

Guardianships

PRACTICE LEADER



Robert Abrams

Executive Partner

Guardianship Proceedings

The guardianship practice at Abrams Fensterman, LLP has received acclaim throughout New York State as one of the most experienced firms in this sensitive area of law. Our guardianship attorneys have handled thousands of cases for disabled and/or incapacitated adults. We have zealously represented petitioners, cross-petitioners, and alleged incapacitated individuals. Courts throughout New York State regularly appoint our attorneys in various capacities including court evaluator, counsel to the alleged incapacitated person, and guardian. This vast and varied experience provides our clients with compassionate and skillful representation that delivers favorable results.

There are two primary types of adult guardianships in New York: a SCPA **Article 17a Guardianship** and a MHL **Article 81 guardianship**. Article 17a Guardianship, is generally for the appointment of a guardian of a developmentally or intellectually disabled individual. A 17a proceeding is commenced in the Surrogate's Court and results in the appointment of a plenary guardian of the person and/or property of the disabled individual.

On the other hand, a MHL Article 81 Guardianship Proceeding is generally for the appointment of an adult who has lost legal capacity due to a traumatic injury or health event or a degenerative disease such as Alzheimer's. These proceedings are generally commenced in the Supreme Court and may result in the appointment of a Guardian with narrowly tailored authority to act on behalf of the incapacitated individual.

In either proceeding, becoming a legal guardian requires an appointment by the court. We advise our clients on obligations this role requires and assure they understand their rights and responsibilities under

the law. We counsel our clients through the process from meeting with the Court Evaluator, prosecuting and defending any pre-trial motions, zealously representing their interests at trial, and guiding them through their obligations as guardian upon appointment. We understand that becoming a legal guardian is a sensitive issue. Our goal is to make the process as smooth as possible to help the family move forward with the comfort of knowing their loved one is protected and cared for. Learn more about [becoming a legal guardian](#).

The [attorneys](#) at Abrams Fensterman, LLP also defend clients who oppose the appointment of a Guardian. When a family member opposes the appointment of a guardian or has reason to believe an existing guardian is not fit for the role, we help protect our client's interest in the matter and demand accountings from wrongdoers.

We also commence guardianship proceedings on behalf of our health care clients, including hospitals and skilled nursing facilities, seeking the appointment of a personal needs guardian and/or a property management guardian to act on behalf of incapacitated patients/residents. We ensure that our health care clients are compensated for providing care to incapacitated persons. We advocate that our health care clients are compensated for providing care to incapacitated persons. Once our guardianship practice group secures the appointment of a guardian, our health care collections and reimbursement recovery attorneys ensure that the Guardian remits payment to the provider and/or secures the appropriate public benefits, including Medicaid benefits.

Abrams Fensterman, LLP was established in 2000, bringing together a team of top attorneys with decades of experience in their respective fields. Our Guardianship attorneys work closely with other attorneys in multiple disciplines offered by the firm to assure the needs of our client and the alleged incapacitated person are protected. For example, we collaborate with our [Health Law Practice](#) regarding treatment decisions on behalf of incapacitated persons, such as placement in a long-term facility or medical interventions. Our [Real Estate Law Practice](#) assists in specialized proceedings to manage the real property of an Incapacitated Person. The [Elder Law Practice](#) can help formulate long term care asset protection strategies for Incapacitated Person. These collaborations allow the Guardianship attorneys of Abrams Fensterman, LLP to handle guardianships from uncontested proceedings to complex litigations involving multiple parties across various disciplines.

Contact Our Law Firm

For further information about guardianship proceedings, please [contact our law firm](#) on Long Island at [516-328-2300](#), in Brooklyn at [718-215-5300](#), White Plains at [914-607-7010](#), Rochester at [585-218-9999](#) or Albany at [518-535-9477](#) to schedule an initial consultation.