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| LOCAL COMMISSIONERS MEMORANDUM |
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DSS-4037EL (Rev. 9/89)

Transmittal No: 93 LCM-10

Date: January 27, 1993

Division: Services and
Community
Development

TO: Local District Commissioners

SUBJECT: Technical Assistance on Article 81 of the Mental Hygiene Law
(Chapter 698 of the Laws of 1992)

ATTACHMENTS: None

On September 28, 1992, the Department issued 92 INF-40, which advised local social services districts of the major provisions of Chapter 698 of the Laws of 1992. The statute, which is effective April 1, 1993, repeals Articles 77 and 78 of the Mental Hygiene Law which authorize the appointment of conservators and committees respectively for persons whose ability to care for their property is substantially impaired or who are judged to be incompetent. Chapter 698 replaces these two Articles with Article 81 of the Mental Hygiene Law which authorizes the appointment of a guardian whose authority is appropriate to satisfy the needs, either personal or financial, of an incapacitated person. Article 81 provides strong due process protections and seeks to ensure that any appointment of a guardian is tailored and limited to only those activities for which a person needs assistance. In addition, Article 81 provides local social services districts with flexibility and creative mechanisms for the provision of necessary services to Protective Services for Adults (PSA) clients.

In March of this year, staff of the Office of Housing and Adult Services and the Division of Legal Affairs will be conducting regional technical assistance sessions on Article 81. These regional meetings, designed for PSA program and legal staff, will address the specific provisions of Article 81 and assist the districts in utilizing the statute. More detailed information regarding the dates of these meetings and registration will be forwarded to the person responsible for staff development activities in your agency.

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Please share this memorandum with appropriate legal and PSA staff and your agency's staff development coordinator. If you or your staff have any questions regarding these technical assistance sessions, please contact Sharon Lane at 1-800-342-3715, ext. 432-2985; (518) 432-2985 or OFISLink USERID 89A577.

Peter R. Brest
Acting Associate Commissioner
Office of Housing and Adult Services