
NEW YORK ELDER LAW





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the Brookdale Center for Healthy Aging,
Hunter College/CUNY**

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*This book is dedicated to Samuel Sadin,
the founder of the Institute on Law and Rights of Older Adults;
a pioneer in elder law;
an expert in social work;
an advocate for the aged;
a mentor to all.*

About the Sadin Institute on Law & Public Policy

The Sadin Institute on Law & Public Policy (formerly the Institute on Law and Rights of Older Adults) of the Brookdale Center for Healthy Aging of Hunter College/CUNY has been in operation since 1977 as a legal support system for advocates who serve the elderly. The interdisciplinary staff of the Sadin Institute conducts continuing education and in-service training programs for professionals and maintains a telephone case consultation service. It publishes seven manuals on various public entitlements: *The Brookdale Senior Rights Report*, a bimonthly newsletter on entitlements for professionals; the *HELP for Seniors* series on entitlements for senior citizens; and the *Benefits Checklist for Older New Yorkers*. The Sadin Institute is a not-for-profit organization funded through private foundation grants, New York State training contracts, and the Interest on Lawyer Account Fund of New York State.

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by Andrew Koski

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by Douglas J. Chu, J.D.

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by Ellen P. Rosenzweig

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Introduction

by Angela Ghesquiere, Ph.D., M.S.W.

Angela Ghesquiere is the Program Manager of the Sadin Institute for Law and Public Policy at the Brookdale Center for Healthy Aging, Hunter College, City University of New York. She is a social work researcher focusing on services research with older adults. She graduated from Smith College with a B.A., from Washington University in St. Louis with an M.S.W., and from the Columbia University School of Social Work with a Ph.D.

Advocates for older adults are being challenged on all fronts. We must anticipate the needs of our vulnerable clients even as access to health care and other services seems to be more and more elusive. With advances in medical care, people are living longer than ever before. Baby Boomers are entering the ranks of the aging, often with fewer benefits, pensions, and other assets than recent generations, and with increasing health care costs. Social Security income is often not sufficient for retirees to live on, leaving those who were not able to save significant assets living at poverty levels. For those who were lucky enough to acquire modest assets through home equity or retirement accounts, there are perils such as frauds and scams, predatory lending, and a volatile housing market.

In 1977, as the field of elder law began to emerge, the Sadin Institute on Law and Public Policy was created to help lawyers and other advocates serve their older clients. Housed at the Brookdale Center for Healthy Aging of Hunter College, Sadin provides leadership in policy and training on legal issues that affect older adults. The Sadin Institute has a unique voice among elder law advocacy organizations. We recognized early on that complex elder law cases require the efforts of a team of dedicated professionals including lawyers, social workers, and advocates from social services organizations.

We created this handbook as a comprehensive guide to New York programs and services. Effective advocacy for older adults is increasingly a multidisciplinary effort. These complex cases often require the

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collaboration of social workers, lawyers, and health care providers. Because our audience includes all of these disciplines, we have tried to present the information in a user-friendly format that will provide guidance and clarity without jargon or unnecessary “legalese.” We do provide case law and legal citations throughout, and this book can and should be used as a practice guide.

We want to thank the extraordinary authors of this book. They are skilled practitioners who manage to convey an impressive grasp of the subject matter using case law, actual case examples, and their collective years of experience. Covering topics as diverse as Medicaid, housing, and health care decision making, they have each made a valuable contribution to the field of elder law.

This book is published in loose-leaf format. It will be supplemented at least annually to keep readers informed of the changes in entitlement programs that can be anticipated with each state and federal legislative session. We would like to thank Carol Benedicto and the other members of PLI’s publication department for their support and assistance in producing this volume.