



Testimony for the NYC Council Committee on Aging

Crystal Hudson, Chair

Members: Eric Dinowitz, Linda Lee, Christopher Marte, Darlene Mealy,
Kristin Richardson Jordan and Lynn C. Schulman

**Oversight - Improving Older New Yorkers' Access to City Services
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Submitted by Kimberly George, President and CEO, Project Guardianship

Thank you, Chair Hudson, and Committee Members, for allowing me the opportunity to present testimony today. My name is Kimberly George, and I am the President and CEO of Project Guardianship.

We are a spinoff program of the Vera Institute of Justice and 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. Our clients include older New Yorkers living with disability, mental health issues, dementia, substance abuse, Traumatic Brain Injury, and other conditions that negatively impact their ability to make decisions. We also share research and 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.

For older New Yorkers with limited capacity, the Mental Hygiene law provides for the appointment of a guardian to help them manage their personal and/or property needs. Guardianship is a critical link between city services for older adults and those New Yorkers whose functional limitations have prevented them from accessing and benefiting from those programs. Nonprofit agencies like ours work to secure the public benefits, housing, healthcare, mental health care and other services and supports that this population needs to improve outcomes and promote safety and stability.

To illustrate the difference a good guardian makes in the life of an individual who needs this support, I'd like to share the story of our client, Mr. S. When we first met him, he was 69 years old and living in a psychiatric unit in a hospital in the Bronx. Mr. S had been admitted to the hospital nearly a year prior, after he was found wandering the streets confused, naked, and hearing voices. He was diagnosed with severe depression, anxiety, and psychosis and began an anti-depressant / anti-anxiety medication regimen that helped him greatly.

Our staff worked hard to find a more suitable and less restrictive place for him to live. We found an assisted living facility where he would have more freedom – his own room and TV and support staff available to help him only if he needed it. He is happy in his new home and wants to continue living there as long as possible. However, his rent exceeds his income, and knowing this, he has often expressed anxiety over the likelihood for an extended stay. Fortunately, through our



enhanced budgeting process, Mr. S will be able to stay in the facility for at least another seven years.

We have already been proactive in continued financial planning for him, including monitoring when it will be possible to apply for Medicaid on his behalf. We will then find a facility that accepts Medicaid that will suit his needs and where he will also be happy and thrive. In the meantime, we have ensured that he gets the medical and mental health care he needs and have enabled him to benefit from staying in the community.

Another client who benefited greatly from our services is 60-year-old Ms. D. Like many people with mental health condition, her life was unravelling around her. Her landlord was evicting her from her apartment, an order of protection barred all interaction with her father, and she was estranged from other family. People who knew Ms. D before said she was brilliant, a graduate of Columbia University, who had earned a good living as a banker. However, she was subsequently diagnosed with schizoaffective and bipolar disorder, and refused medication.

We were appointed her guardian when Ms. D had violated the order of protection, was arrested and jailed. Concerned that this environment would not meet her mental health needs, we worked with her family and defense attorney to move her to a safer psychiatric unit. Upon Ms. D's release, it was clear that her condition had worsened, and her aggressive behavior and delusions were putting her at extreme risk of being rearrested or harming herself or others. We filed a mental hygiene warrant to have her evaluated at a psychiatric hospital, and she was soon admitted on an in-patient basis.

While Ms. D was in the hospital, we resolved her housing issue, and coordinated with her care team to provide mental health support services once she returned to the community. Perhaps most crucially, we met with her frequently to establish a relationship and build the trust that would be the cornerstone of future efforts to assist her. Ultimately, her dedication to her mental health plan succeeded in negotiating a favorable plea deal that avoided any jail time. With her legal troubles behind her, and a sustainable plan in place to continue to meet her mental health, housing, and financial needs, Ms. D. is now focusing on the things that are important in her: reconnecting with family, spending time with her dogs, reading, and attending the opera.

These cases showcase the life changing impact of a good guardian. For those New Yorkers who need this support, a guardian can bring safety and stability back into their lives. However, there are almost no services to help loved ones assess the need for guardianship or provide support in the petitioning process, and there are obstacles to obtaining needed guardians when necessary to connect this population to vital programs and supports. We must therefore improve supports for lay guardians, those friends and family members who step up to serve. It can be very challenging for a guardian, particularly one who is unfamiliar with the various systems that they must navigate, to successfully fulfill their responsibilities. New York City must invest in ongoing training and support to guide non-professional guardians in identifying, obtaining, and maintaining the full scope of services available to the older adults under their care.



When no family member or friend is willing or able to serve as guardian, the appointing courts rely on a patchwork of professional guardians, which include attorneys and other professionals, non-profit organizations and even the local Department of Social Services in certain jurisdictions. NYC must lead and create a dedicated funding stream to support nonprofit guardianship services that will thus enable older New Yorkers to access the benefits and services to which they are entitled.

We are working to create a city where everyone who enters the guardianship system does so truly as a last resort, where guardians have the resources and support to provide person-centered services that enrich the lives of those they serve; and where these expectations are met regardless of zip code, or whether the older adult has significant retirement savings or is an SSI recipient. This is only possible if we recognize and invest in guardianship as a social service and provide support to those with functional limitations and their guardians.

With your continued support, we will be able to make New York City the equitable, age inclusive and age friendly place it strives to be, where everyone can access and benefit from city services and fulfill their potential regardless of functional limitations or other challenges.

Thank you.

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