



Addressing Mental Health Issues in Administrative Proceedings

Meet the Moderators:

Magistrate Sean Cadigan

Probate, Guardianship & Trust
Division, 13th Judicial Circuit

Joseph Kuss

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Health Division, Law Office of
Julianne M. Holt, Public
Defender, 13th Judicial Circuit



Challenges of handling mental health issues in proceedings:

- Uncertainty
- Potential for loss of control
- Physical risks
- Case specificity

*How and when do
administrative law
judges face these
challenges?*

Role of the Attorney

- Client management
- Strategy
- Liberty Interests
 - *Handley v. Dennis*
 - *D.F. v. State*
- Should client appear?





Role of the Judge:

- When person is present
- Indirect & proactive
- Overview of hearing process
- Benchbook – Hearing Colloquy
- *Mouliom v. Northeast Florida State Hospital*

Judicial Response to Mentally Ill Persons: A Matter of Varying Degrees

- Attentive to expressed concerns
- Open communication with personnel
- Stick to facts of case
- Make a legal or social service referral
when necessary

Responding to Agitated Persons:

How to avoid hitting a brick wall

- Keep calm
- Don't take it personally
- Active listening
- Express desire to help
- Be resolute
- Trust oneself
- Set boundaries
- Disengage when necessary

*When is it appropriate
for the judge to raise
questions about a
display of behavior
during a hearing?*

Questions or
comments?



Resources:

- Benchbook – Involuntary Inpatient Placement Hearing Colloquy
- Blumstein, Mari S. Assistant State Attorneys – Preparation & Presentation of Baker Act Hearings
- *D.F. v. State*, 248 So. 3d 1232 (Fla. 5th Dist. App. 2018)
- *Handley v. Dennis*, 642 So. 2d 115 (Fla. 1st Dist. App. 1994)
- Judicial Council of California. Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers – Ch. 11 Addressing Litigant Mental Health Issues in the Courtroom
- *Mouliom v. Northeast Florida State Hospital* 128 So.3d 979 (Fla.App. 1 Dist. 2014)