



New York State Archives

**New York State Office of Mental Retardation and
Developmental Disabilities Litigation Support Services
Willowbrook Litigation Support Files 21414**

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Overview of the Records

Repository:	New York State Archives
Summary:	In the early 1970s, the publicized conditions at Willowbrook led to a class action suit alleging civil rights violations (New York State Association for Retarded Children, Inc. v. Rockefeller). Willowbrook clients were deinstitutionalized or transferred to other state facilities. These records document the litigation over conditions at the facility, agency response to the litigation and its aftermath, and oversight of class members during and after the litigation. Included are correspondence, memorandums, reports, minutes, and audit reports. Records are restricted.
Creator:	New York (State). Office of Mental Retardation and Developmental Disabilities. Litigation Support Services
Title:	New York State Office of Mental Retardation and Developmental Disabilities Litigation Support Services Willowbrook litigation support files
Quantity:	6 cubic feet
Inclusive Date:	1972-1986
Series:	21414

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Arrangement

Uncertain arrangement.

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Administrative History

The controversy over inhumane conditions and treatment of residents at the Willowbrook State School (aka Willowbrook Developmental Center), a residential facility for the developmentally disabled on Staten Island, brought national attention to the status and rights of the mentally retarded. The School opened in 1938 and, after serving as a military hospital during World War II, was used as a facility for the severely mentally retarded, including clients transferred from

other state schools. The School had the highest percentage of black and Hispanic residents of any state school and was the only school to accept children under age 5.

In the early 1970s, the publicized overcrowding and other conditions at Willowbrook by parents, facility employees, civil rights attorneys, and television reporter Geraldo Rivera lead to a class action suit in 1972 which was brought on behalf of the more than five thousand residents alleging numerous civil rights violations (New York State Association for Retarded Children, Inc. v. Rockefeller). Based on evidence presented when the suit was filed, the court granted immediate relief through a preliminary injunction ordering such steps as the hiring of staff and physical repairs to buildings to alleviate poor conditions at the facility.

In 1975, the State and the plaintiffs negotiated a court-approved Consent Decree with more than thirty pages of actions, standards and practices that the State would take or meet. A court-appointed Office of Special Master and Professional Advisory Board oversaw implementation of the Decree, while the State broke up the former Department of Mental Hygiene, established the separate Office of Mental Retardation and Developmental Disabilities (OMRDD) in 1978 and prepared to close Willowbrook and other institutions in favor of community residential placement wherever possible. The U. S. District Court issued a final Stipulation and Order in 1987 to close the litigation once its requirements, including placement of class action members, were met. Since 1993, the agency no longer reports to the court on the class members, although it continues to adhere to requirements of the final Order including conducting audits to verify compliance with those requirements.

In the years since the litigation, Willowbrook clients were deinstitutionalized or transferred to other OMRDD facilities, notably the Staten Island and Sunmount Developmental Disabilities Services Offices (DDSOs). The Litigation Support Services unit, an affiliate of the OMRDD Counsel's Office, monitors continued agency implementation of the Consent Decree and final Order and its requirements affecting class members including the lifetime monitoring of the several thousand Willowbrook residents who were members of the class action lawsuit (the "Class of 1972"). Because of the young age of some class members, the agency anticipates that such monitoring may continue to 2040s or more. The unit is formally part of the New York City Regional Office, although it is located in Albany and has statewide responsibilities inasmuch as former Willowbrook residents are now located across New York in agency facilities and community residences.

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Scope and Content Note

The litigation support files consist of correspondence, memoranda, reports, minutes, audit reports and related records concerning the class action litigation involving residents of the former Willowbrook State School on Staten Island, New York. The records document the litigation over conditions at the facility, the agency response to the litigation and its aftermath, oversight between 1975 and 1993 of agency actions affecting class members by a court-appointed Office of Special Master and Professional Advisory Board, and post-1993 monitoring

by the agency of class members after their transfers to other facilities or community-based residences. Many of the records, especially those from the period when litigation was taking place, appear to have been collected from multiple sources within the agency (Commissioner's Office, Counsel's Office, etc.) in an attempt to create a central set of Willowbrook-related files.

The earliest identified records date from the early 1960s and show agency awareness of overcrowding and conditions at Willowbrook a decade before the class action litigation commenced. Other records include extensive documentation of the agency's involvement in the litigation of the early 1970s leading to the Consent Decree of 1975, including correspondence with outside counsel (a New York City law firm) representing the agency in the Willowbrook litigation. For the ensuing years, records document the agency's relationship with the court-appointed Office of Special Master and Professional Advisory Board in addressing issues, especially placement, affecting class members and verification of compliance with court-ordered requirements.

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Other Finding Aids

Available at Repository

Folder list is available at the repository.

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Use of Records

Access Restrictions

Restricted in accordance with Mental Hygiene Law, Section 33.13, relating to confidentiality of clinical records. Access is permitted under certain conditions upon approval by the Office for People with Developmental Disabilities.

Access Terms

- Administering mental health facilities
- Staten Island (New York, N.Y.)
- Reports
- Intellectual disability facilities patients

- Correspondence
- New York (State)
- People with mental disabilities--Institutional care--New York (State)
- Willowbrook State School
- New York (State). Department of Mental Hygiene