The Elder Law Clinic (ELC) will be on hiatus for the 2016-2017 academic year. Student attorneys in the ELC have focused on a variety of topics related to elder law. They’ve practiced in all aspects Article 81 Adult Guardianship cases, including serving as court appointed attorneys for individuals alleged to need a guardian, Court Evaluators, representing clients in “restoration” cases who want to discharge a guardian, and also representing clients who need to become guardians of a family member or friend. Students attorneys have also provided “poverty estate planning” representation to home bound clients, drafted wills, advance directives, and supplemental needs trusts and advised clients about Medicaid eligibility and preventing the need for a guardian. ELC interns have developed paper and digital materials on Article 81 Guardianship and Alternatives for those who are unrepresented.

Elder Law Clinic Victory:

Matter of C.L.

The Elder Law Clinic (“ELC”) won an important appeal in the Matter of C.L. C.L. called the clinic in the Fall of 2014, claiming that after she became ill and fell in her NYCHA apartment, she was hospitalized for 9 months and, instead of getting discharged back to her apartment, the hospital brought a guardianship petition.

The court appointed a guardian, who relinquished C.L.’s apartment and placed her in a nursing home against her will. C.L. lost control over her life, lost her affordable apartment, and lost her independence. The clinic investigated C.L.’s claims and advocated for her by filing a motion to discharge her guardian and appealing the original order approving the guardian to the Appellate Division.

Clinic students Yi Stewart and Amanda O’Keefe, with the assistance of paralegal Guadalupe Vidal (a graduate of LaGuardia Community College and student at CCNY), under the supervision of Professors Kris Glen and Joe Rosenberg, conducted the investigation, worked closely with C.L., and prepared the motion papers.

Amanda and Yi graduated before the hearings on the motion, and the writing of the appellate brief, which took place in the summer of 2015. After three days of hearings, the court denied our motion to discharge the guardian, although the court did appoint a case manager to help C.L. find an apartment in the community.

Professor Glen took the lead on the brief to the Appellate Division and argued the motion on January 15, 2016. On February 17, 2016, the Appellate Division issued a decision that reversed the order appointing the guardian and dismissed the guardianship petition. This was a victory against long odds, but still C.L. languishes in the nursing home, working with a NYS transition program to find a suitable apartment in the community. As part of the housing work of the Pro Bono Scholars Program, we will be advocating with NYCHA and other housing programs to return C.L. to the community.