

FORCED DRUG TREATMENT OF MINORS OKD

Miami Herald, The (FL) - October 31, 1986

- Author/Byline: UNITED PRESS INTERNATIONAL
- Edition: FINAL
- Section: LOCAL
- Page: 3A

Parents can have their child committed to a drug rehabilitation program without the child's consent or a judicial order, the First District Court of Appeal ruled Thursday.

The court rejected a claim by the Department of Health and Rehabilitative Services that children can only be committed voluntarily or if a judge has found the treatment program to be necessary.

HRS lawyer Ted Mack said the department had sought a clarification of state law because of concern that parents were using drug programs as dumping grounds for unwanted children.

"You have the parent who wants to send the child away, you have the treatment program that wants to further its own interests -- it wants to make money," Mack said. "They both want the child locked up -- and nobody is representing the child's interests."

HRS sued Straight Inc. because HRS lawyers felt the St. Petersburg drug treatment program was violating state law by accepting children without a court order. Mack said the suit was not designed to harass Straight Inc., but noted it was the only HRS-licensed drug treatment center in Florida accepting unwilling children without a judicial order.

Straight Inc. has a vested interest in avoiding judicial hearings, Mack said.

"The problem is the judge may not agree with the parent," Mack said. "They (judges) may say the kid doesn't have a problem or his problem is not so bad he needs to be locked up for 24 hours a day. Then the parents are stuck with him, and they have to deal with reality."

- Memo: FLORIDA NEWS

- *Dateline: TALLAHASSEE*
- *Record: 8603240675*
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