



Supreme Court of Florida

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Supreme Court Commission Urges Changes to Baker Act

TALLAHASSEE — Florida's Baker Act—the law for authorizing civil commitment of some mentally ill persons—is in need of an overhaul, including statutory reforms, improvements in court procedures, and increased funding, a state Supreme Court commission has found.

In a report released Tuesday, the Florida Supreme Court Commission on Fairness concluded that the Baker Act particularly impacts the state's elders, often in detrimental ways.

"The report is especially appropriate," said Chief Justice Major B. Harding, "since Florida presently has the largest proportion of older adults in the United States. In fact, the combined population of Florida residents with psychiatric disabilities and Alzheimer's disease—nearly a million—is greater than the entire populations of some individual states."

Miami-Dade Circuit Judge Gill S. Freeman, Chair of the Fairness Commission, agreed.

"When Rep. Maxine Baker sponsored the Baker Act in the 1970s," said Freeman, "her vision was to replace the century-old practice of institutionalization with community-based treatment programs. Though her efforts helped close many of the old psychiatric institutions, Florida has failed to develop an adequate system of community programs to meet the needs of its people."

Among the findings:

- Florida has more than 600,000 persons with mental illness and more than 300,000 with Alzheimer's disease, together creating a group larger than the populations of some states.
- In 1997, over 70,000 Floridians were involuntarily examined under the Baker Act, and nearly 20,000 petitions for involuntary civil commitment for psychiatric treatment—which can result in lengthy detention—were filed.
- More funding for community-based mental services should be made available to avoid unnecessary institutionalization or criminalization of individuals with psychiatric disabilities.
- Because of inadequate funding, hearings on petitions for involuntary placement are not always held within the time frames required by law, resulting in lengthier detention.

- The Baker Act sometimes has been abused for financial gain or by persons who have a grudge against the detainee, like an estranged spouse or an angry neighbor. Abuse of the Baker Act for monetary gain commonly involves elders in nursing homes.
- Judicial and executive agencies that should have a role in preventing abuses of the Baker Act are too poorly funded to be effective and do not receive adequate training and education to prepare them to participate effectively in Baker Act proceedings.
- Some people detained under the Baker Act receive inadequate legal help, and some Baker Act hearings are so informal the detainees do not understand that their liberty is at stake.
- In some instances, state attorneys are not fully participating in the process.

Copies of the full report and executive summary are available on the Supreme Court Press Page of the Court's duplicate websites:

<http://www.flcourts.org/>

<http://www.firn.edu/supct/>