

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 6.311-8/18*

IN RE: INVOLUNTARY COMMITMENT (BAKER ACT)
AND VOLUNTARY COMMITMENT PROCEEDINGS

Florida Statute §§ 394.451-394.47892 governs involuntary commitment (Baker Act) and voluntary commitment proceedings. Florida Statute section 394.4625 is specific to voluntary admission of minors.

Florida Statute §394.4625 does not provide any process for the filing of the application nor for the manner in which the hearing is to be held. Representatives of Court Administration, the Clerk and Comptroller's Office, and the receiving facilities have met to discuss a process that will meet the needs of the parties while complying with the statute.

Florida Statute § 394.4625 does not address the confidentiality of the minor's name in applications for voluntary commitment or petitions for involuntary commitment. In order to ensure that the hearings are held in a timely manner, and protection of a minor's identity is maintained as required by Rule of Judicial Administration 2.525, internal processes are to be implemented.

Neither the statutes governing Baker Act proceedings, nor the rules of procedure, address the closure of cases when a facility withdraws its Petition or Application for admission.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

A. MINORS

1. **Procedures for the Filing of Applications for Voluntary Admission of a Minor.** Applications for voluntary admission for a person age 17 or under to a mental health facility ("Voluntary Application") will be accepted for filing at the main courthouse and branch courthouse locations.
 - a. Upon receipt of the filing, the Clerk and Comptroller will provide the filer with copies of the Demographic Information Sheet, a copy of which is attached as Exhibit A.

- b. Voluntariness hearings will be added to the Magistrate's schedule for Baker Act Hearings.

2. **Additional Procedures for both Voluntary Applications and Involuntary Petitions of Minors.**

- a. Upon receipt of a Voluntary Application or an Involuntary Petition ("Involuntary Petition") of a minor, the Clerk and Comptroller will open a case using the minor's initials.
- b. The Clerk will treat the filing of an Voluntary Application or an Involuntary Petition to include a Motion to Determine Confidentiality of Court Records pursuant to Florida Rule of Judicial Administration 2.420(d)(3) and will maintain the file as confidential pending court order.

B. WITHDRAWAL OF PETITION/APPLICATION BY FACILITY FOR MINORS AND ADULTS

If prior to a hearing a patient is discharged, or the Voluntary or Involuntary Petition is withdrawn, and the receiving facility has not filed a Notification to Court of Withdrawal of Petition for Hearing, the Magistrate's staff will request a copy of the Notification of Withdrawal or Discharge from the facility. After the notice reporting the discharge or withdrawal is filed, the Clerk and Comptroller will report the matter as "closed".

28 **DONE and SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this day of August, 2018.



Krista Marx
Chief Judge

*supersedes admin. order 6.311-5/18

EXHIBIT A

DEMOGRAPHIC INFORMATION SHEET - VOLUNTARY ADMISSION OF MINOR

Instructions: Each item must be fully completed and furnished to the Clerk of the Circuit Court at the time the Application for Voluntary Admission is filed with the Clerk.

Name of Minor: _____ Minor's D.O.B. _____

Name of Minor's Parent(s) _____

Legal Guardian Present: _____ Yes _____ No

If Parents No Longer Married Has Final Judgment/ Marital Settlement Agreement/
Parenting Plan Been Provided to Facility/Court: _____ Yes _____ No

If So, Who Is Authorized to Make Healthcare
Decisions Regarding Minor? _____

If Not Parents, Has Document(s) Been Provided
to Facility/Court Identifying Legal Guardian? _____ Yes _____ No

If So, Who Is Authorized to Make Healthcare
Decisions Regarding Minor? _____

I have attached copy of Final Judgment of Dissolution of Marriage (with Marital
Settlement Agreement and/or Parenting Plan – OR – Order Appointing Guardian and
Letters of Guardianship): _____ Yes _____ No

-OR-

I will furnish the document at hearing before General Magistrate or Circuit Judge:
_____ Yes _____ No

Minor's Parent(s)/Guardian(s) Name(s) and Address(es)?

Name: _____ Name: _____

Address: _____ Address: _____

Phone Number: _____ Phone Number: _____

Email address: _____ Email address: _____