

## **Rutherford Institute Attorneys Sue Indiana School for Conducting Mental Health Screening Exam on Teenager Without Parental Consent**

For Immediate Release: September 19, 2005 Press Contact: Nisha N. Mohammed Ph: (434) 978-3888, ext. 604; Pager: 800-946-4646, Pin #: 1478257; E-mail: Nisha@Rutherford.org

South Bend, IN—Attorneys for The Rutherford Institute have filed a lawsuit in U.S. District Court for the Northern District of Indiana on behalf of an Indiana family whose 15-year-old daughter, Chelsea Rhoades, was subjected to a mental health screening examination at school without her parents' knowledge or consent. Institute attorneys charge that school officials violated Michael and Teresa Rhoades' constitutional right, as parents, to control the care, custody and upbringing of their daughter when Chelsea was subjected to the mental health exam without their knowledge or consent. Mental health screening exams like TeenScreen have increasingly been adopted by schools in 43 states, reportedly as part of an effort to identify students with mental health problems or at-risk tendencies for suicide that cannot be seen outwardly. However, while federal and state law generally requires that parents grant written consent in order for their children to take mental health screening exams, an increasing number of schools have begun relying on "passive consent" forms in order to administer the exams. Passive consent requires parents to return a form only if they do not want their child to participate in the screening. A copy of the lawsuit is available [here](#).

"Parents need to understand that there are some immediate steps which can be taken to combat the increasing problem of government encroaching into the privacy of the family," stated John W. Whitehead, president and founder of The Rutherford Institute. "First, it's critical to learn your rights as a parent. Second, contact your local school officials and demand that you be notified immediately if they are planning to conduct mental health screening on your children. Finally, follow the Rhoades' example and fight back against this encroachment on parental rights."

According to the complaint, on December 7, 2004, Chelsea Rhoades, a student at Penn High School in Mishawaka, Ind., was subjected to a mental health examination known as "TeenScreen" by personnel of the Madison Center for Children. The mental health exam consisted of questions seeking only a "yes" or "no" answer, with no opportunity to explain or offer an alternative response. Only students with an opt-out slip were excused from taking the exam. All other students were divided into groups of 10-15, herded into classrooms and placed in front of computers. After completing the examination and being escorted into a private hallway by an employee of Madison Center, Chelsea was informed that based on her responses that she liked to clean and didn't like to party very much, she suffered from at least two mental health problems, obsessive compulsive disorder and social anxiety disorder. Chelsea was also told that if her condition worsened, her mother should take her to the Madison Center for treatment. According to Chelsea, a majority of the students who were subjected to the TeenScreen exam were also told that they were suffering from some sort of mental or social "disorder." Chelsea's parents were not informed about the mental health screening exam until after it had taken place, when Chelsea spoke to them about her so-called diagnosis. However, according to the federal Protection of Pupil Rights Amendment, as well as Indiana state law, schools are required to obtain "written parental consent"

before engaging in such programs as mental health screening. In addition to violating federal and state law and Teresa and Michael Rhoades' parental rights, Institute attorneys charge that school officials violated Chelsea's constitutional right to be free from unnecessary intrusions by the state.

The Rutherford Institute is an international, nonprofit civil liberties organization committed to defending constitutional and human rights.

Want to read more? Visit The Rutherford Institute website!

-----

The Rutherford Institute 1440 Sagem Place Charlottesville, VA 22901 Phone: 434-978-3888/ FAX: 434- 978-1789/ website:<http://www.rutherford.org>