

RIVERSIDE RECOVERY



Florida Marchman Act

One of the most difficult tasks for families affected by substance abuse is convincing the addict that drug or alcohol rehab is necessary. Interventions are one option that can lead the addict to voluntarily seek help, but sometimes the addict simply won't budge. In such instances, it may be time to consider forcing the addict into treatment. More than a dozen states have laws dealing with involuntary commitment for addiction treatment. Florida's Marchman Act is among the most progressive of these laws.

Frequently Asked Questions

1. What is the Florida Marchman Act?

It is a civil, confidential, involuntary commitment statute in the state of Florida. To put it in layman's terms, it's a law devised to assist families through the courts to get loved ones into court-ordered-and-monitored intervention assessment stabilization or detox, and long-term treatment when they won't do it themselves.

2. Who can invoke the Florida Marchman Act to force someone into treatment?

A spouse, blood relative or anyone who has first hand knowledge of a person's substance abuse that will cause harm to themselves or others if they do not receive treatment, may file a Marchman Act.

3. Can I recommend a treatment center for my loved one?

You will want to have an initial assessment done prior to filing the Marchman Act. This assessment is done with the individual, and Riverside Recovery has the ability to provide this assessment. You want the assessment done prior to filing, because once the order is filed and granted, the individual is picked up by the police and taken to a default treatment center, which is Gracepoint in Hillsborough County.

If the petitioner has the assessment done and has an arrangement with a treatment center prior to filing and the court appearance, the individual will go directly to that treatment center of choice.

4. Once I file the necessary paperwork, how does the process work?

The petitioner must attend the hearing. They will be notified of the hearing. If they do not show up, the case will be thrown out.

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The Marchman Act is filed within the county the individual resides, at the county courthouse. A hearing is set before the court after a Petition for Involuntary Assessment and Stabilization is filed. That petition basically says, “Judge, I want you to have this person assessed and stabilized.” Following this hearing, the individual is held for up to five days for medical stabilization and assessment. A recommendation is also made to the court. Riverside Recovery is able to provide the assessment required.

*Following that process, a Petition for Treatment must be filed with the court and a second hearing is held for the court to review the assessment and recommendation. Based upon that recommendation, the judge can then order a 60-day treatment period with a possible 90-day extension, if necessary. If the addict exits treatment in violation of the judge’s order, you return to court and have the addict answer to the court as to why he or she did not comply with treatment and returned immediately for involuntary care. If the addict refuses, he or she is held in civil contempt of court for not following the treatment order, and is ordered to either return to treatment or be incarcerated. **This is why the Marchman Act works — it carries real consequences.***

One advantage of hiring a law firm is having the ability to skip this first step and expedite the entire process, especially the crucial phase of having the person medically stabilized. A lawyer will file a sworn petition that lays out the facts and demonstrates the need for immediate substance abuse assessment, detox and intervention. There can then be a court order in as little as 24 to 48 hours.

5. Must the addict be a Florida resident to be treated under the Florida Marchman Act?

No. People who are using drugs are often transient, so it’s difficult for families to lock them down with residency. With the Marchman Act, if they step foot in an area, we can file in that area. We actually have clients from all across the nation calling us saying, “We’re going to get somebody down to Florida so we can hold them.”

6. Is an attorney needed to seek treatment under the Florida Marchman Act?

An attorney isn’t required under the Marchman Act, but an experienced attorney does offer a greater chance of success. 9-of-10 families who try to take advantage of the Marchman Act on their own often run into difficulty because they simply don’t know the rules of civil procedure. It’s like doing your own criminal case or divorce. Many Marchman Act filings are dismissed for technical reasons, even though the addict fits all the necessary criteria to qualify.

It’s also important to note that in order to protect the addict’s due-process rights, every addict who appears in court under the Marchman Act has an attorney assigned to them. Families walk

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in there thinking they're trying to get someone help, and suddenly their loved one has an attorney trying to get the case dismissed.

Riverside Recovery can provide an attorney recommendation if needed.

Some additional things to consider:

- You need to file in person. If you are out of state, unless you have a month to give in the beginning for court dates etc, it will not work
- If you are out of state, hiring an attorney would be beneficial so they can act as legal representation for you.
- You are able to request Riverside Recovery as the treatment center when filing