



## **Proposal for a Statewide Initiative of Nonprofit Guardians (SING)**

### I. Summary

In 2022, nonprofit guardianship providers and elder and disability justice advocates across New York formed Guardianship Access New York (GANY) – a coalition committed to improving the guardianship system by ensuring equal access to services statewide. We believe that every individual who needs one should receive a high-quality guardian for as long as necessary, regardless of their ability to pay. GANY elevates the voices of clients and community members, highlights gaps in the guardianship system, and advocates for increased resources in the sector. Its members include the Center for Elder Law and Justice (CELJ), EAC Network, Guardianship Corp., Lifespan, Project Guardianship, and the Hon. Arthur M. Diamond, JSC (retired).

GANY proposes a solution to New York’s guardianship crisis, which includes a shortage of guardians, ill-equipped guardians, and unequal access to decision-making surrogates for New Yorkers in need. Our solution is a Statewide Initiative of Nonprofit Guardians (SING) that establishes a network of high-quality nonprofit guardians to not only meet the demand for services in their respective regions, but to build the capacity of community-based organizations to deliver guardianship services in areas where they do not currently exist. Unlike other responses to the guardianship crisis, ours is rooted in decades of practical experience and a deep understanding of what it takes to be the guardian of another person. SING is a person-centered, affordable, and “shovel ready” solution.

### II. Background

Each year, older New Yorkers and people with disabilities and mental illnesses who lack familial caregivers rely on the guardianship system to protect their health and wellbeing. Unfortunately, guardianship services are sorely underfunded and these New Yorkers – disproportionately women and people of color who are low-income – are paying the price.

According to Article 81 of New York State’s Mental Hygiene Law, a Justice of the Supreme Court who finds an individual to be incapacitated – meaning that they can no longer manage their personal and/or property needs and may suffer harm or danger – is mandated by statute to appoint a guardian for that individual. If such an individual does not have a relative or friend to serve, lacks funds to pay a private guardian, lives in a county where the Department of Social services (DSS) does not accept guardianship appointments, and if the judge is unable to find a

willing pro-bono guardian, the courts have no way of providing a quality guardian for the incapacitated individual. Further, public guardians may be at capacity or may not accept appointments due to disqualifying factors, such as an individual being unhoused and not having proof of residence, and nonprofit providers are stretched beyond capacity. Both are unable to meet the growing need for guardianship services to which this population is entitled. It is a dilemma facing every guardianship judge in New York and exacerbating existing inequities in the areas of health, safety, and quality of life for older adults and those with disabilities. Simply put, this is an unfunded mandate that must be addressed.

At the same time, New York's need for guardians is growing rapidly. According to the New York State Office for the Aging (NYSOFA), New York has the fourth largest population of older adults in the nation: 4.6 million New Yorkers are 60 years of age or older. By next year, this segment is expected to account for 25 percent of all people in 33 counties and 30 percent of all people in 18 counties. Eleven percent of older New Yorkers are living in poverty, though the rate is significantly higher among Black/African American (23.3 percent) and Hispanic/Latino (17.1 percent) people.<sup>1</sup> According to the U.S. Department of Health and Human Services, someone turning 65 today has a 70 percent chance of needing some form of long-term care, including adult guardianship. Furthermore, increased rates of mental illness have led more people to guardianship court. According to the New York State Bar Association, Article 81 guardians play a unique role when a person with a guardianship arrangement is suffering from mental illness and requires admission to the hospital for inpatient psychiatric care.<sup>2</sup>

### III. Public Guardianship Challenges

While some states have opted to establish statewide public guardianship programs to meet the needs of the incapacitated persons in their state, many programs have faced persistent staffing and capacity challenges. A public guardian is typically an executive-level office, which is funded primarily through state appropriations, funds from county level governments, and occasionally offset by fees collected from persons under guardianship. However, those centralized governmental programs that serve as public guardians often have difficulty meeting the needs of their constituents, largely due to understaffing and logistical concerns.

