

Carey pledges state \$\$ for Willowbrook exodus

By TERENCE J. KIVLA

Carey yesterday pledged to spend \$40 million of state funds over the next three years to carry out the terms of the landmark settlement reached last week in the federal lawsuit against Willowbrook Developmental Center.

"I am going to demand from the Legislature all the funds necessary for the implementation of this agreement," Carey declared at a press conference in his Manhattan office.

If approved by Judge Orrin G. Judd of Brooklyn Federal Court, the agreement would become a consent judgment ordering the state to improve conditions at the mental institution within the next 13 months and to transform it into a 250-bed facility open only to Staten Islanders by 1981.

Carey estimated that the consent judgment would cost the state \$16 million this year, including \$2 million to develop and operate community facilities such as hostels and half-way-houses for Willowbrook transferees. In the following two years, Carey said, the tabs would be \$10 million and \$14 million, respectively.

Carey added that he felt the Legislature would appropriate the money despite the fact that a Senate committee recently pared \$11 million from a special \$16.7 million reserve fund that was created to pay for improvements at state mental institutions as required by legal decisions.

"I don't believe the Legislature would place the governor in contempt of a federal court order," Carey said.

Meanwhile, in a statement issued yesterday, State Sen.

John J. Marchi said: "As a Staten Islander and as chairman of the Senate Finance Committee, I want to assure the people of this state that we in the Legislature will make good on our pledge to provide more money for Willowbrook in the supplemental budget following the settlement of the court case."

At the time of the \$11 million cut, members of the Legislature explained that they were leary of approving the full \$16.7 million as insurance against court decrees that had not yet materialized.

Marchi added that "our commitment of improving conditions for our mentally retarded applies not only to Willowbrook but to all of our state institutions where this important responsibility is carried out."

Also at yesterday's press conference in Manhattan, Carey and others praised the settlement. "This agreement will offer each mentally retarded person the opportunity to realize his or her potential and to lead as normal life as possible," the governor said.

Carey also noted that he had taken a personal interest in Willowbrook and had sat in on some of the testimony of the lawsuit last fall when his office as a congressman was in Brooklyn Federal Court. He promised to visit the mental institution "to make sure the settlement is being lived up to."

Bruce Ennis, staff attorney of the New York Civil Liberties Union, lauded Carey for his leadership in the negotiations for the settlement and for keeping his promise to make Willowbrook a priority item in his administration. Ennis also said that "because of this settlement some Willowbrook residents will live whereas otherwise they might have died."

Anita Barrett, a lawyer for Legal Aid Society, pointed out that the agreement will also improve working conditions

for employes at Willowbrook and help attract better staff.

Commissioner of Mental Hygiene Lawrence Kolb congratulated both sides in the case for the settlement. He added that the treatment standards outlined in the agreement were meant to apply to "all mentally retarded persons

who become wards of the state."

Assistant Attorney General Stanley Pottinger of the U.S. Justice Department said that since the Civil Rights Division of his agency participated in the case, the terms of the agreement could have national implications.

The main feature of the 41-page agreement document is the requirement that within six years the great majority of Willowbrook's current population of 3,000 must be transferred to other facilities, with the emphasis on community placement. This year, Department of Mental Hygiene officials say, 200 residents will go to small community homes while another 600 will be sent to other developmental centers.

But the agreement has several provisions guarding against the "dumping" of residents into worse environments than Willowbrook. Before allowing a transfer, the director of Willowbrook must make a formal determination that the resident's destination will offer him better service and opportunity.

Moreover, the provisions in the agreement aimed at upgrading living conditions, educational programming and medical services at Willowbrook would also apply to the facilities to which the residents are transferred.

Another important provision would require the state to maintain a one to four ratio of direct care staff to residents at Willowbrook within the next 13 months. Officials say this would mean the hiring of 800 new staff members.

Willowbrook now has a work force of 3,800. State officials say that these employes plus the additional 800 would have to be retained over the next three years to maintain the one to four ratio. After that, the officials continue, they would be transferred to similar jobs in other state institutions.

In 1981, the officials say, some of the older buildings at Willowbrook left vacant by the exodus would be retired. The newer buildings, the officials say, would be used perhaps as day care centers or leased to other agencies that serve the mentally retarded.

At present, the Department of Mental Hygiene has about 20,000 mentally retarded under its care. At one point in the early 1970s, Willowbrook had a resident population of nearly 8,000.