

INCAPACITATED,
INDIGENT, AND
ALONE:
MEETING
GUARDIANSHIP
AND DECISION
SUPPORT NEEDS
IN NEW YORK

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TheGuardianshipProject

Incapacitated, Indigent, and Alone: Meeting Guardianship and Decision Support Needs in New York

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Report to the New York Community Trust

AGENDA

- Introduction & Methods
- Who Needs Services
- Who Serves as Guardian
- NY Court Processes—
Barriers
- The Guardianship
Project Assessment
- Summary



PURPOSE

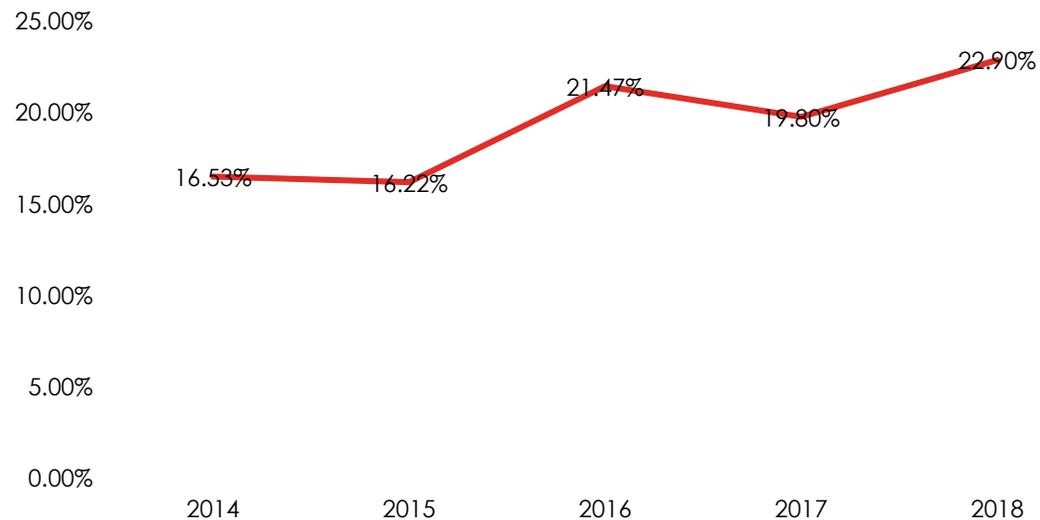
The purpose of the study was to analyze ways to increase and improve guardianship and decision support services for a challenging and often overlooked population—people, formerly called “unbefriended” individuals, who are alone, with no one to help, and few or no resources.

OBJECTIVES

- (1) Document the need for guardianship and decision support services for the population,
- (2) Assess the current local and state ability to meet that need,
- (3) Understand the best practices of states providing comparable guardianship and decision support services,
- (4) Assess the TGP model of guardianship to ascertain if it is an appropriate model for expansion to meet the increased need in New York City and in other parts of the state, and
- (5) Highlight barriers in court guardianship processes in New York City and state and improvements that might be made.

DEMOGRAPHIC INFORMATION

**Persons with Disabilities Among Those 18-64
Years of Age in New York**



CDC. Behavioral Risk Factor Surveillance System (BRFSS). Atlanta, GA: US Department of Health and Human Services. Retrieved from <https://www.cdc.gov/brfss/>

- Over the past decade, the number of New Yorkers ages 65 and over increased by 26%.
- Older adults are the fastest-growing segment of the population statewide.
- Since 2007, the number of 85-plus New Yorkers increased 26%.
- New York's older adult population is more diverse than ever.
- As New York's older adult population grows, the number living in poverty has increased.

Center for an Urban Future. (2019 February). New York's older adult population is booming statewide. Retrieved from <https://nycfuture.org/research/new-yorks-older-adult-population-is-booming-statewide>

WHO NEEDS GUARDIANSHIP AND DECISION SUPPORT SERVICES?

A compelling and urgent unmet need exists for guardianship and related support services for individuals in the state of NY who are indigent, have been named by a court as “incapacitated,” and who have no one to serve.

- Data
- Supportive Services
- Social Work Skills
- Less-Restrictive Options
- Restoration of Rights
- Increased Number of Clerks & Number of Guardians to Serve Indigent Individuals

WHO SERVES AS GUARDIAN?

New York has four “guardian of last resort” schemes for those who are indigent, have been deemed incapacitated, and have no one to serve. Each is stretch thin. Together, they fall markedly short of addressing the need.

- Funding for a Diversity of Services
- Adult Protective Services Role in Guardianship
- Community Guardian Programs
- Guardians for Nursing Home Residents
- Incentives for Serving in Low-Fee/No-Fee Cases
- Evaluation and Expansion of Pilot Programs

NEW YORK COURT PROCESSES

Maximizing self-determination and expediting guardianship cases were both prominent in the development of Article 81. While it is important to comply with time deadlines set out in the law, it is also important to focus on the individual and support his or her rights.

- Develop Uniform Documents
- Facilitate Filing of Reports to Enhance Monitoring
- Expedite Guardian Commission Processes
- Employ additional court clerks
- Consider a variety of complaint resolution approaches

THE GUARDIANSHIP PROJECT MODEL: EFFICACY AND REPLICATION

Often, it is the most resource-intensive cases that are very low or no fee. Hence, a need exists for programs (and alternative funding sources) specifically to serve indigent people.

- Increase Ease of Information Access
- Optimize Mix of Cases and Caseloads
- Improve the Funding Model
- Increase funding for the Program
- Continue Outreach Efforts
- Replicate the TGP Model

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