

Insights

When Someone You Love Is Struggling with Addiction: How Florida's Marchman Act Can Help

Article

Lowndes

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The recent passing of actress Hayden Panettiere is a heartbreaking reminder that substance abuse does not discriminate. According to a coroner's report, Panettiere died at age 36 on August 16, 2026, from an accidental overdose involving fentanyl and other drugs just weeks after leaving a rehabilitation facility in Malibu, California.

Her story underscores a painful reality that many Florida families know all too well: even when a loved one seeks help, addiction can have devastating consequences. If you have a loved one whose substance abuse has spiraled out of control, Florida's Marchman Act provides a way to intervene, even when that person is unwilling or unable to seek treatment on their own.

What Is the Marchman Act?

Formally known as the Hal S. Marchman Alcohol and Other Drug Services Act, the Marchman Act is a Florida law (Chapter 397, Florida Statutes) that provides a pathway for the involuntary assessment, stabilization, and treatment of individuals who are severely impaired by substance abuse.

While voluntary treatment is always the preferred approach, the Marchman Act recognizes that addiction may leave someone unable to make rational decisions about their own care.

What's the Difference Between the Marchman Act and the Baker Act?

You may have heard of Florida's Baker Act, which serves a similar but distinct purpose. The Baker Act addresses mental health crises, rather than substance abuse. The Baker Act allows for an involuntary evaluation of someone who appears to have a mental illness and, because of that illness, is a danger to themselves or others or is unable to care for themselves.

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If the primary concern is a mental health condition such as severe depression or psychosis, the Baker Act is the applicable law. If the crisis involves drugs or alcohol, the Marchman Act is the path forward.

In some cases, individuals may struggle with both mental illness and addiction, and families may need to explore both options.

Who Can File a Marchman Act Petition?

Under the Marchman Act, a petition for involuntary assessment and treatment may be filed by a spouse, guardian, relative, or, in the case of a minor, a parent or service provider.

The petitioner must demonstrate, through specific examples, that the person's substance use has made them a danger to themselves or others, or has rendered them unable to appreciate their need for help.

How to File a Marchman Act Petition

The process involves several key steps:

1. Contact an attorney experienced in Marchman Act matters to evaluate the situation.
2. Work with your attorney to prepare and file the petition with the clerk of court in the county where the individual is located. The petition must include a physical description of the person, their current location, the name of the receiving treatment facility, and any known medical conditions or medications.
3. Contact a treatment facility while the petition is being prepared to confirm that a bed is available and discuss logistics, payment, and insurance coverage.
4. Attend the court hearing. Once the petition is filed, a hearing is generally held within 10 days. In urgent cases, the court may issue an ex parte order immediately granting the requested relief. If the judge grants the petition, law enforcement will serve the individual with the court order and transport them to the designated facility if they will not go voluntarily.

A Difficult Decision, But Sometimes a Necessary One

Deciding whether to file a Marchman Act petition is never easy. It is often the last resort after every conversation, every plea, and every other option has been exhausted. But for many families, it can provide a turning point and an opportunity for recovery to begin.

At Lowndes, we understand the fear, frustration, and heartbreak that come with watching a loved one battle addiction. Our team can guide you through the Marchman Act process with compassion, discretion, and experienced legal counsel. Whether you need assistance with a Marchman Act petition, a Baker Act proceeding, or a guardianship matter, you do not have to navigate these difficult decisions alone.

If you are concerned about a loved one's substance abuse and would like guidance on the Marchman Act process and your options, contact Melody Lynch (melody.lynch@lowndes-law.com) or Lauren Beames (lauren.beames@lowndes-law.com).