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Willowbrook parents' action calls for fines

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If attorneys for parents with children at Willowbrook Developmental Center have their way, the commissioner of the state Department of Mental Hygiene will be spending his weekends living at the Staten Island center for the retarded.

In papers filed in U.S. District Court, Brooklyn, the attorneys have asked that Commissioner Lawrence C. Kolb be held in civil contempt and that as a penalty he be forced to live in a "typical ward" at Willowbrook.

The papers also recommend that Kolb, along with Deputy Commissioner Thomas A. Coughlin and Regional Commissioner Alvin M. Mesnikoff, pay a

"substantial fine" and a "daily fine" until they "purge" themselves of contempt.

The attorneys have contended that Drs. Kolb and Mesnikoff and Coughlin have failed to implement a consent judgment to which they agreed on April 30, 1975. The motion for contempt of court was filed Wednesday, but the papers were not available for inspection until yesterday.

The Advance reported incorrectly Thursday that the papers cited the three state officials for criminal contempt. The papers have charged the officials with civil contempt for failing to implement the 26-page consent judgment, which outlines the standards that were supposed to be effected at Willowbrook.

But, the court papers state, the "areas of non-compliance are so numerous that continued non-compliance will seriously jeopardize the lives, health and welfare" of the 2,595 present residents of Willowbrook and the nearly 3,000 former residents of the facility.

"I do not believe the defendants (Kolb, Coughlin and Mesnikoff) will claim to be in compliance," Christopher A. Hansen, parents' attorney, states in the papers.

"We have not decided lightly to commence this contempt proceeding," Hansen states. "We sincerely believe it is necessary in order to safeguard the lives" of Willowbrook residents.

The attorneys state in the papers that "it is perhaps equally necessary to in-

voke" the contempt proceeding "to safeguard the integrity of the judicial process. Respect for that process is more important than any embarrassment" that a contempt citation might cause Drs. Kolb and Mesnikoff and Coughlin.

"They have perhaps done what they believe is proper," the papers state, "but that is no defense."

Along with a recommendation of fines and weekend imprisonment, the papers ask that, if the trio is found in contempt, three months later Willowbrook shall be placed in receivership unless the facility complies with the consent judgment.

A hearing has been set by Federal Judge John R. Bartels for next Friday. Observers speculated yesterday that the hearing might be postponed to give the Department of Mental Hygiene officials time to prepare a defense.

The April 1975 consent judgment was reached after a three-year court battle during which parents claimed their children — the 6,000 residents of Willowbrook — were being denied constitutional privileges.

The judgment's guidelines were to be implemented in May and June of this year. They weren't and the attorneys felt that the people with "primary responsibility" for implementation — Kolb, Mesnikoff and Coughlin — must be punished to speed up the improvement process.