A comprehensive national study of public guardianship conducted in 2007 revealed that the greatest challenges to comprehensive statewide public guardianship models were staffing and funding constraints.<sup>3</sup> At the time 41 states had some sort of statutory provision for a public

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<sup>1</sup> [https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1157&context=cl\\_pubs](https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1157&context=cl_pubs)

<sup>2</sup> <https://nysba.org/the-unique-role-of-the-guardian-in-inpatient-psychiatric-care/>

<sup>3</sup> See Pamela B. Teaster, Erica F. Wood, Susan A. Lawrence, and Winsor C. Schmidt, *Wards of the State: A National Study of Public Guardianship*, 37 STETSON L. REV. 193, 232-233 (October 2007).

guardian,<sup>4</sup> there was a massive range in staff-to-client ratios, ranging from 1 to 50, to 1 to 173.<sup>5</sup> Though conducted nearly 17 years ago, many public guardianship offices still face the same staffing challenges. By contrast, Project Guardianship’s staff-to-client ratio is 1 to 10, with a 1 to 25 case manager-to-client ratio.

Colorado’s Office of Public Guardianship office is a permanent state-funded public guardian program.<sup>6</sup> Despite the robust statutory basis for the program, and the presence of state appropriated funds, the program is still under scrutiny for staffing issues. According to a recent news article, seven guardians have resigned from the Colorado Office of Public Guardianship in the past year alone, leaving only two guardians and five staff members to handle the office’s 82 clients.<sup>7</sup> Alaska’s public guardianship program, the Office of Public Advocacy, has faced similar staffing challenges. The Office of Public Advocacy is charged with 1,700 guardianship cases all over Alaska, with just 17 certified guardians on staff to serve these individuals.<sup>8</sup> The Office of Public Advocacy director, James Stinson, in a recent interview noted that the office would require an additional 40 guardians to ensure appropriate staffing levels.<sup>9</sup>

Thus, even in states where there is robust funding and statutory bases for an office of public guardianship, staffing levels remain an issue. Though the exact reason for the staffing difficulties is not shown through any empirical research yet, other programmatic models for public guardianship are informative. The State of Florida has a model most similar to that proposed by GANY. Florida’s Office of Public and Professional Guardians (“OPPG”) model involves contracting with 16 regional not-for-profit experts to serve their incapacitated persons.<sup>10</sup> According to the Florida OPPG, they have been responsible for overseeing approximately 550 professional guardians statewide.<sup>11</sup> To fund these offices, each organization is required to compile a budget, which the OPPG includes in the Department of Elderly Affairs’ legislative budget request each year.<sup>12</sup> These funds are then allocated based on the General Appropriations

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<sup>4</sup> *Id.* at 205

<sup>5</sup> *Id.* at 232

<sup>6</sup> See Sophia M. Alvarez, *Colorado Office of Public Guardianship FY 2025 Budget Request* (2024), available at <https://colorado-opg.org/wp-content/uploads/2023/11/FINAL-Office-of-Public-Guardianship-FY2024-25-Budget-Request.pdf>.

<sup>7</sup> Marianne Goodland, *Ex-Staffers Say Colorado’s Office of Public Guardianship is in Crisis, Ask Polis to Replace Leaders*, COLORADO POLITICS (February 20, 2024), available at [https://www.coloradopolitics.com/news/ex-staffers-say-colorados-office-of-public-guardianship-is-in-crisis-ask-polis-to-replace/article\\_02d30512-cd05-11ee-85b9-d7f62376538e.html](https://www.coloradopolitics.com/news/ex-staffers-say-colorados-office-of-public-guardianship-is-in-crisis-ask-polis-to-replace/article_02d30512-cd05-11ee-85b9-d7f62376538e.html).

<sup>8</sup> Iris Samuels, *Spending Proposal Offers New Positions, but Won’t Be Enough to Resolve Alaska’s Public Guardian Shortage*, ANCHORAGE DAILY NEWS (December 19, 2023), available at <https://www.adn.com/alaska-news/2023/12/19/spending-proposal-offers-new-positions-but-wont-be-enough-to-resolve-alaskas-public-guardian-shortage/>.

<sup>9</sup> *Id.*

<sup>10</sup> See *Office of Public and Professional Guardians*, FLORIDA OFFICE OF ELDER AFFAIRS, available at <https://elderaffairs.org/programs-services/office-of-public-professional-guardians-oppg/>.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* § 744.2009.

