

# Final settlement closing doors at Willowbrook

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When a federal judge approved a settlement last week in the Willowbrook State School lawsuit, it was the beginning of the end of 15 years of legal action that changed the way the state treated its mentally retarded population.

The Willowbrook class actions were filed in 1972 on behalf of 5,343 residents who lived in the overcrowded facility. Since 1975, when the original settlement, the Willowbrook Consent Decree, was signed, the state has moved all but 129 Willowbrook residents into other developmental centers or group homes.

This latest and final settlement calls for placing the remaining 1,150 clients who still live in the state's developmental centers — large institutions — into group homes by 1992.

At that time, court supervision of the Willowbrook case will finally end, said Lou Ganim, a spokesman for the Office of Mental Retardation and Developmental Disabilities.

The final settlement also reiterates that the Staten Island Developmental Center (SIDC), formerly the Willowbrook State School, must close by the end of this year.

Yesterday, Gov. Mario Cuomo congratulated the state in its handling of the Willowbrook case. "The final settlement of this case with those same parents provides the ultimate testimony of the concern, dedication and care that has marked the determined efforts of the state to bring opportunities to its mentally retarded citizens," he said.

"The dramatic change in the lives of the state's developmentally disabled citizens brought about by the dedication of all branches of government is one of the true success stories of our generation," Cuomo said.

The settlement, which was

signed on Feb. 24, Ganim said, gives the state more control over the administration of programs, group homes and developmental centers. The plaintiffs and the court "have seen fit to recognize the state can indeed, if given the opportunity," administer a program for its mentally retarded population, Ganim said.

Federal Judge John R. Bartels in Brooklyn approved the agreement, which was signed by all but one of the lawyers for the plaintiffs. Attorney Murray Schneps of Riverhead, L.I., said: "I opposed the settlement. It was my belief that the settlement got the plaintiffs to agree to positions and activities that we truly believe are inappropriate and improper."

Schneps said the settlement permits the state to build group homes that accommodate more than 10 people. Homes with 20 or 30 people have an institutional environment, which is the antithesis of a group home, he said.

The original consent decree called for placing the class action clients in 10-bed group homes.

Even a 15-bed facility, Schneps said, creates the kind of environment "with the same kind of psychology that generates that kind of horrible, boring life (in an institution.) Who lives in 15-bed units?" Schneps asked, referring to an average family.

The largest group home on Staten Island, to be on the SIDC grounds, will have 24 beds, said James Walsh, SIDC director. SIDC probably will close in September or October, although the settlement gives the facility until December to shut its doors, Walsh said.

One of the lawyers for the plaintiffs, Robert M. Levy, from the New York Civil Liberties Union, said: "I think this (the settlement) provides the best protection we could devise for Willowbrook class members" following a 1983 Second Circuit Court of Ap-

peals' decision permitting the state to modify the original consent decree.

In that decision, the court said the state could house clients in 50-bed facilities if "it was not a substantial departure from professional judgment" to do so, Levy said.

"Our settlement was negotiated in light of that ruling as a way to protect as many Willowbrook class members as possible and preserve the 1975 consent decree from further erosion.

"No one is happy that the 10-bed limit has been modified," Levy said, but in light of the Second Circuit decision, "this is an extremely good result. The thing to remember is we've protected the largest number of class members from having to live in institutions."

The settlement also provides that the state waive "its right to modify virtually all of the institutional standards in the consent judgment," all class members now living in 10-bed homes remain there and the majority of those class members living elsewhere will live in 16-bed homes or smaller.

Some former Willowbrook clients, however, will live in homes with 24 to 30 beds, Levy said, and the state is permitted to temporarily place a small percentage of clients in 50-bed units until 1991, he said. After that, no more than 50 class action members may live in facilities of 24- to 30-beds.

The settlement also says the state must provide lifetime advocates for all former Willowbrook clients whose parents or guardians have died, a clause that Bartels was instrumental in including in the settlement, Levy said.

Advance Albany Bureau reporter Dan Janison also contributed to this report.