

## EDUCATING COURTS AND JUDGES ABOUT SDM

One of our primary goals, derived from our original Developmental Disabilities Planning Council grant, has been to use SDM and our SDMNY facilitation process to create a viable alternative to guardianship. We have been very successful, not only in the SDMA legislation passed last year, but also in acceptance by the Surrogate Judges around the state (Surrogates are the judges who hear Art. 17-A proceedings for guardianship of people with I/DD). Several Surrogates have issued decisions denying guardianship or restoring rights to persons already under guardianship based on the existence of systems, both formal (like ours; Good News [a restoration case, 11/11/2022]) and informal, for supports in decision-making (Good News Grace J. [1/6/2023]). Many now have information about SDM and SDMNY available in their Clerk's offices or on their websites. And, we were thrilled to note, the NYS Surrogates Association unanimously endorsed the new SDMA law.

We've fostered our relationship with the Surrogates through a variety of educational programs, including presentations for the Surrogates Association at its bi-annual meetings, a "class" at New Judges School this year offered by SDMNY Founder (and retired Surrogate) Kris Glen and Advisory Council member Broome County Surrogate David Guy, a presentation for judges and court staff in the Third Judicial Department (Albany region) organized by AC Member Sheila Shea, and informational presentations requested by individual Surrogates.



Recently, however, we had an opportunity to expand those efforts to a different group of judges. There are two separate guardianship statutes in New York, Art. 17-A which is specifically for people with I/DD, and Mental Hygiene Law Art. 81, a general guardianship law which is used primarily for older persons with cognitive decline and where the proceedings are held before Justices of the Supreme Court (no, not *that* Supreme Court; it's the general trial court in New York.) Although Art. 81 permits, and indeed encourages, "tailored" guardianships that do not result in loss of all legal rights, they are costlier and more complex than those under 17-A, which ARE utilized in virtually all petitions for guardianship involving people with I/DD.



*Jess Cochrane, DRNY, who represented our successful Decision-Maker*

This summer our partner Disability Rights New York (DRNY) brought a restoration proceeding for a person with I/DD who was under Art. 81 guardianship in Suffolk County Supreme Court. Angel is one of our Decision-Makers, and, based on her SDMA, the Court terminated her guardianship. And more! Intrigued by this "new" practice, the Court invited the DRNY lawyer, Jess Cochrane and SDMNY to present an information session on guardianship and SDM for judges and court staff. SDMNY was brilliantly represented by Director Naomi Brickel, and the session was a great success.

We believe deeply in the importance of education for everyone in the court system who may interact with people with I/DD and their families and are committed to providing information and education about SDM, SDMNY and SDMA to this critical stakeholder group wherever needed or requested.

**THANKS TO SUFFOLK COUNTY SUPREME COURT, DRNY, AND CONGRATULATIONS TO DECISION-MAKER ANGEL!**