

### **1. What is a Baker Act?**

Established in Part I of Chapter 394, Florida Statute, the Florida Mental Health Act, commonly referred to as the Baker Act, is a Florida law that allows families, health care providers, law enforcement officers, or other professionals to seek emergency mental health services and temporary detention for individuals who are impaired because of their mental illness, and who are unable to determine their own needs for treatment.

### **2. What are the criteria for a Baker Act?**

The Baker Act criteria are met when there is reason to believe an individual has a mental illness and because of their mental illness:

- They have refused voluntary examination; or they are unable to determine for themselves that examination is necessary; and
- Without care or treatment, they may likely suffer from personal neglect or refuse to care for themselves which presents a threat of substantial harm to their well-being; or
- There is a substantial likelihood that without care or treatment, the individual will cause harm to themselves or others in the near future.

### **3. Can law enforcement officers initiate a Baker Act?**

Yes. Law enforcement officers may initiate a Baker Act and are required to transport an individual who appears to meet Baker Act criteria to an appropriate, or nearest facility for examination. If transporting a minor, law enforcement officers must inform any parent present at the scene of the location and provide contact information of where the minor will receive the involuntary examination.

### **4. Can any medical or mental health professional initiate a Baker Act?**

No. The Florida Mental Health Act allows specific professionals to initiate a Baker Act. The following licensed professionals may complete a certificate stating that they have examined an individual within the preceding 48 hours and found that the individual appears to meet Baker Act criteria: a physician, a physician assistant, a clinical psychologist, a psychiatric nurse, an advanced practice registered nurse (registered under s. 464.0123, Florida Statutes), a mental health counselor, a marriage and family therapist, or clinical social worker.

### **5. Are the courts allowed to initiate a Baker Act?**

Yes. A circuit or county court may enter an ex parte order stating that a person appears to meet the criteria for an involuntary Baker Act examination and specify the findings that allowed this conclusion to be made. The ex parte order for a Baker Act must be based on written or oral sworn testimony, typically from family or friends, that includes specific facts.

### **6. Can any facility admit someone involuntarily under the Baker Act?**

No. Only DCF-designated Baker Act receiving facilities are permitted by law to involuntarily hold an individual for a mental illness.

### **7. Once the Baker Act is initiated, where is care provided?**

For evaluations under the Baker Act, an individual can receive care in any designated Baker Act Receiving Facility, which can include hospitals with an inpatient psychiatric unit, Crisis Stabilization Units (CSUs), and Short-term Residential Treatment (SRT) facilities. The examination period must be for up to 72 hours and begins when the individual arrives at the receiving facility.

### **8. What does discharge planning look like when an individual is released from a receiving facility or treatment facility?**

When an individual is discharged from a receiving or treatment facility, discharge planning is required to consider the following:

- Follow-up behavioral health appointments.
- Information on how to obtain prescribed medications.
- Information pertaining to available living arrangements, transportation, and recovery support opportunities.

- Information regarding the availability of local mobile response team services, suicide prevention resources, social supports, and self-help groups if the patient is a minor.
- A personalized crisis prevention plan.
- Engagement with family members, guardians, or natural supports in discharge planning.
- A review of discharge instructions with family members, guardians, or natural supports, including prescribed medications, follow-up appointments, and recommended resources.
- If recommended level of care is not available at discharge, interim services must be initiated.

For addressing the needs of high utilizers of crisis services, the discharging facility will:

- Review of effectiveness of previous discharge plans.
- Consider how the new discharge plan will address the problems with the previous failed discharge plan.
- Identify strategies to reduce need for future admissions.

## **9. How do I access behavioral health services in Florida?**

The Department contracts with seven Managing Entities throughout Florida to manage a regional network of service providers to ensure behavioral health services are available in local communities. The contact information for each Managing Entity and the counties they serve can be found here:

<https://www.myflfamilies.com/services/substance-abuse-and-mental-health/samh-providers/managing-entities>.

## **10. What can I do if someone I care about is in crisis?**

If you or someone you know is someone is in mental or emotional distress, or experiencing a suicidal crisis, call or text 988 to reach the Florida 988 Lifeline to receive free and confidential emotional support.

Mobile Response Teams (MRTs) are another option for crisis response services operating throughout Florida. MRTs are available 24 hours a day to help diffuse crisis situations and to divert individuals from involuntary Baker Act examinations. They are intended to provide onsite services to individuals of **all ages**, in any setting where a behavioral health crisis occurs, whether that be at home, at school, at work, in the community, or in an emergency department. The current list of Florida Mobile Response Teams is located at

<https://www.myflfamilies.com/specialty-treatment-team-maps>.