Act of the legislature.<sup>13</sup> In the fiscal year 2022-2023, OPPG appropriated \$18,625,791 in state funding, serving 4,285 incapacitated individuals with said funding.<sup>14</sup> In addition to these funds, guardians are permitted under the statute to supplement their operations with other sources of funding.<sup>15</sup>

Having a more widespread approach to public guardianship, which taps into a vast network of specialized practitioners, can help alleviate concerns about staffing a statewide governmental office. By spreading out the caseload and providing government subsidies to these partner organizations, a public guardianship program such as the Florida OPPG can focus more on oversight and enforcement than finding staff to serve those in need. It is also a more efficient investment for state government.

#### IV. Proposed Solution

We propose making a significant and permanent statewide investment in nonprofit guardianship services that would help meet the mandate under Article 81 of the Mental Hygiene Law. Such investment would ensure that all older New Yorkers and people with disabilities who need a guardian are able to get one, and that would allow judges to fulfill their mandate to appoint a guardian for incapacitated persons. Further, by funding nonprofit guardianship providers to meet the growing demand for services at scale, we can ensure that all New Yorkers have access to a good guardian – one that recognizes and prioritizes their needs and maintains their dignity, regardless of their ability to pay. Not only do mission-driven nonprofits deliver person-centered services, but they also help prevent unnecessary guardianships by proactively connecting older adults and those with disabilities in their communities with a range of social, financial, and health resources and public benefits.

GANY proposes an annual investment of \$15 million to fund a Statewide Initiative of Nonprofit Guardians (SING). This funding would sustain anchor partners and subgrantees in delivering person-centered guardianship services to 1,500 New Yorkers across the state each year. SING members could accept appointments from judges in cases where the person in need of a guardian does not have a family member or friend to serve; doing so could prevent profit-seeking entities from exploiting our guardianship system. A \$15 million investment would enable programs to stay open, to serve clients without funding-related interruptions, and to expand their services to significantly more individuals in need of support, including counties without any existing programs. It would also preserve judicial resources and promote efficiency by preventing unnecessary motion practice and other proceedings, thereby enabling judges to fulfill their legal mandate pursuant to Article 81. Most importantly, SING would ensure access to an ethical,

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<sup>13</sup> *Id.*

<sup>14</sup> “Florida Department of Elder Affairs,” *supra* note 1, at 43.

<sup>15</sup> *Id.* § 744.2009.

reliable, and effective guardian, regardless of their financial circumstance, thus making New York a safer, more equitable place to age.

## V. Model

SING would function as a multi-tiered model that includes a single lead partner (Lead) to manage the grant, several regional anchor partners (APs) to manage subgrants, data collection, and technical support while also providing services, and multiple local guardianship partners (LGPs) to provide guardianship services in their communities. During the first year, the Lead and APs would expand their own guardianship services to address the unmet needs of older adults and people with disabilities and mental illnesses in their existing service areas, while collecting data to better understand the demand for guardianship services in nearby regions, with a focus on counties with no current guardianship programs. From there, they would thoughtfully expand outside of their existing service areas, whether by funding an LGP, supporting a community-based organization to become an LGP, establishing a collaborative service delivery model together with an LGP, or simply providing guardianship services in the new geographic region.

The following descriptions detail the roles and responsibilities of each proposed partner.

### **a) Lead Partner**

Project Guardianship (PG) serves as the Lead Partner. As Lead, PG would be responsible for identifying viable APs in each of New York’s judicial districts, collecting and formatting data from the APs, managing grants and subgrants, tracking progress toward grant outcomes, and advocating to maintain the appropriate level of funding for nonprofit guardianship services statewide. PG would also continue to serve as GANY’s main organizing body, scheduling and running regular meetings, representing the coalition in conversations with elected officials, and drafting external communications to raise awareness about the need for greater access to guardianship services. In addition, PG would market the program to residents, judges, court officers, social service providers, healthcare providers, and others across the state, and would make referrals to a range of providers.

### Marketing and Referrals

PG would provide key marketing and referral services through its Guardianship Support Helpline. The Helpline – which launched in June 2023 and served 700 New Yorkers in its first year – is a first-of-its-kind public resource that helps New York State residents navigate the guardianship system and prevents unnecessary guardianships. The Helpline would support the work of APs and LGPs by strengthening local connections between community members and

health and social service providers, supporting caregivers and lay guardians, and reducing reliance on the guardianship system overall.

