Long Island Estate Planning Attorney Seth Schlessel Explains Who Decides if a New York Resident is Incapacitated

December 09, 2022

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Long Island estate planning attorney Seth Schlessel (https://www.schlessellaw.com/who-decides-if-a-long-island-resident-is-incapacitated/) releases a new article explaining who decides if a New York resident is incapacitated. The lawyer mentions that incapacity is governed by New York?s mental hygiene laws and that there are two ways where someone may be declared incapacitated.

According to the Long Island estate planning attorney, ?The first is when an eligible party petitions the court to become your guardian. The second is if the court finds a vulnerable individual in an eviction or foreclosure proceeding because illness or mental health problems have led them to an inability to pay their bills. In this case, the court appoints a limited guardian to protect them.?

The lawyer explains that adult children, close relatives, and spouses may bring guardianship cases. Anyone who is ?concerned with the welfare? of a person who is alleged to be incapacitated may be able to bring a guardianship case. The person who initiated the hearing must send notice to the AIP, their parents, adult siblings, and adult children if they are alive. If the AIP lives with another person, they may be able to receive notice as well.

Attorney Seth Schlessel adds that there is no specific diagnosis required for a person to pursue a guardianship case. However, the evidence of a diagnosis may be able to help shore up a case. In the article, attorney Schlessel cited an example where a petitioner has evidence that the Alleged Incapacitated Person has been diagnosed with Alzheimer?s. Then this situation may be able to help strengthen their case.

In the article, attorney Schlessel adds, ?The court must consider a number of factors in these cases,

including the person?s ability to manage the activities of daily living and the ways that the AIP has been managing their affairs to date. If an estate plan is in place, then the courts must consider the person?s wishes.?

Lastly, attorney Schlessel emphasizes that having an estate planning lawyer is important for the client to save money while also planning their future efficiently.

About Schlessel Law PLLC

Seth Schlessel is the founder of Schlessel Law PLLC. As a skilled estate planning attorney, Mr. Schlessel understands the importance of a comprehensive estate plan for a family?s future. He and his team have helped many families preserve their assets and ensure that a person?s wishes are carried out the way they want. Aside from estate planning, the firm also assists with elder law, personal injury law, and startup/corporate law. Contact us today to learn more.

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Schlessel Law PLLC

Schlessel Law PLLC is led by Seth E. Schlessel, Esq. a Long Island attorney specializing in Elder Law, Estate Planning, Startup/Corporate and Personal Injury Law.

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