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NEWS

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Teen Screen Lawsuit Advances: Federal Court Affirms Family's Right To Sue School For Subjecting Teen To Mental Health Test Without Parental Consent

SOUTH BEND, Ind.—A federal court has given the green light to a civil rights lawsuit filed by Rutherford Institute attorneys in defense of a 15-year-old Indiana student who was subjected by school officials to a controversial mental health examination without the knowledge or consent of her parents. In ruling that the lawsuit filed on behalf of Chelsea Rhoades and her parents, Teresa and Michael, may proceed to trial, the U.S. District Court for the Northern District of Indiana upheld the claims that the local school district deprived the Rhoades family of their federal constitutional rights to family integrity and privacy when it subjected Chelsea to the “TeenScreen” examination.

A copy of the lawsuit is available [here](#).

“This ruling rightly recognizes that parents have an intrinsic right to control their children’s education, as well as safeguard their mental and physical well-being,” stated John W. Whitehead, president of The Rutherford Institute.

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 with the Madison Center for Children, a local mental health center. 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 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.

In September 2005, Rutherford Institute attorneys filed suit in federal district court on behalf

of the Rhoades family, charging that school officials violated Chelsea's constitutional right to be free from unnecessary intrusions by the state. In rejecting the school district's attempt to have the case dismissed, the court also ruled that the school is liable for the false diagnosis of mental illness that was given to Chelsea.

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, some schools had relied 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. 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.

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