

Contempt charges filed against Willowbrook

Officials ordered to hearing

By JOAN MOTYKA

Lawyers representing Willowbrook State School residents have filed contempt of court charges against Dr. Miodrag Ristich, Willowbrook director; Alan D. Miller, commissioner of the state Department of Mental Hygiene, and Robert W. Hayes, deputy commissioner for mental retardation and children's services of the department.

During a meeting yesterday with Judge Orrin G. Judd in Brooklyn Federal Court, lawyers representing Willowbrook residents began contempt proceedings to "safeguard the lives and welfare of 4,200 human beings."

The lawyers for the plaintiffs made the motion to hold Ristich, Miller and Hayes in contempt of court for failure to meet court-ordered staff increases for attendants and recreation workers and to repair broken toilets.

'SAFEGUARD PROCESS'

"It is perhaps equally necessary to invoke proceedings to safeguard the integrity of the judicial process," the joint affidavit of the plaintiffs read. "Respect for the process is more important than any embarrassment or inconvenience a citation for contempt might cause defendants Miller, Hayes and Ristich."

Judge Judd signed a show cause order submitted by the plaintiffs that the defendants appear July 13 to defend themselves against contempt charges.

Claiming that the defendants have indicated they cannot comply with the three issues of Judge Judd's April ruling until at least 60 days, lawyers for the plaintiffs claimed that "no steps, short of contempt, will induce the defendants to comply with those aspects."

"It is not our wish that the defendants be fined or imprisoned, although that too may be necessary," the affidavit read. "Rather we are motivated to bring on this contempt proceeding by our honest belief that the defendants still do not understand, and have not adequately responded to, the urgency of the situation."

"We believe this court's orders are indeed necessary to protect Willowbrook residents from injury, harm and deterioration and that compliance with these orders cannot proceed on a 'business as usual' basis.

"Accordingly, we ask this court to find the defendants in contempt. Initially we ask no sanctions other than an order directing the defendants forthwith to purge themselves of the contempt. If that fails, we would ask the court to impose an appropriate sanction."

On the attendant issue, Willowbrook administrators stated that the problem rested not with the inability to hire, but rather lack of facilities for training.

Lawyers for the plaintiffs were distressed that Willowbrook was not stepping up its attempts to increase the level of training.

MORE NEEDED

On the issue of broken toilets, hiring of recreation staffers, Willowbrook administrators said there could be compliance if they hired 18 new recreation professionals and 60 students.

Dave Rosen, an expert on recreation programs for the mentally retarded, testified for the plaintiffs that at least 200 employees were needed.

He said the hiring of even 85 recreation workers would not be adequate to "take the residents out of the front door, walk them around the building and take them back to the wards."

Lawyers for the plaintiffs stressed the fact that summer weather would give Willowbrook residents an opportunity to get outside. The lack of recreation personnel, however, would prevent this.

On the issue of broken toilets, lawyers for the plaintiffs claimed that the solution might rest with the hiring of additional plumbers, and if so, it "must be done."

Lawyers representing the Willowbrook residents claimed that while the objective of the defendants may be consistent with the court order, the timetable was not.

The contempt of court action filed yesterday were an attempt to bring "the urgency of the situation home to the defendants," the affidavit read.