



Maryland Attorney General's
COVID-19 Access to Justice Task Force

AUGUST 26, 2020 MINUTES OF THE RESOURCE DEVELOPMENT SUB-COMMITTEE MEETING OF THE MARYLAND ATTORNEY GENERAL COVID-19 RECOVERY TASK FORCE LIFE & HEALTH PLANNING COMMITTEE

Attending: Paul Ballard, Danielle Cruttenden, Ronald Landsman, Morris Klein, Tim Chance, Jordana Guzman, Jen Yeagle, Karren Pope-Onwukwe, and Shelby McCloskey

There was no agenda for today's meeting. The group decided to focus the meeting discussion on revising the Handbook, which provides information on estate planning documents.

Shelby sent the agenda to the subcommittee members for approval at the end of the meeting.

Danielle informed everyone that Brenda Gruss was able to connect us with someone from the PACE committee to help review the handbook for readability for non-lawyers. We plan to send the handbook in chunks so that we can get started on the review process. So far, we plan to send the health planning documents for review by the Printed Material Subcommittee.

The Printed Material subcommittee will not be making any legal substantive type of edits. Their role is to tell us what they think might need to be explained a little better.

Paul approved Morris and Ron's edits to the Advance Directive and MOLST sections for accuracy.

Danielle asked the Subcommittee if the health planning section is ready to be sent off. *The Subcommittee members agreed that the Advance Directive & MOLST sections are ready to be reviewed.

The handbook will need to include links to the documents being discussed. Paul will send Danielle the links to the documents being discussed in the Advance Directive and MOLST Sections.

The subcommittee discussed sending the Powers of Attorney section as well, but wanted to review this section before sending it. Paul implemented the suggestion/comment from Jordana in the MOLST section. Danielle suggested that the subcommittee look over this section over the

next day or two, or if anyone had the chance to review this section already, provide comments to it now. *The Subcommittee members agreed that this section is ready to be reviewed by the Printed Material Subcommittee.

Jordana Guzman will look over the Wills & Non-Probate Transfers section to see if there is more information that needs to be added under the Q&A portion. Suggestions to be added;

- Where should one keep their original will? - kept in a safe place, possible to file with the Register of Wills office in the county in which the person lives

Power of attorney and life planning document section is ready to be reviewed by PACE. Danielle will send these sections to Talley Kovacs for review.

The Subcommittee moved to the Life Estate/Deeds section. Danielle asked the subcommittee members to express their concerns including this section. Tim said it was a good tool to have and inform the public about, but it is extremely important to make people aware that they should seek advice from an attorney. Tim said he would send the fact sheet he provides to his clients to the subcommittee members. Comments from other members;

- Agreed that we should spread awareness and spread information about this so they can make an informed decision, but stresses the need to seek advice from counsel.
- Agreed that people should know this is an option, especially when the home is the only asset they have. One's home is an integral part to their family and is central to their legacy.
- It is important to make people aware, as generation after generation of people are living in a house that is not in their name. This creates several problems, including the property becoming the subject to a tax sale, the inability to access Assistance programs, and Medicaid issues.

Danielle suggested that we begin this section by explaining the issues that people face when they do not retitle their deeds. Ron stated that he would try to edit the Q&A section to reflect today's discussion. We will review Ron's edits during the next meeting.

The Subcommittee approved last week's minutes, contingent on Danielle's approval and additions with Ron's Powers of Attorneys legislation proposal.

Danielle stated that our next steps as a subcommittee would be looking at Ron's proposal and then deciding whether we want to recommend it to the full-committee at their next meeting. We need to get the language in front of them and see if they want to support it and then make the recommendation to the overall task force.

Danielle informed the Subcommittee members that we have to make recommendations by the second week of September, so we could include amending the statutory form power of attorney. Danielle asked the members to email any comments they had to Ron's suggested changes. Danielle suggested that we get Ron's language in front of both the Elder Law section and the Estates and Trusts Law sections of the bar. Ron will resend the language to Morris to get in front of the Elder Law section and Danielle will send it to Michael Davis and get it in front of the Estates and Trusts section for feedback.

The next meeting will be on September 2nd at 11am and we will focus on the remaining sections of the handbook.