

Navigating the Law: Life and Health Planning

This session is being recorded

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Introductions

The Frontlines Workgroup includes representatives from the Thurgood Marshall State Law Library, Maryland Court and County Law Libraries, the Maryland Access to Justice Commission, and the Access to Justice Department of the Administrative Office of the Courts.

Instructors for each course will vary but the information provided is based on the core curriculum of the ongoing Frontlines Project.

Today's instructors are...

Joan Bellistri

Anne Arundel
County Public Law
Library

Catherine McGuire

Thurgood Marshall
State Law Library

Julia Viets

Montgomery
County Circuit
Court Law Library

Vickie Yiannoulou

Prince George's
County Circuit
Court Law Library

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Pre-Assessment: What do you know?

- What kind of law is life and health planning?
 - Civil
 - Criminal
- Which of the following could be considered a "life and health planning" issue? Choose all that apply:
 - Divorce
 - Drafting a will
 - Deeds
 - Power of Attorney
 - Problem with a warranty
- What level of law (jurisdiction) is usually involved when dealing with life and health planning?
 - State
 - Local
 - Federal
- Are life and health planning situations usually dealt with through the courts?
 - Yes
 - No
- Which of the following agencies or organizations might help someone draft a will?
 - MVLS
 - Legal Aid
 - Maryland Court Help Center
 - Bar Association Lawyer Referral Service

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Learning Outcomes

-  Describe the general topic of law
-  Identify best descriptive resources
-  Utilize primary sources of law for the topic
-  Assess and select among options for referral

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Access to
Justice
*A quick
review!*

[Video](#)

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What is Life
and Health
Planning?

Financial

- Powers of Attorney (POAs)
- Property Ownership (deeds)
- Wills and Trusts

Health

- Advance Directives

Comprehensive

- Guardianships
- Supported Decision Making (SDM)

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Common Areas of Concern



Types and wording
of documents



Filing or storage of
documents



Updating and
changing documents



Structuring
guardianships

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Details to Know

Generally addressed by state law

Which court?

- Guardianships: Circuit Court (family-related)
- Wills & probate: Register of Wills and Orphans' Court

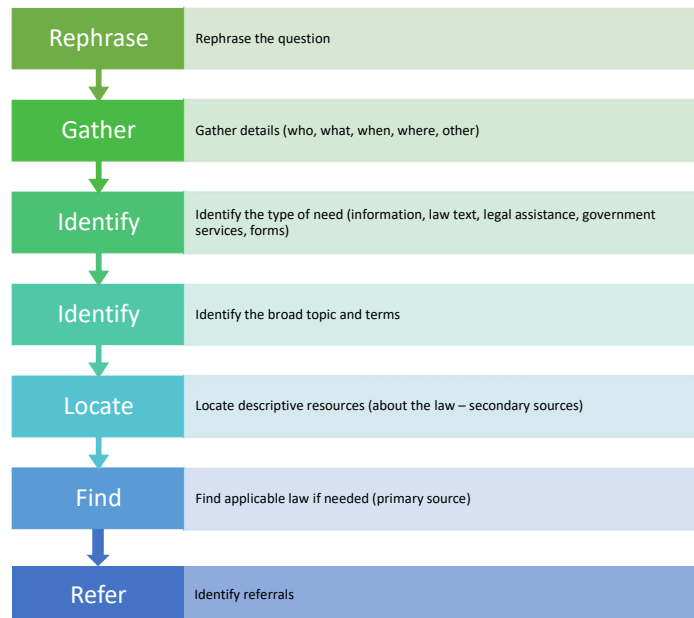
Language matters!

Which steps may be needed depends on each
specific set of circumstances

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Best Practices Review



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Descriptive Resources

People's Law Library

Life & Health Planning

Maryland Office of the Attorney General

Health Decisions Policy

Advance Directives

Life & Health Planning Committee

Maryland Courts

Court Help:

Life Planning & Power of Attorney

Guardian Video Series

Nolo

General and MD-specific topic discussion

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Demonstration: Descriptive Resources

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Practice Using Descriptive Resources

01

WHERE CAN I GET A FORM FOR AN
ADVANCE DIRECTIVE?

02

MY DAD WAS DIAGNOSED A FEW
YEARS AGO WITH DEMENTIA AND
IS STRUGGLING WITH FINANCIAL
DECISIONS. HOW TO I GET MYSELF
APPOINTED HIS GUARDIAN?

03

MY SISTER LIVES WITH ME. IF
ANYTHING HAPPENS TO ME, I
WANT HER TO BE ABLE TO STAY IN
MY HOUSE. HOW DO I ADD HER
NAME TO THE DEED?

04

I AM A SINGLE PARENT AND MAY
NEED TO TRAVEL MORE FOR
WORK. MY PARENTS HAVE
AGREED TO WATCH MY KIDS
WHEN NEEDED. WHAT DO I NEED
TO DO SO THEY CAN MAKE
DECISIONS ABOUT SCHOOL AND
HEALTH IF I'M UNAVAILABLE?

