

# Mental Health Watchdog Continues to Fight for Children Who Remain Target of Baker Act Misuse

*CCHR applauds Chief Moffett for taking action following the handcuffing of a 7-year-old boy who was taken from school in handcuffs to a psychiatric facility.*

CLEARWATER, FLORIDA, UNITED STATES, February 6, 2018

/EINPresswire.com/ -- The Citizens Commission on Human Rights (CCHR) of Florida, a non-profit mental health watchdog that exposes human rights violations and is dedicated to the protection of children, applauds the Miami-Dade Schools Police Department for taking action following the handcuffing of a 7-year-old Miami boy who was taken from his school, in a police car, to a psychiatric facility under the [Baker Act](#).



## Who Speaks for the Child?

### INVOLUNTARY COMMITMENT of MINORS

Parents or legal guardians should be given the opportunity to take full responsibility for their child, as stated in the Baker Act criteria, for the purpose of obtaining consent for a voluntary examination **prior** to Baker Acting.

The Baker Act Criteria clearly allows for a person to be assisted through the help of willing family members or friends or the provision of other services **instead** of being Baker Acted.

It's the parent's right to be a voice for their child. This is **NOT** being done. The parent finds out **AFTER** their child has been Baker Acted.



### Protect Children's Rights and Ensure Parental Involvement

Citizens Commission On Human Rights  
Call 800.782.2878, for more information  
[www.cchrflorida.org](http://www.cchrflorida.org)

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On January 25th, a 7-year-old had a temper tantrum at his school, the Coral Way Bilingual K-8 Center in Miami, after being told to stop playing with his food. In response to his behavior, which included striking a teacher, the school's administrators called the Miami-Dade police department to come arrest the boy and transport him to a psychiatric facility for involuntary evaluation citing the Baker Act as their process. Devastated, Mercy Alvarez — the boy's mother — filmed her son being transported in handcuffs using her cell phone's camera and shared it across social media.

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The only real solution to the inappropriate Baker Acting of children is to amend the law so that parents are brought into the process and it is our hope that our lawmakers see fit to make this change.”

*Diane Stein, President CCHR Florida*

The resultant public outcry prompted Chief Moffett of the Miami-Dade Schools Police Department to direct officers to first seek the approval of “a lieutenant or a higher-ranking official before deciding to remove and detain a disruptive

student for a psychiatric evaluation at a hospital.” However, Chief Moffett was not the first member of law enforcement to take action to prevent the inappropriate Baker Acting of children in Florida. In September of 2017, Sheriff Jerry L. Demings of Orange County issued a General Order that specifically instructs the deputies in that county to make reasonable efforts to notify a child's parents before initiating or executing a Baker Act.

“While we applaud Chief Moffett and Sheriff Demings for their actions to protect Florida's children the only real solution is to amend the law so that parents are brought into the process,” said Diane Stein, President of [CCHR Florida](#). “There is a bill in Tallahassee right now that would make this a reality and

it is our hope that our lawmakers see fit to make this change.”

The Baker Acting of children for simple disciplinary problems is an all too common occurrence in Florida. The Baker Act is Florida’s mental health law, named after Maxine Baker — the former State Representative from Miami who sponsored the Act. Its main and original intent was to ensure patient rights and prevent abuse, but tens of thousands of Floridians, including children, are being victimized through inappropriate use of the Baker Act sending people to psychiatric facilities who may not even meet the criteria for involuntary examination. In fact, according to the [Annual Report of Baker Act Data](#), revealed in March of 2017, 32,475 minors were sent for examination during the fiscal year 2015 to 2016.

In fact, on the very same day of the 7-year-old being handcuffed, a 10-year-old boy — just 15 miles away at Gulfstream Elementary in Miami — was begging his teachers not to call the Baker Act number when he became agitated for not wanting to do schoolwork at recess time. Having been nearly Baker Acted just 2 years prior, the child knew that “Baker Act” was synonymous with punishment.

Thankfully, Kevin’s parents had rushed to the school just in time and effectively prevented him from being hand-cuffed and transported to a psychiatric facility.

Unfortunately, many parents are unaware that their children have been transported to a psychiatric facility until it’s too late for them to intervene. Once at a psychiatric facility the child can be held for up to 72 hours. During this examination period, children can be administered psychiatric medications with side effects including depression, suicidal ideation, heart problems, and violence if an emergency treatment order is issued.

Senate Bill 270, titled, “Involuntary Examination and Involuntary Admission of Minors”, if passed, would amend the Baker Act to “provide that a designated law enforcement agency may decline to transport a minor 14 years of age or younger to a receiving facility for involuntary examination if current law requirements for declining transport are met and the minor’s parent or guardian agrees to transport the minor to the receiving facility; provide specific criteria for taking a minor 14 years of age or younger to a receiving facility for involuntary examination, including consent of the minor’s parent or guardian; change the law so that the involuntary examination of a child must be initiated within 8 hours after the patient’s arrival at the facility and require that a receiving facility release a minor 14 years of age or younger without delay to the minor’s parent or guardian upon request of the parent or guardian.”

