

Supervisor to oversee Willowbrook?

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ALBANY — The New York Civil Liberties Union says it may ask a court to appoint a "master" to supervise the care given former and current residents of the Staten Island Developmental Center.

Chris Hansen, an attorney for the legal rights group, said the action is one of several steps being contemplated in light of the refusal of the Republican-controlled Senate to include funding in the state's \$16.6-billion budget for a court monitor of the Willowbrook institution. The Senate and Assembly began passing the long-delayed budget yesterday.

Masters are individuals appointed by a court to take charge of an institution or program in which the court believes the government agency in charge is not assuming its legal responsibilities. Masters have been appointed to run state mental retardation institutions in Pennsylvania, Nebraska and Maine among other states. Several years ago, a master was appointed to supervise a court-ordered integration plan for Boston's public schools.

The court monitor, known as the Willowbrook Review Panel, was formed in 1975 to monitor state compliance with the Willowbrook Consent Decree, signed following a court case brought to improve the plight of the institution's 5,000 residents in 1972.

Funding for the panel was eliminated last year, and efforts by Assemblywoman Elizabeth A. Connelly, D-West Brighton, and others to restore its \$353,000 appropriation failed when Senate GOP leaders balked.

"I'm very disappointed," said Mrs. Connelly, who chairs the Assembly Mental Health Committee. "Now, I'm afraid we're going to get a master in there and that's going to take away all of our flexibility as far as Willowbrook is concerned."

Mrs. Connelly noted that she had won an agreement from the American Civil Liberties Union to consider modifications in the Consent Decree, including perhaps doubling the number of residents — from 250 to 500 — the decree says may permanently reside at the Willowbrook center.

Hansen said that without the Review Panel, the courts have no way of knowing if the state is living up to its commitments under the Willowbrook Consent Decree. The decree, signed by Gov. Carey, mandates minimum care levels for former and current center residents.

"I'm just shocked the Legislature would not appropriate money for the panel," Hansen said.

In addition to possibly moving for a court appointment of a master, Hansen said the American Civil Liberties Union, a plaintiff in the original Willowbrook case, is considering other possible actions. Among them, he said, would be an attempt to obtain funding administratively, or through some other channel.

The main opponent of Review Panel funding is Senate Mental Health Committee Chairman Frank Padavan, R-Queens. Padavan accused the panel of mandating expensive and inappropriate care for many of the retarded residents under its purview.

"We don't need a panel telling us how to care for the retarded," Padavan said. "That's why we have commissioners."

Mrs. Connelly and American Civil Liberties Union had hoped that Senate Finance Committee Chairman John J. Marchi, R-Ward Hill, would use his clout to secure funding for the panel. But Marchi, whose committee has jurisdiction over all appropriation bills, said he agreed with Padavan that the seven-member panel has been "counter-productive."

The panel has continued to operate since its funding was knocked out last year but at a greatly reduced level. It no longer, for example, has staff to make regular inspections of the Staten Island Developmental Center and other related facilities.