

Accord Reached In Care Dispute At Willowbrook

Plan for Retarded Draws Criticism From Parent

By PETER KIHSS

Lawyers for New York State and two public-interest groups told a Federal judge yesterday that they had agreed on a settlement in the long-pending case on the care of mentally retarded patients at Willowbrook on Staten Island.

But the draft settlement was immediately criticized by a lawyer whose 13-year-old daughter has been one of the patient-plaintiffs in the case.

The lawyer, Murray B. Schneps, asked Judge John R. Bartels in Federal District Court in Brooklyn to dismiss the attorneys for the New York Civil Liberties Union and the Legal Aid Society, which have represented the plaintiffs at their own expense since 1972.

Mr. Schneps, who had been vice chairman of a court-ordered review panel, charged that the agreement would give away rights won in a 1975 consent decree ordering Willowbrook to disperse its patients to suitable community facilities.

Hearing Set Oct. 13

Judge Bartels set Oct. 13 for the next hearing. The agreement worked out over the weekend with the State Department of Mental Retardation and Developmental Disabilities must still be approved by the organizations and other clients represented by the lawyers.

Willowbrook, which has since been renamed the Staten Island Developmental Center, had 5,338 patients when the suit charging overcrowding and inadequate care was started. It now has 850 patients in its Staten Island center and 480 in the Karl D. Warner facility operated on its grounds by United Cerebral Palsy.

Christopher A. Hansen, counsel for the Civil Liberties Union, said the agreement called for the judge to appoint a special monitor to replace the seven-member review panel that has not functioned since the Legislature refused last year to appropriate funds to it.

Interim Facilities Allowed

He said the agreement would allow the state to propose interim facilities with 10 to 24 beds, when conditions warranted, for not more than three years. It would retain the principle that patients relocated in communities should be in facilities with 10 beds or less.

Mr. Hansen said he reserved the right to oppose proposals for facilities with more than 10 beds, which would have to be brought before the monitor.

The state said 2,485 of the 5,338 patients at Willowbrook when the suit was started had been placed in community programs, 553 had died and the rest had been moved to other state centers.

The 1975 decree called for a limit of 250 patients on the Willowbrook grounds by last April 30. Mr. Hansen said the proposed settlement extended this to April 30, 1984, and called for removal of all original patients by April 30, 1986.

The state's negotiator was Taylor R. Briggs, a lawyer with the firm of Le-Boeuf, Lamb, Leiby & MacRae. The Legal Aid Society has recently been represented by Jonathan Siegfried of Paul, Weiss, Rifkind, Wharton & Garrison.

Mr. Schneps said he represented five of eight patient-plaintiffs for whom the Civil Liberties Union had been counsel. He was joined by Michael Lottman, a lawyer who was on the old review panel.