### Normal Childhood Behavior is not a Mental Illness

#### INVOLUNTARY COMMITMENT of MINORS

Children have tantrums and teenagers have dramatic moments. This behavior can be misinterpreted as signs of mental illness.

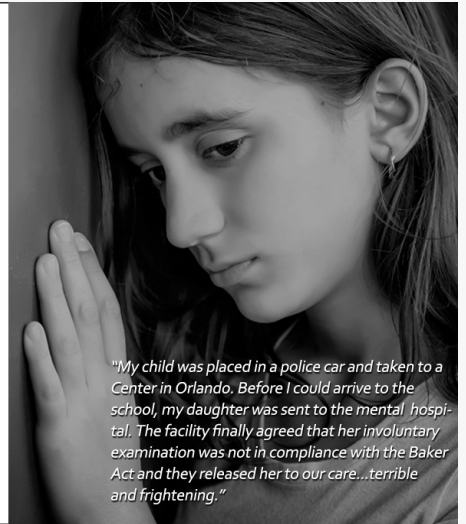
These specifically are not criteria for Baker Acting a child and are excluded from the definition of mental illness in the state of Florida.

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*“My child was placed in a police car and taken to a Center in Orlando. Before I could arrive to the school, my daughter was sent to the mental hospital. The facility finally agreed that her involuntary examination was not in compliance with the Baker Act and they released her to our care...terrible and frightening.”*

### Normal Childhood Behavior is not a Mental Illness

#### Florida Children at Risk

#### INVOLUNTARY COMMITMENT of MINORS

In 2005-2006 the Florida Senate published an Interim Project Report clarifying the Baker Act requirements. The alarming concern was that children were being held in receiving facilities for extended periods of time. It was not until 2017, that the mental health act was amended to expedite the examination of children from 72 hours to 12 hours.

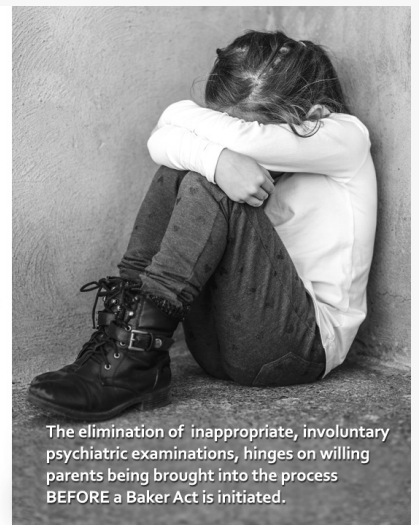
Since publication of the Senate Report, over 295,000 minors, some as young as 5, were sent for involuntary examination – many taken from their school without parental knowledge of the initiation.

A significant percentage did not meet the criteria of the Florida Statute for Baker Acting in the first place, thus, inappropriate involuntary psychiatric commitment.



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*The elimination of inappropriate, involuntary psychiatric examinations, hinges on willing parents being brought into the process BEFORE a Baker Act is initiated.*

Any persons living in Florida who are interested in protecting children from abusive Baker Acting are encouraged to sign this petition to stop the involuntary examination of children without parental knowledge at <https://www.ipetitions.com/petition/protect-children-from-baker-act>.

About CCHR: Initially established by the Church of Scientology and renowned psychiatrist Dr. Thomas Szasz in 1969, CCHR's mission is to eradicate abuses committed under the guise of mental health and enact patient and consumer protections.

It was L. Ron Hubbard, the founder of Scientology, who brought the terror of psychiatric imprisonment to the notice of the world. In March 1969, he said, "Thousands and thousands are seized without process of law, every week, over the 'free world' tortured, castrated, killed. All in the name of 'mental health.'" For more information visit, [www.cchrflorida.org](http://www.cchrflorida.org)

1. <https://www.local10.com/news/local/miami/video-shows-7-year-old-boy-being-led-away-from-school-in-handcuffs>
2. [http://www.usf.edu/cbcs/baker-act/documents/annual\\_report.pdf](http://www.usf.edu/cbcs/baker-act/documents/annual_report.pdf)
3. <http://www.miamiherald.com/news/local/education/article197958454.html>
4. <http://www.cchrflorida.org/question-and-answers-about-the-florida-involuntary-commitment-law-the-baker-act/>
5. <http://www.cchr.org/quick-facts/psychiatric-drugs-side-effects.html>
6. <https://www.flsenate.gov/Session/Bill/2018/270/Analyses/2018s00270.cj.PDF>

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