

\$2.5M award starts new life for ex-Willowbrook resident

By THOMAS CHECCHI

When Donald Snow left the Staten Island Developmental Center in Willowbrook, he was 11 years old. His behavior, however, was like that of a "newborn infant," his father said.

"He couldn't play ball or even walk up the stairs," said his father. And now, after five years in a special school, the 19-year-old "is still behind academically and socially because of the institutionalization (at Willowbrook)," the father added.

Now there is new hope for Donald; new hope in the form of \$2.5 million the courts awarded him because he spent seven years in the Willowbrook institution. He should never have been there at all, the court said.

At 2 years old, Snow was taken by his parents for tests at the Staten Island Developmental Center on the suggestion of a doctor. The parents agreed to have the boy stay there after the test revealed an IQ of 24. That was on June 25, 1965, and he remained there on the basis of that

"I was shock when I heard the size of the settlement," the elder Donald Snow said. "Once the appeals are over, if there are any, the money will be used for additional training in audiology and speech."

Doctors have told the parents that, with the proper training, Donald may be able to make up for some or all of the seven lost years.

After he left the Island facility and was re-evaluated, Snow was sent to the Cleary Deaf Child Center in Smithtown, L.I., where he stayed until 1978. At the trial, Sister Doris Batt, who is assigned to the center, described Snow as a "bright, alert child."

Snow's father said that during his five years there, the youth "made good progress, but five years couldn't make up for the lost time.

"What they could do, they did for him," the father, a Selden, L.I., resident, said. Snow is now at the Mill Neck Manor Lutheran School for the Deaf, Mill Neck, L.I.

Commenting on Snow's re-evaluation at the Suffolk facility, his lawyer, John B. Clark of Islip, L.I., said, "If there was any hero in this saga, it was them (Suffolk officials)." The tests took his hearing impairment into account, the lawyer said.

The \$2.5 million award "will open a great many doors for him," Clark added. "He will now be able to receive tutoring and individual aid."

Timothy Gilles, a spokesman for the state attorney general's office, said yesterday that the state has made no decision on an appeal of the case, noting that lawyers are still reviewing the case.

Meanwhile, Thomas Shirtz, deputy commissioner of the New York City operations of the state Office of Mental Retardation and Developmental Disabilities, said he was not sure the decision would set a significant precedent. He said that there were many residents of the Staten Island Development who were improperly institutionalized.

While Snow still has a long way to go, he can now use some sign language and may be able to lip read slightly.

How does the young man feel about being home and going to school? "There is no comparison," his father said. "While it took some time for him to feel secure, to know he was not going back to that place, now he knows."

test alone until Aug. 17, 1972.

It wasn't until he was transferred to the Suffolk State Developmental Center that the mistake was brought to light. Tests there showed Snow an IQ of 102, a completely normal intelligence level.

The state Court of Appeals compensated Snow for being wrongly diagnosed as mentally retarded by awarding him the money earlier this week.

The initial test was conducted under the assumption that Snow had a normal hearing ability, even though a physical examination had determined that his hearing was "questionable." He was tested at least two more times at the center.

Even though tests showed a hearing impairment, Snow was not given a hearing aid or re-evaluated for intelligence.

Judge Edward J. Amann Jr. of Randall Manor ruled that, while the state was not negligent in not providing a hearing aid, the state's failure to re-evaluate constituted "acts of medical malpractice and negligence."