

## **Court rules Willowbrook can take kids**

The Appellate Division has reversed a state Supreme Court decision, which had blocked the closing of two institutions for mentally retarded and the transfer of the patients to Willowbrook School.

The state Department of Mental Hygiene had ordered the transfer of the 150 retarded children from Gouverneur Hospital on Manhattan's Lower East Side and from the Sampson State School upstate. Budget cutbacks forced the shifts.

However, in reversing the decision yesterday of Justice Xavier C. Riccobono, the appeals court held that the commissioner of mental hygiene had acted in a manner that was "the least harmful alternative available in the face of the drastic budget cuts made by the legislature in its recent session."

The appeals court found that the commissioner had not acted without anything other than "a substantial basis of information and professional opinion."