

ESTATES PROGRAM UPDATES



SUPPORTIVE DECISION MAKING AND ESTATE PLANNING

Supportive Decision Making (SDM) is an emerging alternative to adult guardianship where individuals with disabilities (including changes in memory and cognition) are empowered to make choices with the help from supporters. While the individual may lack the capacities to independently make their own decisions, they are included in and at the center of the decision-making process. In the world of estate planning, SDM concepts may be included in a financial power of attorney and an advance health care directive.

Here is sample language provided from a recent American Bar Association (ABA) presentation noting language that could be added to an advance directive and a power of attorney. You may want to consider adding some form of this language in your estate planning documents.

Advance Directive – I ask that my health care surrogate named in this document or otherwise empowered by law explain to me the nature of any illness, condition, or diagnosis. I ask that my surrogate explain to me the treatment options available, the prognosis, the risks and benefits of various treatment options and the recommendation from my doctors, and then ask for my choice or preference. I ask that my surrogate continue to do this, even if it appears that I may not be able to understand what is being explained. I ask that any decisions that are made by my surrogate be based on what my surrogate thinks I would do if I were able to make the choice. When in doubt, please consult the attached documents for guidance. These documents reflect my instructions, my health care goals, and my personal values in making health care decisions.

Financial Power of Attorney – I ask that my agent named in this document, before taking any actions using this document, always discuss with me what is being considered, what the options are, make a recommendation and seek my input. Even if it appears that I am unable to understand. I ask that my agent continue to explain to me what is happening and the choice you are making and why. Third parties can rely on my agent's representation that they have followed this request. A failure to follow this request shall not invalidate any transaction entered into by agent using this document.

For more information about SDM, you can visit [the American Bar Association](#) as well

FREE RESOURCE GUIDE FROM THE ABA

The American Bar Association (ABA) Commission on Law and Aging has created a free guide called "Advance Directives: Counseling Guide for Lawyers." The guide is intended to better align end-of-life health instructions with clinical and family realities, with tools to guide clients through the advance care planning process. The guide includes a checklist for lawyers. To learn more, [click here](#).

THE BALTIMORE CITY ESTATE CAMPAIGN LAUNCHES

MVLS, with funding from the Maryland Department of Housing and Community Development, and in conjunction with the Baltimore City Housing Department, will be all around Baltimore City this year highlighting the value of estate planning, particularly for low-income homeowners. Planning for four clinics is currently in the works, with the first clinic planned for Northwest Baltimore.

Please be on the lookout for volunteer clinic opportunities beginning in March. Each clinic will be approximately four hours long and each attorney will meet with clients to help them understand how their home is titled, identify if an estate needs to be opened to transfer title into their name, and identify if clients have done their estate planning. In addition, we will be screening the clients for important benefits like the Homeowner's Property Tax Credit. We anticipate helping at least 30 clients at each clinic to stabilize their housing, with the goal of keeping the client and their future generations in their homes.

The Campaign also includes an awareness campaign with bus ads, media stories, and other communications outlets to highlight that estate planning is important for EVERYONE. The ads should begin running in the next month or two.

Be on the lookout for volunteer opportunities and the marketing materials around Baltimore. If you'd like to learn more about this Campaign, contact [Susan Francis](#).

AVAILABLE ESTATE CASES

After Both My Parents Passed Without Wills, I Now Understand Why I Need One.

After becoming the administrator of her father's small estate and realizing that both her parents passed away without a will, client understands the importance of having this document in place, and wants to prepare one for herself. The only valuable property she owns is her home, which still has a mortgage on it. She is divorced and would like to name her son as executor.

Location:	Ref. #:	Case Type:
Baltimore County	18-0141575	Estates

Share Case

Learn More

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UPCOMING MVLS TRAINING

Estate Planning 101

Feb. 7 | 9 am - 12:30 pm | 201 N. Charles St., 3rd Floor

This section, presented by Olivia Holcombe-Volke of Elville & Associates, will cover planning for incapacity and the avoidance of guardianship, as well as detailing the important estate planning documents and utilization of various tools to avoid probate, including deed issues.

[REGISTER](#)

Estate Administration 101

Feb. 7 | 1 - 5 pm | 201 N. Charles St., 3rd Floor

This section, presented by K. Alice Young of Nusinov Smith LLP, will walk through the process of dealing with administering estates including determining probate and non-probate assets, identifying interested persons, differentiating between small and regular estates, addressing claims against the estate, distribution, and the various required forms.

[REGISTER](#)

National Center on Law and Elder Rights (NCLER) Free Webcast: Signs of Elder Abuse, Neglect, and Exploitation

Jan. 16 | 2 - 3 pm

Lawyers and others who work with older adults should be aware of potential signs of abuse, neglect, and exploitation. The webcast will help lawyers tune in to potential

warning signals, learn key questions to ask when elder abuse is suspected and will include checklists of signs of physical, behavioral, emotional, and sexual abuse, self-neglect, caregiver neglect, and exploitation.

[REGISTER](#)

Thank you for your support in making sure access to justice is available for all.

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