

Children's Rights

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<https://www.childrensrights.org/press-release/court-holds-iowa-lia-ble-for-violating-constitutional-rights-of-children-in-state-detention-federal-judge-rules-states-treatment-of-boys-shocks-the-conscience/>

Public Facing Advocacy Writing

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(March 30, 2020 Des Moines, IA) Today, a [federal judge has issued a powerful decision in *C.P.X. v. Garcia*](#) (formerly known as *C.P.X. v. Foxhoven*), a class action lawsuit brought against the Boys State Training School (BSTS) in Eldora, Iowa. Federal Judge Stephanie M. Rose holds the State liable for violating the constitutional rights of children at the School and ordered that a monitor be appointed to oversee sweeping court-ordered reforms to practices at the School. In today's decision, Judge Rose rules that the School's inadequate mental health care, inappropriate use of solitary confinement, and use of the wrap torture device all violate the United States Constitution.

Filed in 2017, the case centers on BSTS lack of adequate mental health care services for children who need them, and the inappropriate use of solitary confinement and a mechanical 14-point restraint known as the wrap, which holds children with mental illness immobile. In the decision Judge Rose writes that the State's action in allowing the use of the wrap shocks the conscience and that, by using it, the School tortures its students. She goes on to say:

The students at the School are almost entirely children. Some of these children are dangerous; some of them are not. But all deserve our protection. These children's care was entrusted to the School by well-meaning judges across the State of Iowa. To learn that the School used the wrap to revictimize already vulnerable, typically mentally ill, children entrusted to their care is disturbing to the Court at a level that is nearly indescribable.

This is an extraordinary victory for children. The Court has confirmed that Boys State Training School is not providing sufficient mental health care services to children who need them, using solitary confinement and illegal restraints as a means of punishment in violation of the constitution. The School literally has been torturing youth in its care, said Harry Frischer, lead counsel at Childrens Rights. The judge carefully evaluated the School's standards and procedures, and at the end of the day found that the State has failed to provide critical health care services to mentally ill students. Looking ahead, we are confident the state will bring the facility in line with medical standards and provide children with the care they need.

This decision vindicates many boys who have suffered mistreatment and lack of treatment at this facility for far too long. A few brave boys, the named plaintiffs, used their voice in the hopes of changing this situation for boys in the future. This decision is the initial step in this process. We are hopeful that, with the courts oversight, the state of Iowa can make the necessary changes in the days ahead, said Nathan Kirstein, lead counsel at Disability Rights Iowa. We applaud the courts decision, and its commitment to the health and safety of children in state care particularly during the unprecedented public health crisis we are facing.

We applaud the Courts ruling, and we look forward to ensuring that Judge Rose's order is carried out to restore dignity and humanity to the boys committed to the Boys State Training School, added Timothy Farrell, a partner at Ropes & Gray LLP and one of the trial counsel for the plaintiff class. We also salute the tireless efforts of Childrens Rights and Disability Rights Iowa in advocating for this kind of change nationwide; it has been an honor partnering with these tremendous organizations.

In response to the coronavirus (COVID-19), Disability Rights Iowa, co-counsel in the BSTS lawsuit, and Brent Pattison, Director and Associate Clinical Professor, Joan and Lyle Middleton Center for Childrens Rights at Drake University Law School have called on the state to publicly share its emergency plan for addressing COVID-19 in Iowas juvenile justice and child welfare systems. In a letter to Governor Kim Reynolds, they urged the adoption of measures to protect youth, including discharging medically vulnerable youth and nonviolent offenders, and dramatically curtailing new admissions to detention facilities.

C.P.X. v. Foxhoven was filed by national child welfare advocacy organization [Childrens Rights](#), Des Moines advocacy group [Disability Rights Iowa](#), and international law firm [Ropes & Gray LLP](#) on behalf of all children confined to the Boys State Training School now or in the future and who have significant mental illnesses. For more information about *C.P.X. v. Foxhoven*, please visit childrensrights.org/class_action/g-r-v-foxhoven.

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About Childrens Rights: Every day, children are harmed in Americas broken child welfare, juvenile justice, education, and healthcare systems. Through relentless strategic advocacy and legal action, we hold governments accountable for keeping kids safe and healthy. Childrens Rights, a national non-profit organization, has made a lasting impact for hundreds of thousands of vulnerable children. For more information, please visit www.childrensrights.org.

About Disability Rights Iowa: Disability Rights IOWA is part of a nationwide network of protection and advocacy systems established in the 1970s by the U.S. Congress to respond to abuse and neglect of Iowans with disabilities and/or mental illnesses. DRI defends and promotes the human and legal rights of Iowans who have disabilities and mental illnesses. We promote safety, opportunity, access, and self-determination for all Iowans. For more information, please visit www.disabilityrightsowa.org.

About Ropes & Gray LLP: Ropes & Gray is a preeminent global law firm with approximately 1,400 lawyers and legal professionals serving clients in major centers of business, finance, technology and government. The firm has offices in Chicago, New York, Boston, Washington, D.C., San Francisco, Silicon Valley, London, Hong Kong, Shanghai, Tokyo and Seoul, and has consistently been recognized for its leading practices in many areas, including private equity, M&A, finance, asset management, real estate, tax, antitrust, life sciences, health care, intellectual property, litigation & enforcement, privacy & cybersecurity, and business restructuring.

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