



Written Testimony for the 2023 JOINT LEGISLATIVE BUDGET HEARING

Senate Finance Committee, Chair Liz Krueger

Assembly Ways and Means Committee, Chair Helene E. Weinstein

HEALTH

February 28, 2023

Submitted by Kimberly George, President and CEO, Project Guardianship

Thank you for the opportunity to submit testimony today. My name is Kimberly George, and I am President and CEO of Project Guardianship. Project Guardianship was founded in 2005 as a social justice initiative of the Vera Institute of Justice, and in 2020, became an independent non-profit organization providing comprehensive, court appointed guardianship services to hundreds of limited capacity New Yorkers citywide. 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 recommendations for building a better guardianship system and advocate for a more equitable service response for people in need of surrogate decision-making supports or protective arrangements.

As you may know, our state's older adult population is booming. According to the Center for an Urban Future, New York is now home to more residents ages 65 and above—nearly 3.5 million—than the entire population of 21 states. New York's 65-plus population has also become more diverse than ever, and the number of older residents living in poverty has surged by 37.4 percent in the past decade¹. This population continues to shoulder the burdens of an ongoing pandemic and inflation, while simultaneously facing related challenges such as increased social isolation, food insecurity, housing instability, substance use disorder (SUD), and rising rates of Alzheimer's Disease. As a result, our already strained healthcare systems are facing additional staffing and financial challenges.

The past three years have highlighted the widening inequities in our state, and the weight that social determinants of health—particularly income, race, and employment status—carry². Older adults were uniquely impacted by the pandemic and left behind during a period of rapid digitalization which altered the way programs and services were delivered to older adults, individuals with disabilities, and their caregivers. As Governor Hochul detailed in her State of the State address last month, her administration is committed to initiatives aimed at helping older New Yorkers live healthy, fulfilling lives while aging with dignity. Project Guardianship recognizes that keeping as many individuals as

¹ <https://nycfuture.org/research/keeping-pace-with-an-aging-new-york-state>

² <https://www.publichealth.columbia.edu/public-health-now/news/survey-older-new-yorkers-uncovers-worrisome-effects-coronavirus-pandemic>



possible in the community, connected to the programs, healthcare, and autonomy they need to thrive, can not only align with the Governor’s plan to center human dignity and the wishes of the individual, but also save Medicaid dollars³.

One of our clients, Anya, was born in Ukraine and immigrated to the U.S as an adult. Here, she met her husband and worked as a home health aide until retiring at age 60. In 2020, at age 69, she was found on the floor of her apartment where she had lain for days when the city marshal and an Adult Protective Services worker came to effectuate a warrant of eviction. Anya had fallen and was unable to move due to the hoarded state of the apartment and her limited mobility caused by diagnoses of diabetes and hypertension. After recovering in the hospital, Anya was transferred to a nursing home, facing rental arrears incurred from two years of delinquency. At this point, we were appointed temporary guardian of Anya, who consented to the arrangement, and worked diligently to see that Anya would be able to transition back into the community, in accordance with her wishes. Our legal team got to work marshaling Anya’s assets and income to pay outstanding bills, and determined what, if any, advanced care planning documents she had in place. Our benefits coordinator secured the public benefits Anya was eligible for, while her Case Management team worked to ensure Anya would be able to make the transition home. Case Management secured physical therapy and home care and found a visiting nurse service to help Anya deliver her weekly insulin injections. Within a year, Anya moved back into a newly cleaned home, with access to the stability needed to continue managing her personal and financial affairs.

Each year, New Yorkers with cognitive impairment, functional limitations and other disabilities like Anya who lack supports rely on the guardianship system to protect their health and wellbeing. New York State is fortunate to have strong legal protections that entitle individuals access to guardianship services. However, this mandate is woefully underfunded and there is no direct funding stream to ensure statutory compliance. If a family member cannot serve as guardian, non-profit organizations, county social services districts and private attorneys must step in to provide these critical legal and social services in a patchwork manner, but the demand for assistance greatly outpaces capacity. In some regions, there is no access to these resources, especially for low-income individuals without family and unable to hire a private attorney.

Further, more and more private attorneys are stepping away from guardianship practice due in part to the intense and time-consuming nature of the work alongside strict limitations on legal fees. Therefore, Courts are increasingly reliant on nonprofit providers to deliver vital services to the most vulnerable among us. Nonprofits’ interdisciplinary team-based models of employing case managers, finance associates, and attorneys offer guardianship clients the individualized, wrap- around support that solo private practitioners cannot. To meet this population where they are and provide them with the long-term care and support that they need to thrive, nonprofit guardianship agencies will need a robust investment by New York State.

³ https://projectguardianship.org/sites/default/files/inline-files/445INC_1.PDF



We believe that guardianship is an equity issue, and that everyone who needs a guardian should receive a high-quality guardian, for as long as they need, regardless of their ability to pay. Aging care is health care, and aging care is not “one size fits all.” Considering the long-term care needs of our expanding older adult population, and the myriad challenges these older adults are expected to face, New York needs to invest in a statewide guardianship appropriation now.

We are therefore requesting a \$15 million appropriation to non-profit guardianship organizations so that services may be expanded to 1,500 people annually across the state. This funding would also help to provide technical assistance, quality assurance, data collection, and to pilot a statewide Guardianship Prevention and Support Helpline, which is presently being developed by Project Guardianship. Due to the court process for ordering and commissioning guardianship appointments, an immediate investment would allow existing nonprofit programs to staff up and expand or build new programs in counties without a current provider.

We ask that you include funding for guardianship services in your budget bills so that providers can offer interdisciplinary services for more New Yorkers who will undoubtedly enter guardianship arrangements as the population ages, diagnoses of Alzheimer's Disease and other dementias increase, New Yorkers lose medical insurance coverage, and grow poorer. As we continue to recover from the pandemic that has devastated so many communities, it is now more critical than ever that New York strengthen its guardianship system so that those in most need can rely on it without disruption.

Thank you for your time and consideration.

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