

# STATE OF NEW YORK

9295--A

2025-2026 Regular Sessions

## IN ASSEMBLY

December 10, 2025

Introduced by M. of A. LAVINE, HEVESI, SEAWRIGHT, CLARK, McMAHON, ROSEN-  
THAL, SIMONE, SIMON -- read once and referred to the Committee on  
Aging -- recommitted to the Committee on Aging in accordance with  
Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered  
reprinted as amended and recommitted to said committee

AN ACT to amend the elder law, the mental hygiene law and the state  
finance law, in relation to establishing the statewide initiative of  
not-for-profit guardians

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "New York state good guardianship act".  
3 § 2. Legislative intent and findings. The Legislature finds that arti-  
4 cle 81 of the New York state mental hygiene law mandates assignment of a  
5 guardian when an individual is deemed to be incapacitated and unable to  
6 manage their own affairs. At present, this mandate is not adequately  
7 funded by New York state. This has led to a dearth of reputable guardi-  
8 anship resources, leaving judges constrained when attempting to fulfill  
9 their legal mandate, risking harm for individuals in dire need of care,  
10 and increasing the cost burden on our social safety net.  
11 Guardianship involves essential management of financial resources,  
12 coordination of health care, and ensuring basic daily needs such as  
13 cooking, cleaning and shopping are met. When an individual has signif-  
14 icant financial resources, identifying a paid guardian is a viable  
15 option. However, the reality is that most people assigned a guardian  
16 cannot afford to pay for this high-level of care. This is where communi-  
17 ty-based not-for-profit organizations step in to serve. Reputable not-  
18 for-profit organizations take a multidisciplinary approach to care and  
19 tailor a plan to an individual's needs, at no charge or for minimal  
20 fees.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD13789-08-6

1 Due to the high level of need and lack of an adequate funding stream,  
2 not-for-profit groups are unable to take on more cases without sacrific-  
3 ing quality of care. Some districts lack a not-for-profit guardianship  
4 services provider altogether. These factors put a strain on municipal  
5 and county budgets when local departments of social services must step  
6 in as the guardian of last resort, as they too do not have adequate  
7 resources to keep pace with demand. Moreover, the lack of appropriate  
8 assignments of guardians has led to a significant cost burden on our  
9 social safety net, particularly avoidable hospitalizations and care  
10 through Medicaid and shelter stays. This gap in quality guardians has  
11 also allowed a third rail of actors to enter the market: unscrupulous  
12 and unchecked for-profit entities who collect fees while neglecting  
13 those in their care.

14 To address this issue, the Legislature proposes to establish a state-  
15 wide initiative of not-for-profit guardians program that leverages the  
16 expertise and capacity of existing, reputable not-for-profit organiza-  
17 tions to provide comprehensive, multidisciplinary guardianship services.  
18 This initiative will help grow well-established guardianship programs,  
19 create new programs, and promote alternatives to guardianships where  
20 appropriate to ensure that the entire state has access to these  
21 services. Understanding the magnitude of serving as a guardian, this  
22 legislation will ensure proper oversight, accountability, and service  
23 delivery while addressing the needs of individuals who cannot care for  
24 themselves due to age, disability, or other conditions. Taking these  
25 steps will also help eliminate bad actors from the guardianship market  
26 while providing significant Medicaid and social welfare savings to the  
27 state. Lastly, the enactment of this legislation is consistent with the  
28 recommendations of the adopted New York State Master Plan on Aging,  
29 which supports a fifteen-million-dollar investment in guardianship  
30 services.

31 § 3. The elder law is amended by adding a new section 227 to read as  
32 follows:

33 § 227. Statewide initiative of not-for-profit guardians. 1. There  
34 shall hereby be established within the office a program to be referred  
35 to as the "statewide initiative of not-for-profit guardians". Such  
36 initiative shall exist to:

37 (a) serve, within available resources and capacity, as guardian for  
38 individuals over the age of eighteen eligible under article eighty-one  
39 of the mental hygiene law for whom an appointing judge is unable to find  
40 a guardian, whether a suitable family member or friend or an attorney  
41 from part thirty-six of the rules of the chief judge, to serve;

42 (b) operate a free public helpline to provide guidance, resources, and  
43 referrals for any individual or entity navigating guardianship pursuant  
44 to article eighty-one of the mental hygiene law and/or seeking alterna-  
45 tive services;

46 (c) build statewide capacity and training opportunities to establish  
47 new programs within existing not-for-profit agencies; and

48 (d) collect, analyze, and report on data related to guardianship cases  
49 referred to them.

