



# GUARDIANSHIP ACCESS NEW YORK

## About Us

**GUARDIANSHIP ACCESS NEW YORK** (GANY) is a coalition of non-profit guardianship providers and elder and disability justice advocates across New York State. Our mission is to improve the guardianship system by enhancing equitable access to services statewide. Every individual who needs a guardian should receive a high quality one for as long as necessary, regardless of ability to pay. GANY elevates the voices of our clients and communities, highlights the gaps in the guardianship system, and advocates for the investment of resources in this sector.

## What Is Guardianship?

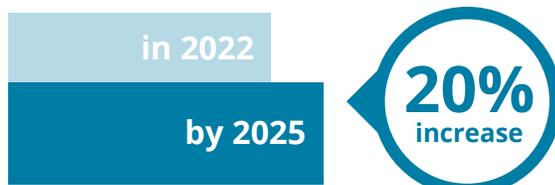
**Article 81 Guardianship** is a legal tool created by the NYS Mental Hygiene Law where the court grants a person or entity the power to make decisions for someone else. A court appoints a guardian only after determining that the person is incapacitated and at risk of harm (or the person consents) and there are no less restrictive alternatives available.

A petition must be filed to start a guardianship proceeding. The Court sets a hearing date on which the judge decides based on evidence and testimony whether the individual meets the standard for guardianship. If met, the judge appoints a guardian with decision-making powers meant to be tailored to the needs of the individual, who retains any decision-making powers not specifically granted to the guardian. New Yorkers with serious mental illness, substance misuse disorders, Alzheimer's Disease and other dementias, cognitive disorders, Traumatic Brain Injury, and developmental and other disabilities rely on the guardianship system to protect their health and wellbeing when necessary.

## BARRIERS TO ACCESS

- ❗ NYS Mental Hygiene Law provides that where appropriate, the Court shall appoint a guardian to protect and promote the interests of persons with limitations that affect their ability to make decisions for themselves. **However, our state does not have a statewide public guardian entity, nor does it 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 or private-pay guardian is not an option. **This network is already stretched to capacity, leaving thousands without these needed supports.**
- ❗ **Additionally, there is a growing population of older and disabled New Yorkers who have no family or friends available to address their caregiving needs.**
- ❗ **Moreover, the courts have reported that the availability of guardians is limited for people who lack assets and do not have family or friends to serve as their guardians.**

The NYS Office for the Aging's projection of number of people age 60 and over with functional impairments



Cases where lack of assets limited the choice of individual or entity to serve as guardian where there was no family/friend available



## THE SOLUTION

**Invest \$15 million in sustained funding that would comprehensively support guardianship services statewide.**

Such investment would result in significant Medicaid costs savings statewide as guardians would work to prevent unnecessary institutionalization. Investing in guardianship services would also stimulate the economy in that effective guardians would work to secure the comprehensive benefits individuals would be entitled to that would drive their local economies, and potentially result in savings to the state through the realization of untapped federal disability, SSI and other benefits. Agencies could fully staff their programs, improving outcomes for our most vulnerable communities through homelessness/eviction prevention, mental health care and other needed supports. Courts would no longer have to struggle to meet their statutorily mandated duty to appoint guardians when the legal threshold has been met. Organizations would increase community outreach and education efforts to support lay guardians. A fully funded guardianship system is desperately needed to uplift our older and most marginalized residents.



## Coalition Partners



Hon. Arthur M. Diamond,  
JSC (ret)



Guardianship Corp



PROJECT  
GUARDIANSHIP  
Changing the way we care for people.

## JOIN US!

For more information or to get involved, contact Azaleea Carlea at  
[ACarlea@nycourts.gov](mailto:ACarlea@nycourts.gov) or 929-568-7423.