

# SUIT IS DISMISSED ON WILLOWBROOK

## Judge 'Regretfully' Decides Court Lacks Jurisdiction

By EDWARD C. BURKS

A Richmond County Family Court judge ruled "most regretfully" yesterday that his court had no jurisdiction over "horrible conditions" at the Willowbrook State School for mental defectives on Staten Island.

In a long written decision Judge Ralph E. Cory explained that he was forced to dismiss a class-action suit brought in behalf of more than 2,100 Willowbrook children by the Richmond Society for Prevention of Cruelty to Children.

The society had demanded that the state and the Department of Mental Hygiene be required to take immediate action to correct conditions at the institution. It held them responsible for overcrowding, undersizing, silt, and general neglect of the children.

### Action Filed in June

In his decision Judge Cory said:

"Although this court has no jurisdiction under the present statutes and law, it cannot help but express its feelings regarding the horrible conditions at Willowbrook as depicted in the unending pages of hundreds of the week-end magazine held in the public view of the year."

"It is an indictment for a blot on the conscience of New York State."

He described the dreadful conditions as "the most horrible and sordid of our modern times, like being on a

thread of life, human vegetables rotting in inadequate warehouses."

Ira J. Raab, attorney for the society, filed the action in June. The children's society, joined by the Legal Aid Society in the suit, also sought to compel the city's Department of Social Services to intervene and assist in the support of the children, just as it would in the case of a neglectful parent.

But Judge Cory noted that the Legislature had carefully limited the role of Family Court to child neglect on the part of parents and guardians. He said the mental-hygiene law had never given jurisdiction to the Family Court over neglect cases in such state institutions as Willowbrook, which has more than 5,200 mentally retarded adults and children confined there.

He said that the Commissioner of Mental Hygiene had specific enumerated powers over Willowbrook, precluding any action by the Family Court.

William J. Ryan, an assistant attorney general, had argued that the state was immune from prosecution for neglect at Willowbrook and that the court had no jurisdiction.

Earlier this year the state ordered a freeze on new ad-

missions to Willowbrook with the idea of reducing the population eventually to 3,000. Budget economies by the Legislature and Governor Rockefeller had trimmed the authorized staff in a year's time by 900, leaving about 2,700.

Judge Cory said "it is to be hoped" that the state will remedy "the sub-human conditions" by providing sufficient funds to operate Willowbrook or to phase it out in favor of having several smaller institutions.

He added, however, that the Department of Mental Hygiene could not be faulted if its appeals for necessary funds fall on deaf ears in the Legislature. Raab, announcing plans to appeal, said, "If the Legislature won't act, maybe the Appellate Division will."

