

State may appeal Willowbrook ruling

By RAYMOND A. WITTEK

Conflicting views surfaced yesterday on the ramifications of a judge's decision which will eventually require the state to follow a specific program for the care and treatment of a profoundly retarded 22-year-old woman who has spent more than half her life at Willowbrook State School.

On the surface, Supreme Court Justice Vito J. Titone's ruling on Adrienne Renelli appeared to offer a glimmer of hope for her and for others like her who have been, as the judge said, "warehoused" in state institutions.

Dr. Miordrig Ristic, Willowbrook's director, noted that there is a possibility the state attorney general's office may decide to appeal Titone's decision.

He expressed wonderment over the power of the judge to take the action he did and the applicability of the decision—whether it applied only to Adrienne or to other residents in state schools for the mentally retarded.

For the most part, Titone dealt specifically with Adrienne in directing attorneys for both sides to formulate a program designed to "afford her the opportunity to be taught the elementary functions she is capable of."

From a practical point of view, legal sources said, the Mental Hygiene Department cannot come up with a program solely for Adrienne's benefit. What it must do for one it must do for all, the sources said.

Dr. Ristic, who had not read the decision, took exception to "this type of reasoning." He said it "doesn't necessarily follow" that what the state provides for one it must provide for all.

Perhaps even more important from a legal point, the sources said, parents may cite Titone's decision—especially if it is upheld in the appellate courts—in future court cases where they claim their children are not receiving proper care and treatment in state schools for the mentally retarded.

Titone's decision parallels in many aspects a class action

being brought by parents of residents at Willowbrook State School in Brooklyn Federal Court in which they seek to establish the right of the mentally retarded to effective and adequate care and treatment.

In commenting on the chief point in Titone's decision—the preparation of a specific program for Adrienne—Dr. Ristic said it is his "goal" to have written programs prepared for every resident which can be made available to parents "without going to court."

Dr. Ristic said his plan would involve the periodic review of each patient's case and a constant updating of records. It was this very point which Titone emphasized in his decision—that Adrienne had never been tested or evaluated since she entered Willowbrook 12 years ago and after her parents, Mr. and Mrs. John Renelli of the Bronx, brought the court action, nearly a year ago.

At a hearing that spanned three months, witnesses testified that Adrienne had been placed in custodial care after she arrived at Willowbrook and except for sporadic, unsuccessful attempts by ward attendants to toilet train her and teach her to eat there was no training program for her for all intents and purposes.

Witnesses called by Mr. and Mrs. Renelli's attorney, Congressman Mario Biaggi,

testified that while Adrienne was a "borderline trainable" case—she has an intelligent quotient of 28—she could be placed in a training program.

In addition to seeking individual care and treatment for Adrienne, Mr. and Mrs. Ronelli, who also have a normal child, claimed that their daughter had been physically abused while at Willowbrook. The judge, however, said he found no evidence of this.

Mr. and Mrs. Renelli brought the proceeding originally in the Bronx, but the case was later transferred to Staten Island.

The parents went to court after making more than 100 complaints to school authorities and getting "little satisfaction," the judge said.

Titone noted that he ordered the protracted hearing only after efforts had failed to arrive at an "amicable solution," and

that the state had flatly turned down his proposal for an impartial panel of experts to work out solutions to the shocking conditions at Willowbrook which were first exposed by the Advance.

In commenting on the general conditions at Willowbrook as a result of these disclosures, Titone praised the Advance and others in news media as functioning "in the finest traditions of a free press." He said that the newspaper's and TV stations "not only revealed the situation but have refused to 'let it die.'"

CITY LAWS

Titone cited sections in the old and new Mental Hygiene Laws and the U.S. Constitution to support his conclusion that Adrienne had a right to adequate treatment and had failed to receive it.

He held that merely to place a person like Adrienne in an institution and then "forget her" is the same as imprisonment.

Adrienne was placed in Willowbrook at the age of 10, when doctors told her parents that she could not receive appropriate treatment at home and that a higher degree of care was needed.

Adrienne was treated as a "lost cause" ever since the school's screening committee found she needed "help in all areas," and ordered her placed in "custodial care only" in September 1960, the judge said. Thereafter, she was never tested or evaluated until the present litigation was commenced, he added.

Care of Adrienne was left almost completely to "overworked and undertrained ward attendants" and "individual care, for all practical purposes,

was non-existent," Titone said.

"It seems clear that someone in the Willowbrook bureaucracy decided 12 years ago that Adrienne was, in effect, a hopeless case, and no meaningful attempt was ever made to improve her condition," Titone wrote. "She was 'warehoused' and ignored."

Titone pointed out the difference in testimony between the late Dr. Jack Hammond, Willowbrook's former director, and experts called by Mr. and Mrs. Renelli. Dr. Hammond had said that relatively little could be done for Adrienne. The experts, on the other hand, believed that with applied training she could be taught to be toilet trained, feed herself and perform other elementary functions.

"The point here is (and this is where the state has failed to meet its obligations) Adrienne has yet to be given a first chance," Titone said. "She was entitled to this, and had any realistic effort been made; she would have improved."

Titone ordered Mr. and Mrs. Renelli's attorneys and the state attorney general's office to submit orders to him within the next 30 days containing a specific program for the treatment and care of Adrienne.

"It is a sorry state of affairs when those charged with the care of people like Adrienne must be forced by a court of law to fulfill their obligations, but apparently nothing less will produce results." Titone said.

In commenting on the general conditions at Willowbrook, Titone called upon the Legislature to conduct additional hearings on the state's mental institutions to determine how to bring them up to "ac-

ceptable standards," in addition to determining manpower and monetary needs.

"The court is aware that this would be quite costly, but if the State of New York is going to undertake the responsibility for the care and treatment of these patients, then the job must be done right. Nothing less can be acceptable . . . The Legislature did enact a new Mental Hygiene Law and many laudatory provisions were put on the books, but without money and personnel conditions will not improve."

'ADMISSION OF ERROR'

Titone called the Renelli case an "initial admission error" that "went unchanged for years." In view of this, the judge said he also would recommend the establishment of an independent care evaluation system at mental institutions to insure that the care afforded patients like Adrienne meet the quality requirements of the Mental Hygiene Law.

"Had such a review system been in existence, it is doubtful that Adrienne would have merely vegetated all these years," Titone said. "The state's stewardship of these unfortunate human beings should be subject to a periodic accounting."

In other comments on general conditions at Willowbrook, Titone said it was conceded at the hearing that the school is understaffed, overcrowded and sanitary conditions leave, "a lot to be desired." Matters reached a head at the height of a state job freeze and disclosures of conditions at the institution, the judge said.

During the hearing, Titone said he inspected Willowbrook and found "no change of substance," even though rooms had been repainted and signs put up—"cosmetic, a sop for the press," the judge said. He said he still found evidence of overcrowding and understaffing, and sanitary conditions and feeding systems in need of improvement.

When informed of Titone's decision, Mrs. Renelli said: "I can't tell you how happy we both are." She also said, "I prayed for so long . . . They live just like animals . . . I couldn't think of her (Adrienne) life being wasted."

Biaggi, who volunteered his services to Mr. and Mrs. Renelli, said through a spokesman: "This landmark decision should pave the way for all retardees to receive meaningful programs in our state schools. The law clearly spells out the right of the retarded to proper care, treatment and training. It is the moral obligation of the state to implement the law."