

**Mental  
Hygiene Law  
Article 81**

Issues and  
Answers for  
Commissioners  
and Attorneys

**2024 NYPWA Summer  
Conference**

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## Basis for Appointment of LDSS as Guardian

- Social Services Law §473
- 18 NYCRR 457.6
- MHL Art. §81.03
- Mental Hygiene Law §81.06

Issue:

Conflict of  
interest

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**Matter of Bessie C.**

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**M. of NYS OMH**

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Issue:

Which LDSS  
is  
responsible  
to serve as  
guardian?

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**Matter of Kimberly DD.**

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**M. of United Hel. Servs. Hosps., Inc. (J.W.)**

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**OCFS Guidance?**

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**Issue:**

**Authority  
to delegate  
functions**

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**Matter of Sutkowy**

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Issue:

Hospital  
and Other  
Facility  
Discharges

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**90 ADM-40**

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**10 NYCRR 405.9 (hospital)**

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**14 NYCRR 633.12 (OPWDD)**

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**14 NYCRR 818.5 (sub. ab.)**

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**MHL §29.15 (OMH)**

Issues:

Failure to  
notice; ability  
to object;  
and debt  
collecton

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**MHL §81.07**

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**In re John T.**

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**MHL §81.16**

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Issue:

Uncooperative  
clients and  
service  
providers

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**MHL §81.36**

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Issue:

Best  
practices for  
property  
management

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Issue:

Disposition  
of property  
of the IP

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**Powers?**

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**Wishes of IP?**

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**Best Interests?**

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Issue:

Tax filings

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**Contact**

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**Negotiate**

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Issue:

Commingled  
funds

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**Matter of Williams (E.S.)**

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**Source(s) of funds?**

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Issue:

Court  
Examiner  
Charges

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**MHL § 81.32(f)**

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**Matter of Shannon**

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**Matter of Hart (D.S.)**

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# Helpful Websites

## **NYS Office of Guardian and Fiduciary Services**

[www.nycourts.gov/ip/gfs](http://www.nycourts.gov/ip/gfs)

## **Guardian Assistance Network**

[http://www.courts.state.ny.us/  
ip/gan/manual/index.shtml](http://www.courts.state.ny.us/ip/gan/manual/index.shtml)

Cases

# QUESTIONS

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