

# Marchman Act

## What is a Marchman Act?

A Marchman Act is a court order for an individual to have an involuntary assessment and possibly involuntary treatment for substance abuse when the following conditions are met:

### A Petition for involuntary assessment may be filed when there is reason to believe that a person is substance abuse impaired and:

1. Because of the impairment, he or she has lost the power of self control with respect to substance use.
2. The person's judgment is impaired because of substance abuse and he/she is incapable of appreciating the need for, and is unable to make a rational decision in regards to, substance abuse services.
3. He or she has either; inflicted, attempted or threatened to inflict, or unless admitted, is likely to inflict, physical harm on himself or herself or another because of substance abuse.

## Who Can File a Petition for a Marchman Act?

### The petition may only be filed by:

- a. The person's spouse or guardian, any relative of the person, a director of a licensed service provider, a private practitioner, or any three adults who have personal knowledge of the person's substance abuse impairment.
- b. In the case of a minor, only the parents, legal guardian/custodian or licensed service provider can file a petition.

**Petitioner(s) must be present at all hearings.**

**Marchman Act petitions can be filed at the following locations:**

#### Main Courthouse

205 North Dixie Highway  
West Palm Beach, FL, 33401  
561-355-2040  
Monday-Friday: 8:30am-5:00pm

#### South County Courthouse

200 W. Atlantic Avenue  
Delray Beach, FL 33444  
561-274-1530  
Monday-Friday: 8:30am-5:00pm

#### North County Courthouse

3188 PGA Blvd.  
Palm Beach Gardens, FL 33410  
561-624-6608  
Monday-Friday: 8:30am-5:00pm

#### West County Courthouse

38844 SR 80  
Belle Glade, FL 33430  
561-996-4843  
Monday-Friday: 8:30am-5:00pm

#### Riviera Beach Civil Drug Court \*

2051 Martin Luther King Blvd., Suite 116  
Riviera Beach, FL 33404  
561- 840-4824  
Monday-Friday: 8:30am-8:30pm  
Saturday: 9:00am-12:00pm

\* In Riviera Beach Civil Drug Court the treatment hearing is held the same day as the assessment. If inpatient treatment is recommended, often the respondent (patient) is taken directly to the substance abuse treatment facility by Riviera Beach Police.

**IF THE RESPONDENT HAS ANOTHER PENDING CASE, ASSISTANCE FOR THE RESPONDENT'S SUBSTANCE ABUSE PROBLEM MAY BE MORE PROPERLY SOUGHT IN THAT CASE. THEREFORE IT IS IMPORTANT TO COMPLETE THE NOTICE OF RELATED CASE FORM SO THE COURT MAY APPROPRIATELY PROCESS THE CASE.**

# Important Information

## What the Marchman Act CAN DO:

- After filing a petition for Involuntary Assessment or Treatment, a hearing is set within 10 days. The Respondent must be personally served with the Petition. Both the petitioner and the respondent are required to be present at the hearing.
- Under the Marchman Act an individual can be court ordered to involuntarily have an assessment for substance abuse. After the assessment is performed a second hearing is held to determine if the individual will be court ordered to involuntary treatment.
- The Respondent must be physically located in Palm Beach County. The Court may only send the Respondent to a licensed Marchman Act facility located in Palm Beach County.
- If the assessment finds that the individual is in need of substance abuse treatment, the court can order the individual to attend and complete treatment, which can be inpatient or outpatient, depending on the recommendation of the assessing facility. It is important to note that the Court cannot determine the treatment modality.
- The initial order for treatment is for up to 60 days; however, it can be extended if the individual needs more time to complete treatment upon timely petition supported by expert testimony at hearing.

## What the Marchman Act CANNOT DO:

- The Marchman Act orders an individual for an assessment for substance abuse only; it is not an order for an evaluation of mental health issues. If the Respondent is in a mental health facility, the Marchman Act cannot be used to interfere with or substitute for the Respondent's mental health treatment.
- The Marchman Act does not guarantee a bed for treatment. The Court does not have the ability to find a bed for the Respondent and to send the Respondent right from the hearing to a treatment bed.
- Marchman Act facilities are not "lockdown" facilities. If an individual who has been ordered to treatment decides to leave, the center has no authority to stop them. If an individual leaves treatment before completion, the individual will be ordered back in front of the Court for a contempt hearing.
- The Marchman Act does not pay for an individual's assessment or treatment. Most providers have payment assistance based on income; be sure to contact the provider prior to the appointment about what is required.
- An individual cannot be sent for substance abuse treatment to the Sheriff's Drug Farm, Eagle Academy, or any other correctional facility through the Marchman Act.
- The Marchman Act cannot supersede or interfere with any other court cases the individual may have pending. If the Respondent is charged with a crime or on probation, the Marchman Act cannot interfere with the criminal case or allow a Respondent to avoid a violation of probation. If the Respondent is in jail, the Marchman Act will not take precedence over their criminal charge and cannot be used to send the Respondent out of jail into treatment.
- The Marchman Act cannot be used to locate missing persons or runaway children. The Marchman Act cannot be used solely for the purpose of making a child attend school, keep curfew, or obey parents.

Fifteenth Judicial Circuit  
(561) 355-2431  
[www.15thcircuit.com](http://www.15thcircuit.com)

**For Social Service Referrals:**  
Florida 2-1-1 or 561-383-1111  
<http://211palmbeach.org>