

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY,  
FLORIDA

**ADMINISTRATIVE ORDER NO:  
19-16-B**

**IN RE: MENTAL HEALTH - VOLUNTARY MENTAL HEALTH TREATMENT OF A MINOR**

---

WHEREAS, Section 394.4625(1)(a), Florida Statutes (2018), allows a mental health facility to admit voluntarily for treatment a minor who shows evidence of mental illness with the express and informed consent of the minor and his or her parent or guardian; and

WHEREAS, that same section requires, before admission, a judicial hearing to verify the voluntariness of the minor's consent; therefore

The court creates the following process for implementing that section:

1. Upon determining that a minor should be admitted to a facility for mental health treatment, the facility shall prepare DCF Form CF-MH-3097, Application for Voluntary Admission - Minors, and a Petition to Verify Consent for Voluntary Inpatient Treatment and electronically file those documents with the Clerk of Court. The child shall be identified in the style of the pleading only by initials
2. Upon filing, the matter shall be automatically referred for hearing to a designated on-call General Magistrate.
3. Thereafter, the facility shall email to the on-call General Magistrate those documents along with such other document as may be requested to properly identify the parents, guardian, and child, along with such other information that may be relevant to gauge the voluntariness of the minor's consent to treatment.
4. Upon contacting the on-call General Magistrate, the facility shall initiate a video conference with the Magistrate, who shall conduct a hearing to verify the voluntariness of the minor's consent to be admitted for treatment. If the Magistrate determines that the minor's consent is voluntary, the facility may admit the minor for treatment.
5. Following the hearing, the Magistrate shall prepare a Report and Recommended Order, which shall be presented to a Circuit Judge for review at the earliest possible time. If the Circuit Judge does not approve the Report and Recommended Order, that information shall

be transmitted to the facility which shall release the child or transfer him or her to involuntary status. If the Circuit Judge approves the Report, that Order will be transmitted to the facility to be included in the facility's clinical records.

6. Any party affected by the order may seek to vacate the order within 10 days of rendition.
7. The facility may at any time release the minor or transfer the minor to involuntary status according to chap. 394, Florida Statutes (2018).

DONE AND ORDERED this 26th day of February, 2019.

TONYA RAINWATER  
TONYA RAINWATER  
CHIEF JUDGE

DISTRIBUTION:

All Circuit and County Judges (Brevard County)  
Court Administration (Brevard and Seminole Counties)  
Clerk of Court (Brevard and Seminole Counties)  
State Attorney (Brevard County)  
Public Defender (Brevard County)  
Sheriff (Brevard County)  
Bar Association (Brevard County)  
Law Library (Brevard County)