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**Testimony to the New York State Legislature
Joint Hearings of the Senate Finance and
Assembly Ways & Means Committees**

2025-2026 Executive Budget

Topic: Human Services

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Thank you, Chair Krueger and Chair Pretlow, for the opportunity to submit this testimony to the Joint Legislative Budget Hearing on Mental Hygiene. We present this written testimony on behalf of Karen Nicolson, CEO of the Center for Elder Law & Justice (“CELJ”). CELJ has been serving the Western New York region for over 40 years, providing free civil legal services to older adults, persons with disabilities, and low-income families. CELJ’s primary goal is to use the legal system to assure that individuals may live independently and with dignity. CELJ also advocates for policy and systems change, particularly in the areas of housing, elder abuse prevention, nursing home reform, and consumer protection. Currently CELJ provides full legal representation in ten counties of Western New York.¹ CELJ’s Free Senior Legal Advice Helpline is open to all of New York State. CELJ operates a main office in downtown Buffalo, with three additional offices in Cattaraugus, Chautauqua, and Niagara counties.

We urge you to take the following positions regarding issues before this committee:

- [Allocate \\$2 Million to Establish a Kinship Legal Network Pilot](#)
- [Support: TED Part II - Financial Exploitation Prevention](#)
- [Support: Crime Victims Programs by Increasing Executive’s Earmark by \\$50 Million](#)
- [Support: Enhanced Multi-Disciplinary Teams](#)
- [Support: Continued Investment in the Lifespan Billpayer program](#)
- [Support: Creation of Interagency Elder Justice Council](#)
- [Support Civil Legal Services](#)

- [Allocate \\$2 Million to Establish a Kinship Legal Network Pilot](#)

Children who are in the care of family have improved short and long-term outcomes than when they are in formal foster care with non-relatives. They experience less trauma, have fewer placement challenges, maintain sibling and family contacts, have better mental health outcomes,

¹ Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Niagara, Orleans, Steuben, and Wyoming Counties

stay in their communities, and keep cultural connections.² In 2018, there were over 200,000 children in New York State who were in kinship care.³ Kinship caregivers are 93% female, 23% Black, and 67% have a household income of less than \$50,000.⁴

Many kinship care arrangements occur outside of the formal foster care system, some informally, others establish formal rights through orders of custody or guardianship. A portion of these families receive placement of children by the local department of social services (LDSS) when the children are removed from their parents pursuant to a neglect or abuse filing,⁵ so they have the opportunity to certify as foster parents. This affords them significantly greater benefits to use for the care of the children and allows for additional permanency outcomes, such as guardianship with a subsidy or adoption.

Only a few jurisdictions in New York State have civil legal service providers with grants allowing them to provide the valuable service of no-cost representation to kinship caregivers. Parents, persons with an order of custody, and persons who are subjects of neglect and abuse petitions have a constitutional right to have counsel appointed to them if they cannot afford such. Kinship caregivers are not afforded this right.

A Pilot Kinship Legal Network, funded through the Office of Children and Family Services in five counties, will provide Kinship caregivers with legal representation, information, and advice to navigate New York's justice and social services systems. The program will leverage the existing Kinship Navigator, a successful statewide program operated by Catholic Charities Family and Community Services which provides an information, education and referral network for kinship families across all of New York State. Along with preventing unnecessary foster care placement, attorneys who represent kinship caregivers also:

- Assist in achieving permanency goals through family reunification, custody, guardianship, and adoption;
- Maximize income for the caregiver and children by ensuring that they receive all benefits to which they are entitled;
- Represent caregivers in related child support, family offense, and administrative matters;
- Connect caregivers to community service partners to ensure all needs, not just legal needs, are being met;
- Collect data for future needs assessment for future scale up to all counties in NYS.

² https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-36/july-aug-2017/kinship-care-is-better-for-children-and-families/

³ See, "Supporting Grandparents Raising Grandchildren (SGRG) Act, Initial Report to Congress, (November 2021), page 2, available at: <https://acl.gov/SGRG/report>.

⁴ See <https://www.albany.edu/chsr/Publications/Kinship%20Needs%20Brief%20Elec%20Final.pdf>

Of note: one of the grants that allows CELJ to represent kinship caregivers requires clients to be at or below 200% of the federal poverty level; less than twenty (20) clients per year are rejected because they are over the income restrictions

⁵ NYS Fam. Ct. Act § 1017

Access to legal representation and services is essential. For example, “Mary” was referred to the Center for Elder Law and Justice (CELJ) by a Department of Social Services (DSS) Caseworker. Mary’s three grandchildren were placed in her care by DSS due to domestic violence between the parents and the mother’s untreated substance abuse and mental health issues. Mary was retired and residing alone in a two-bedroom senior living apartment when her grandchildren were placed in her care. CELJ obtained beds for the children, connected Mary with a program that provided diapers, provided information on applying for public benefits and linked her with Early Intervention.

