

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/publications/new-york-state-senate-guardianship-roundtable-2018>

Policy Issue Resources

Publication

The New York State Senate held a roundtable in January 2018 to explore how to improve the states Article 81 guardianship system, which safeguards the interests and well-being of vulnerable adults with physical and mental disabilities (including dementia and Alzheimers) who are unable to care for themselves. The roundtable explored whether the guardianship system in New York is effectively serving those who need it.

Senator Kemp Hannon and Senator John Bonacic convened the event. Participants included senators from all over New York State, including Senators Diane Savino, Gustavo Rivera, Leroy Comrie, and Roxanne Persaud from districts in New York City. Also in attendance were Judge Arthur Diamond of the New York State Supreme Court in Nassau County, Judge David Guy of the Broom County Surrogate Court, John Holt of The Guardianship Project, Vera Institute of Justice, and other elder law and elder care practitioners and agencies.

By 2030, there will be more 80-year-olds than five-year-olds and the high costs of nursing home care will soar. Roundtable participants questioned whether the current legal system, social service system, and the legislature are prepared for the older adult wave that is coming relatively soon.

Guardianship court judges expressed challenges with finding competent, qualified guardians because many in need do not have a family member or friend to care for them.

The courts also expressed concerns on their ability to monitor compliance with the law because of limited staffing and resources that prevent the timely review of guardianship reports.

A variety of solutions were suggested including pilot project testing, better data to assist policymakers, public education about guardianship alternatives, and earmarking more money to adequately compensate guardians for the work that they do.

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