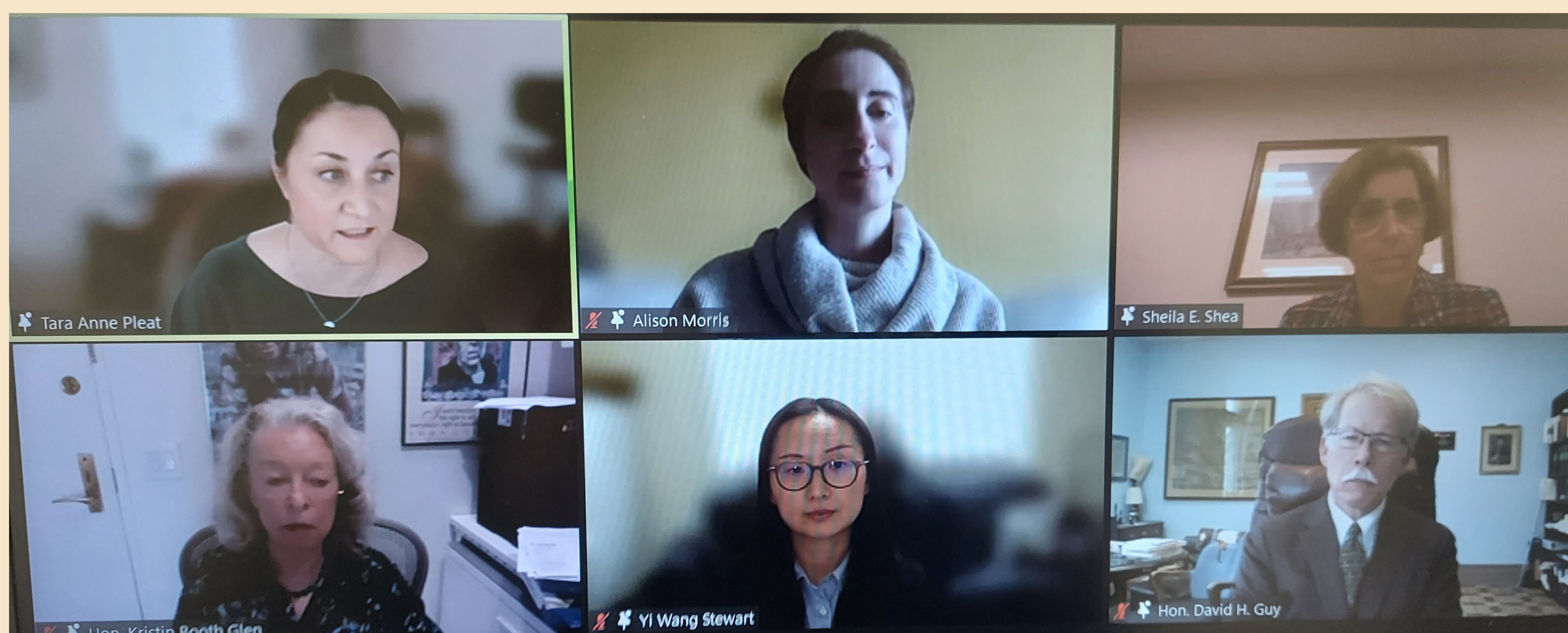


THE IMPORTANCE OF GUARDIANS AD LITEM (GALS) FOR SDM

In many Surrogates' Courts, when a petition for guardianship is filed, the Court appoints a person to investigate the application and report back on their findings and recommendations. That person is called a Guardian ad Litem or GAL, and is chosen from a list of attorneys maintained by the Office of Court Administration. Because the person for whom guardianship is sought is seldom, if ever represented, the GAL may be the sole source for information about that person, their needs and capabilities other than what the petitioners (who are obviously advocates for guardianship) have supplied.

As we have heard again and again, petitioners, especially parents, may have been told to bring a guardianship proceeding by schools, health care providers or other parents; they may be unaware of alternatives or even of the total loss of civil and legal rights that results from guardianship. They may, understandably, be concerned about the vulnerability of their loved one and afraid to give up the perceived "safety" they believe guardianship will give them. Judges may lack the time or skill to evaluate the present and potential capabilities of persons with I/DD, or to assess how supports might alleviate the need for guardianship, so the GAL is in a unique position to gather relevant information, educate petitioners and the court and, where appropriate recommend against guardianship. For these reasons it is critical that lawyers who are available and eligible to serve as GALs are knowledgeable about alternatives to guardianship, especially SDM.



Webinar faculty and NYSBA Disability Rights Committee Chair Alison Morris



Attorney Yi Stewart

That's why yesterday the New York State Bar Association (NYSBA) offered a webinar on "Preserving Rights while Protecting Vulnerable Persons", including a presentation on SDM by SDMNY Founding Director Kris Glen and "What GALs Need to Know" by attorney Yi Stewart, who has referred several families to SDMNY (and may we note that the other three members of the faculty were all members of our SDMNY Advisory Council!) In one Manhattan case Yi was appointed GAL just before the Covid pandemic locked the city down. She was able to visit with the Petitioner-parents and to spend time and gather additional information about their soon-to-be 18-year-old autistic daughter Luisa. As a result of her efforts, Yi persuaded the parents, who had been unaware of any alternatives, to place the guardianship proceeding on hold while the family tried SDMNY facilitation. Almost two years later Luisa signed her SDMA and has been using it ever since to make decisions, with support, about decisions large and small, including pursuing a career path in the theater and joining a neurodiverse theater company in NYC.

Yi recently caught up with Luisa's dad Nuno who spoke enthusiastically about how Luisa had grown in confidence and ability, and how happy they all were that Yi had pointed them to SDM and SDMNY. We thought that Nuno's story would be more impactful than anything Kris or Yi could say, and he graciously agreed to make a short video for the webinar which you can [view here](#). Attendees (many of whom are potential GALs) confirmed how valuable it was to hear from a parent was, and how affirming Nuno and Luisa's experience was to their understanding of SDM. One even wrote "GALs rock. Becoming one!" We hope that GALs like Yi will continue to educate petitioners and courts about how to "preserve rights while protecting vulnerable persons" through SDM!



Decision-Maker Luisa's dad Nuno

THANKS TO THE NYSBA, YI AND NUNO!