



PAUL DEWOLFE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
DIRECTOR OF POLICY AND DEVELOPMENT

KRYSTAL WILLIAMS
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

ELIZABETH HILLIARD
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

POSITION ON PROPOSED LEGISLATION

BILL: SB994 – Mental Health Advance Directives – Awareness and Statewide Database

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 03/21/2022

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 994.

Many Marylanders want to prepare themselves for situations in which they are unable to make their own mental healthcare decisions, and mental health advance directives allow individuals to preserve their autonomy by stating their preferences for care and treatment before the need arises. The Mental Health Division of the Office of the Public Defender is compelled to support the stated interests of our clients when they are in such situations. However, we have observed that many of our clients either: (1) do not have mental health advance directives in place that make clear their interests, (2) have purported advance directives that do not meet the legal standard and are therefore unenforceable, or (3) wish to revoke an existing advance directive but are unsure of how to proceed. In each of these situations, the lack of information about and access to mental health advance directives has created confusion for our clients as well as hospital staff, resulting in our clients' wishes not being fully represented.

As Public Defenders, we are committed to clarifying our clients' interests so that we can be the zealous advocates that our clients deserve. SB994 will allow our clients to be more informed and therefore more empowered when making decisions about their mental healthcare. Likewise, SB994 enables our office to better represent the interests of our clients when they are faced with situations where they are unable to make such decisions.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on SB994.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Carroll McCabe

**Chief Attorney, Mental Health Division
Maryland Office of the Public Defender
200 Washington Avenue, Suite 300
Towson, Maryland 21204
Office: 410-494-8130**

