

children were arbitrarily declared ineligible. Outraged, they went to court. The state, they charged, offered a bounty to parents who had institutionalized their children while denying similar assistance to parents who, at considerable emotional and material cost, had provided home care for equally disabled children. The court agreed, ruling that *all* natural parents providing home care were eligible.

Unbelievably, the State Office of Mental Retardation, created to help retarded children and their parents, undermined the decision. Instead of following the court's order, the then Commissioner of Mental Retardation, Thomas Coughlin 3d, closed the family-care program to all natural parents regardless of the severity of their child's retardation or prior institutionalization. Thus, administrative fiat evaded the judge's directive. Under Mr. Coughlin's order, all natural parents are now equally *ineligible* to receive family-care support. As a result, natural parents who are willing to care for their children at home are denied help no matter how handicapped the child and how poor the family.

The Willowbrook decree to stop warehousing the retarded prescribes an equal moral obligation to minimize the need for parents to send their children to distant institutions. The termination of family-care funds for natural parents circumvents the aims of the decree.

If the state is to provide humane care in the community — a matter of equity and sound economics — the commissioner and the Legislature should first correct the funding imbalance between institutional and community care. Second, since the state's resources are limited, funds for community care should be allocated on a basis that gives priority to parents of low and middle income.

Sadly, this was not the attitude of the state courts in a recent case where the court permitted a wealthy parent to dump his obligations for a retarded child over 21 on the state. Ignoring the divorced father's wealth, the court refused to reach a just result, determining that he had no responsibility to support his daughter. Thus, the state and Federal Governments must support her with welfare grants earmarked for the poor and handicapped.

The Willowbrook decree will become a blessing only when the state moves toward humane care for all mentally retarded persons according to their needs, whether they reside with their families, in group homes, in apartments, or for the time being in large institutions. This would constitute a true implementation of the letter and spirit of the decree.

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