



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

**SEPTEMBER 23, 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, Karren Pope-Onwukwe, Justin Devault, Morris Klein, Tim Chance, Jen Yeagle and Shelby McCloskey

Danielle asked if anyone had any changes to the September 16th meeting minutes.
*No changes were made. Approved for posting.

The focus of today's meeting will be finalizing the Handbook.

Danielle first explained that the life and health planning committee will be holding a Town Hall on October 21st at 4pm (Spanish) and 6pm (English). The purpose of this Town Hall is to provide the public with educational materials and information about life and health planning. Danielle stated that Elsa Smith and Verena Meiser have both agreed to present in the Spanish Town Hall. Danielle asked if anyone else knew of a Spanish-speaking Estates and trusts attorney that could also help during the Spanish Town Hall. For the English Town Hall, Paul, Morris, and Ron have offered to present. However, the Committee would like to represent all communities on the call, so Danielle asked if there were anyone else who would like to present.

- Tim and Karren both agreed to present during the English Town Hall
- Paul will still present on the MOLST and Advance Directive sections during the English Town Hall

Danielle then moved on to the Homeownership Section of the Handbook. Jordana made edits to this section and Danielle, Tim, Morris, and Ron had a meeting on Monday to discuss this section and the edits made by Jordana. Danielle suggested that everyone take a look at these changes and send her feedback via email over the next few days.

The Subcommittee members then went through the Asset Titling section that Jordana edited.

- The asset titling section should go before guardianship but after Standby Guardian

- Define assets and distinguish it from income.
 - Could you do this by simply putting not income in parentheses?
 - Assets are property that you own
 - Income is money that you receive, usually on a regular basis. If you don't spend the income, it becomes an asset.
 - Could it be resolved by instead of using the word asset use the word property and provide examples?
 - Jordana will make this edit.
- Should we include a description of the differences between tenants by the entirety, joint ownership with rights of survivorship, and tenants and comment?
- Should we include a section on or a description of Trusts?
 - Our audience is not likely to be considering expensive and complex estate planning tools.
 - This information could be reviewed by all kinds of individuals with different economic categories.
 - Several members agreed that we should leave a description of Trusts in the Handbook, but advise the audience to seek advice from an attorney.
 - Under the first bullet of the Property Ownership and Titling Section, concerned about limiting this to Medicaid long-term care assistance.
 - We don't want people thinking that they can use trust to qualify for medical assistance long-term care.
 - Does not mention that there is a five-year look back period.
 - Concerned about including information on Medicaid qualifications without an attorney.
 - Should end the second sentence at “reasons.”
 - Maybe include a caveat that states if you believe that you need Medicaid planning, you should talk to an elder law attorney.
 - The way assets are titled could affect taxation as well and they may want to talk to a tax professional about the tax implications of titling.
 - Income taxation is different from property taxes and changing the names on the title to one's property could affect one's ability to get some homeowner deductions.
 - Both Medicaid and Taxation issues should be flagged, but should be addressed with an attorney.

- Maybe include a statement that a Deed trumps a will and trust.
- Should move the warning about using an attorney to the introductory paragraph about asset titling.
- When discussing the transfer of property by trust, should we say by deed so that people are clear as to how this is done?
 - Not limited to real property. Could say “by assignment” instead.
 - Concerned that this will be more harmful for pro se litigants. Emphasis that one needs to speak with an attorney.
 - Maybe say if you have questions call the Pro Bono Resource Center or call the Community Legal Services.
 - Move the warning about the attorney and/or tax professional to the front of the asset titling section
- Jordana will make these edits.

The Subcommittee members then went through the comments Brenda Gruss made on the first part of the Handbook. Paul discussed the comments Brenda made to the AD and MOLST sections and the changes he made.

- After going through Paul’s changes, Danielle asked the Subcommittee members to review this section over the next day or two and send her any suggested edits they may have.
 - Change the wording of the question to match the wording in the answer. (i.e. Advance Directive to Living Will).
 - Be more clear about how a Living Will is a part of an Advance Directive. Maybe put Living Will in parenthesis after the Advance Directive.
 - An AD has two components: Living Will and a Healthcare Power of Attorney.
 - Whenever we're talking about appointing someone, we should refer to the Health Care power of attorney to distinguish it from a living will.
 - Whenever we're talking about giving instructions, we should refer to a Living Will.

Danielle asked everyone, specifically Ron and Morris, to look at the comments Brenda made on the power of attorney portion.

Daneille stated that she would send out an email following this meeting with Benda's comments and asked that everyone take a look at the POA section and send her suggested edits or put them in the Google Doc.

Danielle thanked everyone for the continued participation and hard work.