

Carey backs Willowbrook phaseout

By **TERENCE J. KIVLAN**

Willowbrook Developmental Center, once the home of nearly 6,000 mentally retarded New Yorkers, may be reduced to a 250-bed community facility open only to Staten Islanders within six years, according to an out-of-court agreement in the three-year-old lawsuit against the troubled institution.

The agreement, reached late Saturday afternoon after months of negotiations, is scheduled to be announced today at an 11 a.m. press conference in Gov. Carey's office in Manhattan.

The final decision in the case, however, still rests with Judge Orrin G. Judd of Brooklyn Federal Court. His approval of the agreement would end the class action brought against the state in March 1972 by a coalition of parents organizations and civil rights groups.

The agreement also calls for sweeping internal reforms within Willowbrook over the next 13 months aimed at improving living conditions, educational therapy and medical services for the remaining 3,000 residents.

For instance, the state would be required to build up the direct care staff at the institution to a one to four ratio with the residents. The present ratio, one to nine, was ordered by Judge Judd after a visit to the institution in February 1973.

In addition, the agreement mandates detailed treatment standards applicable to all of the 5,200 patients who were living at Willowbrook when the suit was filed. Among other things, the standards forbid seclusion, corporal punishment, medical experiments and the routine use of restraints.

The agreement further provides for a seven-member review panel to oversee the implementation of the orders and standards. The state would have two representatives, the plaintiffs in the case three, and the court would appoint two outside experts in mental retardation for the remaining positions.

The 41-page document contains specific instructions on how Willowbrook is to be dismantled by 1981. Within the next year, the state would be required to spend \$2 million to create 200 places for Willowbrook transferees in hostels, halfway houses, group houses, and sheltered workshops.

Then, over the next five years, the state would have to go to the Legislature for the additional money to build and operate new community facilities to accommodate Willowbrook residents. The money would be regularly allocated each year from the budget of the Department of Mental Hygiene.

At the end of the six years, the document says, Willowbrook will be reserved for Staten Island residents who are in need of institutional care.

The following are other highlights in the agreement:

¶ Each resident would have his own plan of development to be devised by a team of professionals and constantly re-evaluated.

¶ Each resident would be guaranteed six hours of scheduled therapy Monday through Friday and a minimum of two hours of daily recreation indoors and out.

¶ Living and sleeping units would be limited to eight residents.

¶ Doctors would be on duty 24 hours daily for emergency cases and dental care would be available for all residents.

¶ Each resident would be assured proper clothing and a well-balanced, nutritional diet.

¶ Residents would be paid for voluntary labor in accordance with minimum wage laws.

¶ The management staff at Willowbrook would be required to cover all radiators and steam pipes, fix broken windows, eliminate cockroaches and other pests, and correct all other health and safety hazards.

¶ A seven-member consumer advisory board composed of parents and relatives of residents, community leaders, residents and former residents would be set up to investigate complaints of legal violations and "dehumanizing practices."

¶ A seven-member professional advisory board would be established to give advice on all programs and plans, budget requests, to investigate complaints, and help in the recruitment and training of staff.

The federal suit was filed by the parents and guardians of 17 residents at Willowbrook, the New York State Association for Retarded Children, and the Benevolent Society for Retarded Children, Willowbrook Chapter. The class action charged that conditions at the Island mental institution violated the constitutional rights of the residents.

Representing the plaintiffs in the case are the New York Civil Liberties Union, Legal Aid Society, and the Civil

Rights Division of the U.S. Justice Department. The defendants are the state Department of Mental Hygiene, which runs Willowbrook, and the governor of New York.

During testimony in the case, which began Oct. 1 and ended Jan. 6, the lawyers for the plaintiffs presented a parade of witnesses who told stories of child abuse, inadequate medical care, mental and emotional deterioration, general conditions of filth, and poor management.

A prime contention of the plaintiffs was that most mentally retarded persons belong in community facilities and that the state has lagged in its responsibility to provide a network of halfway houses, hostels, and other small care units as an alternative to large, overcrowded institutions like Willowbrook.

A similar attempt at an out-of-court agreement fell through in November when former Gov. Wilson refused to give his approval.