SUMMARY OF RIGHTS OF WILLOWBROOK CLASS MEMBERS

_____ is a member of the Willowbrook class and as such is entitled to certain rights and services which are guaranteed by the permanent injunction. This injunction was issued by the United States District Court for the Eastern District of New York on March 11, 1993 in the case of New York State Association for Retarded Children, et al., v. Cuomo et al., 72 Civ. 356, 357.

A Notice of Rights must be placed in the consumer's files maintained by all providers of residential and habilitative services.

The consumer is represented by New York Civil Liberties Union (NYCLU) located at 125 Broad Street, 19th Floor, New York, 10004. The telephone number of the NYCLU is 212-607-3300. The consumer is also represented by New York Lawyers for the Public Interest (NYLPI) located at 151 W 30th St., 11th Floor, New York, New York, 10001-4007. The telephone number of the NYLPI is 212-244-4664. The consumer may also be entitled to be or is represented by the Consumer Advisory Board (CAB), an advocacy group, located at 1050 Forest Hill Rd., Staten Island, New York 10314. The CAB's phone number is 718-477-8800. In addition to this special representation by the NYCLU, NYLPI and CAB, the consumer may also be entitled to representation, like all other consumers, by the local office of the Mental Hygiene Legal Service (MHLS). If any problems arise concerning the consumer's rights under the permanent injunction, the NYCLU, NYLPI, CAB, and MHLS should be notified.

The following is a summary of the consumer's rights under the permanent injunction:

1. If the consumer is a resident of the Richmond Complex on Staten Island, the consumer has the right to high quality and appropriate medical and habilitative services, shelter, food and clothing which at a minimum conforms to state and federal regulations. Consumers at the Richmond Complex also have the right to be prepared for placement in a small community residence of 10 beds or less. The NYCLU will be notified of placement plans for consumers residing at the Richmond Complex by February 26, 1995.

2. If the consumer is not a resident of the Richmond Complex and is awaiting placement on February 26, 1993, the consumer is entitled to be placed pursuant to the approved placement plan by August 31, 1993. The placement will be monitored by the independent evaluator, pursuant to the permanent injunction.

3. Consumers who reside in community residential facilities on February 26, 1993 have the right to be maintained in that facility or another facility of equal or smaller residential capacity. The consumer can only be moved to a larger facility if a) medical or treatment needs require it, or b) if the consumer requests such a move, or c) the consumer is endangering other residents at the facility or is substantially interfering with the operation of the facility or d) in the event of an emergency as defined in the permanent injunction.

4. If the consumer does not have an active family member or friend to act as a correspondent, the consumer is entitled to be represented by the Consumer Advisory Board.

5. The consumer is entitled to case management services from a case manager who has a case load of no more than 20 consumers.

6. The NYCLU, NYLPI, CAB and MHLS to the extent they represent the consumer, have access to the consumer, his or her records, and all facilities where the consumer receives residential or habilitative services.

7. The consumer has the right to a meaningful, full day habilitative program and services appropriate to his or her individual needs week days and meaningful, appropriate recreation and community integration weekday evenings and weekends. These habilitative services and recreation shall meet applicable regulatory standards. Consumers with capacity have the right to refuse such services and recreation.

8. The consumer's developmental plan shall be reviewed at least annually by the consumer's program planning team. More frequent reviews may be requested where appropriate. The consumer, if he or she has capacity, the consumer's correspondent or CAB representative, and the MHLS to the extent it represents the consumer, shall be invited to attend such reviews. Current professional assessments of the consumer's needs shall be maintained in the consumer's files.

9. The consumer is entitled to be protected from harm and is entitled to a safe, clean, and appropriate physical environment.

10. The consumer is entitled to have sufficient staff members present to provide protection from harm and the habilitative and recreational services required by the permanent injunction.

11. Aversive conditioning, behavioral research, or experimentation may only be conducted after approval by a three person special committee.

12. Except in emergencies, the consumer, the CAB, the Willowbrook attorney pursuant to OMRDD training instructions, and the MHLS to the extent it represents the consumer, shall be given 30 days notice of any proposed transfer from the consumer's present residence. In addition, the consumer has the right to a hearing before an independent fact finder. These rights are the same as are afforded to all consumers on February 26, 1993. However, these rights must be afforded to this consumer for life regardless of changes that may be made that affect other consumers not subject to the permanent injunction.

13. The consumer is entitled to continued residential, habilitative, and programming services that are reasonably unrestrictive and appropriate to his or her individual needs.

If anyone has any questions concerning this notice or the permanent injunction, please contact the attorneys for the plaintiffs or defendants:

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