## **b) Anchor Partners**

Three (3) APs would oversee the distribution of funds, data collection and reporting, and technical support to LGPs in three (3) geographic regions: (1) Project Guardianship (PG) in judicial districts 1, 2, 10, 11, 12, and 13 (including New York City, Long Island, Westchester, and lower Hudson Valley); (2) the Center for Elder Law and Justice (CELJ) in judicial districts 7 and 8 (including Greater Niagara, Chautauqua/Allegheny, and parts of the Finger Lakes); and (3) Lifespan of Greater Rochester (Lifespan) in judicial districts 6 and 7 (including Central New York and parts of the Finger Lakes). All APs would serve as liaisons for the courts in their respective districts.

As Lead, PG would also support the expansion of the existing APs or identify new APs to represent judicial districts 3, 4, and 5 (including Syracuse, the Capital Region, 1000 Islands, Adirondacks, Saratoga, Catskills, and upper Hudson Valley). In order to become an AP, organizations must have a demonstrated record of serving older New Yorkers, must manage large government contracts in excess of \$1 million, must maintain an organizational budget in excess of \$3 million, and must maintain a guardianship services program budget in excess of \$500,000. For more information on the proposed AP organizations and their experience operating and developing guardianship programs, see *Appendix A—Anchor Partner Profiles and Capacity*.

### Distribution of Funds

The Lead would oversee the distribution of subgrants to LGPs throughout the state. Subgrant amounts would be determined through a formula based on client volume and needs in the respective service areas. Further, priority would be given to organizations serving residents who are low-income, women, people of color, or members of other historically marginalized and oppressed communities.

Once subgrant decisions are made, the Lead would work with legal counsel to draft and execute subgrant agreements. Subgrant agreements include information on program activities and outcomes, data collection and reporting requirements, and payment disbursement schedules. From there, the Lead would manage the transfer of initial funds and subsequent payments in accordance with periodic reporting requirements and progress toward program objectives.

### Data Collection and Reporting

The APs would work closely with their respective LGPs to compile quarterly and annual progress reports. These reports would include statistical and financial components that capture our progress toward the overall grant objectives. Statistical reporting would involve the ongoing collection of several data points across the LGPs, such as:

1. Client/Demographic Information
2. Income and Asset Information
3. Appointment Information
4. Services Provided to the Client by Grantee
5. Outcome(s) Reached for Client

The APs would also provide quality control throughout the grant period. If an LGP has not fulfilled the program activities and outcomes as outlined in the subgrant agreement, the AP would work with the LGP to develop a plan to get back on track, which may include additional technical support, absorbing a portion of the LGP's guardianship cases, and/or making adjustments to the program goals. Any changes to the overall number of clients served may result in amendments to the grant agreement and subgrant amount.

#### Technical Support

The APs would provide various levels of support to LGPs depending on their capacity, goals, and needs. From a programmatic standpoint, all LGPs would receive training on data collection and reporting, and would have access to further, one-on-one technical assistance from their respective APs throughout the grant period.

All LGPs would be offered periodic training on guardianship law and practice. Training sessions would be customized to the LGPs and their client bases and would address any legislative or practice-based changes that affect the provision of guardianship in New York State in a timely manner. Further, the training sessions would provide a space for LGPs to connect with one another, celebrate achievements, troubleshoot challenges, and foster greater connectivity and coordination among guardianship providers statewide.

In addition, APs may offer direct support on guardianship cases depending on the needs of each LGP. For example, if a case requires a legal process with which the LGP is unfamiliar, the AP may step in to provide this service with the goal of increasing the capacity of the LGP to provide more holistic guardianship services in the future.

#### **c) Local Guardian Partners**

LGPs would assume all duties as Article 81 Guardians pursuant to the powers and authorities granted by the courts based on the specific needs of the individual under guardianship. For example, some clients may need a guardian to help them manage money but are able to make medical decisions, travel independently, and maintain a safe living environment on their own. Others might be capable of managing their own money but need assistance managing their home care. As guardian, the responsibility of the LGP is to help the individual make decisions where support is needed, and to honor their self-determination and agency to the extent that their situation allows. This includes keeping as many clients in their homes and communities – and out of institutional settings – as possible.

To effectively support the varied needs of their clients, the LGPs must have the appropriate legal, social, and financial personnel in place. If an LGP is missing one or more of these components, they may serve as co-guardian with their AP or work with the AP to build that capacity.

