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Yougberg v. Romeo

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***Youngberg v. Romeo* (1982)**

Youngberg v. Romeo is a landmark U.S. Supreme Court decision. The unanimous ruling, issued in 1982, affirmed certain substantive liberty rights of people with intellectual disabilities (see COGNITIVE AND INTELLECTUAL DISABILITY).

The named plaintiff was Nicholas Romeo, a person with profound MENTAL RETARDATION who lived at home with his parents until the age of 26. Following his father's death in 1974, Nicholas Romeo's mother determined that she was unable to care for Nicholas on her own. After court proceedings, Nicholas Romeo was involuntarily and permanently committed to the Pennhurst State School and Hospital, a

Pennsylvania state facility. Over the next two and a quarter years, Romeo was injured some 63 times by his own actions and those of fellow Pennhurst residents.

Mrs. Romeo filed a federal lawsuit on her son's behalf, claiming that Pennhurst administrators knew or should have known about the harms Romeo suffered, yet had failed to take appropriate measures to prevent their occurrence. This neglect, it was alleged, violated his constitutional rights, specifically the Eighth Amendment's prohibition of cruel and unusual punishment, and the Fourteenth Amendment's due process guarantee. The complaint requested both monetary damages and injunctive relief.

Nicholas Romeo subsequently broke his arm and was transferred to the Pennhurst hospital ward, where he remained under physical restraints for parts of each day. However, the request for individual injunctive relief in Romeo's lawsuit was withdrawn because he was also a member of a class-action case in what would become another significant Supreme Court decision, *Pennhurst State School and Hospital v. Halderman*. At trial, the jury issued a verdict in favor of defendant Pennhurst. Sitting en banc (meaning, in its entirety), the Court of Appeals for the Third Circuit reversed the jury verdict and remanded the case for a new trial. The U.S. Supreme Court granted certiorari (a writ from a higher court to a lower court) to review the decision.

The Supreme Court ruled that the Fourteenth Amendment's due process guarantee protected the rights of individuals with intellectual disabilities involuntarily committed to state institutions to reasonably safe conditions of confinement, freedom from unreasonable bodily restraints, and minimally adequate habilitation training at those facilities. The justices cautioned, however, that these liberty interests were "not absolute" and that "the demands of an organized society" could justify circumstances where a state institution involuntarily restrained an individual. In making such a determination "courts must show deference to the judgment exercised by a qualified professional" whose decision, the Court stated, "is presumptively valid."

Youngberg v. Romeo is notable as the first occasion in which the Supreme Court reviewed and affirmed the constitutional due process liberty rights of involuntarily committed individuals with intellectual and developmental disabilities (see DEVELOPMENTAL DISABILITY). At the same time, commentators have criticized the ruling for adhering to the MEDICAL MODEL OF DISABILITY by creating a rule of deference to "qualified professionals," rather than to individuals with disabilities and their advocates, for future courts determining the validity of involuntary restraint practices.

Youngberg v. Romeo also is significant for arising at the forefront of ACTIVISM on behalf of institutionalized individuals with intellectual disabilities. Drawing lessons from the successful INDEPENDENT LIVING MOVEMENT, which mainly

empowered people with physical disabilities, individuals with intellectual disabilities began to represent and achieve their own interests. People First was an especially prominent group in these more autonomous efforts, a good deal of which was directed toward people leaving state facilities and living independently in the community. Later Supreme Court decisions in *City of Cleburne v. Cleburne Living Center, Inc.* (1985) and in *Olmstead v. L.C.* (1999), affirming the right of people with intellectual disabilities to live in their COMMUNITIES, and to do so in the least restrictive environment, can be attributed to the path breaking ruling of *Youngberg v. Romeo*.

See also ASYLUMS AND INSTITUTIONS; INSTITUTIONALIZATION; LAW AND POLICY.

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Further Reading:

City of Cleburne v. Cleburne Living Center, Inc., 473 U.S. 432 (1985).

Olmstead v. L.C., 527 U.S. 581 (1999).

