

As ceremonies end, mock trial used to assess progress at SIDC

By LESLIE PALMA-SIMONEK
ADVANCE STAFF WRITER

A make-believe judge, ruling on a court case that does not exist, yesterday removed a federal official from his position as overseer of the state's compliance with the Willowbrook Consent Decree of 1975 but said the state's Quality Care Commission must continue to report to him until all mandates of the decree are met.

The phony court case was held on the last of three days of ceremonies to close the Staten Island Developmental Center.

Under its former name, Willowbrook State School, the center became synonymous with the very worst in care for the mentally retarded.

Samuel J. Kawola of the state's budget division served as judge in the "moot court." He described the exercise as "trying to criticize ourselves." All of the officials who participated in the moot court are state employees and many of them were involved in the lawsuit brought against the state in the mid-1970s.

Under the 1975 decree, the state was

ordered to trim Willowbrook's population from 6,000 to 250 by placing the clients in community group homes. In the final settlement of the case last spring, the state agreed to close the institution and six other developmental centers in the state. In addition, the state must move the 1,100 former Willowbrook residents who are still in institutions into community-based programs.

The moot court battle yesterday argued the pros and cons of "whether it is time for the court to go away," according to Paul Kietzman, general counsel for

the state Office of Mental Retardation and Developmental Disabilities (OMRDD). During the staged trial, Kietzman opposed the state's motion.

Arguing the state's position was attorney Alan Adler, who said the state had more than fulfilled its promise by closing Willowbrook and will not renege on its promise to get the remaining Willowbrook patients out of institutions and into group homes.

"They say they are going to make the placements, but I don't think they believe it any more than I do," Kietzman said.

"It's not time to let them walk out of your court yet."

Kowala apparently concurred, saying that "time will only tell if the community placements will be completed." For that reason, he appointed the state Quality Care Commission to oversee the placements and abolished the office of a federal overseer, which costs the state about \$500,000 a year.

In real life, no such court action is in the works, nor is one planned, according to Louis Ganun, director of public affairs for OMRDD.