

# Willowbrook stipulation: Palsy group must run 5 buildings

By MARY BETH PFEIFFER

A 28-point stipulation, unveiled yesterday in federal court, orders the state to contract with United Cerebral Palsy for operation of five of the Willowbrook developmental center's 26 buildings, in what ultimately may be the takeover of Willowbrook facilities by UCP and other non-profit groups.

The nine-page order — designed to avoid a contempt trial against three officials of the state Mental Hygiene Department for failure to implement the terms of the so-called Willowbrook Consent Decree — also sets schedules and guidelines for the placement of Willowbrook patients in community-based settings.

The stipulation was signed in Brooklyn Federal Court by state mental hygiene officials, advocates for the mentally retarded and federal Judge John R. Bartels. The judge denied a motion by attorneys for the defendants to dismiss contempt proceedings against them, at least until additional points, to be negotiated, are presented in court April 1.

Named in the contempt papers, filed in November by attorneys for parents with children in Willowbrook, are Dr. Lawrence C. Kolb, mental hygiene commissioner; Thomas A. Coughlin, deputy state commissioner for retardation, and Dr. Alvin M. Mesnikoff, a mental hygiene regional commissioner.

The state mental hygiene officials and the plaintiffs in the case hammered out the 28-point plan in a series of negotia-

tions to determine how to remove stumbling blocks hindering implementation of the consent decree.

The 1975 decree ordered the institution's population, presently at 2,500, reduced to 250 by 1981, but community placement of residents had been running far behind schedule.

The stipulation calls for a contract with United Cerebral Palsy for "full operational authority" of five buildings at Willowbrook by July 1. It gives UCP authority to hire state staff.

If the operation "proves successful," it will be expanded to other buildings, according to the order.

While some observers see the turnover of some Willowbrook buildings as the state's first step in relinquishing its part in caring for the retarded, Deputy Commissioner Coughlin warned against such conclusions.

In a recent interview with the Advance, Coughlin stressed that a contract with United Cerebral Palsy to operate some Willowbrook buildings would not necessarily set a precedent for other state institutions for the retarded. The state has no intention of giving up other facilities in the same fashion, he said.

Anita Barrett, an attorney with the Legal Aid Society, which has long been involved in the efforts to improve conditions at Willowbrook, expressed a different interpretation of the planned contract with UCP.

"If it works out, there is no reason not to believe that the (state) would not



The state may eventually give up control of the sprawling Willowbrook Developmental Center to non-profit groups, such as United Cerebral Palsy.

S.I. Advance Photo by Frank J. Johns

# Willowbrook agreement turns over 5 buildings to Cerebral Palsy group

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contract with other non-profit corporations for delivery of services to the institutionalized population," she said.

Also outlined in the stipulation is a timetable for community placements. Fifty residents per month must be placed in the community from April 1 to Oct. 1; 75 per month from Oct. 1 to April 1, 1978, and 100 per month from April 1, 1978, to April 1, 1979, according to the order.

To facilitate placements on schedule, the order calls for the hiring of additional placement staff during each phase.

Other important points of the plan include:

- ¶ The establishment of an office in each borough that will coordinate services for the retarded and aid in community placement and adjustment. This is to be done by Oct. 1, according to the stipulation.

Originally, the state called for the establishment of two such offices in the city, rather than five.

- ¶ Development of a plan to protect patients in the community from abuse and harassment, no later than April 1.

- ¶ The referral of all acts of discrimi-

nation against community placement of the retarded to the New York State Division of Human Rights or the New York City Commission on Human Rights.

- ¶ The appointment by the governor of an individual to resolve disputes or obstacles impeding implementation of the consent judgment. The request for the position was made originally by Dr. James D. Clements, chairman of the Willowbrook Review Panel.

Clements said the Department of Mental Hygiene did not "respond appropriately" to the panel's recommendations, and a non-department person was needed to expedite implementation of the federal guidelines.

- ¶ The screening of 329 former residents now living in upstate facilities to decide which ones can be placed in the

community. Although the consent decree ordered that benefits of the decree would be extended to all patients living in Willowbrook in October 1972, state officials argued that providing benefits to patients who left the center since then would cost millions of dollars.

According to Jack Bernstein, attorney for the New York State Association for Retarded Children, mental hygiene officials and attorneys for parents of Willowbrook patients and those with interests in the institution will meet Thursday in the Department of Mental Hygiene's Manhattan office to negotiate some additional points of the stipulation.

While declining to elaborate on them, Bernstein said they are of "major importance." They will be presented to Judge Bartels April 1, he said.