

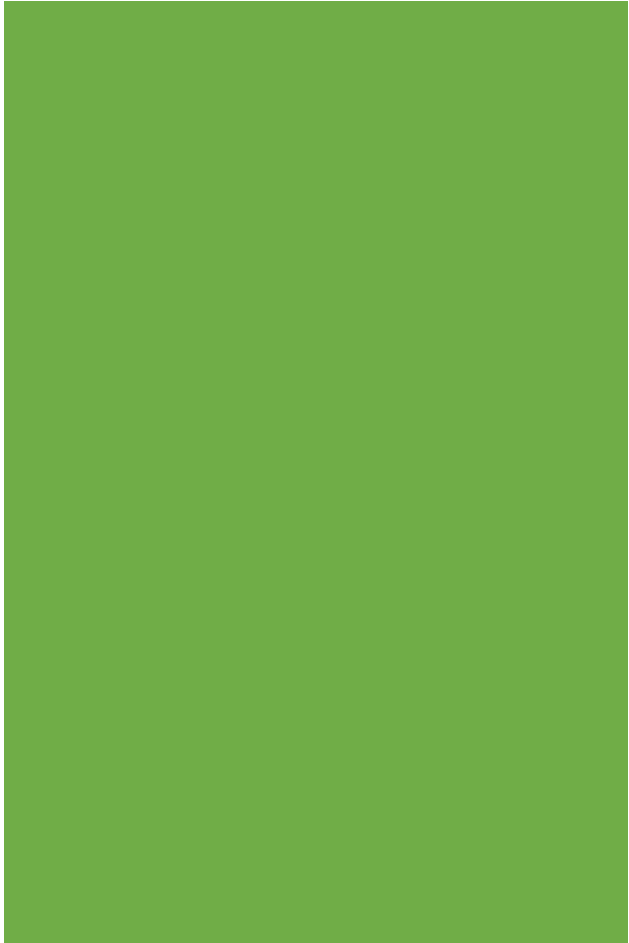
# **Mental Hygiene Law Article 81**

Issues and  
Answers for  
Commissioners  
and Attorneys

## **2024 NYPWA Summer Conference**

**Morgan R. Thurston, Esq., Assistant  
Welfare Attorney Onondaga County  
Department of Law**

**Mark E. Maves, Esq. Counsel, NYPWA**



Issue:

Conflict of  
interest

---

**Matter of Bessie C.**

---

**M. of NYS OMH**

---

---

---

---

---

Issue:

Which LDSS  
is  
responsible  
to serve as  
guardian?

---

**Matter of Kimberly DD.**

---

**M. of United Hel. Servs. Hosps., Inc. (J.W.)**

---

**OCFS Guidance?**

---

---

---

---

**Issue:**

**Authority  
to delegate  
functions**

Issue:

Hospital  
and Other  
Facility  
Discharges

---

**90 ADM-40**

---

**10 NYCRR 405.9 (hospital)**

---

**14 NYCRR 633.12 (OPWDD)**

---

**14 NYCRR 818.5 (sub. ab.)**

---

**MHL §29.15 (OMH)**

Issues:

Failure to  
notice; ability  
to object;  
and debt  
collecton

---

**MHL §81.07**

---

**In re John T.**

---

**MHL §81.16**

---

---

Issue:

Uncooperative  
clients and  
service  
providers

---

**MHL §81.36**

---

---

---

---

---



Issue:

Best  
practices for  
property  
management

---

---

---

---

---

Issue:

Disposition  
of property  
of the IP

---

**Powers?**

---

**Wishes of IP?**

---

**Best Interests?**

---

---

---

Issue:

Tax filings

---

**Contact**

---

**Negotiate**

---

---

---

Issue:

Commingled  
funds

Issue:

Court  
Examiner  
Charges

---

**MHL § 81.32(f)**

---

**Matter of Shannon**

---

**Matter of Hart (D.S.)**

---

---

# Helpful Websites

**NYS Office of Guardian and  
Fiduciary Services**

[www.nycout-118\(y2\(c\).19 206.2\(eu1](http://www.nycout-118(y2(c).19 206.2(eu1)



Cases

