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NEWS

US Judge Orders Connecticut Officials to Provide Gender-Affirming Care to Inmate

"So much time and energy is spent on the legal battles for health care in prison instead of simply providing health care," Elana Bildner said. "I really would like to be put out of a job. I don't want to be doing this over and over again, and neither does my client. Prison systems are obligated to provide health care by the Constitution, and gender-affirming care is health care."

August 01, 2024 at 05:52 PM

Constitutional Law

Emily Cousins
Litigation Reporter

In a landmark decision, a Connecticut federal judge has ruled that the Department of Correction's obligation to provide medical treatment to prisoners includes gender-affirming care.

The court granted injunctive relief to the plaintiff, Veronica-May Clark, stating that the inadequate medical treatment violated the Eight Amendment, which bans cruel and unusual punishment. One of Clark's attorneys, Elana Bildner of the ACLU Foundation of Connecticut, said this is the first decision of its kind in Connecticut.

Clark is a 48-year-old transgender woman serving a life sentence in the Department of Correction's custody, who was diagnosed with gender dysphoria in 2016.

After her diagnosis, she was not given any gender-affirming treatment, the decision said, and as a result, Clark attempted to castrate herself using a nail clipper, the decision said.

The plaintiff retained a legal clinic at Columbia Law School in 2017 to aid in her quest to receive treatment, and was prescribed hormone therapy, court records show. But even after the endocrinologist requested Clark be seen every four months and follow up with lab work, she did not receive another appointment for around two years, the decision said.

A doctor specializing in gender dysphoria opined that Clark needed genital confirmation surgery, but the DOC could not find a surgeon in Connecticut who performed vaginoplasty, the decision said.

In 2023, U.S. District Judge Vanessa L. Bryant ruled in favor of the plaintiff, and concluded that DOC health care providers had been "deliberately indifferent" to the necessary gender-affirming care Clark required. The plaintiff "was denied adequate care" after years of litigation and turning a blind eye to Clark's requests for medical treatment, Bryant held.

“Ms. Clark’s gender dysphoria was the cause of her severe mental anguish which led to her partial self-castration,” Bryant found. “Ms. Clark begged [the defendants] for help, but [they] did nothing more than listen and document her suffering. This is not adequate care. … They knew of the extent of Ms. Clark’s care, they knew the treatment she was receiving was ineffective, and they declined to do anything more to attempt to improve her situation.”

In Friday’s decision, U.S. District Judge Victor A. Bolden found “an ongoing violation” of the Eighth Amendment and ordered injunctive relief, detailing a string of deadlines for the DOC to chronicle the care provided to Clark for her gender dysphoria.

Clark was represented pro bono by Bildner, Dan Barrett and Sapana Anand of the ACLU Foundation of Connecticut; Evan Cohen, Matthew Danzer and Kelsey Powderly of Finn Dixon & Herling; and Daniel Noble of Krieger Lewin.

