the public.

## Where can I find more information about the Marchman Act?

Florida's Marchman Act Law can be found in Chapter 397 of the Florida Statutes. You can also find more information online on the Florida Department of Children and Families website at [www.MyFLFamilies.com](http://www.MyFLFamilies.com), under the 'Substance Abuse' 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 Marchman Act case via telephone, but our office can answer questions regarding Marchman Act cases in general.

(09/2020)

### 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 Avenue 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](http://www.CollierClerk.com)



**Crystal K. Kinzel**  
Clerk of the Circuit Court & Comptroller

## MARCHMAN ACT

The Marchman Act provides individuals who suffer from substance abuse or alcohol dependency with emergency services for substance abuse evaluation and treatment when required.

For more information, or visit us online at:

[www.CollierClerk.com](http://www.CollierClerk.com)

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

## What is the Marchman Act?

Chapter 397 of the Florida Statutes is known as the Hal S. Marchman Alcohol and Other Drug Services Act of 1993. It provides for the involuntary or voluntary assessment and stabilization for a person allegedly abusing substances such as drugs or alcohol.

## What is a voluntary Marchman admission?

A voluntary admission occurs when a person seeks treatment for substance abuse and applies to a service provider to receive such treatment.

## What is an involuntary Marchman admission?

An involuntary admission occurs when there is good faith reason to believe the person is substance abuse impaired, and because of such impairment, the person has:

- Lost the power of self-control with respect to substance use, **and either**
- Has inflicted or threatened or attempted to inflict physical harm to him/herself or another, or
- Is in need of substance abuse services, and by reason of impairment, his or her judgment has been so impaired that the person is

incapable of appreciating his or her need for substance abuse services and of making a rational decision regarding such services.

There are two types of petitions that can be filed in a Marchman Act case:

- Petition for Involuntary Assessment and Stabilization, and
- Petition for Involuntary Treatment

## Who can file a Marchman Act case?

A Petition for Involuntary Assessment and Stabilization may be filed on an adult by the person's spouse, guardian, any relative, a physician, a director of a licensed service provider, or any three responsible adults who have personal knowledge of the person's substance abuse impairment. For a minor, the petition may be filed by a parent, legal guardian, or legal custodian.

## How do I file the petition?

Forms may be obtained by going to [www.MyFLFamilies.com](http://www.MyFLFamilies.com), under the 'Substance Abuse' section. There is no filing fee required to file a Marchman Act case. Upon completion, you can visit the Probate Division of the Clerk's Office located on the 1<sup>st</sup> Floor of the Collier County Courthouse Annex to file the petition.

## What happens after the petition is filed?

The Court will review the petition and make a determination as to whether an Order for Involuntary Assessment and Stabilization is warranted, and such order will require the person to be assessed for substance abuse at a designated facility.

If granted, the facility will assess and stabilize the person for a period not to exceed 5 days. The facility may file a Petition for Involuntary Treatment if the criteria are met. This must be filed within 12 days of the assessment and stabilization period.

A hearing date will then be set before the Court to determine if an Order for Involuntary Treatment is warranted. If granted, this Order will require the person to enter into, comply with, and successfully complete a designated substance abuse treatment program.