

# Willowbrook Ruling: Safety, Yes; Training, No

By ROGER WETHERINGTON

A federal judge ordered the Willowbrook State School yesterday to hire hundreds of additional employees to make sure that residents are protected from injury at their own hands, from other residents or staff. He ruled that such protection was a constitutional right.

The judge, Orrin G. Judd, ruled in Brooklyn Federal Court that Willowbrook's children have no constitutional right to receive comprehensive training and care. That part of his long-awaited, 87-page decision was viewed as a major setback for parents of Willowbrook youngsters and civil liberties advocates.

### A Decision in Alabama

They had been buoyed by a Federal Court decision in Alabama that persons committed to institutions for the retarded are constitutionally entitled to training that could "lead to a more useful and meaningful life." Similar cases have been brought elsewhere.

Judd ordered the Staten Island institution for the retarded to hire immediately at least 85 more nurses, 30 more physical therapists, 15 more doctors, more

recreation personnel and enough ward attendants to guarantee a daytime ratio of one staffer to every nine severely or profoundly retarded residents.

He also ordered "immediate and continuing repair" of Willowbrook's toilets, which have been chronically inoperable, and demanded an affiliation contract with a general care hospital to provide for the medical needs of Willowbrook's acutely ill residents. He suggested possible salary increases to attract more and better staff members.

Judd said "inhumane and shocking conditions" exist at Willowbrook. He ordered the institution to supply its residents with "at least the same living conditions as prisoners." In page after page of his decision, he outlined instances of bad housekeeping, disrepair, abuse and neglect. Patients who soiled or tore

their clothing were often nude day and night, he found. A girl of about 16 was locked in a room by herself even though seclusion of residents had been outlawed months before by the State Department of Mental Hygiene.

She was found by her mother lying on a stone floor, locked in a room without furniture and wearing only a pajama top and a strait jacket, Judd said.

But Judd said he was legally unable to make Willowbrook comply with minimum standards set by some associations for the retarded or the U.S. government.

### "No Constitutional Duty"

New York State has recognized the need to care for the retarded, Judd added, but "there is no constitutional duty to supply the need in full." He declined as a federal judge to issue an order "radically restructuring New

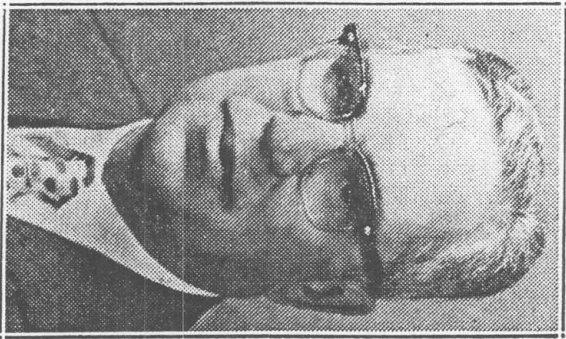
York's treatment of mentally retarded children."

But he invited the plaintiffs—a group of parents and the State Association for Retarded Children—to take their case to the state courts. He noted that Justice Vito Tifone had ruled in Staten Island Supreme Court that the state mental hygiene law requires good care, treatment and training at Willowbrook.

Dr. Miodrag Ristic, Willowbrook's director, said the judge's requirements were "not out of sight" but that it was "difficult to tell" how soon they could be put in effect.

Although many are near attainment or reasonably possible, particularly the one-to-nine ratio, others are "not in our control," especially recruitment, of some professionals in light of low salaries and Willowbrook's out-of-the-way location, Dr. Ristic insisted.

Judd's order was a temporary injunction. He said the permanent



Judge Orrin G. Judd Orders increase in staff

injunction sought by the plaintiffs could not be granted until after a trial, scheduled for the fall.