## Children can be forced into drug treatment // State agency's ruling a victory for program based on Suncoast

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## **Document Text**

Children across Florida can now be forced by their parents into drug-treatment programs against their will.

That's the result of a decision this week by the Florida Department of Health and Rehabilitative Services (HRS) not to press court appeals on whether such forced enrollments are legal.

The decision ends a two-year battle between the state and Straight Inc., a drug program based in St. Petersburg with branches nationwide, including two in Florida.

Because of concerns that some parents would use treatment programs to ``warehouse`` problem children without serious drug problems, HRS had been contending that a child's enrollment should be either voluntary or by judge's order. But Straight argued that such a decision should rest solely with the parents.

After hearing both arguments, a circuit judge and then an appellate court sided with Straight. HRS was making plans for one last appeal to the Florida Supreme Court but dropped those plans Monday.

"I'm delighted," Randy Ratliff, program director of Straight-Tampa Bay, said after hearing the news. "As with any disease, families have a responsibility to see that their children get appropriate care, and this provides the family authority when dealing with this particular disease to get the care they need."

But HRS lawyer Ted Mack wasn't nearly as enthusiastic. "We got what we set out to get - an interpretation of the statute. Whether we like it or not, we got our interpretation."

Mack said HRS dropped the appeal only because it didn't fall within the guidelines of what makes a case acceptable for review by the Supreme Court.

"You don't have a right to go to the Florida Supreme Court. There are very specific grounds to get to the court, and we didn't believe we met those," he said.

"That doesn't mean I necessarily agree with the district court of appeal's decision," he added. "I'm a strong believer in due process, and I don't think this gives a kid a lot of due process."

The dispute between HRS and Straight dates to September 1984, when an investigation by HRS, which licenses drug-treatment programs, found 13 youths who were enrolled in Straight against their will and another 15 who said they had been coerced or tricked into enrolling. HRS said it would revoke Straight's license if such practices continued.

Straight agreed to begin requiring a child's consent but then sued HRS in February 1985 so a judge could clarify the issue.

While the lawsuit made its way through state courts, Straight adopted procedures under which those in the program were told daily of their right to withdraw at any time. They also were told during their admissions that they could reject treatment, although it was always mentioned that their parents could seek a judge's order committing them to the program.

Ratliff said Friday that those procedures are still in effect and will remain so until Straight officials have a chance to discuss HRS's decision to drop the case.

``We haven't changed anything at this point,`` Ratliff said. ``I'm not going to speculate on what our procedures might become.``

Mack said HRS's concern wasn't so much with Straight, but with how such a precedent could affect other programs in the future.

"What we're afraid of is this getting out of hand," he said. "As (drug) programs proliferate, and as more insurance companies give coverage to this kind of treatment, are we going to see a lot of abuse? That's what we're concerned about."

He said officials with the American Civil Liberties Union have discussed fighting the Florida ruling in federal court. He also said HRS may lobby the Florida Legislature to amend state laws governing a child's enrollment in a drug program to require his consent.

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## **Abstract** (Document Summary)

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