

State to ask court sanction for plan to speed up Willowbrook placement

By ANEMONA HARTOCOLLIS

The state will ask a federal court judge to sanction a plan that would drastically accelerate community placement of Staten Island Development Center residents.

The state's motion, filed in late December, for a hearing before Judge John R. Bartels in Brooklyn grew out of a two-month-long feud between officials of the Office of Mental Retardation and Developmental Disabilities (OMRDD) and court-appointed monitors of the developmental center. The date of the hearing has yet to be decided.

At issue is a state plan, still in gestation, to phase some 1,000 handicapped persons out of the developmental center within 16 months.

"The state's announced intentions in this regard are both irresponsible and dangerous," Michael Lottman,

"We are absolutely committed to quality placement with all the safeguards," a state official said. "If we don't accomplish this, it won't be for lack of trying."

representing the institution's monitors, said of the plan in a Dec. 13 letter to the commissioner of the Office of Mental Retardation.

In a three-plank formal recommendation, the monitors, known as the Willowbrook Review Panel, unconditionally reject the state's placement deadline of April 1981. The panel calls instead for the state to present a "comprehensive written plan" by Jan. 31, subject to the seven monitors' negotiation and veto. State officials, bound since 1975 by the Willowbrook

Consent Decree — a stipulation in federal court to empty the developmental center of all but 20 residents by May 1981 — contend that to renounce their plan would render them in contempt of court.

"If the panel would like to make a motion directly to the judge to change the decree, that's their prerogative," Samuel J. Kowala, state coordinator for the Willowbrook Consent Decree, says.

"We are absolutely committed to quality placement with all the safeguards," he adds. "If we don't accomplish this, it won't be for lack of trying."

Under the decree, state objections to a formal recommendation by the panel must be aired in court, where state officials have the burden of proving the recommendation void.

OMRDD Commissioner James E. Introne, terming the panel's recommendation "improper," expressed his intention to request immediately a court hearing in a letter of response dated Dec. 27.

Panel members charge that the state cannot fulfill its goal of nearly tripling the current community placement rate without sacrificing quality of services to the handicapped.

"Our feeling is that placing so many people over the next 16 months is more than the state is capable of doing with any degree of responsibility," explains Christopher Hansen, an American Civil Liberties Union lawyer involved in the consent judgment.

In its letter, the panel points to the resignation of Dr. Jennifer Howse, effective this month, as associate commissioner of OMRDD. Dr. Howse cited "fundamental disagreement" with the state's plan as a partial reason for her departure.

Officials in the Office of Mental Retardation expect Michael Mascari, now an assistant commissioner, to be appointed formally by the end of the month to replace Dr. Howse.

In a related development, Michael Bennett, director of planning and evaluation of OMRDD in New York City, confirmed yesterday that he will resign to

follow Dr. Howse to Pennsylvania, where both will work for the state-run Pennhurst Developmental Center. "It's a career move, a step up," Bennett said.

The state and the review panel have locked horns not so much over the goal as over how it will be reached.

"I cannot imagine that it's a fiscal resource problem," says Barbara Blum, formerly with OMRDD and now commissioner of social services. "It depends on the availability of skilled personnel."

"It strikes us as very strange that the panel makes allegations of danger and irresponsibility when they have never even reviewed our plan," says Kowala.

State officials have verbally outlined their plan before review panel sessions, and Kowala says it needs "not writing, but consolidating."

"It's an administrative plan," he adds. "It is in parts now, and we'll put a ribbon around it and release it Jan. 31," the deadline for a written plan set by the review panel in its formal recommendation.

Asserting "confidence" in the state's ability to meet its goal, Kowala notes: "What distresses us is the tone of the letter. We cannot live with the inflammatory and emotional statements it contains."