SENATE BILL 658

O2, D1

By: Senator Washington
Introduced and read first time: February 4, 2019
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Maryland Legal Services Corporation – End–of–Life Legal Services Pilot Program

FOR the purpose of requiring the Maryland Legal Services Corporation, in consultation with Civil Justice, Inc., to establish the End–of–Life Legal Services Pilot Program; establishing the purpose of the Program; specifying certain eligibility requirements for participation in the Program; requiring the Program to establish a certain intake method, establish a certain outreach method, and provide for the services of at least one full–time attorney; requiring the Corporation to publicize the existence of the Program, including in rural communities; requiring the Program to provide eligible clients with legal services primarily concerning certain matters; requiring the Governor to include a certain appropriation for the Program in the annual budget in certain fiscal years; authorizing the Corporation to seek funds from any other source for a certain purpose; providing for the use of certain funding; requiring the Corporation to report on the effectiveness of the Program to the Governor and the General Assembly on or before a certain date each year; defining a certain term; providing for the termination of this Act; and generally relating to the End–of–Life Legal Services Pilot Program.

BY adding to

Article – Human Services
Section 11–605
Annotated Code of Maryland
(2007 Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Human Services

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
11–605.

(A) IN THIS SECTION, “PROGRAM” MEANS THE END–OF–LIFE LEGAL SERVICES PILOT PROGRAM.

(B) (1) IN CONSULTATION WITH CIVIL JUSTICE, INC., THE CORPORATION SHALL ESTABLISH THE END–OF–LIFE LEGAL SERVICES PILOT PROGRAM.

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE LOW– AND MODERATE–INCOME SENIORS WITH THE PREPARATION OF LEGAL DOCUMENTS, LEGAL ASSISTANCE IN CIVIL PROCEEDINGS, AND OTHER MATTERS.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE PROVISION OF SERVICES UNDER THE PROGRAM SHALL BE IN ACCORDANCE WITH THIS TITLE.

(2) NOTWITHSTANDING THE MAXIMUM INCOME LEVELS FOR CLIENT ELIGIBILITY ESTABLISHED BY THE CORPORATION UNDER § 11–603 OF THIS SUBTITLE, A CLIENT SHALL BE ELIGIBLE TO PARTICIPATE IN THE PROGRAM IF THE CLIENT:

(I) IS AT LEAST 60 YEARS OLD; AND

(II) HAS A FAMILY INCOME AT OR BELOW 400% OF THE FEDERAL POVERTY GUIDELINES.

(D) THE PROGRAM SHALL:

(1) ESTABLISH AN INTAKE METHOD, WHICH MAY INCLUDE A REFERRAL HOTLINE, TO SCREEN CLIENTS BY ELIGIBILITY AND BY LEGAL NEED;

(2) ESTABLISH AN OUTREACH METHOD FOR MATCHING ELIGIBLE CLIENTS TO A GRANTEE UNDER SUBTITLE 5 OF THIS TITLE; AND

(3) PROVIDE FOR THE SERVICES OF AT LEAST ONE FULL–TIME ATTORNEY TO REPRESENT ELIGIBLE CLIENTS, PARTICULARLY IN RURAL COMMUNITIES, WHEN NO OTHER ATTORNEYS ARE READILY AVAILABLE.

(E) THE CORPORATION SHALL PUBLICIZE THE PROGRAM, INCLUDING IN RURAL COMMUNITIES.
(F) Although eligible clients may receive any legal services they are entitled to under this title, the Program shall provide eligible clients with legal services concerning primarily:

(1) wills;

(2) powers of attorney;

(3) living wills;

(4) advance health care directives;

(5) fraud prevention; and

(6) financial literacy education.

(G) (1) For each of fiscal years 2021 through 2023, the Governor shall include in the annual budget an appropriation of $150,000 for the Program.

(2) In addition to the funds made available for the Program under paragraph (1) of this subsection, the Corporation may seek funds from any other source to aid in the administration of the Program.

(3) Funding provided under this subsection may be used for:

(i) the administrative expenses of the Program, including paying for a hotline; and

(ii) travel to rural areas.

(H) On or before December 1 each year, beginning in 2020, the Corporation shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the effectiveness of the Program, including:

(1) the number of eligible clients who were served by the Program; and

(2) the types of legal services provided to eligible clients.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. It shall remain effective for a period of 4 years and, at the end of June 30, 2023,
this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.