As part of their legal responsibilities, LGPs would ensure compliance with the powers and authorities outlined in court orders. They would attend court proceedings related to their clients' guardianship arrangement and seek court approval for big decisions, such as selling real property, permanently placing a client in a facility, and even terminating the guardianship because it is no longer necessary. LGPs also advocate for clients in collateral matters such as in fair hearings for housing and benefit entitlements, landlord/tenant court, and foreclosure proceedings. Staff attorneys work closely with court administrators and oversee the filing of mandatory reporting to the courts.

As part of their social responsibilities, LGPs would coordinate all medical, housing, and day-to-day client services. They conduct regular client visits, bring money, groceries, and other supplies, and monitor the clients' overall quality of life. Depending on the staffing structure of the specific LGP, a social worker, case manager, or benefits coordinator may also be responsible for securing and maintaining public benefits to which clients are entitled, such as Supplemental Nutrition Assistance Program (SNAP), Medicaid, Disability, Supplemental Security Income (SSI), and more. Further, LGPs are responsible for monitoring the safety of clients' homes and coordinating repairs and modifications when necessary.

As part of their fiscal responsibilities, LGPs would marshal, manage, and safeguard all client assets and income streams, including investments where applicable, investments. They also manage budgeting and bill paying, particularly when a client has limited means. In addition, finance personnel may also oversee client Medicaid planning. For example, clients who have assets over \$16,800 (as of 2022) are not eligible for Medicaid. However, privately paying for home care or nursing home care can quickly deplete resources. By setting up a Supplemental Needs Trust (SNT), a client can become eligible so that Medicaid would pay for care, while



funds in the Trust can supplement other needs (such as maintaining a home, rent, food, clothing, etc.).

Court oversight continues throughout the life of the guardianship. As guardians, LGPs must regularly report to the court. These reports provide information about the individual under guardianship as well as how the guardian is managing their affairs, plans for care and oversight, financial outlook, and how the individual’s money is being spent. These reports provide a good basis to evaluate whether a guardian is adequately serving an individual, thus providing an additional layer of quality control to supplement oversight from the AP.

For a list of prospective LGPs, please see *Appendix B – Local Guardianship Partner Candidates*.

VI. Budget

<b>Expense Description</b>	<b>Estimated Cost</b>
Lead partner (1) personnel, fringe, and overhead to provide fiscal oversight, track progress toward grant outcomes, market the program and make referrals, and manage and support Anchor Partners.	\$1,000,000
Anchor Partner (3) personnel, fringe, and overhead to manage fund disbursement, data collection and reporting, and technical support for Local Guardianship Partners	\$2,000,000
Direct guardianship service provider personnel, fringe, and overhead to deliver high-quality, person-centered guardianship services to 1,500 New Yorkers annually (\$10,000 per client in PG’s region; \$7,500 per client in CELJ and Lifespan’s regions)	12,000,000
<b>TOTAL</b>	<b>\$15,000,000</b>

**Appendix A**  
**Anchor Partner Profiles and Capacity**

1) PROJECT GUARDIANSHIP

*Profile*

Project Guardianship (PG) was founded in 2005 as a social justice initiative of the Vera Institute of Justice (Vera) in partnership with the NYS Office of Court Administration (OCA) to fill a gap in the guardianship and elder services safety net for New Yorkers. With OCA, Vera created an agency guardianship model to provide high-quality services for a largely low-income population of aging adults and people with disabilities who lack family or other supports. Today, PG is an independent nonprofit organization led by a dynamic Board of Directors that governs the organization's finances, strategic planning activities, and core programming.

PG delivers high-quality guardianship services throughout the five boroughs to people with limited capacity upon court appointment pursuant to Article 81 of the Mental Hygiene Law. PG employs a multi-disciplinary team of lawyers, case managers, and finance associates to help guardianship clients remain safe, living at home, and as independent as possible. Our clients are part of a growing population of older adults and people with disabilities, many of whom live below the poverty line with physical, cognitive, and/or mental health conditions. They have no family or friends able to provide the support they need. PG is known for serving the courts' most complex cases, keeping clients in their homes or moving clients back home after a prolonged institutional stay, working with families, and making critical end of life decisions.

