

- **What is a Baker Act?**

A Baker Act is a means of providing individuals with emergency services and temporary detention for mental health evaluation and treatment when required, either on a voluntary or an involuntary basis.

- **How are voluntary and involuntary Baker Act Admissions different?**

A voluntary Baker Act is when a person 18 years of age or older, or a parent or guardian of a person age 17 or under, makes application for admission to a facility for observation, diagnosis or treatment.

An involuntary Baker Act is when a person is taken to a receiving facility for involuntary examination when there is reason to believe that he or she is mentally ill and because of his or her mental illness, the person has refused voluntary examination; the person is unable to determine for himself or herself whether examination is necessary and without care or treatment, the person is likely to suffer from neglect or refuse to care for himself or herself and such refusal could pose a threat of harm to his or her well being; and there is a substantial likelihood that without care or treatment, the person will cause serious bodily harm to himself, herself or others in the near future as evidenced by recent behavior.

- **Are there other criteria to know if a Baker Act is appropriate?**

Yes, there is an additional criterion for a voluntary and involuntary Baker Act not included here. For example, a law enforcement officer may transport an individual to a facility for evaluation if there is reason to believe that the individual's behavior meets statutory guidelines for involuntary examination.

- **What is an ExParte Petition for Involuntary Examination?**

If you are willing to swear in a Petition for Involuntary Examination that you have personally witnessed an individual causing harm to themselves or others, an "ExParte" for an Involuntary Examination can be completed at the Clerk's Office, Mental Health Division.

- **What is the procedure for filing the Petition and Affidavit Seeking ExParte Order Requiring Involuntary Examination?**

A family member or interested person may fill out the petition and affidavit in the Clerk's Office. You will need to provide proper identification and have personally witnessed the individual's actions.

- **What happens after I file the Petition and Affidavit?**

Your sworn affidavit will be reviewed by the court. If the court believes, based on the evidence provided in the petition and affidavit, the judge will enter an order for the sheriff to pick up and transport the person to the nearest receiving facility.

- **When will the order be served on the person?**

The sheriff will make every attempt to take the person into custody and transport the person to a facility. If the person cannot be located by the sheriff, the sheriff will hold the order for seven (7) days and continue attempts to take the person into custody.

- **How long will the order hold the person in a facility?**

A person may not be detained for more than 72 hours.

# Florida's Baker Act: 2013 Fact Sheet

Department of Children and Families

## What is the Baker Act and What Does It Do?

- The Baker Act is Chapter 394, Part I, Florida Statutes, also known as the Florida Mental Health Act.
- The Baker Act provides legal procedures for mental health examination and treatment, including:
  - Voluntary admission
  - Involuntary examination
  - Involuntary inpatient placement (IIP)
  - Involuntary outpatient placement (IOP)
- The Baker Act regulates:
  - Crisis stabilization units (CSUs)
  - Short-term residential treatment facilities (SRTs)
- The Baker Act protects the rights of all individuals examined or treated for mental illness in Florida.

## What Is Involuntary Examination and How Is It Conducted?

- An involuntary exam is a psychiatric exam conducted without a person's consent, often called "getting Baker Acted."
- Involuntary exams are initiated by:
  - Law enforcement officers (49%)
  - Mental health professionals and physicians (49%)
  - Circuit courts (2%)
- Criteria for involuntary exam are that the individual:
  - Appears to have a mental illness;
  - Presents a danger to self or others; *and*
  - Refuses voluntary exam *or* is unable to understand need for exam
- Involuntary exams are provided only by DCF-designated Baker Act receiving facilities:
  - Hospitals
  - Crisis stabilization units (CSUs)
- Services focus on stabilizing the immediate crisis.
- Within 72 hours of arrival, facility must release the individual *or* file a petition for involuntary placement.
- Average length of stay is 4.5 days.
- Release must be approved by a psychiatrist or a clinical psychologist.

