



Analysis In Support Of

Senate Version of House Bill 1004

Protecting Children and Protecting Parental Rights

Common Sense Issues

Issue #1 – Parents are responsible for raising their children and not the government.

Issue #2 – Since prior written parental consent is required for a field trip and athletics, prior written parental consent should also be required before a student can be subjected to a mental health screening, survey, evaluation, assessment, etc.; or referred for mental health treatment.

Issue #3 – Teachers know which students need help and teachers do what they have always done – reach out to parents and work with the parents to help the student.

Issue #4 – Since teachers know which students need help, there is no reason to do a universal screening of all of the children. This will help protect children from being inappropriately labeled as “mentally ill” or in need of mental health services which could scar them for the rest of their lives.

Issue #5 – Information in a student’s educational file should not be released without prior written parental consent.

Issue #6 – A state law without a penalty is really not a law at all, because there are no consequences for breaking the law.

Senate Version of HB 1004

The Senate version reinforces this fact.

The Senate version requires prior written parental consent before a student can be subjected to a mental health screening, survey, evaluation, assessment, etc.; or referred for mental health treatment.

The Senate version supports this position.

The Senate version supports this position by requiring prior written parental consent before a student can be subjected to a mental health screening, survey, evaluation, assessment, etc.; or referred for mental health treatment.

The Senate version requires this.

The Senate version provides an appropriate penalty if the law is broken because prior written parental consent was not obtained.
#1 – A civil penalty can be assessed by the Attorney General with the fine being deposited in the Indiana secured school fund.
#2 – Parents are provided with a remedy where they can recover liquidated or actual damages; and attorney fees and court costs. The only issue will be: “Did the school obtain prior written parental consent as required by Indiana law?”

Conclusion

By adopting the Senate version of HB 1004 the General Assembly will be taking a positive step forward by:

1. **Reaffirming** the right of parents to direct the upbringing of their children!
2. **Requiring** prior written parental consent before a child can be subjected to a mental health screening, survey, evaluation, assessment, etc.; or referred for mental health treatment!
3. **Requiring** prior written parental consent before information in a student’s education file can be released!
4. **Recognizing** that the best way to help children is for the teachers to continue to work with parents and not do a universal screening of all students!
5. **Helping** protect a student from being inappropriately labeled as “mentally ill” or in need of mental health services as a result of a universal screening done on all students which could scar the child for the rest of his life!
6. **Acknowledging** that in order for a law to be effective, there must be appropriate consequences for breaking the law including giving parents a remedy to pursue!

This non-partisan analysis was prepared by Advance America.

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