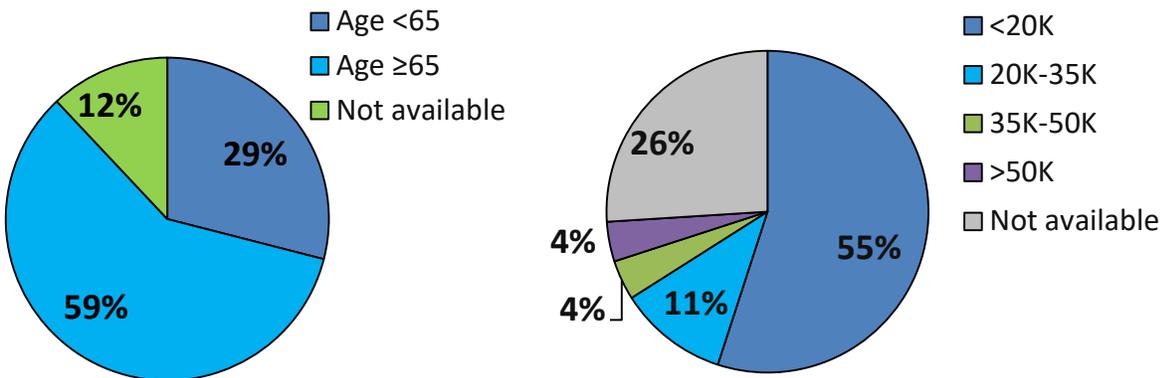


Vulnerable Individuals Under Guardianship Face Long Delays and Limited Oversight

When adults have failed to adequately plan for incapacity and existing legal safeguards fail to suffice to help meet their needs, guardianship is sometimes put in place. Guardianships are the option of last resort and are emergency legal proceedings intended to protect the most frail and vulnerable by appointing a legal guardian to have certain decision making powers on behalf of the incapacitated person. Those powers may include determining place of residence, making end-of-life or other medical treatment decisions, managing or selling property, and/or paying bills.

To understand more about how this guardianship process works in New York State, the Brookdale Center for Healthy Aging, led by Staff Attorney Raquel Romanick, undertook a systematic review of over 2400 guardianship case files in 14 counties across New York State commenced between 2002 and 2012.

Our research showed that, the majority of those under guardianship tended to be older adults and those with low incomes:



Those in need of a guardian tend to be among the most frail and vulnerable. Therefore, the statute intends for guardianship to be an expedited proceeding. However, our research shows that the process takes much longer than the statute intended, with an average of 211 days from the time the case is brought until a guardian is appointed and commissioned, allowing them to act on behalf of the incapacitated person. The guardianship process was fairly lengthy, and much longer than statute, which said that the whole process should take **90 days**:



Our research team also found that review of guardian activities was sub-optimal: it took an average of **210 days** for courts to review reports filed by guardians, even though the statute mandates examination of reports within **30 days**.

For more information on our projects, please see our recent article in [Bifocal](#).