



Testimony for the NYC Council 2023 Preliminary Budget Hearings

NYC Council Committee on Aging

Crystal Hudson (Chair), Christopher Marte, Kristin Richardson Jordan, Eric Dinowitz, Linda Lee, Lynn Schulman, and Darlene Mealy

March 14, 2023

Kimberly George, President and CEO, Project Guardianship

Thank you, Chair Hudson and Committee Members, for the opportunity to present testimony today. My name is Kimberly George, and I am President and CEO of Project Guardianship, a spinoff program of the Vera Institute of Justice and a non-profit organization providing comprehensive, person-centered, court appointed adult guardianship services to hundreds of limited capacity New Yorkers citywide. Our clients are living with disability, dementia, serious mental illness, substance misuse, Traumatic Brain Injury, and other conditions that negatively impact their ability to manage their affairs. We serve clients regardless of their ability to pay and provide services for some of the most compelling and complex cases in the city. We also share research and policy recommendations for a better guardianship system and advocate for more equitable service provision for people in need of surrogate decision-making supports or protective arrangements.

As I'm sure this committee knows, as per 2019 data, there were 1.1 million older adults in New York City, making up 13% of the population¹. Mirroring national demographics, New York City's older adult population is also growing larger, living longer, and getting poorer². In fact, one in five older New Yorkers lives below the poverty level, and older adults who identify as Latino (27%) or Asian/Pacific Islander (26%) are more likely to live below the poverty level compared with those who identify as Black (19%) or White (17%)³. Further, almost a third (32%) of older New Yorkers live alone, without family to rely on to provide ongoing support or help during crises. The likelihood of living alone increases with age and is highest among Latino (30%) and Black older adults (34%)⁴. Conservative estimates suggest that more than half of the older adult population will need some type of long-term care services⁵, including adult guardianship to facilitate access to that care. As this population grows, so will the demand for guardians that can protect and promote their interests.

¹ <https://www.nyc.gov/assets/doh/downloads/pdf/episrv/2019-older-adult-health.pdf>

² <https://www.voa-gny.org/aging-new-yorkers#:~:text=Mirroring%20national%20demographics%2C%20New%20York,into%20poverty%20and%20oftentimes%20homelessness.>

³ <https://www.nyc.gov/assets/doh/downloads/pdf/episrv/2019-older-adult-health.pdf>

⁴ <https://www.nyc.gov/assets/doh/downloads/pdf/episrv/2019-older-adult-health.pdf>

⁵ <https://www.nydailynews.com/opinion/ny-edit-long-term-care-crisis-20200126-l7ep4h3l3bhjnm3mih7xx7xnu-story.html>



New York State is fortunate to have strong legal protections that entitle individuals access to guardianship services. The law provides that, when an individual has been adjudicated to need a guardian to manage their personal and/or property needs, they shall be appointed one. However, we do not have a statewide public guardian entity, nor do we invest in guardianship services at a level that can meet current or future demand. Currently, a patchwork of non-profit providers and pro-bono attorneys provide services when a family member, friend or private-pay guardian is not an option. But this network is already stretched to capacity, leaving thousands without these vital supports.

Guardianship has one function: to protect the safety, well-being, dignity, and assets of those individuals the courts have found to be incapacitated. Our services are comprehensive and multidisciplinary, often encompassing civil legal services, financial management and healthcare coordination, among other tasks to promote the health and stability of the individual. An effective guardian, and in some cases an interdisciplinary guardianship team, works to prevent institutionalization and support these populations right in their own communities. Not only do these efforts stimulate the local economy by redirecting this funding back into the community, guardianship also saves public dollars by decreasing unnecessary Medicaid spending on avoidable hospitalizations or higher levels of care provided in nursing homes or similar skilled settings.

We have and will continue to fill the gaps in our social safety net and will persist in connecting our clients to the housing, health and mental health care, legal and immigration services, and public benefits they need and deserve to gain stability and age with dignity. But we will need additional funding to adequately meet the needs of these clients in the most person-centered, least restrictive way possible. New York City must lead and create a dedicated funding stream to support guardians that provide care for older, limited capacity adults and individuals with disabilities. In doing so, more New Yorkers in need will be able to access the benefits and services to which they are entitled so they may thrive as they age, ideally in community. With the rapid expansion of our older adult population, the dramatic increase in older adults living in poverty, and the recent rise in Alzheimer's diagnoses and mental health needs, the time to act is now.

Thank you again for the opportunity to testify today.

Please contact Kimberly George at kgeorge@nycourts.gov with any questions or requests for additional information.