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Law and Court Procedure

Statutory Law (MD Code)

Estates & Trusts

- Title 4 (Wills)
- Title 13 (Protection of Minors & Disabled Persons)
- Title 17 (Powers of Attorney)
- Title 18 (Supported Decision Making)

Health-General

- Title 5, Chapter 600, secs. 5-602, 5-603 (advance directives)

Real Property

- Title 4 (deeds)

Tax-Property

- Titles 12 and 13 (transfer and recordation taxes)

Court Procedure (MD Rules)

Title 10. Guardians and Other Fiduciaries

Note: Guardianship spans multiple Articles – mainly, Courts & Judicial Proceedings

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Demonstration: Primary Sources

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Practice Using Primary Sources

01

FIND THE SECTIONS OF THE CODE THAT DEAL WITH FINANCIAL POWER OF ATTORNEY AND LIMITED POWER OF ATTORNEY.

02

WHERE CAN I FIND THE REQUIREMENTS FOR A WILL?

03

WHERE CAN I FIND THE ELEMENTS OF A DEED?

04

WHERE IN THE CODE IS THE PROCESS FOR APPOINTING A GUARDIAN OF A DISABLED PERSON? ARE THERE RULES THAT WORK IN TANDEM WITH THE CODE FOR THIS TOPIC?

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Forms

Guardianships

Maryland Court [Family Law Forms](#)

Powers of Attorney

[MD Code](#), Estates & Trusts, Title 17

Health Planning

[Maryland Attorney General's Office](#)

[MD Code](#), Health-General, sec. 5-603

[Maryland MOLST](#) (Medical Orders for Life-Sustaining Treatment)

Wills

Gale Legal Forms (database)

[Nolo's Quicken WillMaker](#) (not MD-specific; also note, this is a commercial product)




Estates

[Maryland Offices of the Register of Wills](#)

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Connect to Legal Assistance

<p>Maryland Legal Aid</p> <p>www.mdlab.org </p> <ul style="list-style-type: none"> - adult guardianship and long-term care - brief advice for drafting wills and/or advance directives - Senior Legal Helpline 866-635-2948 	<p>Civil Justice, Inc.</p> <p>civiljusticenetwork.org </p> <ul style="list-style-type: none"> - simple wills and estate planning for seniors - "limited scope" representation 	<p>MVLS</p> <p>Maryland Volunteer Lawyers Service</p> <p>mvlslaw.org </p> <ul style="list-style-type: none"> - estate planning, including creating or updating a will, advance healthcare directive, and financial power of attorney - estate administration / probate
<p>Court Help Centers</p> <p>mdcourts.gov/helpcenter</p> <p>Guardianship – procedural questions</p>	<p>Law Libraries</p> <p>www.mdcourts.gov/ccll</p> <p>Sample forms</p> <p>Legal texts</p> <p>Directories of legal services</p>	<p>PLL Legal Services Directory</p> <p>www.peoples-law.org/directory</p>

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Practice Finding Referrals

<p>01</p> <p>DOES YOUR COUNTY BAR ASSOCIATION HAVE A LAWYER REFERRAL SERVICE? WHAT IS THEIR CONTACT INFORMATION?</p>	<p>02</p> <p>DOES YOUR COUNTY DEPARTMENT OF AGING (OR EQUIVALENT) PROVIDE ANY REFERRAL RESOURCES FOR THIS AREA OF LAW?</p>
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Self-Study

- PLL topics (see earlier slide)
- MD Attorney General COVID-19 Access to Justice Task Force, [Life and Health Planning Handbook](#)
- MD Attorney General's Office, [Health Decisions Policy](#)
- [Guardianship and Its Alternatives: A Handbook on Maryland Law](#), by Virginia Rowthorn and Ellen A. Caegary (2011) (available in [Spanish](#) 2013)
- MD Office of the Register of Wills, [Administering Estates in Maryland](#)
- Fader, Maryland Family Law (text)
- Frank, Elder Law in Maryland (text)
- Vallario, Fundamentals of Estate Planning (text)

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Re-Assessment: What do you know now?

1. What kind of law is life and health planning?

- a. Civil
- b. Criminal

2. Which of the following could be considered a "life and health planning" issue? Choose all that apply:

- a. Divorce
- b. Drafting a will
- c. Deeds
- d. Power of Attorney
- e. Problem with a warranty

3. What level of law (jurisdiction) is usually involved when dealing with life and health planning?

- a. State
- b. Local
- c. Federal

4. Are life and health planning situations usually dealt with through the courts?

- a. Yes
- b. No

5. Which of the following agencies or organizations might help someone draft a will?

- a. MVLs
- b. Legal Aid
- c. Maryland Court Help Center
- d. Bar Association Lawyer Referral Service

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Questions?



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