

# Willowbrook takeover by palsy group off till September

By SYDNEY FREEDBERG

A complicated court case and some unsettled labor issues will delay a private group's takeover of seven Willowbrook Developmental Center facilities — planned for Friday — for a month and maybe longer.

An attorney for the Department of Mental Hygiene, the agency now operating the 2,500-bed institution for the retarded, said the state will not surrender control of the Willowbrook buildings to the state's United Cerebral Palsy Association until the courts deem that arrangement legal.

Meanwhile, a federal court judge in Albany ruled yesterday that the validity of the planned deal between the state and the palsy group is a matter for the state courts to decide.

But, it was also learned, the Brooklyn Federal Court judge who first agreed to the arrangement in March intends to try to clear up the problems preventing UCP from beginning operations at Willowbrook. Judge John R. Bartels, according to his law clerk, will conduct "an informal meeting of the concerned parties" in his chambers at 10:15 a.m. tomorrow.

The director of the non-profit palsy group contended, however, that the unresolved court case challenging the contemplated takeover, brought in May by the union representing state workers at Willowbrook, is not the "real reason" for the delay at all.

Rather, the mental hygiene agency's inability to draw up a cohesive plan for the reassignment of hundreds of affected Willowbrook workers — most of whom would lose their current positions under a takeover to privately hired staff — is blocking consummation of the deal, according to Robert Schonhorn, UCP's executive director.

Schonhorn said the state refuses to accept the prospect that as Willowbrook's population decreases — to 250 persons in 1981, as a federal court said it must — "they're going to need fewer employees there."

The state "fears being socked with a lawsuit two years from now from workers who'll say, 'Hey, you gave away our jobs illegally,'" Schonhorn added.

Paul Stavis, the attorney for the mental hygiene agency, denied Schonhorn's

claims, saying "only the suit is involved" in delay of the UCP takeover, which, he said, would now take place Sept. 1.

"We are looking at the lawsuit seriously," Stavis argued. "We could potentially lose. We think we're going to win, but if we don't and we'd gone along with the deal, we'd be up a creek without a paddle."

Although Stavis appears to echo the official state position, other mental hygiene agency administrators expressed seemingly contradictory views.

Gerald Dunn, the department's deputy commissioner for administration, said, for instance, that the state "has no need of a training program" for affected Willowbrook workers since "we presume most of them" will be rehired under a UCP takeover.

But if the palsy group opts not to give them jobs, Dunn added, "there may be some problems" finding dislocated workers new jobs within the state system.

Under a March 10 ruling in Brooklyn Federal Court, the state first agreed to relinquish the care of 61 mentally and physically disadvantaged Willowbrook residents to the private palsy group, in an attempt to improve conditions there and as a way to avoid a contempt trial against top state officials for failure to implement a 1975 court order.

But in May, following two months of uncertainty and private talks between the state and UCP, the Civil Service Employees Association said it was fed up with the secrecy, and filed a lawsuit in Albany state court, charging the dealings were illegal.

The union maintains, despite state assurances to the contrary, that the UCP takeover could lead to the layoff of up to 600 civil servants within the year.

An Albany Supreme Court judge later stayed, and then lifted a ban blocking the takeover, but Federal Court Judge Robert T. Foley of Albany County said, in a 12-page decision issued yesterday, that the same state court is now free to affirm whether or not the takeover is constitutional.

The mental hygiene agency had argued that Judge Bartels of the Brooklyn Federal Court should be given jurisdic-

tion in the matter, since it was in his judicial body that the original agreement was made.

But Judge Foley, in his opinion, agreed with the union, which argued that the Supreme Court should review the matter because alleged violations of state law are at issue.

Schonhorn insisted that if "the details on the contract are not worked out by July 31, and the agreement is not signed, sealed and delivered then, I'm going to call the whole thing off."

"I've hired hundreds of therapy aides already," Schonhorn said. "They've gone through six weeks of intensive training, and I can't keep them hanging on anymore."

Advocates for the retarded and parents involved in Willowbrook groups said they are optimistic the planned takeover by UCP at the 384-acre institution will still take place. "This is just another bureaucratic delay," one parent maintained, "but eventually it will work itself out like the rest."