

CLERK OF THE COURT, MENTAL HEALTH DEPARTMENT

The Mental Health Department of the Clerk's Office provides customer assistance to litigants seeking court ordered **involuntary** services for a family member or friend for substance abuse and mental health disorders.

Filing Requirements

Only one adult petitioner is required to file.

You will need:

- ✓ Your valid (government issued) photo ID
- ✓ Respondent's full date of birth
- ✓ Respondent's full and current Duval County residential address

If you are willing and able to complete the petition on your own without assistance, petition packets are available in the Mental Health Department or electronically on our website @ www.duvalclerk.com. Once you have completed the petition, **you must sign it in front of** a Deputy Clerk at the courthouse or in front of a Notary.

We assist petitioners on a walk-in or appointment basis from 8:00 a.m. to 4:00 p.m., Monday through Friday.

Appointments

Appointments are made through the QLess application and can be held in person at the Duval County Courthouse or remotely online via the Zoom application. **Plan for your appointment to last approximately 30 minutes to 1 hour.**

To make an appointment, choose a method below:

1. Via QLess using the following QR Code on your mobile phone:



2. Via the QLess Mobile App from your smartphone.
3. Call the Clerk's Office Mental Health Department at **(904) 255-1986**.

To attend your appointment remotely online via Zoom, you must have a compatible device (computer or smartphone) for the meeting. Please note some Apple products will not be compatible for screen sharing. An email with the Zoom meeting details will be sent prior to your appointment.

If you cannot attend remotely via Zoom, you must attend in person at the Duval County Courthouse, **Room 1038**. Please arrive at least 15 minutes early to account for building security protocols and to ensure your appointment is not cancelled. Arriving late to a scheduled appointment may require you to reschedule or convert to walk-in status.

Case Types and Filing Options

1. **Baker Act** for Mental Illness
2. **Marchman Act** for Substance Abuse
Option #1 – (Court Hearing) Petition for Involuntary Assessment and Stabilization
Option #2 – (Detox) Petition for Ex Parte Order for Assessment and Stabilization
3. **Injunction for Protection Against Exploitation of a Vulnerable Adult.** (Ask a staff member for more details.)

BAKER ACT:

- A **Petition for Involuntary Examination on Ex Parte Order** may be filed when there is reason to believe an individual is mentally ill and because of mental illness, he/she:
 - Has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination, **or** is unable to determine for himself or herself that examination is necessary; **and**:
 - Without care or treatment, his/her neglect or refusal to care for himself/herself poses a real and present threat to his/her well-being; **or**
 - Without care or treatment, there is a substantial likelihood he/she will cause serious bodily harm to himself/herself or others in the near future.
- A patient may not be held in a receiving facility for involuntary examination for more than 72 hours.

MARCHMAN ACT:

- A **Petition for Involuntary Assessment and Stabilization** may be filed when there is good-faith reason to believe that:
 - an individual is substance abuse impaired, **and**
 - because of such impairment he/she has lost the power of self-control with respect to substance abuse, **and**
 - he/she has inflicted or is likely to inflict physical harm on himself/herself or others unless admitted, **or**
 - his/her refusal to voluntarily receive care is based on judgment so impaired by reason of substance abuse that he/she is incapable of appreciating his/her need for care and of making a rational decision regarding that need for care.
- If the individual has refused to submit to an assessment, such refusal must be alleged in the petition.
- Marchman Court is held on Thursday mornings at 9:00AM.
 - The hearing is set within 10 business days of filing. The hearing date is determined by the day of the week you file.
 - YOUR APPEARANCE at the hearing is MANDATORY. The hearing date cannot be changed. You may bring witnesses.
 - A Notice of the hearing will be provided to you upon filing, and the Respondent is served notice of the hearing and summons by a JSO Special Process Server.
 - After all relevant testimony is given, the Court may enter an Order for Involuntary Assessment. The Order will specify the date, time and location for the assessment.

- After completion of the assessment, the facility may proceed with a Petition for Involuntary Treatment, if deemed necessary.
- If you elect to file a **Petition for Ex Parte Order for Assessment and Stabilization** (eligible for adult respondent only), there will not be a hearing and the court may only order a law enforcement officer or other designated agent of the court to take the individual into custody and deliver him/her to the nearest appropriate licensed **detox** service provider (currently Gateway Community Services) for an assessment.
 - Please note this is not a lockdown facility. He/she will be free to choose to refuse an assessment and leave the premises.