



January 30, 2025

To: New York State Senators and Assembly Members

Cc: Senators Robert Jackson and Jessica Scarcella-Spanton; Assembly Member Charles Lavine

RE: Legislative Support for a Statewide Initiative of Nonprofit Guardians (SING)

Dear Legislators,

We, the undersigned organizations, urge you to support a \$15 million Statewide Initiative of Nonprofit Guardians (SING). Doing so would ensure that all New Yorkers who need a surrogate decision-maker have access to qualified, person-centered care regardless of their financial or social circumstance.

Article 81 of New York’s Mental Hygiene Law provides that the court, having ruled out all lesser restrictive alternatives, shall appoint a guardian to protect and promote the interests of persons with limitations that affect their ability to make decisions for themselves. However, there is no public fund to compensate guardians. Instead, the system relies on family caregivers and the personal wealth of those in need of a guardian to pay for their own services, neither of which reflects the experience of today’s older adults who are increasingly aging alone and with limited financial resources.

In some areas, nonprofits have stepped in to fill the gap, raising funds from private and public sources to serve as guardians for those with no other option. In doing so, they have demonstrated their keen ability to deliver the highest quality guardianship services for those in their care. Unfortunately, the absence of a permanent, adequate funding source to fulfill the mandate of Article 81 has prevented nonprofits from meeting the demand for services at scale. Furthermore, the perennial threat of funding cuts puts nonprofit services—and, critically, those in receipt of guardianship services—at risk.

The lack of investment in our guardianship system has also caused challenges for the courts, which are responsible for appointing and monitoring guardians. According to judges across the state, a shortage of guardians to appoint in cases where the individual in need of a guardian has no familial support or assets to be leveraged has led to a crisis in the courtroom. Appointments are stalled, which means New Yorkers in need of time-sensitive decision-making to ensure their health and safety are left in limbo. In some instances, unqualified and even exploitative guardians have been appointed.



New York's need for guardians is growing rapidly. According to the Office for the Aging, New York has the fourth largest population of older adults in the nation at 4.6 million. 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/Latinx (17.1 percent) people. 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.

A \$15 million annual investment in SING would fund existing nonprofit providers to increase their capacity to serve as well as community-based organizations to develop guardianship programs in underserved areas. Most importantly, it would ensure that older New Yorkers and those with disabilities and mental illnesses who need a guardian have access to high-quality, person-centered care regardless of their ability to pay. It would also enable judges to swiftly and confidently appoint guardians from among a qualified workforce. New York State would benefit from \$80 million in Medicaid cost savings annually, as nonprofit guardians work to prevent and limit institutionalizations. Furthermore, local economies would benefit, as nonprofit guardians secure comprehensive public benefits that enable greater economic participation.

Unlike other proposed solutions to New York's guardianship crisis, SING is rooted in decades of practical experience and a deep understanding of what it takes to be the guardian of another person. It would advance the goals of New York's Master Plan for Aging by ensuring that all New Yorkers can live and age with health and dignity.

Thank you for your attention to this important issue.

Sincerely,

AARP New York

ACHIEVE

Association on Aging in New York

CaringKind, The Heart of Alzheimer's Caregiving

Center for Elder Law & Justice

Clinton County Chapter NYSARC

Delaware County Office for the Aging



EAC Network

Empire Justice Center

FeedMore Western New York

Guardianship Corp.

Guardianship Access New York

Jefferson County Office for the Aging

Lewis County Office for the Aging and NY Connects

Lifespan of Greater Rochester

LiveOn NY

New York State Association of Counties (NYSAC)

New York Public Welfare Association (NYPWA)

Orleans County Office for the Aging

Oswego County Office for the Aging

Project Guardianship

Rural Law Center of New York

St. Lawrence County Office for the Aging

Steuben County Office for the Aging

Warren/Hamilton Counties Office for the Aging

Washington County Office for Aging and Disabilities Resource Center

The Weinberg Center for Elder Justice

Wyoming County Office for the Aging