

BROOKDALE CENTER
for Healthy Aging

Hunter College / The City University of New York

ARTICLE 81 - Guardianship Training

for Guardians, Court Evaluators and Attorney for the Alleged Incapacitated Person

This is the 7-hour training approved by the Office of Court Administration (OCA) **designed for professionals** (ie: guardians, court evaluators, counsel for the AIP, petitioner's attorneys). Sponsored by Brookdale Center's Sadin Institute on Law & Public Policy of the Brookdale Center for Healthy Aging & Longevity of Hunter College, this program offers the certificate of attendance that satisfies the Article 81 training requirement. Continuing Legal Education (CLE) credits are available for attorneys who attend the entire training (see CLE Notice below).

TRAINING DATE & LOCATION – Tuesday, June 12, 2012 at The Silberman School of Social Work at Hunter College, 2180 Third Avenue, New York, NY 10035. Building is located on Third Ave. & 119th Street. Directions by Subway: take the #6 subway line to 116th Street Station; or the #4/5/6 to 125th St. station. Walk East to Third Avenue and go either uptown or downtown to 119th Street – Entrance is located on Third Avenue. Directions to the training room will be posted in the Lobby.

FEE - \$160 per attendee. Partial scholarships are available for financial hardship cases only. Please email your request to Milagro Ruiz at miruiz@hunter.cuny.edu and include a detailed reason for your request for a partial scholarship. **All requests must be received at least two weeks before the training date; phone calls will not be accepted. You will be notified of the decision before the training date.**

CLE CREDIT NOTE: – Attorneys who complete the training will earn **2 CLE credits in skills and 5 CLE credits in areas of practice.** This course has been certified by the New York State Continuing Legal Education Board as an Accredited Course for continuing or transitional legal education in New York State. CLE certification will either be issued to attorneys at the end of the session or by mail. The New York State CLE Board states that CLE credits shall only be awarded for attendance at the entire session of a program. **No CLE credits will be awarded for attending a portion of this session,** which means that you must be present at the beginning, during, and at the completion of this training to receive your CLE credits and OCA certification. No exceptions.

TO REGISTER BY CHECK/MAIL: Please complete this form and mail the entire page with check or money order to: **Article 81 Guardianship Training, c/o Brookdale Center for Healthy Aging & Longevity of Hunter College/CUNY, 2180 Third Avenue, 8th Floor, New York, NY 10035.** Please make checks/money orders payable to **“Brookdale Center/RF-CUNY”**. **All payments must be received before the training date. No refunds or credits will be issued for no-shows. Walk-ins are not permitted.**

TO REGISTER BY CREDIT CARD: Please fax this side of the form to our secure fax number: **(212) 396-7852.** **No cover sheet is necessary.** **FORMS RECEIVED WITHOUT CREDIT CARD INFORMATION INCLUDED WILL NOT BE PROCESSED.** Please be sure to include your telephone number and/or email address so that we may contact you if necessary.

NO REGISTRATIONS WILL BE ACCEPTED AFTER FRIDAY JUNE 8, 2012

< < < < < REGISTRATION FORM > > > > >

Check box if you are a
[] Family Guardian

Print Full Name (Mr. / Ms.) _____

Title (leave blank if none) _____

Agency (leave blank if none) _____

Address _____ **Apt./Room/Floor/Suite** _____

City _____ **State** _____ **Zip** _____

Tel (_____) _____ **Cell** (_____) _____

Email (to confirm your registration) _____

Registration Date: [X] **June 12, 2012** – Silberman School of Social Work at Hunter College / CUNY

Payment Type: [] Check (Make checks payable to **“Brookdale Center/RF-CUNY”**) **Amt Enclosed:** \$ _____

[] Visa [] MasterCard [] Amex

Name as it appears on Credit Card _____ **Signature** _____

(Please print clearly)

Credit Card Number _____ **Exp. Date** ____/____/____

(Please print clearly)

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ARTICLE 81 - Guardianship Training

for Guardians, Court Evaluators and Attorney for the Alleged Incapacitated Person

Article 81 of the Mental Hygiene Law, **Proceedings for Appointment of a Guardian for Personal Needs and/or Property Management**, takes a functional approach to determining whether an alleged incapacitated person needs a guardian and places a premium on the least restrictive intervention to preserve independence and self-determination. **Article 81** requires the appointment of a court evaluator in all cases to determine the functional strengths and weaknesses of the alleged incapacitated person, to explain the court proceedings and to advise the person of his or her rights, including the right to counsel. Court evaluators may be attorneys, physicians, psychologists, social workers or nurses. The authority and powers of the guardian are then tailored to the specific needs of the incapacitated person and may be reduced or increased over time as the person's needs change.

THE PROGRAM

Training begins PROMPTLY at 9:00 am – please plan to be there at least 30 minutes early to check-in.

IMPORTANT NOTE: No one will be admitted into the training after 9:30am, as per OCA/CLE policy.

<p>8:30 – 9:00 Registration & Welcome</p> <p>9:00 – 9:15 Overview of Guardianship - principles of guardianship - legal standard</p> <p>9:15 – 10:30 Players and Procedures - petitioner - order to show cause, petition, supporting papers - notice/service requirements - court evaluator, counsel for the alleged incapacitated person - the hearing - the order</p> <p>10:30 – 11:15 Post Appointment Procedures - designation - bond - commission - reports - death of the IP</p> <p>11:15 – 11:30 Morning Break</p> <p>11:30 – 12:45 Legal Duties and Responsibilities of the Guardian - guardian as fiduciary and ethics of guardianship - mandatory visits - guardian of the property - guardian of the person</p>	<p>(continued) Legal Duties and Responsibilities of the Guardian - special remedies (special guardian, temporary guardian, restraining orders, demand for fiduciary accountings, discovery turnover proceedings)</p> <p>12:45 – 1:00 Medical Advocacy - the medical system (payment system, quality of care issues) - confidentiality and HIPAA</p> <p>1:00 – 2:00 Lunch (on your own)</p> <p>2:00 – 2:30 A Closer Look at the Court Evaluator's Role - psycho-social issues - interviewing the alleged incapacitated person - the court evaluator's report - ethical consideration</p> <p>2:30 – 3:00 Community Resources - services for special populations</p> <p>3:00 – 3:15 Afternoon Break</p> <p>3:15 – 3:45 Community Resources (continued) - entitlement programs</p> <p>3:45 – 4:30 Part 36 Rules/Fiduciary Appointments Q&A / Certification</p>
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INSTRUCTORS

Debra Sacks, LPN, JD, Senior Staff Attorney; and Jean C. Callahan, JD, MSW Director
 Brookdale Center for Healthy Aging of Hunter College / CUNY

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