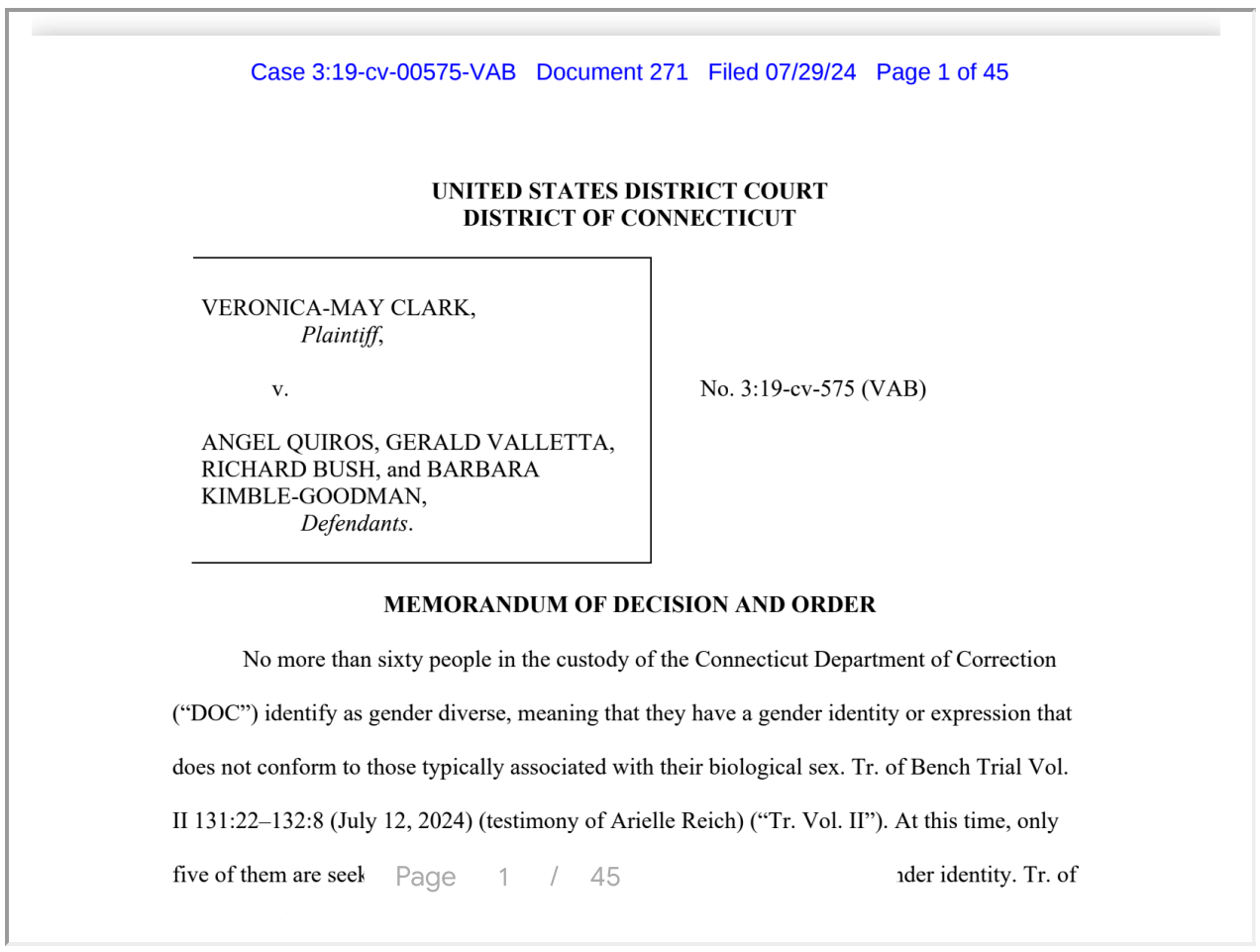
Bildner said the need for litigation was disappointing because the denial of medical services was contrary to Connecticut’s policies and values surrounding gender-affirming care.

“So much time and energy is spent on the legal battles for health care in prison instead of simply providing health care,” Bildner said. “I really would like to be put out of a job. I don’t want to be doing this over and over again, and neither does my client. Prison systems are obligated to provide health care by the Constitution, and gender-affirming care is health care.”

The defendants, Dr. Gerald Valletta, Richard Bush, Barbara Kimble-Goodman and Angel Quiros, were represented by the Connecticut Office of the Attorney General. Elizabeth Benton, media contact for the attorney general, declined to comment.

Bildner said she is optimistic that this is the end of a “long, drawn-out fight. I’m really hopeful that this means the DOC is turning a page in how it approaches health care and how it approaches gender-affirming care.”

Read the decision:



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UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

VERONICA-MAY CLARK,
Plaintiff,

v.

ANGEL QUIROS, GERALD VALLETTA, RICHARD BUSH, and BARBARA KIMBLE-GOODMAN,
Defendants.

No. 3:19-cv-575 (VAB)

MEMORANDUM OF DECISION AND ORDER

No more than sixty people in the custody of the Connecticut Department of Correction (“DOC”) identify as gender diverse, meaning that they have a gender identity or expression that does not conform to those typically associated with their biological sex. Tr. of Bench Trial Vol. II 131:22–132:8 (July 12, 2024) (testimony of Arielle Reich) (“Tr. Vol. II”). At this time, only five of them are seek

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