

# UCP obtains guardianship of some patients

By ANEMONA HARTOCOLLIS

A private agency that runs an institution in Willowbrook has quietly gone to court and obtained parental authority over 47 mentally retarded patients, raising startled and strong objections from civil liberties groups.

The agency, United Cerebral Palsy Associations of New York State (UCP), began the controversial process of obtaining legal guardianship nearly a year ago.

UCP reportedly intended to pursue the sluggish process until it embraced all patients whom the agency contended had no traceable family or other interested parties.

Sources close to the institution, the Karl D. Warner Center on the grounds of the Staten Island Developmental Center, estimate that the agency might have sought guardianship of nearly a quarter of its approximately 450 patients.

Guardianship allows UCP officials to make crucial decisions about the

handicapped person's life. For example, the guardian has unique authority to dictate where the person should live and whether he should undergo risky, sometimes fatal, elective medical treatment.

This authority is similar to that vested in a natural parent, covering every aspect of daily life except decisions regarding property, such as money in a bank account.

It is this ultimate control over the patients that has alarmed civil liberties groups. A hearing to recon-

sider the guardianship awards is scheduled to begin March 25 in Staten Island Surrogate's Court, where the awards were made.

Murray B. Schneps, a Manhattan lawyer, said he believes UCP is the first non-profit agency in the state that has tried to exercise so much dominion over its patients.

With a multi-million-dollar budget, funded almost entirely through state and federal Medicaid, UCP is the largest private provider of residential care to the retarded in New

York state.

"I think it has very grave potential," said Schneps, who will ask the judge for reversal in the cases of the 47 patients, as well as a halt to further consideration of UCP as a legal guardian.

He was retained by the Consumer Advisory Board, a watchdog group composed of people with retarded offspring and established by the Wilbrook Consent Decree, a 1975 decision in Brooklyn Federal Court.

Chris Hansen, a lawyer for the

New York Civil Liberties Union, criticized the power sought by UCP as a conflict of interest. He said there is a danger UCP might do what is convenient for the bureaucracy -- while sacrificing the well-being of individual patients.

An agency administrator "could consent to anything on behalf of his clients," Hansen said: "a frontal lobotomy, electroshock or cutting off their leg."

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