

Carey is ready to fix state's position in Willowbrook suit

The Carey administration is getting ready to offer its version of an out-of-court agreement to end the three-year-old class action suit brought to improve conditions at Willowbrook Developmental Center.

According to the governor's press secretary, Robert Laird, the document is still in preparation, but it will be made public in two or three days.

Laird said the target date for the completion of the agreement had been Jan. 15. But, he explained, Carey delayed the final approval of the document so that the new commissioner of the state Department of Mental Hygiene Department, Lawrence C. Kolb, could review it and make his own recommendations.

Laird also said the new version is based largely on the 80-page document that proved acceptable in November to the lawyers representing Willowbrook parents, the plaintiffs in the case.

Carey inherited the responsibility for the suit against Willowbrook when former Gov. Wilson refused to sign the November agreement, which mandated "immediate relief" to the almost 3,000 residents of the state mental institution.

The relief consisted of stringent new standards for Willowbrook designed to upgrade therapeutic programming and living conditions.

Meanwhile, at least one of the lawyers for the plaintiffs reacted favorably yesterday to the report about the new version of the agreement.

"We are always willing to sit down and negotiate with

the state," said Christopher Hanson, a staff attorney for the New York Civil Liberties Union.

"I'm hopeful that we can still reach a settlement," he added. "But I would point out to the state that the testimony in the case is over and the whole matter will go to the judge after the final arguments."

Judge Orrin G. Judd has scheduled the final oral arguments in the case for Jan. 31 in Brooklyn Federal Court.

Hanson also cautioned that he and other lawyers for the plaintiffs might refuse to sign the new document if it does not contain certain essential provisions that were included in the November agreement.

Among these essential provisions, Hanson said, were a guarantee of therapeutic programming for residents of Willowbrook on weekends and a review board composed partially of outside experts to monitor Willowbrook's compliance with the settlement.

The suit against Willowbrook was initiated in March 1972 by a coalition of civil rights groups, including the New York Civil Liberties Union, the Legal Aid Society and the New York Institute for

Retarded Children. The Civil Rights Division of the U.S. Department of Justice later joined as a friend of the court.

The lawyers for the plaintiffs are charging that the level of treatment at Willowbrook violates the constitutional rights of the residents.

The defendants in the case are the state Department of Mental Hygiene, which runs Willowbrook, and former Gov. Rockefeller.