Pennhurst State School and Hospital v. Halderman, 451 U.S. 1 (1981).

Youngberg v. Romeo, 457 U.S. 357 (1982).

***Youngberg v. Romeo* (1982)**

Nicholas Romeo was a man with mental retardation (the term previously used to describe intellectual or cognitive disabilities) who was involuntarily committed to a Pennsylvania state hospital. During his stay at the facility, he was repeatedly restrained and injured. In 1978 he sued Duane Youngberg, the superintendent of Pennhurst State School and Hospital, claiming that the injuries he sustained from unsafe conditions, bodily restraints, and lack of life skills training violated his constitutional rights. The 1982 Supreme Court case of Youngberg v. Romeo emanating from his plight focused on whether institutionalized people like Romeo had constitutional protection for their safety and care and protection from unreasonable bodily restraints. As the selections from this case outline, the judges ultimately ruled in favor of Romeo in a unanimous decision. This case remains a landmark in disability rights.

Youngberg v. Romeo 457 U.S. 307

Justice [Lewis] Powell delivered the opinion of the Court.

The question presented is whether respondent, involuntarily committed to a state institution for the mentally retarded, has substantive rights under the Due Process Clause of the Fourteenth

Amendment to (i) safe conditions of confinement; (ii) freedom from bodily restraints; and (iii) training or "habilitation." Respondent sued under 42 U.S.C. § 1983 three administrators of the institution, claiming damages for the alleged breach of his constitutional rights.

... We consider here for the first time the substantive rights of involuntarily committed mentally retarded persons under the Fourteenth Amendment to the Constitution. In this case, respondent has been committed under the laws of Pennsylvania, and he does not challenge the commitment. Rather, he argues that he has a constitutionally protected liberty interest in safety, freedom of movement, and training within the institution; and that petitioners infringed these rights by failing to provide constitutionally required conditions of confinement.

The mere fact that Romeo has been committed under proper procedures does not deprive him of all substantive liberty interests under the Fourteenth Amendment. *See, e.g., Vitek v. Jones*, 445 U.S. 480, 491-494 (1980). Indeed, the State concedes that respondent has a right to adequate food, shelter, clothing, and medical care. We must decide whether liberty interests also exist in safety, freedom of movement, and training. If such interests do exist, we must further decide whether they have been infringed in this case.

... We have established that Romeo retains liberty interests in safety and freedom from bodily restraint.

... Persons who have been involuntarily committed are entitled to more considerate treatment and conditions of confinement than criminals whose conditions of confinement are designed to punish.

... Moreover, we agree that respondent is entitled to minimally adequate training. In this case, the minimally adequate training required by the Constitution is such training as may be reason-

able in light of respondent's liberty interests in safety and freedom from unreasonable restraints. In determining what is "reasonable"—in this and in any case presenting a claim for training by a State—we emphasize that courts must show deference to the judgment exercised by a qualified professional.

... In deciding this case, we have weighed those post-commitment interests cognizable as liberty interests under the Due Process Clause of the Fourteenth Amendment against legitimate state interests and in light of the constraints under which most state institutions necessarily operate. We repeat that the State concedes a duty to provide adequate food, shelter, clothing, and medical care. These are the essentials of the care that the State must provide. The State also has the unquestioned duty to provide reasonable safety for all residents and personnel within the institution. And it may not restrain residents except when and to the extent professional judgment deems this necessary to assure such safety or to provide needed training. In this case, therefore, the State is under a duty to provide respondent with such training as an appropriate professional would consider reasonable to ensure his safety and to facilitate his ability to function free from bodily restraints. It may well be unreasonable not to provide training when training could significantly reduce the need for restraints or the likelihood of violence.

Respondent thus enjoys constitutionally protected interests in conditions of reasonable care and safety, reasonably nonrestrictive confinement conditions, and such training as may be required by these interests. Such conditions of confinement would comport fully with the purpose of respondent's commitment.



Source: *Youngberg v. Romeo*, 457 U.S. 307 (1982).