

Willowbrook fund to be put in escrow

By ROBERT MIRALDI

Federal Court Judge Orrin G. Judd said yesterday he will order the state Department of Mental Hygiene to place \$1.5 million in escrow until voluntary agencies in the city are able to develop community placements for the retarded residents of Willowbrook Developmental Center.

The statement by Judge Judd came after protracted arguments in Brooklyn Federal Court established that \$2 million allocated by the state for community placement would not be utilized before the state's fiscal year ends in March and therefore would be lost.

Although conceding he was not quite sure of the legality of his order, Judge Judd said he would tell the state to make the money available "despite the expiration of time" allotted for spending it. "I'm not sure what effect the order will have," Judd remarked.

The two-hour hearing had been called by Judd, essentially to discuss fiscal matters which have troubled the judge, who has presided over the case since 1972 when parents group went into court to demand radical change at the controversial Willowbrook.

Judge Judd presided over the two-year court case and has listened intently in recent months as the court-appointed Willowbrook Review Panel has complained about problems with implementation of the consent decree which outlines changes at Willowbrook.

One of the key facets to the consent decree was the allotment of \$2 million in April 1975 to aid in developing new community residences for the Willowbrook residents, who numbered nearly 6,000 in 1972 and now total 2,650.

A recent letter to Judge

Judd from Senate Deputy Majority Leader William T. Conklin, R-Brooklyn, pointed out, "Two million appropriated by the Legislature...last year remains untapped.

"It is unlikely that even the limited goal of 200 community placements...will be made," Conklin told Judd.

Mental Hygiene Deputy Commissioner Thomas A. Coughlin 3rd reported yesterday that about \$530,000 of the \$2 million will be spent this fiscal year. The rest, he said, would be lost, but added that another \$1 million had been appropriated for 1976.

Coughlin's answer was not acceptable to attorneys for the plaintiffs (the parent groups that instituted the case), who demanded that Judd order the money to be immediately used or held over for use next year.

"I think that anyone who blocks that money is in contempt of this court," Attorney Bruce Ennis told Judd, after making a motion for the money to be put in escrow until the state is ready to sign contracts with agencies which would develop and operate hostels and halfway houses for the retarded.

Murray Schnepps, an attorney who is a member of the Review Panel, said "the burden rests clearly with" Judge Judd. "Until and unless the court speaks," he said, "the department does not move."

Coughlin explained that, in his opinion, more progress has been made at Willowbrook since Jan. 1 than in the last five years. "I'm still waiting to see the results," responded James Clements, chairman of the Review Panel.

Judd concurred with Coughlin's opinion, however, and said toward the end of the afternoon hearing, "I think we are making progress. I wish it was faster."

Conklin's letter to Judd also pointed out that the 200 community placements mandated by the consent decree would not be reached by the March 31 deadline. Coughlin, answering Judd's queries, said that thus far 106 placements have been made.

Schnepps complained that the Review Panel was not being apprised of the placements and Attorney Chris Hanson added that it seemed that most of the placements were in foster care homes, not in hostels as envisioned when the consent decree was signed. A hostel is a group home with less than 12 residents.

Hanson said the department would be about 50 placements short of what is required by the decree, thus putting the department, as well as Gov. Carey, in contempt.

Anthony Pinto, president of the Willowbrook Benevolent Society, told Judd that the state is out of compliance with every aspect of the consent decree. "The state is not acting in good faith," he charged.

None of the nearly dozen attorneys representing the plaintiffs backed up Pinto's charge of a lack of good faith, but all complained about the slow maze of bureaucracy that has stalled implementation of the decree.

"The barriers are absolutely fantastic," said Gabriel P. Martini, an attorney for the Brooklyn Boroughwide Inter-agency Council, which is seeking to develop a hostel.

In other matters, Coughlin reported that 375 wheelchairs will be delivered to Willowbrook in the middle of May. Attorney Ennis pointed out that the department has been aware of the need for wheelchairs for three years.

Coughlin also said that Gov. Carey's proposed budget for retardation has allocated \$6.5 million for hostel development, but that \$7.4 million which would have created 1,316 jobs in developmental centers statewide had been cut by the Legislature.

Coughlin said that Carey was asking for the money to be restored in his supplemental budget.

Judd scheduled another hearing in the case for May 7.