

# Handcuffed and Carted Away

*New bill presented to Governor DeSantis today may lessen awful involuntary psychiatric examination of children if signed into law.*

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/EINPresswire.com/ -- "It is so damaging to a kid's mind," says Yoselin Torres, "They screwed up my child's mind." Torres' young son was already handcuffed and sitting in the back of a police car when she arrived. "I just want to go home, Mom," he said crying. "I just want to go home."

The young boy, who had recently passed his 13th birthday, had run out of class, angry and upset after being privately told off by a teacher for making his classmates laugh. The cops were called and, when the boy sulkily refused to talk or respond he was nabbed and his slim wrists put in handcuffs—all before his mother had a chance to intervene.

“

If you proceed to treat children like they are criminals or they are crazy... this is not forgivable. This is awful."

*Yoselin Torres, Mother*

act.

The Florida Mental Health Act, more commonly known as the Baker Act—named for its sponsor State Rep. Maxine Baker—allows law enforcement, judges, physicians and mental health practitioners to call for an involuntary mental health examination for those who, without care or treatment, are expected to "cause serious bodily harm to himself or others in the near future, as



Misuse of the Baker Act "harms 37,000 Florida children each year," according to The Southern Poverty Law Center. A new bill submitted to Governor DeSantis today may change that.

evidenced by recent behavior.”

However, recent studies, by The Southern Poverty Law Center (SPLC) and the University of South Florida (USF) have found the law to be grossly abused in school districts across the state to handle so called “problem students.” Florida children are taken from school, often without the knowledge of their parent or guardian and legally held in a psychiatric hospital, where they may incorrectly be made to share quarters with mentally disturbed adults, for up to 72 hours.

SPLC’s report, titled “[Costly and Cruel](#),” details how misuse of the Baker Act

“harms 37,000 Florida children each year,” noting that the “unnecessary use of the Baker Act against Florida children has become tragically routine.” Torres’ son is an example of misuse, in that her son showed no indication of self-harm, or harm to others.



Yoselin Torres' young son was wrongly Baker Acted, taken away in handcuffs in front of his peers, and made to spend the night in a mental facility where he did not belong.

The “School Safety” bill is an effort by child advocates to make the contact of a minor’s parent or guardian mandatory before a Baker Act is initiated and the child removed from school. The amendment states that a “reasonable attempt to notify” the child’s guardian must be made before a Baker Act is initiated; the stronger wording has not existed previously.

The school principal or their designee, if the bill becomes law, would need to “use available methods of communication to contact the student’s parent, guardian, or other known emergency contact.” That includes but isn’t limited to “telephone calls, text messages, e-mails, and voice mail messages following the decision to initiate an involuntary examination of the student.” All attempts and their outcome would be required to be documented.

“It is heartbreaking for a parent,” says Dawn Steward, to experience the unnecessary Baker Acting of their child. A self-described child advocate, Steward has a long and colorful history fighting for children’s rights. For over a decade she has served on the Florida Parent Teacher Association’s Legislative Committee. Her advocacy, she says, may have sprung from her own less-than-fortunate childhood. “There wasn’t anybody there to speak for me. I had to speak for myself. I have always spoken up about things that are dear to my heart,” she says.

“Heartbreaking” is one way to explain what happened to Torres’ son when he was carted away by law enforcement that day, despite his mother’s pleas to let her take him home. “He hasn’t hurt anyone,” she told the officer. “He’s just upset, please, let me talk to him. I’m his mother!”

With the Baker Act already initiated, law enforcement had no choice but to transport the boy in cuffs to a psychiatric ward, Torres in tow. The facility wouldn't let Torres inside to see her son and refused to release him until he was evaluated—holding him overnight because they stated no psychiatrist was available for an evaluation. This in itself was a violation of Florida law which requires all facilities receiving involuntary admissions to be fully operational 24 hours a day, 7 days a week.

Torres' son later recounted how that night he sat in terror, watching as a patient experiencing a violent psychotic episode was tackled by hospital staff and forcefully tied at the wrists and feet to a chair. A nurse with a syringe jabbed the patient, pushing a clear liquid into his arm, after which the patient fell silent, sedated. "It was awful," says Torres, adding that her son felt "almost like he was living in a dream." He still carries the experience with him today. This is why Torres feels that the new law is "extremely important."

Steward, who was instrumental in getting the School Safety bill through the Florida Legislature, expressed some disappointment that the wording was not made stronger to enforce mandatory parental contact before a Baker Act, but notes that compromise is often required.

"It was quite a challenge during the pandemic," says Steward, who lobbied the bill through the House during much of 2020 while working remotely. "I had to put a lot of trust in the people I was working directly with."

At one point, notes Steward, after a particular Representative "gutted the whole bill" she was so mad she could have "stormed into his office." But the pandemic didn't allow for such things. We had to find "ways to work around it," says Steward, adding "I found a lot of ways."

Steward listed a host of organizations, like SPLC, the Florida Sheriff's Association, her own Florida Parent Teacher Association, the Citizens Commission on Human Rights (CCHR) Florida and others pushing the bill. "No one group passes or kills a bill," says Steward, "It is all of the above."

"CCHR was a good partner in calls to actions. To get the information out," says Steward. You know your work is effective, she says, when you get a call from a House legislator saying, "Dawn, call off your dogs."

CCHR Florida is decidedly "dogged" in its approach, and has been working to pass stronger legislation protecting the rights of children against Baker Act abuse for more than 6 years. President Diane Stein, an expert on Mental Health Human Rights, is certified on the Baker Act by the Florida Department of Children and Families. Stein notes she has been chipping away at the law, and "its abusive use with children" since she took the helm of CCHR Florida in 2015.

During the 2021 legislative session, CCHR Florida and thousands of members across the state,

engaged in a massive grassroots awareness campaign to curb Baker Act abuse against children. Using social media, email and online events, CCHR issued regular call to action alerts asking their members to contact Florida lawmakers. "Our actions resulted in more than 600,000 emails being sent asking our Senators and Representatives to take effective action to protect children from Baker Act abuse," says Stein. "I could not even track the number of phone calls and other outreach actions, there were just too many."

When a bill passes, "you feel proud," Steward says. "If you were part of something that affects the whole state of Florida, of course you feel proud." She notes that there was "not one 'nay' vote" in the House of Representatives, showing unanimous support for children's rights.

Mothers, however, like Torres, are still not satisfied that the law is strong enough, stating contact should be mandatory before a child is taken away, and that more or better training for law enforcement should be put in place. "To me this is so important," says Torres. "I don't know why anyone would be opposed to that."

"I feel like they are not respecting us as parents, or as human beings. I am a very caring mother who has been very present in my child's life," says Torres. For her, the misapplication of the law and watching her son being carted away in handcuffs, was like "having my hands tied and my mouth gagged. If you proceed to treat children like they are criminals or they are crazy... this is not forgivable. This is awful."

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About CCHR: CCHR is a non-profit mental health watchdog group dedicated to eliminating abuses committed under the guise of mental health. CCHR, an expert in mental health human rights, works to ensure patient and consumer protections are enacted and upheld. In this role, CCHR has helped to enact more than 180 laws protecting individuals from abusive or coercive mental health practices since it was formed over 52 years ago. For more information on CCHR Florida visit, [www.cchrflorida.org](http://www.cchrflorida.org)

CCHR was co-founded in 1969 by the Church of Scientology and Professor of Psychiatry Emeritus Dr. Thomas Szasz at a time when patients were being warehoused in institutions and stripped of all constitutional, civil and human rights. 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 on the Church of Scientology visit, [www.scientology.org](http://www.scientology.org)

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