

ADULT GUARDIANSHIP IN NEW YORK: ARTICLE 81 VS. ARTICLE 17-A



THERE ARE TWO TYPES OF ADULT GUARDIANSHIP IN NEW YORK:



- **ARTICLE 81 GUARDIANSHIP:** Also known as guardianship for incapacitated adults. This type of guardianship asks a judge to give a guardian only the powers necessary to meet an incapacitated person's needs. This may include powers to manage a person's finances and property, personal needs, or both.
- **ARTICLE 17-A GUARDIANSHIP:** This type of guardianship is only for an adult who has an intellectual or developmental disability, or traumatic brain injury. Courts in these cases typically give the guardian power to make all decisions for the person.

How are they different?

ARTICLE 81	ARTICLE 17-A
Guardian only has powers necessary to meet the person's needs	Guardian typically has power to make all decisions
Usually takes place in Supreme Court	Takes place in Surrogate's Court
Available for all types of impairments	Available for Intellectual and Developmental Disability and Traumatic Brain Injury only
Law: Article 81 of the Mental Hygiene Law	Law: Article 17-A of the Surrogate's Court Procedure Act
Focuses on functional limitations	Court requires a diagnosis

The Guardianship Prevention and Support Helpline specializes in Article 81 Guardianship only and offers information and resources on guardianship, its process, and its alternatives. We do not have expertise in Article 17-A guardianship. For more information and assistance with Article 17-A Guardianship:

- Go to [Court Help: Guardianship of an Intellectually or Developmentally Disabled Adult](#). The court website also has basic information and links to pages on [how to a file 17-A guardianship case](#), [a DIY program](#) with guidance on what to include in the papers, and what to expect throughout the process.
- [The ARC](#) is an organization that provides information and support on a variety of topics related to developmental disabilities, including 17-A guardianship. AHRC NYC is their branch that serves the five boroughs and can be reached at 212-780-2500. There is a statewide directory of the [ARC's local chapters throughout New York state](#).