In addition to our legal guardianship services, PG operates a Guardianship Prevention and Support Helpline – a free resource for anyone navigating the guardianship system or seeking alternatives. We also provide education, training, and support on guardianship best practices and alternatives to the general public, caregivers, and families. We also field a high volume of questions and make referrals for individuals and organizations attempting to navigate the guardianship system on behalf of themselves, their loved ones, clients, patients, and constituents. In doing so, we take steps to ensure that guardianship is a last resort.

*Capacity*

PG is led by a President & CEO who reports to the Board of Directors and who supervises one Chief Program Officer, one Chief Advancement Officer, one Chief Financial Officer, one Director of NYS Guardianship Initiatives, and one Senior Manager of Data and Evaluation. The Chief Program Officer supervises two Deputy Directors of Legal Services and two Deputy

Directors of Case Management, who – in turn – oversee Staff Attorneys and Case Managers respectively. In addition, the Director of Finance and Operations oversees a team of Client Finance Associates and an Accounts Payable Associate.

Client teams consist of a Staff Attorney, Case Manager, and Client Finance Associate who work together on day-to-day planning and priority setting for individual clients, with a caseload of up to 25 clients. Each Staff Attorney and Client Finance Associate is on two teams (giving them a total caseload of 50), while each Case Manager is on one team, serving a maximum of 25 clients. A Benefits Coordinator supports all teams and clients. Client teams consult the Senior Management Team (Deputy Directors, Directors, and Chiefs) and the President & CEO when complicated and overlapping issues arise, as well as on all end-of-life decisions. They also set other team priorities, such as preparing and submitting annual and final accountings.

Internally, PG prioritizes race equity in our hiring, recruitment, and staffing practices. Of the Senior Management Team, 38 percent are people of color and 88 percent are women; of the non-management staff, 56 percent are people of color and 78 percent are women. Of the hires the organization has made in the past year, 40 percent identify as people of color and 73 percent identify as women of color. In total, PG employs six staff who speak multiple languages and can assist PG's work with clients and partners. PG measures progress in its hiring and advancement policies by continually monitoring the demographic profiles of our staff and seeking to develop and promote individuals and women of color on staff.

Data has increasingly become a part of daily functions at PG. Activity reports for each client are sent weekly to all staff as Weekly Case Notes Reports. Internal reports have also been created for management and individual staff to increase our data transparency and awareness so that we are better able to meet and assess the needs of clients on an ongoing basis. Each department now goes through refresher trainings on our central case management system, Estate Management Services (EMS), as we continually refine and enhance our use of EMS. Supportive training materials such as data entry manuals and memos are made available to all staff for consistent data entry practices across departments and specialized services.

PG communicates regularly with the judges, court attorneys, and staff in the guardianship parts in the counties served. In addition, we are a member of the Guardianship Advisory Council and a regular presenter at the Downstate Judges' Guardianship Roundtable, chaired by Judge Troia of Richmond County. We have strong partnerships and make cross referrals with providers such as New York Legal Assistance Group (NYLAG), SAGE, Volunteers of Legal Service (VOLS), and Mobilization for Justice. We also maintain relationships with fellow practitioners in the guardianship space, including but not limited to Adult Protective Services, Mental Hygiene Legal Services, and other legal service providers.

## 2) CENTER FOR ELDER LAW AND JUSTICE

### *Profile*

The Center for Elder Law & Justice (CELJ) is a 80+ person full service regional civil legal services agency with dedicated staff for outreach, training, and pro bono activities. In addition to direct client services, we advocate for policy issues that impact older adults and persons with disabilities at both the local, state and federal levels. We have four offices (Erie, Niagara, Cattaraugus, and Chautauqua) and provide direct legal services to eleven counties in Western New York, as well as a statewide helpline for older adults and their families on any legal issue. Our primary goal is to use the legal system to ensure that our clients may live independently and with dignity. We have a holistic model of services which includes attorneys, social workers, caseworkers, accountants and social services navigators.

### *Capacity*

CELJ has a long history of serving as court-appointed guardian for older adults who are deemed incapacitated by the courts. Our expertise in this area predates the enactment of Article 81, when CELJ served as Conservator and Committee pursuant to the previous statute. Most of our clients have been financially victimized, often by family members. Other times, the persons for whom we serve as Guardian have no family willing, or able to otherwise serve. Our Managing Attorney, Helen Ferraro-Zaffram, has served on the National Guardianship Association, the NYS Wings Group, and various other national and state organizations dedicated to guardianship reform during her 35-year career as an attorney. The majority of our clients are in institutional or group settings. We estimate that we are only meeting a portion of the need in Erie County. We support these services through a combination of court-ordered fees and limited grant funding.

