GUARDIANSHIP ACCESS NEW YORK

September 29, 2025

The Honorable Kathy C. Hochul
Governor of New York State
Executive Chamber
NYS Capitol Building
Albany, NY 12224

Dear Governor Hochul,

We, the undersigned organizations, urge you to support a Statewide Initiative of Nonprofit Guardians (SING) with a $15 million annual investment. 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. We appreciate your Administration's recognition of this proposal as a "high priority" recommendation in the adopted Master Plan for Aging.[1]

By way of background, Article 81 of New York's Mental Hygiene Law requires 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. Guardianship involves essential management of financial resources, coordination of health care, and ensuring basic daily needs such as cooking, cleaning and shopping are met. When an individual has significant financial resources, identifying a paid guardian is a viable option. However, the reality is that most people assigned a guardian cannot afford to pay for this high-level of care.

Community-based nonprofit organizations have stepped in to serve a significant cohort of individuals without the means to pay for their care. Reputable nonprofits take a multidisciplinary approach to care and tailor a plan to an individual's needs, at no charge or for minimal fees. In doing so, they have demonstrated their keen ability to deliver the highest quality guardianship services for those in their care largely through private fundraising and the cobbling together of public funds. Despite these efforts, we estimate that judges are unable to find Article 81 guardians to appoint for at least 1,500 New Yorkers each year.

Due to the high level of need and lack of an adequate funding stream, nonprofits are unable to take on more cases without sacrificing the quality of care. Many areas of the state lack a nonprofit guardianship services provider altogether. These factors put a strain on municipal and county budgets when Local Departments of Social Services must step in as the guardian of last resort, as they too do not have adequate resources to keep pace with demand. Moreover, the lack of appropriate assignments of guardians has led to a significant cost burden on our social safety net, particularly avoidable hospitalizations and care through Medicaid and shelter stays. This gap in quality guardians has also

[1] https://planforaging.ny.gov/system/files/documents/2025/07/mpa-final-report-6-30-25.pdf (see pages 211, 247)

allowed unscrupulous and unchecked for-profit entities to enter the market who collect fees while neglecting those in their care.[2]

New York's need for guardians is growing rapidly. The state ranks fourth in the nation with about 4.8 million people age 60+, a group projected to grow to roughly 5.3 million by 2030, concentrating far greater numbers of older adults who may need decision-making supports.[3] At the same time dementia is rising; an estimated 427,000 New Yorkers age 65+ are living with Alzheimer's disease today, which increases the number of people lacking capacity for complex decisions.[4] Furthermore, a growing number of older New Yorkers are living in poverty—with about 422,945 people aged 65+ in the state below the poverty line in 2022—a nearly 50% increase from 2012. The burden falls heavily on communities of color: Hispanic and Asian older adults face poverty rates of roughly 23.1% and 22.3% respectively, compared to 8.3% among white older adults.[5]

The lack of funding for this statutory mandate combined with a growing need for guardians is presenting challenges for the court system. According to judges across the state, a shortage of qualified 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.

A $15 million annual investment in SING would allow existing nonprofit providers to increase their capacity to serve and allow other qualified 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, helping to eliminate unqualified and nefarious actors from the marketplace.

Moreover, New York State would benefit from significant cost savings to Medicaid and social safety net programs, as nonprofit guardians work to prevent unnecessary institutionalizations. One New York City-based provider found that their service to clients over a 10-year period yielded over $140 million in savings to the Medicaid program and shelter system.[6] Furthermore, local economies would benefit, as nonprofit guardians secure comprehensive public benefits that enable economic participation. Guardians also help ensure that federal benefit programs are being maximized, thereby reducing reliance on redundant state programs and providing savings.

Unlike other proposed solutions to New York's guardianship crisis, SING is rooted in decades of

[2] https://www.propublica.org/article/new-york-guardianship-services-care-sick-elderly-confused-alone
[3] https://planforaging.ny.gov/system/files/documents/2025/07/mpa-final-report-6-30-25.pdf
[4] https://www.alz.org/professionals/public-health/state-overview/new-york
[5] https://nycfuture.org/research/the-emerging-financial-security-crisis-facing-older-adults-across-new-york
[6] https://projectguardianship.org/sites/default/files/inline-files/2025%20Cost%20Benefit%20Analysis_Final.pdf



practical experience and a deep understanding of what it takes to be the guardian of another person. The adopted Master Plan for Aging has recognized the need to fund this model, and we urge your inclusion of $15 million in the SFY 2027 Executive Budget to implement this recommendation. Doing so will ensure that all New Yorkers can live and age with health and dignity.

Thank you for your attention to this important issue. Please reach out to Kimberly George at kgeorge@projectguardianship.org should you have any questions or need any further information.

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

Erie County Department for the Aging

Family Service Society of Yonkers

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

Medicare Rights Center

New York Public Welfare Association (NYPWA)

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New York State Association of Counties (NYSAC)

Orleans County Office for the Aging

Oswego County Office for the Aging

Project Guardianship

R.A.I.N. Total Care, Inc.

Rural Law Center of New York

Springbrook

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 Legal Project

The Weinberg Center for Elder Justice

Wyoming County Office for the Aging

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