

**NOTICE TO PETITIONER  
READ PRIOR TO COMMENCING MARCHMAN ACT  
PER FLORIDA STATUTE CHAPTER 397**

The purpose of the Marchman Act is to get treatment for a person who is abusing substances to the point of being a danger to themselves and/or others. The Marchman Act is not a quick and easy solution and is only for a person who is substance abuse impaired.

This Court action will be a non-public court proceeding. The Clerk does not participate in the treatment process and cannot discuss your case by e-mail or telephone, questions must be asked in person with valid ID. This legal process may require attendance at multiple court hearings during the assessment and treatment phases. This case is processed as an emergency, so once the filing is completed it will be forwarded to the assigned Judge for review.

If you are prepared to move forward with the filing of a Marchman Act case, you will complete the Petition for Involuntary Treatment Services. You are the Petitioner, and the Respondent will be the person you are seeking substance abuse services for. Please complete all questions in the petition to the best of your ability. Write clearly and legibly. Do not write on the back of the forms. You can attach any supplemental documents to the petition that you wish the court to review. The court will review your petition and make a determination based on the information you provided. Be specific, describe the substance that is being abused, how often, and by what means. Provide current information, stick to the facts related to the respondent's substance abuse, and their related behaviors.

Unless the respondent is in dire condition which should be detailed in the petition, the matter will be set for a hearing with service on the respondent. Ex Parte review by the court should be reserved for emergency situations where the respondent or someone else is in immediate danger. If the respondent has been assessed for substance abuse within the past thirty days, that information should be included, and the assessment attached if possible.

**Court Review-** Upon the filing of the petition, the assigned Judge will review your petition and any supporting documentation provided. The court may take one of the below actions:

- (i) Set the petition for hearing-
  - The petitioner and respondent are required to attend any hearings set by the court.
  - All hearings are set for Tuesday mornings at the S. James Foxman Justice Center located at 251 North Ridgewood Avenue, Daytona Beach, Florida 32114.
  - Failure to attend the hearing by the petitioner may result in the dismissal of the case. This is regardless of whether the respondent has been served by the Sheriff. Failure to attend the hearing by the respondent after service may result in additional action by the court including but not limited to an order to show cause and/or a bench warrant being issued.
  - An Attorney will be appointed to represent the respondent if they are unable to retain private counsel.
  - Testimony may be from the petitioner, other witnesses, and the respondent to determine if the respondent meets the criteria for involuntary assessment and treatment services. As the filing party, you will be expected to offer testimony regarding the statements made in the petition.
  - The order requiring hearing will be served on the respondent by the Volusia Sheriff's Office.
- (ii) Order an Ex Parte Assessment and set a hearing-
  - The order requiring an Ex Parte pick up of the respondent will be issued and served by the Volusia Sheriff's Office. The respondent will be detained and transported to SMA Healthcare, Chet Bell Crisis Center, for assessment and stabilization (Detox).

- A hearing will be set upon the next available docket and all criteria listed above for the hearing must be met.
- (iii) Dismiss the Petition-
- If the petition fails to meet the criteria for services, the court may dismiss the petition and take no further action.

Any actions by the court will be electronically served on the Petitioner provided a Designation of Email address form has been completed.

### **General Information**

Before you begin this process, you may want to speak with your own treatment provider or the professionals at Stewart Marchman Act (SMA) Behavioral Healthcare. If ordered by the court, SMA Behavioral Healthcare is the agency that will be providing the assessment for the respondent and is also a possible treatment provider in Volusia County. A clear understanding of treatment options and costs can be explained by the treatment professionals at SMA if you do not already have a treatment provider awaiting a court order for services.

If residential treatment is recommended, please know that residential treatment options are limited for those who cannot afford to self-pay or have health insurance. You should inform the assessment provider if the respondent has insurance coverage and/or the ability to pay for services as this will allow for more options for treatment. The respondent may be placed on a waitlist for treatment services, while waiting for bed space, he/she may be required to participate in outpatient services, maintain sobriety, and make weekly contact with the treatment provider.

**SMA Healthcare 24/7 Hotline: (800) 539-4228**

SMA Marchman Act Case Manager: (386) 236-3212

Notice: The Clerk of Court is not a legal resource and cannot provide legal advice. This advice notice is issued with the intent of informing customers of how the Marchman Act process works. Nothing on this form constitutes legal advice and is not a statement of rights or remedies of any party involved in the Marchman Act process. Court employees and staff of treatment providers are not lawyers and cannot give legal advice cannot tell any party how to testify in court and cannot represent any party in court.