## Key Statistics:

### Involuntary Exams

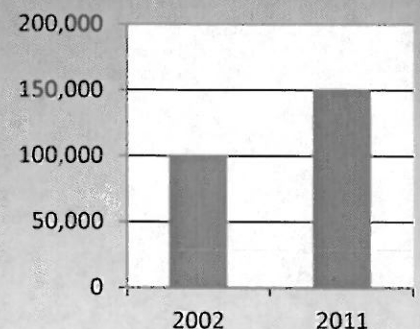
In 2011, there were:

- 150,000 involuntary exams
- 111,000 individuals examined
- 93,000 adults examined
- 18,000 children examined

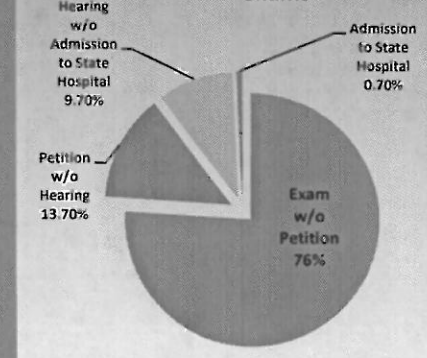
Over ten years (2002-11), there were increases of:

- 50% in involuntary exams
- 46% in individuals examined
- 49% in adults examined
- 35% in children examined

### Involuntary Exams



### Outcome of Involuntary Exams



## Key Statistics: Funding & Bed Capacity

### Department Budget for Baker Act Beds FY 12-13:

Adult Beds	\$63.4 million
Child Beds	\$14.0 million
<b>Total</b>	<b>\$77.4 million</b>

### Baker Act Receiving Facilities:

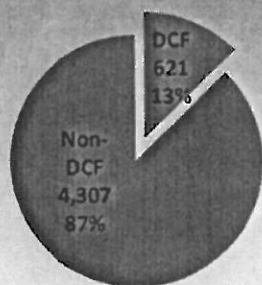
CSUs (All Public)	54
Public Hospitals	13
Private Hospitals	59
<b>Total</b>	<b>126</b>

### Baker Act Bed Capacity:

Adult - CSU	903
Adult - Public Hospital	659
Adult - Private Hospital	2,632*
<b>Total Adult Beds</b>	<b>4,194</b>
Child - CSU	196
Child - Public Hospital	209
Child - Private Hospital	329*
<b>Total Child Beds</b>	<b>734</b>

\*Private hospital beds are not intended to serve indigent individuals, although they are sometimes used for that purpose.

**Funding Sources For Baker Act Beds**



### What Is Involuntary Inpatient Placement (IIP)?

- Involuntary inpatient placement (IIP) is the Baker Act's term for civil commitment.
- IIP allows an individual to be admitted for mental health treatment (beyond stabilization of the immediate crisis) without their consent.
- IIP requires:
  - Meeting criteria very similar to those for involuntary examination.
  - A petition filed by the receiving facility within the 72 hour involuntary exam period.
  - Supporting opinions of a psychiatrist and either a second psychiatrist or a clinical psychologist.
  - A court order based on a hearing where at least one of the professionals testifies.
- An individual ordered to IIP may receive services in:
  - A state mental health treatment facility (SMHTF) ("state hospital") (avg. length of stay = 1.7 years)
  - A short-term residential treatment facility (SRT).
  - IIP may be ordered for up to 6 months, and may be extended with additional hearings.

### What Is Involuntary Outpatient Placement (IOP)?

- Involuntary outpatient placement (IOP) is a form of commitment that allows individuals to be mandated by the court to receive mental health treatment on an outpatient basis.
- Criteria for IOP are more difficult to meet than criteria for involuntary inpatient placement. For IOP, the individual must:
  - Have a history of noncompliance with treatment and be unlikely to survive safely in the community without supervision.
  - Have, within the last 36 months:
    - Received at least two Baker Act involuntary exams; OR
    - Received mental health services in a forensic or correctional facility; OR
    - Engaged in serious violent behavior or attempts at self-harm
- IOP has been used infrequently and provider participation varies. It is currently available in Escambia, Santa Rosa, Leon, Volusia, Manatee, Sarasota, Seminole, and DeSoto Counties.