

Evidence Points to Misuse of the Baker Act with Devastating Results for Children

In Florida, there were more than 36,000 involuntary psychiatric examinations of children during 2018.

CLEARWATER, FLORIDA, UNITED STATES, September 9, 2020

/EINPresswire.com/ -- As reported in multiple news stories, a recently released 85-page study found that “the [Baker Act](#) is increasingly being used on school children who make jokes, act out, exhibit normal manifestations of a known disability, or express ordinary sadness.” This same study goes on to report that “this has had devastating results, including trauma and abuse, for these children, as young as 6, and their families.” [1-4]



The headquarters for CCHR Florida are located in downtown Clearwater.

For almost two decades the number of children taken into custody for an involuntary psychiatric examination has been steadily increasing across the state and according to the Florida chapter of the [Citizens Commission on Human Rights](#) (CCHR), this steady increase is indicative of the abusive use of the mental health law.

“

Contacting the parents and giving them an opportunity to help their child seems logical yet this common sense approach is being ignored and left out of legislative solutions.”

Diane Stein, President CCHR Florida

Commonly referred to as the Baker Act, the mental health law in Florida allows for anyone, including children, to be detained under an emergency psychiatric hold and per the Baker Act Reporting Center there were more than 36,000 holds during 2017/2018 involving children. [5]

“This is not news. It has been known for at least 15 years that there is something very wrong with the Baker Acting of children,” stated Diane Stein, President of CCHR Florida.

In 2006 the Florida Senate published a report clarifying the Baker Act requirements as they relate to children following a special project. This project was created due to concern over how the Baker Act was being applied to children and the perception that the involuntary examination procedures were being used inappropriately for minors. At that time a main concern was that children were being held in receiving facilities for extended periods of time without sufficient exploration of less intrusive alternatives. [6]

However, it took another 12 years before the mental health act was amended to ensure that receiving facilities expedite the examination of children when during the 2017 legislative session the examination period for minors was reduced from 72 hours to 12 hours. And during those 12 years over 280,000 children were sent for involuntary psychiatric examination – many without parental knowledge of the initiation.

News coverage of children, some as young as 6 years old, being Baker Acted may be one reason why year after year bills have come before Florida legislators to restore [parental rights](#) and protect children from this abuse. These bills attempted to address this situation by requiring parental notification prior to the initiation of a Baker Act but to date none have passed. [7-9]

As currently written, the law does allow for a person in crisis to be helped by “willing family members or friends” however, parents are not being brought into the process before a child is taken from school, usually in handcuffs and by law enforcement. [10]

“Contacting the parents and giving them an opportunity to help their child seems logical yet this common sense approach to reducing the number of unnecessary child Baker Acts is being ignored and left out of legislative solutions,” said Diane Stein.

CCHR Florida, a mental health watchdog organization, believes that the law needs to be amended to specifically state that a parent, legal guardian or caregiver should be notified as a first course of action.



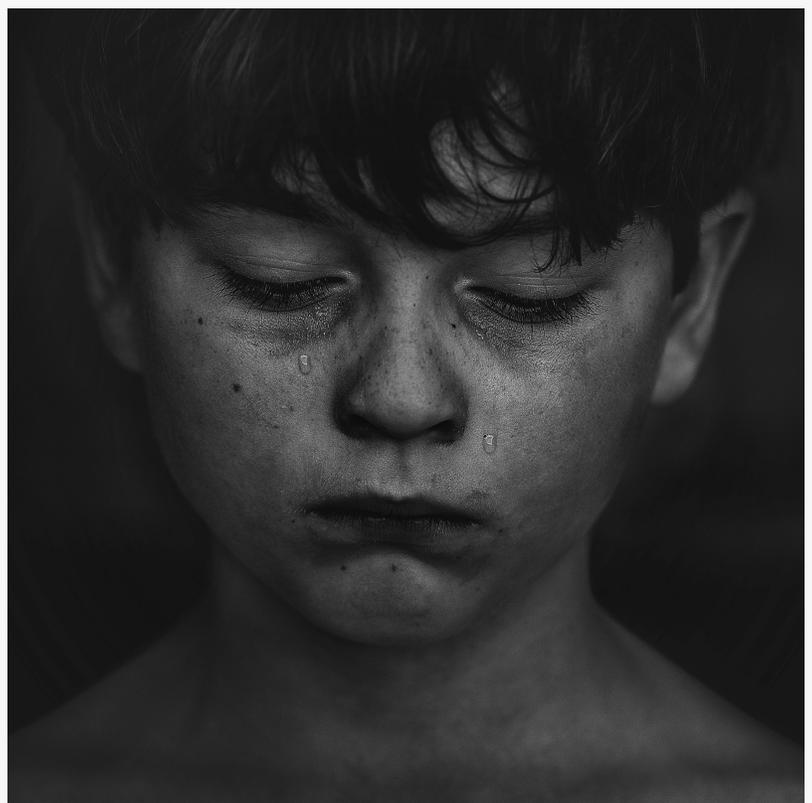
The Florida chapter of CCHR is a non-profit mental health watchdog dedicated to the protection of children.

