

PRESS RELEASE

Wiley Helps Persuade Fourth Circuit That Immigrant Children Detained at Virginia Juvenile Center Deserve Adequate Mental Health Care

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Washington, DC – Wiley helped persuade the U.S. Court of Appeals for the Fourth Circuit in yesterday's ruling that unaccompanied immigrant children who are detained at the Shenandoah Valley Juvenile Center have been wrongfully deprived of adequate mental health care. In a 2-1 decision, a three-judge panel reversed a district court ruling that had granted summary judgment to the facility in *John Doe 4, et al. v. Shenandoah Valley Juvenile Center Commission*.

Wiley and the Washington Lawyers' Committee for Civil Rights and Urban Affairs (WLC) represent the appellants – a class of unaccompanied immigrant minors who are confined to the Shenandoah Valley Juvenile Center in Staunton, Virginia. Many of these children, who fled to the United States after experiencing violence in their home countries, struggle with severe mental illness as a result of their trauma and have challenged the adequacy of their medical care at the Juvenile Center.

Theodore A. Howard, Pro Bono Partner at Wiley, argued the case before the Fourth Circuit on behalf of the appellants, and the WLC's Hannah E.M. Lieberman and Mirela Missova co-authored the brief in this case.

The Fourth Circuit disagreed with the district court's finding that the Shenandoah Valley Juvenile Center Commission provided adequate care by offering access to counseling and medication. Chief Judge Roger L. Gregory wrote the majority opinion, stating that the district

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court “incorrectly applied a standard of deliberate indifference when it should have determined whether the Commission substantially departed from accepted standards of professional judgment.” Judge Gregory noted that the Commission has not provided a “constitutionally adequate level of mental health care due to its punitive practices and failure to implement trauma-informed care.”

“Accordingly, we reverse and remand for further proceedings so that the court may apply the appropriate standard and consider all evidence relevant to it,” Judge Gregory said.

“We appreciate the court’s recognition that the sufficiency of mental health care afforded to traumatized children detained solely as a result of their status as unaccompanied immigrants – rather than as a result of any unlawful conduct on their part – should be evaluated on the basis of the appropriate standard articulated by the Supreme Court, applicable to therapeutic treatment settings rather than punitive correctional settings,” said Mr. Howard.

In October 2017, Wiley and the WLC initiated the case by filing a Fifth Amendment complaint on behalf of the immigrant children detained at the Shenandoah Valley Juvenile Center.

The decision was covered by *Law360* (*subscription required*). To read the Fourth Circuit decision, please click [here](#).