

IMMIGRATION

Bill Would End Trump Administration Practice Of Using Therapy Notes Against Immigrant Kids

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By LORELEI LAIRD

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You know that client confidentiality obligation lawyers have? The one that shapes how you meet with your clients, [what you do online](#), and how hard you [laugh at TV shows about lawyers](#)? Therapists have that too. As the American Psychological Association [explains](#), they need to guarantee confidentiality so that people will open up so the therapists can, you know, do their jobs.

So the psychiatric community was shocked last month when [the Washington Post reported](#) that the Trump administration has been using notes from immigrant minors' therapy

that it's not technically illegal because the therapists work for the Department of Health and Human Services, which stands in as a parent for unaccompanied immigrant minors.

“One of the big factors we consider is, are we putting the community at large at risk?” said Jallyn Sualog, deputy director for children's programs at the relevant division of HHS, and a person who has to rationalize her choices somehow.

As a result, [Democrats introduced a bill](#) last week seeking to outlaw both HHS sharing therapists' notes with ICE and ICE requesting them. They've also [asked for a formal Inspector General investigation](#) and written a couple of [pointed letters](#). Apparently, they have a different take on responsible use of parental power.

The *Washington Post* story focuses on Kevin Euceda, who was 12 when his physically abusive, alcoholic grandmother died, and MS-13 gang members moved into his home. They forced him to work for them until he was 17, when he ran away because they ordered him to murder a stranger. With his older sister, he made his way from Honduras to south Texas, where he fell into the tender *in loco parentis* care of the Trump HHS.

Most of that information comes from conversations with Euceda's first therapist, who told him (and probably believed) their conversations were confidential. However, she made the mistake of telling the truth to her supervisors, who used it as an excuse to transfer Euceda to a high-security detention center in Virginia that's been accused of [physical abuse](#) and [misuse of psychiatric drugs](#) to keep kids “chemically restrained.” You know, like a good parent does. His new therapist there certified him as a victim of human trafficking, but that did not stop the Trump administration from using therapist notes to [appeal all four](#) of the immigration court decisions releasing him.

Euceda is now 20 and has spent more than 1,000 days in federal custody, with months more expected. As for HHS, Secretary Alex Azar (who has grown a beard, perhaps to signify that we are now in the evil [mirror universe](#)) told the *Washington Post* that this was just an oopsie that they've fixed. Because that's what people do when they get caught.