

1. What is a Baker Act?

Established in part I of Chapter 394, Florida Statutes, the Florida Mental Health Act, commonly referred to as the Baker Act, is the 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 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 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 can initiate the Baker Act and are required to transport an individual who appears to meet the Baker Act criteria to an appropriate, or nearest facility for examination.

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

No. The Florida Mental Health Act allows specific professionals to initiate the Baker Act. The following licensed professionals may complete a certificate stating 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 section 464.0123, Florida Statutes), a mental health counselor, a marriage and family therapist, or a 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 an individual appears to meet the criteria for an involuntary Baker Act examination and specify the findings that allowed the 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 include specific facts.

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

No. Only designated Baker Act Receiving Facilities are permitted by law to hold and treat an individual for 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.

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

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

- Follow-up behavioral health appointments;
- Information on how to obtain prescribed medications;
- Information pertaining to available living arrangements, transportation, and recovery support opportunities; and
- Information regarding the availability of local mobile response services, suicide prevention resources, social supports, and self-help groups if the individual is a minor.

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

The Department of Children and Families contracts with seven Managing Entities throughout Florida to manage regional networks that ensure the right types of behavioral health services and providers are available within local communities. Contact information for each Managing Entity and the counties served 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 are in emotional distress or experiencing a suicidal crisis, call or text the 988 Suicide & Crisis Lifeline to receive free and confidential emotional support.

Mobile Response Teams (MRTs) operate throughout Florida and are available 24 hours a day for crisis supports and to divert individuals from involuntary Baker Act examinations. MRTs 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, in the community, or an emergency department. The current listing of MRTs can be located at <https://www.myflfamilies.com/sites/default/files/2022-11/MRT.pdf>.

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