

Yes, a Court Order for Involuntary Commitment to Treatment Can (and Should) Be Renewed

The Marchman Act Guide
Florida's Marchman Act Saves Lives
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My law practice is dedicated to helping families utilize the court system as a form of intervention in matters of Substance Use Disorder (drug addiction). My firm gets calls seven days a week.

Not long ago, one of those calls concerned the matter of cannabis-induced psychosis derailing the life of a young college athlete, as well as the lives of those who love him. His family was successful in getting this young man into treatment multiple times. But he would not stay in treatment. It wasn't until family members connected with a facility where the clinicians understood the neuroscience of addiction that things began to change. These recovery industry professionals, well-versed in the health benefits of long-term structured treatment advised the family on how Florida's Marchman Act can help facilitate the time their loved one needed to regain autonomy he'd lost to substances. This family was exhausted, depleted, and desperate for relief from a relentless cycle of life or death addiction-related emergencies. They hired my firm to petition the court to intervene.

We managed to get a court order the very same day. And with the help of law enforcement, we found this young man just moments before he was due to board a flight to leave Florida. Threat of legal consequences for defying clinical guidance now added leverage to the family's pleas for his wellbeing. The court order compelled him to cooperate and stay in treatment this time.

Florida's involuntary commitment statute allows the court to order an individual into treatment for up to 90 days. Such an order can (and should) be renewed when the petitioners and the clinicians involved believe time in treatment needs to extend beyond three months. The court-ordered commitment, now coupled with the option for this client-family to petition the court for renewal of that order, changed the course of this young man's life. He was in a Florida treatment facility for six months before transferring to a facility in another state. The outcome: as of the time of this writing, more than two years of sobriety.

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In my experience, when families affected by addiction understand the advantages of involuntary commitment to treatment, and that they are in a battle with a disease of the brain, we increase the chances of their loved ones impaired by Substance Use Disorder getting the help they need to move toward recovery. I have witnessed this to be especially true when there is a recent history of relapse, drug use while in treatment, or relapsing immediately after long-term treatment—all of which were true in the case of this young athlete.

Recovery is a life-long process. Developing health-affirming habits can take months, if not years. My firm references success rates of the structured monitoring, screening, and support model available within the aviation industry. The Human Intervention and Motivation Study (HIMS) treatment program is an example of effective use of consequences as leverage with impaired individuals. Here, the potential loss of medical certification is how the HIMS program (which claims an approximate 85-90% success rate) urges long-term sobriety for commercial airline pilots. Avoiding relapse means pilots who have struggled with Substance Use Disorder can regain their license to fly.

The same approach is reportedly also effective among doctors and nurses. Recovery success rates for healthcare providers average about 70% of verifiable abstinence at five years. And the explanation is simple. If they want to maintain their certifications and continue to practice, they must remain sober.

Invoking the Marchman Act approximates the features of such programs by leveraging a court order to sustain recovery structure and ongoing monitoring, in addition to the option of renewal. The court supports collaborative efforts toward helping families confront addiction. I recently had two client-families with loved ones under court orders for treatment for more than one continuous year. Healing happens this way.

However, clinicians who emphasize "meeting clients where they are" in arguments against endorsing court order renewals are negating what science tells us about a brain hijacked by substance abuse. Denying endorsement obliterates the value of their own structured support. I often hear of impaired individuals who, after many years of addiction, declare being ready to manage treatment recommendations on their own after just days or a few weeks of clinical care. Convincing as their declarations may be, the emphasis must really be on whether the pathophysiology reflects sufficient evidence for them to be able to do so.

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Leverage and long-term services provide individuals impaired by Substance Use Disorder a much greater probability of the necessary neural adjustment to occur. Having an individual leave treatment and not be under any leverage after even 90 days of treatment from their last report of substance abuse is inconsistent with what we know about how the brain recovers.

I explained this to the team of interventionists who called me to advise on a complex case involving a woman who had been suffering from a decades-long opiate disorder. After multiple incomplete and unsuccessful episodes at residential treatment facilities across the country, once again, it took a court order under Florida's Marchman Act to thwart her destructive behaviors. Five subsequent renewals of the initial 90-day order have allowed her brain to reset.

The Marchman Act is the focus of my practice because it saves lives. We get calls every day from families in crisis because of a loved one struggling with drug addiction. So, a call from a former client who wanted to share news of his daughter's remarkable journey in recovery was a welcome intermission. After a court order sent her into treatment for a history of polysubstance addiction and significant co-occurring mental health issues (i.e., substance-induced psychosis, bipolar disorder, anxiety, and depression), she was celebrating five years of sobriety and graduating from college with honors. She is one powerful example among the hundreds of Marchman Act cases we have handled. Each story of recovery, and especially this one, energizes us to take the next call.

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