

# State court clears way for private group to run portion of Willowbrook

By SYDNEY FREEDBERG

A Supreme Court judge in Albany, overruling objections lodged by Willowbrook workers, paved the way yesterday for a voluntary group to resume negotiations with the state for taking control over part of the Willowbrook Developmental Center.

Under a March 10 ruling in Brooklyn Federal Court, New York State agreed to relinquish its role in the care of 600 mentally retarded and handicapped persons — one-quarter of Willowbrook's population — one month from today. But a few legal questions posed by the Civil Service Employees Association's move to bar the takeover by the state United Cerebral Palsy Association, are still to be answered.

Before Justice Robert Sise issued yesterday's state court decision, attorney for the state Department of Mental Hygiene had asked that the entire dispute stemming from the proposed takeover be referred to Brooklyn Federal Court, where Willowbrook-related matters had been traditionally addressed.

In response to that request, a federal court judge in Albany, Robert T. Foley, scheduled a hearing Monday to decide if the state court has authority to rule in the matter at all.

Pauline Rogers, the union's attorney,

said yesterday the Willowbrook workers now intend to pursue legal action in Albany federal court Monday, even though the state had requested the hearing there in the first place.

Mrs. Rogers said the union will argue that Judge Sise had no business ruling in the case, knowing that another judicial body had become involved.

John Driscoll, the lawyer representing the mental hygiene agency as well as the palsy group, said Monday's hearing hopefully will decide "once and for all" exactly which judicial body — the state court in Albany or the Brooklyn Federal Court — has jurisdictional authority in the dispute.

In lifting a stay signed May 11 that temporarily blocked the consummation of the deal between the private group and the state, Judge Sise ruled that attorneys for the union failed to show the turnover of seven Willowbrook buildings would result in "irreparable harm" to the workers.

Attorneys for the unionized employees argue it is unconstitutional for the state to contract out "governmental functions to private groups."

They also contend the planned takeover by the private group may jeopardize the job status of some 700 employees

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who now staff the affected Willowbrook facilities.

Felton King, vice president of Willowbrook's CSEA unit, said that even though negotiations between the palsy group and the state can now continue, "Willowbrook workers will fight the move to the end."

"We will take more legal action and we will plan demonstrations at Willowbrook," King said.

Robert Schonhorn, executive director of United Cerebral Palsy Association, said he is "delighted" by the Albany court ruling, and indicated that contract talks with mental hygiene officials will resume next week.

A written agreement outlining the total operational transfer of the seven buildings to the palsy group may be signed as early as June 20, Schonhorn added.

Schonhorn stated again that "I still cannot anticipate any reductions in the number of (state) jobs" at the privately run Willowbrook complex, adding that approximately 450 of the therapy aides now staffing the affected buildings have applied for positions with the palsy

Group.

Approximately 250 therapists have been hired already, Schonhorn said, and they are now being trained for jobs they will assume July 15.

Barring any legal maneuver preventing the deal, the state has decided to surrender control of the so-called "baby's complex" — five buildings exclusively housing young people — and Buildings 25 and 27.

The court-mandated turnover of the facilities to the private, non-profit organization is part of a settlement in a case brought by parents of Willowbrook residents against the care their children were receiving at the developmental center.

It was the second time Brooklyn Federal Court took direct authority over Willowbrook and its mentally retarded population, in an attempt to force an improvement of unspeakable conditions there.

The first time, in April 1975, was upon the signing of the Willowbrook Consent Decree, which orders sweeping changes, including a reduction of the number of residents to 250 by 1981 at the 180-acre state facility.