



Member and Family Forum: 17-A Guardianship

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Guardianship: Plan Ahead

Did you know?

When your child/loved one turns 18, you do not automatically become their guardian, even if they are unable to make decisions for themselves.

Guardianship: What is it?

In New York State, when people turn 18, even if they have an intellectual or developmental disability, they are assumed to be legally competent to make decisions.

17-A Guardianship

If a person is intellectually or developmentally disabled, and has difficulty making decisions for themselves, you can ask the surrogate's court to appoint a guardian.

Does everyone with a disability need a guardian?

No, some people who have disabilities do not need to have a guardian.

Who may be a guardian?



What type of documentation is required for guardianship applications?

A certification from one physician and one psychologist or two physicians



Do you need a lawyer to file Article 17-A guardianship forms?

No, you do not need a lawyer

What information is required on the application?

- Name, address and phone number
- Your county
- Your relationship to the person
- Your educational level
- Information about the person

What are stand-by guardians?

The standby/alternate standby guardian is appointed to serve upon the death, incapacity or renunciation of the primary guardian.

Will there be a hearing?

Yes, there is always a hearing.

Does individual with IDD have to attend the hearing?

If there is a hearing, then the person with a disability is usually required to attend.



What is a Guardian Ad Litem (GAL)?

A Guardian Ad Litem (GAL) is an attorney the judge appoints to represent the person who is the subject of the petition.

Are there costs associated with GAL?

The GAL is entitled to compensation for their work.

Home vs. Residential Setting



Does your loved one reside in a facility governed by OPWDD?

Questions?



Reach out to Member Relations

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