

Willowbrook's Goals Still Unmet 6 Years After Order for Reforms

By DUDLEY CLENDINEN

In 1975 a Federal judge ordered the state to clean up the Willowbrook State School on Staten Island, then the world's largest treatment center for the mentally retarded.

The order, which was to be carried out by March 31, 1981, gave the force of law to a settlement reached between the state and the parents of retarded people; over the next few years, its terms became a model for reform of mental health care elsewhere around the country.

At the time of the lawsuit 5,400 people were housed in what the court found to be appalling conditions at Willowbrook, which was designed to accommodate 1,800. The judge, Orrin G. Judd, set out to change that.

"Within six years from the date of this judgment," he decreed, "Willowbrook shall be reduced to an institution of 250 or fewer beds," to serve the retarded of Staten Island only.

Six years later Willowbrook is in many ways a better place. But with the passing of the court's deadline, the goals have not

been fully met, and the panel established to see that they were has disbanded because the State Legislature failed to provide money for it in the last two budgets.

Last week the New York chapter of the American Civil Liberties Union and the State Department of Mental Retardation and Developmental Disabilities filed cross motions in Federal court concerning the review panel. The Civil Liberties Union, which brought the original suit in

1972, is seeking to force the state to enforce the court order. The state asked the court to end the requirement that mental patients be moved from the institution to smaller residences.

In his 1975 ruling in Federal District Court, Judge Judd, who died in July 1976, set forth not only the rights to which the retarded were entitled and made them official policy, but he also forecast in great detail the changes those policies would implement and the schedule by which those changes should be made.

"The primary goal of Willowbrook," he wrote, "shall be to ready each resident, with due regard for his or her own disabilities and with full appreciation for his or her own capabilities for development, for life in the community at large."

The difficulties of enforcing humane and radical change by Federal decree are plain. By the state's own count, almost 1,400 of those at Willowbrook in 1972, when the suit was filed, are still there. About 940 are under state care in what is now called the Staten Island Developmental Center but is still known as Willowbrook. About 450 others are under the separate care of the United Cerebral Palsy organization in what is called the Karl D. Warner facility.

Roughly 1,000 are still scattered through an array of other state institutions, and about 1,800 have been placed in the community, either in the care of existing families or in group homes bought or leased and staffed by the state or by private agencies. The rest have died or been discharged. As the residential population at Willowbrook has decreased, buildings have been shut, and a study is under way to determine how best to use the 300-acre campus.

The review panel, which for several years after the judgment monitored the state's progress in carrying out the goals has been rendered inert. Its professional staff, which conducted periodic audits, was eliminated when the State Legislature refused to renew its \$340,000 budget last year.

Review Panel Defended

"We were an arm of the court technically," said Murray Schneps, a lawyer and member of the panel whose daughter was admitted to Willowbrook in 1969 and now lives in a group home outside. "It was fabulous. And it worked, too."

Before the Legislature eliminated the panel's budget, the state was making good progress, according to David J. Rothman, a Columbia University professor of history who has been studying the progress of the work under grants from the Field Foundation and the National Institute of Mental Health.

"Between 1976 and 1979 it was very exciting as a model," he said. "A lot of the ex-Willowbrook residents were moving into the community. It was fascinating, and it was illustrating that you can depopulate an institution without simply creating bag ladies."

"This is a new, different and very important stage in which the question is whether the models established in the 1976 to 1979 period will be maintained. It is very important in terms of whether court-initiated reform can survive in politics."

That question had been in negotiation in Albany, where Governor Carey's office had been attempting to draw a special bill from the Legislature to restore some form of the review panel. The United States Court of Appeals for the Second

Circuit has ruled that the Federal judiciary cannot force the state to spend money that the Legislature has not authorized.

On Friday the State Senate leadership refused again to consider financing the panel. In a letter to Mr. Carey, the majority leader, Senator Warren M. Anderson, Republican of Binghamton, said that the panel was a "needless expense" and that it "perhaps has outlived its usefulness as a monitor of state progress in meeting the terms of the Willowbrook consent order."

In response, the New York chapter of the Civil Liberties Union asked a Federal court in Brooklyn to appoint an overseer to monitor state compliance with the 1975 decree.

The union charged "massive noncompliance with the consent judgment" and asserted that the state could have complied with it, according to Chris Hansen, a lawyer for the organization.

Negligent Deaths Charged

The group also charged that failure to comply with the decree had resulted in several deaths of residents through neglect and mismanagement, including an incident last July in which a resident fell from a second-story window at the center and later died of his injuries.

James S. Introne, the State Commissioner of the Office of Mental Retardation and Developmental Disabilities, said Saturday that the state, in its request to the court on Friday, had asked "for an extension of two years on the rundown of Staten Island to 250 beds."

He said the state had also asked the court to allow it to place the remaining severely and profoundly retarded clients in "intermediate care-type facilities of 50 beds — depending on the need of the client."

The 1975 judgment required that they be housed in community group facilities of no more than 10 beds, "and we think it is primarily this limitation that has slowed down the placement of clients," Mr. In-

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