

Guardianship Facts



Everyone is presumed to have capacity to make decisions unless a clinician or court determines otherwise. For individuals unable to make decisions for themselves, a court may appoint a guardian. There are two kinds of guardians – Article 81 guardians and Article 17-A guardians.

Article 81 Guardians

Article 81 guardians are granted decision-making authority in specific areas as designated by the Court. These areas may include:

- Food
- Shelter
- Clothing
- Transportation
- Health care
- Financial affairs
- Management of the person's property

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Office for People With
Developmental Disabilities



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Developmental Disabilities



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Article 17-A Guardians

The authority of an Article 17-A guardian is broad and may include the right to:

- Access information needed to provide informed consent for:
 - medical treatment and medication
 - behavior support plans
 - decisions regarding withholding or withdrawal of life-sustaining treatment
- Receive notification of trips to the emergency room as soon as practicable
- Information related to incidents and investigations involving the individual
- Visitation with the individual at reasonable times
- Privacy during visits with the individual
- Communicate freely with the individual
- Participate in the individual's plan of care
- Seek access to fire safety plans and review of fire safety drills
- Object to the application, adaptation, or denial of any of the individual's rights
- Express complaints and concerns to:
 - your local OPWDD office
 - the commissioner of OPWDD
 - the Justice Center for the Protection of People with Special Needs
 - the Mental Hygiene Legal Service

Third parties may request access to protected Medicaid member information at https://www.health.ny.gov/health_care/medicaid/medicaid_release.htm

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Article 17-A Guardians

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- Access information needed to provide informed consent for:
 - medical treatment and medication
 - behavior support plans
 - decisions regarding withholding or withdrawal of life-sustaining treatment
- Receive notification of trips to the emergency room as soon as practicable
- Information related to incidents and investigations involving the individual
- Visitation with the individual at reasonable times
- Privacy during visits with the individual
- Communicate freely with the individual
- Participate in the individual's plan of care
- Seek access to fire safety plans and review of fire safety drills
- Object to the application, adaptation, or denial of any of the individual's rights
- Express complaints and concerns to:
 - your local OPWDD office
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Article 17-A Guardians

The authority of an Article 17-A guardian is broad and may include the right to:

- Access information needed to provide informed consent for:
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 - behavior support plans
 - decisions regarding withholding or withdrawal of life-sustaining treatment
- Receive notification of trips to the emergency room as soon as practicable
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