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New York Is Blocked in Move of 12 Disturbed Children

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ALBANY, Feb. 15 — The parents of 12 severely autistic and retarded children today won a temporary Federal court order blocking New York State from bringing the children back from Rhode Island's Behavior Research Institute, which uses a controversial regimen of physical punishments and food rewards as part of its treatment.

The children, who are 10 to 18 years old, had been scheduled to be moved tomorrow to a new state-run program at the O. D. Heck Developmental Center in Niskayuna, N.Y., near Schenectady. The State Office of Mental Retardation and Developmental Disabilities has been working since mid-January to set up a program for the children, many of whom are violent or prone to injuring themselves.

Three of the 15 New York children in the Rhode Island program are still scheduled to move, with the consent of their parents or guardians. The parents of the other 12 obtained a temporary restraining order from Judge Charles L. Brieant of Federal District Court in Manhattan, to keep their children at Behavior Research Institute and to keep the state paying for their care. The order will remain in effect pending a hearing on Tuesday.

'Physical Aversive' Therapies
The State Education Department, which is responsible for the children, ordered them removed from the Rhode Island school last December. It did so after

learning that the school, under the direction of Dr. Matthew Israel, used a combination of food rewards and physical punishments such as pinching, spanking, helmets that block out light and pump noise into the children's ears and other methods to eliminate "undesirable" behaviors in the children.

After unsuccessful attempts to get Dr. Israel to stop using his "physical aversive" therapies, the state made an arrangement to allow the children to remain in the program for 60 days while new places were found for them. But the parents of the children, who have praised the results of Dr. Israel's program as "miracles," have opposed the state's plans to move the children.

A lawyer for the parents, Charles

Davis, said he was seeking the restraining order on the grounds that "the Federal Equal Education for All Handicapped Children Act of 1975 demands that these children have a hearing and these children never have."

Ebuis Grumet, the assistant state education commissioner for handicapped children, said he was confident the state would win the case. He said the new program, at the Heck center, has hired a staff of 40 so far that "has been getting training all week," and was ready to take care of the children.

Mr. Grumet said that Dr. Israel, who cares for 37 children in all, had contacted him recently to say he might be able to revise his program to reduce the physical punishments, but that a visit by his staff had found the revised program unsatisfactory. He could not elaborate until he got a complete report from them, he said.

The new state program is under the direction of Fred Finn, a deputy commis-

sioner for mental retardation, who said the staff would work with the children on a one-to-one basis and would use a combination of educational therapy and medication. He said the program would use occasional punishments, but only to stop dangerous behavior by the children.

The state estimates that the program will cost \$54,000 a year per child, compared with \$38,000 for Dr. Israel's program, but half of that will be paid by the Federal Medicaid program.