A barrier to this change appears to be the mistaken belief that the existing law already covers parental notification, but this notification is only after a Baker Act is initiated and the child must be taken into custody and transported to a psychiatric ward. In other words, under current law, notification is too late for the parents to take any effective action to help their child.

Misconceptions surrounding the Baker Act and uncertainty on parental rights in general, prompted CCHR Florida to launch a campaign to educate families, school districts and law enforcement on these rights. Having reached hundreds of thousands with this campaign, CCHR has pledged to continue fighting for an amendment to the Baker Act and for a Parents Bill of Rights to be created in Florida statutes. For more information on the Baker Act, your rights as a parent or to report abuse please call 800-782-2878 or visit www.cchrflorida.org.

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. L. Ron Hubbard, founder of Scientology, first brought psychiatric imprisonment to wide public notice: "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,'" he wrote in March 1969.

Sources:



It was reported during the Baker Act Task Force that an estimated 30% of the children being Baker Acted in Pinellas County alone did not meet the criteria.



As reported by the Baker Act Reporting Center, an astounding 36,078 involuntary psychiatric examinations were initiated on children across the state.

[1] Cops on campuses are supposed to keep kids safe, but may do more harm than good, study finds; By Danielle J. Brown -September 8, 2020

<https://www.floridaphoenix.com/2020/09/08/cops-on-campus-are-supposed-to-keep-kids-safe-but-may-do-more-harm-than-good-study-finds/>

[2] Study: More Cops in Schools Lead to Harsher Discipline, Don't Make School Safer

<https://reason.com/2020/08/20/study-more-cops-in-schools-lead-to-harsher-discipline-dont-make-school-safer/>

[3] Florida's flawed Baker Act rips thousands of kids from school, By Megan Reeves & Jack Evans, Tampa Bay Times, December 10, 2019),

<https://www.tampabay.com/news/education/2019/12/10/floridas-flawed-baker-act-rips-thousands-of-kids-from-school/>

[4] NEW STUDY REVEALS FLORIDA'S SCHOOL POLICING MANDATE HAS INCREASED NEGATIVE OUTCOMES FOR STUDENTS <https://www.splcenter.org/presscenter/new-study-reveals-floridas-school-policing-mandate-has-increased-negative-outcomes>

[5] The Baker Act, The Florida Mental Health Act Fiscal Year 2017/2018 Annual Report https://www.usf.edu/cbcs/baker-act/documents/ba_usf_annual_report_2017_2018.pdf

[6] http://archive.flsenate.gov/data/Publications/2006/Senate/reports/interim_reports/pdf/2006-103cf.pdf

[7] 6-year-old Florida girl "traumatized" after being involuntarily sent to mental health facility <https://www.cbsnews.com/news/florida-baker-act-6-year-old-girl-sent-to-mental-health-facility-by-school/>

[8] Woman upset after officer Baker Acted 9-year-old son <http://www.wftv.com/news/local/woman-upset-after-officer-baker-acted-9-year-old-s/107160305>

[9] Florida's flawed Baker Act rips thousands of kids from school <https://www.tampabay.com/news/education/2019/12/10/floridas-flawed-baker-act-rips-thousands-of-kids-from-school/>

[10] Florida Involuntary Examination Criteria http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0394/0394.html

Diane Stein

Citizens Commission on Human Rights of Florida



During 2018 there were over 36,000 involuntary psychiatric examinations, a Baker Act, initiated on children in Florida.

#FLParentsRights

Baker Act

The fundamental right of a parent to help their child is being ignored despite the fact that there is an existing provision for the parent to be given an opportunity to help their child as part of the Baker Act law.

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