In addition, CELJ’s housing unit assisted her in termination of her lease as her grandchildren were unable to live in the senior community. CELJ also helped Mary obtain certification as a foster parent, increasing her income for the children from \$700 per month to \$3024. Mary had run into roadblocks because of an indicated report on the Statewide Central Register. CELJ filed an appeal and successfully had the report sealed so that Mary was able to complete her certification.

Research shows that kinship care has better outcomes for children than foster care and every child in New York State should have the opportunity to thrive with family, rather than languish in foster care.

- Support: TED Part II - Financial Exploitation Prevention

CELJ stands in support of the Governor’s Executive Budget which proposes a measure that will allow banks, investment advisors, and other financial institutions to place a hold on a transaction if they suspect financial exploitation. This amendment to the existing laws will help prevent sometimes devastating financial losses to risk adults and aid in efforts to stop financial exploitation.

Elder financial exploitation is a serious and growing concern. According to the FBI’s most recent Elder Fraud Report, elder fraud complaints to the FBI’s Internet Crime Complaint Center increased by 14%, and associated losses increased by 11% in 2023.⁶ Unfortunately, when funds are taken from adults as the result of financial exploitation, recovering those funds is slow, difficult, and most often the victim does not see a full return of their money. This is a common scenario we encounter at CELJ, when the abuser who has taken the funds is a professional scammer who lives out of the country and the funds are simply not recoverable. It also occurs when a Power of Attorney takes and then squanders the funds, making collection impossible. By allowing banks and financial institutions to intervene before the transaction is completed, which this proposed legislation seeks to do, these financial losses can be prevented.

With all the ways to move funds today, from online banking to apps like Cash App and Venmo, abusers have a myriad of ways to improperly access bank funds or coerce vulnerable adults to send payments out of their accounts. Training and raising awareness about preventing, identifying, and responding to elder abuse or financial exploitation is crucial. This proposed legislation will allow for financial institutions to develop trainings to educate employees who perform or approve transactions of behalf of customers on issues pertaining to financial exploitation, and on how to spot financial exploitation of vulnerable adults.

⁶ <https://www.fbi.gov/news/stories/elder-fraud-in-focus>

There are two edits to the proposed language as written that CELJ would support. First, the definition of “Eligible Adult” should be modified from “an individual who is: sixty years of age or older; or at least the age of eighteen and who, because of mental or physical impairment, is unable to manage their own resources or protect themselves from financial exploitation without assistance from others” to “an individual who is: at least the age of eighteen and who, because of mental or physical impairment, is unable to manage their own resources or protect themselves from financial exploitation without assistance from others.”

While the current definition has been amended from sixty-five years of age to sixty years of age, the definition remains redundant in that it specifies adults over sixty or adults who are at least eighteen years of age. The element which is determinative of making one an eligible adult is not age, but the presence of mental or physical impairment which renders the individual unable to manage their own resources or protect themselves from financial exploitation. That can happen at any age, even if older adults tend to be more vulnerable. There is no need for the definition to include sixty years of age.

14.25% of clients served by CELJ’s Elder Abuse Unit are individuals under sixty years of age. These clients have experienced financial exploitation, often due to mental or physical impairment. For instance, one of CELJ’s clients involved a 53-year-old with capacity concerns who was abused financially by his stepson's girlfriend. His stepson’s girlfriend took advantage of him by becoming a Power of Attorney (POA) to steal money from him. In addition to being convinced of selling his house while she pocketed the money, she also helped herself with two withdrawals from his bank account, depleting his life savings. She used her POA authority to do so without his authorization. The client became homeless and is now living at an adult facility and has received compensation of only \$300.

It should not be inferred that being vulnerable depends on how old someone is. This situation above shows that anyone can be at risk no matter what their age. Because of this, the legislation as proposed, would not help people who are younger than sixty.

The second would be modifying the definition of “Financial Exploitation” subsection ii by removing “including through the use of a power of attorney, guardianship or any other authority” so the definition would read:

“Financial Exploitation” means:

- (i) the improper use of an eligible adult's funds, property, income or assets; or
- (ii) any act or omission by a person regarding an eligible adult to:
 - (A) obtain control, through deception, intimidation, threats or undue influence over the adult's money, assets, income or property; or
 - (B) convert the adult's money, assets, income or property

While it is true that those in positions of authority like Power of Attorney or Guardians have unique access and a higher level of responsibility to the eligible adults, CELJ often sees exploitation by individuals who do not have a legal authority. For example, another of CELJ’s clients involved a female in her 80s. The victim’s aide had been made joint on an account with the victim and

proceeded to drain the account of about \$20,000. Further concerns arose after it was known the aide had the victim's mailbox key, opened a credit card in the victim's name, filed taxes for the victim the previous year, and refused to return documents to the victim.

