

# Willowbrook settlement is unanimously rejected

By ANEMONA HARTOCOLLIS

The draft settlement of the dispute over state care of some 4,800 mentally retarded patients from Willowbrook has collapsed after a concerted opposition from parents and advocates of the patients.

The out-of-court settlement, reached by lawyers last month, was unanimously rejected in votes taken a week ago and again Sunday, according to Murray B. Schneps, the father of a 13-year-old girl formerly housed at Willowbrook.

Schneps said the parents and advocates, including the Willowbrook Benevolent Society and the Consumer Advisory Board, believed the draft settlement would erode civil rights won for the retarded in a 1975 court consent decree.

Chris Hansen, an attorney with the New York Civil Liberties Union, said yesterday that he and other public interest lawyers representing the patients would try to negotiate a new settlement in meetings with lawyers for New York State.

Meanwhile, a hearing on the dispute in Brooklyn Federal Court has been postponed until next Monday, Hansen said. The lawyers first announced the draft settlement, saying they had to clear it with their clients, in a hearing before Federal Judge John R. Bartels Sept. 28.

The opposition focused on part of the settlement allowing the state to enlarge the size of community-based residences for the retarded from 10 beds, the current maximum, to 24 beds.

Although the settlement describes the larger residences as transitional, Schneps said the parents feared the state Office of Mental Retardation and Developmental Disabilities would retain the 24-bed facilities as per-

manent, quasi-institutional placements.

He said the Willowbrook Benevolent Society, a parents association, had rejected the settlement by a 16-0 vote on Sunday, while the Consumer Advisory Board, a group of professionals who monitor state care of the retarded, had voted against it 26-0 last Tuesday. Both meetings were called by the Civil Liberties Union.

"It was an astounding rejection, beyond what I believed we might have," Schneps said.

Schneps, a lawyer, added that there was a consensus among the parents to go to court and litigate the state's obligation to the Willowbrook patients rather than to settle. He said the parents might also ask the judge to dismiss the Civil Liberties Union and the Legal Aid Society as

their counsel.

The draft settlement was the latest development in a nine-year-old lawsuit that accused the state of inhumane overcrowding and understaffing of the Staten Island Developmental Center, known as Willowbrook.

In 1975, the lawsuit was resolved when Gov. Carey signed the Willowbrook Consent Decree. The court decree ordered the state to virtually close the institution, moving its 5,338 patients into the community.

Willowbrook still houses about 860 mentally retarded patients while about 2,300 have been transferred into a community setting. Most of the remaining patients have gone to other state and privately run institutions. Several hundred of the original patients have died, leaving 4,800 involved in the original dispute.