50 2. (a) To participate in the initiative established pursuant to this  
51 section and be eligible for funding, an entity shall:

52 (i) be organized as a tax-exempt entity pursuant to section 501(c)(3)  
53 of the Internal Revenue Code or other charitable non-profit organiza-  
54 tion;

55 (ii) be registered with the charities bureau of the office of the  
56 attorney general and in compliance with all applicable registration and

1 reporting requirements under section 8-1.4 of the estates, powers and  
2 trusts law and sections one hundred seventy-two and one hundred seven-  
3 ty-two-b of the executive law; and

4 (iii) have experience in providing guardianship services or demon-  
5 strate sufficient capacity to provide guardianship services as deter-  
6 mined by the office considering such factors as the entity's organiza-  
7 tional structure, fiscal health, and operations.

8 (b) A non-profit organization shall not be eligible to serve as a  
9 guardian under article eighty-one of the mental hygiene law unless it  
10 satisfies the criteria outlined in paragraph (a) of this subdivision.

11 (c) Entities participating in the initiative shall fulfill guardian-  
12 ship duties as provided for in sections 81.20, 81.21, and 81.22 of the  
13 mental hygiene law.

14 3. (a) The director shall select a lead agency among the not-for-pro-  
15 fit entities as described herein for the purpose of administering the  
16 statewide initiative of not-for-profit guardians. The entity chosen to  
17 administer such initiative shall enter into a contract with the state  
18 for a term of five years, which may be renewed subject to the approval  
19 of the director.

20 (b) The administrative entity chosen by the director shall review  
21 plans submitted for approval and funding of guardianship services and  
22 award grants for such services. In awarding grants, the entity shall use  
23 best efforts to provide statewide distribution of funding.

24 (c) Funding for the statewide initiative of not-for-profit guardians  
25 shall be from the statewide initiative of not-for-profit guardians fund  
26 established pursuant to section ninety-nine-uu of the state finance law.

27 4. (a) Participating not-for-profit organizations shall collect and  
28 report to the administrative entity chosen by the director anonymized  
29 data on guardianship cases, including demographic information, types of  
30 services provided, duration of guardianship, and client outcomes.

31 (b) The administrative entity chosen by the director shall compile the  
32 data outlined in paragraph (a) of this subdivision and produce an annual  
33 report summarizing the performance and effectiveness of the statewide  
34 initiative of not-for-profit guardians. Such report shall be submitted  
35 annually on or before January first, two thousand twenty-seven, and each  
36 year thereafter, to the governor, speaker of the assembly, and temporary  
37 president of the senate.

38 § 4. Paragraph 2 of subdivision (a) of section 81.19 of the mental  
39 hygiene law, as added by chapter 698 of the laws of 1992, is amended to  
40 read as follows:

41 2. A not-for-profit corporation organized to act in such capacity, a  
42 social services official, or public agency authorized to act in such  
43 capacity which has a concern for the incapacitated person, and any  
44 community guardian program operating pursuant to the provisions of title  
45 three of article nine-B of the social services law which is found by the  
46 court to be suitable to perform the duties necessary to assist the inca-  
47 pacitated person may be appointed as guardian, provided that a community  
48 guardian program shall be appointed as guardian only where a special  
49 proceeding for the appointment of a guardian under this article has been  
50 commenced by a social services official with whom such program was  
51 contracted. A non-profit corporation shall not be eligible to serve as  
52 a guardian pursuant to this article unless it satisfies the criteria  
53 outlined in paragraph (a) of subdivision two of section two hundred  
54 twenty-seven of the elder law.

55 § 5. The state finance law is amended by adding a new section 99-uu to  
56 read as follows:

1 § 99-uu. Statewide initiative of not-for-profit guardians fund. 1.  
2 There is hereby established in the joint custody of the comptroller, the  
3 commissioner of taxation and finance, and the commissioner of health, a  
4 fund, to be known as the "statewide initiative of not-for-profit guardi-  
5 ans fund".

6 2. Such fund shall consist of all moneys appropriated thereto from any  
7 other fund or source pursuant to law. Nothing contained in this section  
8 shall prevent the state from receiving grants, gifts or bequests for the  
9 purposes of the fund as defined in this section and depositing them into  
10 the fund according to law.

11 3. Moneys of the fund shall be made available to the administrative  
12 entity chosen by the director of the office for the aging pursuant to  
13 section two hundred twenty-seven of the elder law to fund the statewide  
14 initiative of not-for-profit guardians established by such section.

15 § 6. Severability. If any clause, sentence, paragraph, section or part  
16 of this act shall be adjudged by any court of competent jurisdiction to  
17 be invalid and after exhaustion of all further judicial review, the  
18 judgment shall not affect, impair or invalidate the remainder thereof,  
19 but shall be confined in its operation to the clause, sentence, para-  
20 graph, section or part of this act directly involved in the controversy  
21 in which the judgment shall have been rendered.

22 § 7. This act shall take effect immediately.