

Father Wins \$6,000 in Boy's Death

Court of Claims Judge Caroline M. Simon awarded \$6,000 damages yesterday in the death of a 6-year-old child whose parents claimed he was neglected at Willowbrook State School.

The action was brought by the father, Mario Santana Sr., a plumber's helper. He lives at 256 Legion St., Brooklyn.

Santana claimed his son, Mario Jr., was in excellent health when admitted to the school, June 13, 1963. The boy died Sept. 10, the same year, the cause of death listed as pulmonary congestion.

Santana said that when he visited the boy two days before he died the child seemed to be "a walking skeleton and like dead."

The decision in the Manhattan chambers of the Court of Claims comes after months of controversy surrounding the Staten Island institution. Willowbrook became an issue after Sen. Robert F. Kennedy described it as "zoo like" and criticized conditions there.

A Richmond County grand jury has presented a report on an investigation into the deaths of patients. The report is still in the hands of Supreme Court Justice James C. Crane and has not been made public.

HE HAD testified that he went with the child to the administrative director. He said the director, after looking at the boy, asked the father to give them "a chance for two days."

The judge ruled, "This 6-year-old boy entered Willowbrook in what, for him, was his normal health. Within a few weeks he was dead. The entire final period of his life was spent under the state's care."

The judge continued, "A series of acts of negligence was proven by the claimant which comprised a set of circumstances over which only the defendant had sole control."

THE COURT also found that "the failure of the state to provide reasonably adequate care for its ward was the competent producing cause of his death, and that the state must be held liable in damages for this unfortunate event."

Young Santana was diagnosed as a mentally retarded child with brain damage and subject to convulsions, according to the ruling.

In a second case, the judge denied the claim of James Anderson, a school custodian of Selden, N.Y., whose son, Edward Richard, also 6, died 15 minutes after he returned to his home from a 13-day stay at Willowbrook.

THE BOY, who suffered from cerebral palsy, was a fairly well-nourished boy of 47½ pounds when admitted to the hospital on April 12, 1962.

Thirteen days later, testimony indicated, he had lost six pounds and looked "on the verge of death."

The judge said that the mother then decided to take the child home although authorities urged her to let him remain in the hospital. Death was attributed to dehydration, malnutrition and pneumonia.

Santana's parents had sought \$100,000 damages and the Andersons filed a claim for \$500,000.