

Court OKs Willowbrook meeting rules

By RAYMOND A. WITEK

Supreme Court Justice John A. Garbarino has approved a new set of guidelines governing meetings between professional staff members at Willowbrook State School and parent groups.

The new guidelines continue to incorporate provisions designed to keep school officials fully informed of meetings on the school grounds. They also continue to include the controversial requirement that the school director give prior approval before a meeting may take place.

In approving the eight-point guidelines, Garbarino placed himself firmly at the side of Dr. Jack Hammond, who as director of the institution for mental retardates, he said, "has an awesome task."

Accordingly, the judge said he found the guidelines in their present state "compatible" with Dr. Hammond's duties and responsibilities as director, as defined by the State Mental Hygiene Law, and said they do not violate the constitutional rights of parents or residents.

In a five-page opinion, Garbarino also, in effect, dismissed the petition of four parents who initially had attempted to suspend Dr. Hammond's memorandum of last Dec. 3. The memo forbade staff members from meeting with parent groups on the school grounds without authorization, either during their working hours or in their spare time.

The petitioners contended that the memorandum interfered with their right to meet as a group with their children's parents and that it violated their constitutional rights of freedom of speech and assembly.

After the proceeding had been initiated, Dr. Hammond voluntarily withdrew the old regulations and then substituted new guidelines — an action which the petitioners' attorney, Robert L. Feldt, of the Legal

Aid Society's "Staten Island Neighborhood Office, then termed "new wine in an old bottle."

Garbarino ruled that since the petitioners failed to claim they were harmed by the new guidelines they therefore lack standing to attack them at this point.

CHILD NEGLECT

Dr. Hammond reportedly issued the Dec. 3 memorandum in the belief that two staff members were responsible for leaking information to the Advance, which beginning in November exposed in a series of articles instances of child neglect and other conditions at the school.

The two staff members were dismissed from their jobs last January and now have a lawsuit pending in Brooklyn Federal Court in which they are seeking reinstatement.

Garbarino agreed that the "tone and scope of the old guidelines appears to be overly harsh and restrictive and possibly not in the complete interest of the parent-child-professional relationship." However, he added, he was not required to pass on the issues and questions raised by the old guidelines since they had been withdrawn.

Garbarino refused to accept the legal cases cited by the petitioners to support their position that the December memorandum violated First Amendment guarantees. The cited cases involved demonstrations on college campuses and other schools.

The judge said a "real difference exists" between Willowbrook and the schools cited by the petitioners, even though Willowbrook carries the title of "school."

Garbarino wrote: "Willowbrook is a school for mental retardates, whose proper population is universally sub-standard, and in a high proportion of cases so retarded and otherwise afflicted that

they are unable to exist at all at home without the greatest of hardship on their parents.

REQUIRE SHELTER

"Many among the thousands at Willowbrook are legally incompetent persons, other than for reasons of infancy, and require the shelter and security of institutional living with professional and paraprofessional staffs close at hand to provide them with life's bare necessities.

"The director of such an institution has an awesome task.

"He is head of a school, a nursery, a research center, a psychiatric clinic, a hospital, etc. He is moreover charged with the physical welfare and security of the helpless and legally incompetent."

Under the Mental Hygiene Law, Garbarino said the director is mandated to "control persons" within the institution, supervise and inspect all its parts and "generally direct the care and treatment of the patients."

The end result, the judge said, is that the director is the one who is responsible for maintaining order and insuring the safety of residents.

"Certainly, a state university or high school campus is not akin to a school for retardates in purpose, in environment, in responsibility exercisable by the directors or in the degree of security and care chargeable to the directors respectively," the judge said.

The new rules dropped a paragraph found in the original guidelines submitted last January after the petitioners had objected to it at court

conference. The deletion would have given Dr. Hammond a voice on how the general conduct of a meeting could be carried out.

The preamble to the new guidelines says in part that they were formulated to "improve the administrative structure" by the scheduling of meetings

of members of the school's social service department with parent groups and "to improve communication" relative to the meetings between members of the department and Dr. Hammond.

The preamble said that the need of school officials to know of the meetings is "in the best interests of patient care and in the best interests of obtaining positive responses of the administration to problems of patient care and parental concern."

The preamble continued: "As director of this institution, I have paramount interest in the welfare, safety, training and treatment of the residents. I am interested in listening to or being advised of the concerns, suggestions and interest of the parents of our residents. I am also concerned with maintaining the best possible morale of all employes of the institution in order to obtain their utmost cooperation in our efforts to care for our residents."