Financial exploitation is almost always an abuse of trust, but that trust is not necessarily only found in persons who are acting as Power of Attorney or Guardian.

- Support: Crime Victims Programs by Increasing Executive's Earmark by \$50 Million

CELJ urges the Legislature to include an additional \$50 million in the Final Budget for a total of \$150 million to support the next round of three-year Victims of Crime Act (VOCA) contracts with victim assistance providers.

Domestic violence service providers, including CELJ in its role providing services to older victims of crime, rely on a myriad of federal funding streams to support life-changing services for victims of abuse and crime. VOCA is the largest of these funding sources, enabling hundreds of thousands of New Yorkers to access services including shelter, housing, legal assistance, counseling and more. CELJ uses VOCA funding to provide necessary advocacy and civil legal services to help older survivors break the cycle of abuse through direct representation on issues including orders of protection, recovery from financial exploitation, evictions, family law issues, and other civil legal issues that arise in the wake of a crime. Without VOCA funds, many victim service programs, including CELJ's service of older victims of crime, would cease to exist, leaving victims of domestic violence, sexual violence, child abuse and child sexual abuse with nowhere to turn.

New York's federal VOCA grant has declined \$155.4 million since 2018, losing 78% of its value. While the Governor's \$100 million commitment in the Executive Budget to address this shortfall is welcome news, and we urge the Legislature to maintain it, it is possible it will not be sufficient to support the next round of VOCA contracts, particularly in light of a potential freeze on federal funding streams. **We urge the Legislature to increase the Governor's earmark by \$50 million to ensure the continuity of these critical safety net services.**

- Support: Continued Investment in Enhanced Multi-Disciplinary Teams

CELJ stands fully behind support of Enhanced Multi-Disciplinary Teams ("EMDTs") and the Governor is including a \$2.5 million commitment. As both a coordinator and legal services provider to teams in Western New York and the Southern Tier (through our partnership with Lifespan of Rochester), we see firsthand how the teams not only help individual victims on a case-by-case basis but lay the groundwork for better outcomes for future cases by creating a strong collaborative effort amongst different disciplines that supports advocates and the community. We see the success of EMDTs and the positive impact they continue to have on our service area. These teams are victim focused, and work to empower victims of crime by working toward their definition of justice. Not all victims wish for justice to involve criminal prosecution of their abuser; in those circumstances the team can and does offer civil legal help so that the abuser is still held accountable. When a victim is carried by the team, each member is working together, working towards justice for that victim, and it means that the individual won't fall through the cracks. The

bonds formed between team members go beyond the immediate cases brought to the team, helping to tear down the silos that keep agencies walled off and allow abusers to escape unpunished.

CELJ has found that for every case brought to the EMDT, we have dozens of other clients who benefit from the bonds forged at those meetings. Information shared on trainings, agency updates, shared concerns help beyond the meetings. Access to trainings and presentations at meetings are crucial for ensuring that all victims are able to have their needs met, and without the EMDTs there would be a void in this service area.

- Support: Continued Investment in the Lifespan Billpayer program

CELJ supports the State's continued investment in the Lifespan of Rochester bill payer programs (Financial Management Program) for older adults. CELJ contracts with Lifespan to operate the Financial Management Program in Cattaraugus, Chautauqua, Erie, Niagara, and Wyoming counties. The Financial Management Program links volunteers with older adults who need help with budgeting, bill paying, managing debt, and other financial wellness services. Volunteers meet with their assigned older adult approximately once per month in their homes to review their mail, their bills, and discuss any other budgeting concerns.

Our volunteers receive monthly training on topics such as taxes (income and property), benefits such as HEAP and SNAP, hoarding, how to read insurance correspondence, scam prevention and more. We have volunteers who have taken on more than one client working at the client's direction to get their financial matters resolved. We are finding credit card and medical debt to be the most common issues.

Our clients are relieved to have the monthly assistance as many are facing utility shut offs, eviction, collections or have recently lost a spouse who always handled the household finances. One client happily remarked his volunteer was able to save him \$75/month which enabled him to buy a few extras for himself. Another client who was recently retired, was referred to the program as she was struggling with Social Security and Pension paperwork. In addition, she had recently been a victim of identity theft by a tenant in her building. The volunteer was able to assist with calls to various entities for her income, help her apply for safer, senior housing, bus passes and other senior benefits. On February 1, 2025, she moved her new apartment where her volunteer has assisted with utilities, renter's insurance change of address and will continue their monthly visits.

