



Testimony for the 2023 JOINT LEGISLATIVE BUDGET HEARING
Senate Finance Committee, Chair Liz Krueger
Assembly Ways and Means Committee, Chair Helene E. Weinstein
HUMAN SERVICES
February 13, 2023

Submitted by Kimberly George, President and CEO, Project Guardianship

Thank you, Chairs Krueger and Weinstein, 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 a non-profit organization providing comprehensive, person-centered court appointed guardianship services to hundreds of limited capacity New Yorkers. Our clients are living with disability, serious mental illness, dementia, substance misuse, Traumatic Brain Injury, and other conditions that negatively impact their ability to make decisions. We serve clients regardless of their ability to pay and provide services for some of the most compelling and complex cases in New York 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.

For New Yorkers with limited capacity, the NYS Mental Hygiene Law provides for the appointment of a guardian to help manage their personal and/or property needs. Guardianship is a critical link between supportive services for New Yorkers whose functional limitations have prevented them from accessing those services. And while New York is fortunate to have strong legal protections that entitle individuals access to guardianship services, this mandate is woefully underfunded and there is currently 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 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.

At the same time, 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 other states. Between 2011 and 2021, the number of New Yorkers ages 65 and over grew by a whopping 31 percent. Today, nearly 1 in 5 New Yorkers is 65 and above (18 percent), a larger share of the state's population than ever before.¹ The report also found that New York's 65-plus population has become more diverse than ever, and that the number of older residents living in

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



poverty has surged by 37.4 percent. Conservative estimates suggest that more than half of the older adult population will need some type of long-term care services,² including adult guardianship.

Guardianship services encompass civil legal services, financial management and healthcare coordination, among other vital tasks to promote the overall health, safety, well-being, and stability of the individual. An effective guardian, and in some cases a multidisciplinary team, works to prevent institutionalization and support these populations right in their own communities. Not only do these efforts support 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 home or similar skilled settings.

Guardianship services are also critical in achieving the goals of the Master Plan for Aging, which include helping older New Yorkers live healthy, fulfilling lives while aging with dignity. This plan broadens access to aging services, improves long-term care, and provides funding for home care. However, guardianship services were not included as a point of funding within the Plan or the Governor's Executive Budget. With demographic and anecdotal data that clearly reflects the imminent need, it is crucial that community-based guardianship programs should be robustly funded to ensure that our most vulnerable populations are able to access the services they need to thrive.

With a \$15 million appropriation to non-profit community guardianship organizations, services will be able to 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 / build new programs in counties without a current provider. We ask that you include funding for guardianship services in your budget bills so that thousands of aging and incapacitated New Yorkers can access the support and services they need to thrive and reach their potential.

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.

² <https://www.nydailynews.com/opinion/ny-edit-long-term-care-crisis-20200126-l7ep4h3l3bhjnm3mih7xx7xnu-story.html>