

Willowbrook panel, state officials ordered to iron out differences

By ROBERT MIRALDI

An unexpected meeting this week between a federal judge and top officials of the state Department of Mental Hygiene has apparently forestalled attempts to punish the officials for not implementing changes at Willowbrook Developmental Center.

U.S. District Court Judge John R. Bartels met in his Brooklyn chambers Tuesday with Commissioner Lawrence C. Kolb, Deputy Commissioner Thomas A. Coughlin and Regional Commissioner Alvin M. Mesnikoff.

In papers filed in the court last week, attorneys for parents with children at Willowbrook has asked that the three officials be held in contempt of court and be subjected to fines or imprisonment.

The officials had agreed in April 1975 to implement sweeping changes at Willowbrook and to place its residents into community facilities. Neither has been accomplished to any great degree, and the attorneys contended the officials were in contempt.

The contempt motion and a request by the Willowbrook Review Panel that Kolb be removed from affiliation with Willowbrook were expected to be the

top items at today's hearing in the federal court. But Bartels' Tuesday meeting apparently changed that.

According to a spokesman for the judge, after the meeting Bartels told the officials and the Review Panel, an independent seven-member group which reports to the court, to sit down today and iron out their problems.

At the meeting, sources said yesterday, state officials contended that, among other things, "professional differences" had caused many of the problems between the state and the panel. The panel last week took a surprising tact by asking Gov. Carey to appoint a special official to administer changes at Willowbrook.

The panel and the state have become bitter opponents over the last two years, with many panel members insisting privately that the Department of Mental Hygiene is an incompetent bureaucracy which is incapable to reforming and dismantling Willowbrook, a 365-acre campus where 2,595 retarded persons live.

In its letter to Bartels, the panel requested a subtle — but significant — change in its relationship with the state.

The panel asked that if the state objects to any part of its future recommendations, it be considered an objection to the entire recommendation. If the state objects to a recommendation, it must also seek a court hearing to solve the impasse.

Under the new provision, the state would "have the burden of demonstrating, by clear and convincing evidence, that the recommendation" of the panel should not be implemented.

It is a subtle change which the panel thinks will give its recommendations more weight. It was expected that the panel's request would be on the agenda today.