In addition to our individual volunteer client cases, we are creating an "Intro to Budgeting Program." This is in response to requests for assistance from Buffalo Public Schools Adult Learning Program, Cazenovia Recovery Program and the Family Help Center Grandparent's Program.

In the short time we have partnered with Lifespan on this program, we have identified a safe, proactive approach to help older adults remain, safe both physically and financially in their homes. This goes hand in hand with a rewarding opportunity for our volunteers.

The Financial Management Program bolsters the economic security of older adults, a key component to age with independence and dignity, and connects older adults with other assistance, including free civil legal services.

- Support: Creation of Interagency Elder Justice Task Force

CELJ supports S.1202 which would create an Interagency Elder Justice Task Force. Abusers thrive when there is inadequate support for older adults. Lack of coordination and lack of a concerted effort across agencies and disciplines to address and prevent abuse slows responses and propagates the cycle of abuse. Requiring state agencies to work together, with stakeholders, develop a comprehensive state plan on Elder Justice will prevent unintended duplication of services and identify areas that can be strengthened to prevent abuse.

While CELJ supports this approach, the interagency council must operate with, and support the efforts of, the Lifespan of Rochester EMDTs. It is imperative that the interagency council does not supplant the work of EMDTs. The reality is that while most victims will interact with state agencies, or entities subject to regulation by state agencies, many of the current services offered to victims of Elder Abuse are provided by advocates adjacent to, but not within, the state system. For example, CELJ provides legal representation to hundreds of victims of Elder Abuse annually through our work supported by the Office of Victims Services. Our perspective as a civil legal services provider, helping clients navigate a complex and at times disjointed legal and social system, would certainly help inform on an ongoing basis any effort by the State to prevent and combat Elder Abuse and exploitation. We support this effort to bring Elder Justice to the forefront of individual state agencies, but ask that stakeholders, advocates, experts and coalitions have an equal seat at the table so that our input and feedback is considered in equal measure.

- Support Investment in Civil Legal Services

Lawyers and other staff are leaving legal services agencies for government jobs at an alarming rate because civil legal services organizations statewide are unable to achieve pay parity with those attorney counterparts working in government positions, such as the New York State Attorney General's Office. The combination of higher salaries and a government pension is difficult to compete against, particularly for mid-career attorneys.

Pay for attorneys in civil legal services is significantly lower than their government counterparts doing substantially similar work, with civil legal services outside of NYC getting paid **21%** less than their counterparts in the Attorney General's office. Those inequities only grow throughout their careers and, after 21 years of civil legal services employment, experienced civil legal services attorneys are paid **38% less** than their counterparts in the AG's office in some parts of the state, based on a 2024 survey of Legal Services Coalition members.⁷

It is acknowledged that New York State cannot single-handedly fix the justice gap overnight, but it is also abundantly clear that the gap will widen without both a direct investment from New York State in civil legal services, and the preservation of one of its core funders, the IOLA Fund.

⁷ www.nylscoalition.org

The Interest on Lawyer Account Fund of the State of New York (“IOLA”) currently provides funding to eighty-one different providers of civil legal services to low-income New Yorkers. IOLA’s 2024 annual report shows an estimated economic impact of around **\$5.32 billion** from its Fiscal Year 2024 and 2025 grants totaling **\$750 million**, including **\$1.95 billion** in direct benefits to clients and families, and around **\$844 million** in cost savings to the community (for avoidance of emergency shelter and domestic-violence-related costs).⁸

Thankfully, the SFY 2026 Executive Budget provides the necessary funding for the first of five-year IOLA contracts that are providing increases to providers. The budget also correctly recognizes IOLA as a fiduciary fund. However, missing from the Executive Budget is 2.5 million that IOLA requested for their Infrastructure Project, a historic investment in its grantees, which will improve the consistency, efficiency, and coordination of the legal services delivery system. We urge full funding of the IOLA request of **eighty million** dollars.

In addition, the Judiciary Budget includes a \$45.5 million increase for Judiciary Civil legal Services. The community is grateful for this significant investment in access to justice and we know that the Chief Judge and his staff understand the difficulties facing low-income litigants in New York State. In the OCA budget, the funding is designated as such:

- “The funding supports a 3% cost-of-living adjustment and necessary additional funding to address critical needs for the poorest New Yorkers.
- An increase of “\$45.5 million including \$23.1 million base and \$22.4 million enhanced funding.”

Pay parity is a critical issue from an equity perspective, but also a services perspective and both require funding flexibility. We are grateful for this historic investment in civil legal services and urge maximum provider flexibility to improve our ability to fill existing vacancies and provide desperately needed services connected to those vacant positions.

Thank you for the opportunity to submit this testimony. CELJ is available to answer any questions and provide additional information.

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⁸ www.iola.org