Our current model involves a group decision-making committee that includes 2 full time attorneys, 1.5 FTE social workers, a full-time clients benefit manager, a full-time paralegal, a part-time bookkeeper for bill paying, a part-time accountant for court accountings and supervision of the bookkeeper, and a full time administrative support person. Our ratio of staff to clients is around 1 to 10. Although not a member of the day-to-day management of direct service needs, another part-time attorney provides support and guidance to *family* guardians, thereby slightly reducing the need for our agency to serve as guardian. A great strength of our model is the dedication of our not-for-profit employees. Our agency attracts team members who are passionate about helping our clients. The supervising attorney and social worker are on call and able to be reached 24/7 for any issues relating to our guardianship cases; there are times when our staff will rush to the hospital to ensure that medical decisions are properly made. Since our

clients have needs that do not adhere to a 9-5 schedule, we look for employees who bring the necessary level of commitment.

To scale up and handle more community cases, we have determined that we would adopt the model in the pilot project in Nassau County in which a case manager/social worker would be responsible for 20 clients and the attorney, paralegal/benefits coordinator would be responsible for 40 clients.

### 3) LIFESPAN OF GREATER ROCHESTER

#### *Profile*

Lifespan, founded in 1971, has provided services for Rochester area older adults and caregivers for 50 years. The organization has a \$20 million annual budget and receives support from government, The United Way of Greater Rochester, numerous foundations, private contributors, and through service fees. Lifespan employs approximately 200 full and part-time, and assists approximately 29,000 older adults and caregivers a year.

In April 1996, Lifespan officially commenced its Guardianship Program after a judge on the Supreme Court requested the organization's involvement in the case of an older gentleman who had been financially exploited. Since then, Lifespan has become a trusted partner with the court to assist incapacitated older adults. Lifespan staff have attended the state-required guardianship training, and the organization is bonded and insured to safeguard all individuals under their guardianship care. In keeping with Lifespan's mission and the intent of the Mental Hygiene Law, the organization has assembled a team of social workers, financial specialists, a lawyer and other professionals to handle the affairs of individuals no longer able to manage on their own.

#### *Capacity*

Since 1996, Lifespan has served as a corporate guardian for incapacitated older adults and aging adults with developmental disabilities under Articles 81 and 17a of the Mental Hygiene Law, respectively. Early on, Lifespan established an Ethics Committee to review ethical, medical, and personal decisions made as part of their guardianship program, and created policies and procedures that mirror the Guardianship Association of New York State and the National Guardianship Association's policies and standards. In most cases, Lifespan's standards are more rigid than these organizations to ensure the best possible care for their clients. Further, as part of their core mission, Lifespan is committed to serving as a guardian of last resort.

As part of Lifespan's model, a certified social worker first completes a full geriatric assessment, which in turn informs the client's care plan. From there, staff visit with the older adult to ascertain his/her wishes and preferences. Staff then work to mobilize as many resources as possible to meet the needs of the client, whether those be medical, dental, psychological, eye and hearing, podiatry, hair, clothing, end-of-life decision-making, finance, property, public benefits, and more. Lifespan staff are required to visit their clients at least four times each year to ensure that client needs are being met, and care plans are reassessed on a semi-annual basis. In addition, Lifespan provides regular reports to the client, family members, the courts, and other providers.



**Appendix B**  
**Local Guardianship Partner Candidates\***

<u>Organization</u>	<u>Counties Served</u>
Bronx Community Guardianship Network	Bronx
Catholic Family Center	Monroe
EAC Network	Nassau, Suffolk
Family Service Society of Yonkers	Bronx, Ontario, Rensselear, Washington
Guardianship Corps.	Nassau, Suffolk
Jewish Association Serving the Aging	Bronx, Kings, Nassau, New York, Queens
New York Foundation for Senior Citizens	New York
New York Guardianship Services, Inc.	New York
Self-Help Community Services, Inc.	Bronx, Kings, Nassau, New York, Queens, Wayne

*\*The above nonprofits operate guardianship programs. As part of this funding, Anchor Partners will also work to identify and support additional nonprofits to create guardianship programs.*