**Elder Law and Disability Rights Section [ELDRS] of the State Bar of Michigan**

**Special Meeting – January 16, 2023**

**Webinar / Conference Call Only**

Attendance by Phone: Angela Hentkowski\*, Charlie Ofstein\*, Catherine Jacobs\*, Shannon DeWall\*, Karen Willard\*, Nadia Vann\*, Susan Chalgian\*, Robert Mannor\*, Rebecca Stewart, Beth Swagman, Christine Caswell, Amanda Murray\*, Maria Messina Wiersma\*, Raymond Harris\*, Sanford Mall\*, Terri Winegarden\*, Antonia Harbin-Lamb\*, Kimberly Parks\*, Lana Escamilla, Joseph Fresard, Nicholas Ryan\*, Erin Mortenson\*, Cery Kennedy, Brianne Gidcumb, Charles Murray, Jack Weyers, Cynthia Andrews, Christopher Smith, Christine Welton, Brenda Garland, Stephanie Quinnell, Kelli King-Penner, James Steward, Diane Knoblauch, David Kerr, and Ashley Grumm

[\*ELDRS Council Member]

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Angela Hentkowski called the meeting at approximately 12:02PM.

**[A] ROUTINE BUSINESS**

1. **Attendance / Roll Call –** Raymond Harris

**[B] SPECIAL BUSINESS**

1. **Litigation Committee** – Angela Hentkowski reports that the litigation committee received a request dealing with the Promissory Note issue with DHHS. Sanford Mall set forth a motion to approve $2,400 to David Shaltz from the NAELA Michigan Chapter Litigation and Regulatory Advocacy Fund to handle the Administrative Hearing for Robert Lee Rankin**.** Erin Mortenson seconded the motion. Maria Messina Wiersma abstained from the vote. The motion passed unanimously with 16 yes votes and zero no votes.
2. **Legislative Committee** – Catherine Jacobs said previously the Council supported the UPOAA Senate Bill with recommendations. Set forth motion to approve the recommendations of the UPOAA subcommittee. The Legislative Committee has six recommendations for this Bill. The UPOAA recommendations are following:
   * 1. UPOAA should be part of EPIC instead of a standalone statute. Sandford Mall moves to accept this, Terri Winegarden seconds. This passes unanimously with 17 yes votes and zero no votes. No abstentions.
     2. The second recommendation is that a statutory form should not be included. Sanford Mall moves to accept this, Shannon DeWall seconds. Kimberly Parks discussed some reasons to include a statutory form. Robert Mannor and Angela Hentkowski added their reasons for not including a statutory form. This passes with 16 yes votes and 1 no vote. No abstentions.
     3. Regarding Section 108, the Committee recommends that a guardian or conservator be able to terminate a Power of Attorney, as allowed under current Michigan law. Terri Winegarden moves to support this and Sanford Mall seconds. This passes unanimously with 17 yes votes and zero no votes. No abstentions.
     4. Regarding Section 114, the Committee recommends language that states “which may include but not be limited to” in (2)(e) [consistent with the principal’s best interest based on relevant factors, which may include but not be limited to...]. Also, language in the Michigan Trust Code should be included for consistency regarding delegation. Lastly, the Committee recommends APS and “other fiduciary” being removed from the list of entities that can request information. Sanford Mall suggested “other fiduciary” be changed to “other court appointed fiduciary” instead of being removed. Sanford Mall moved to accept all recommendations with the friendly addition of adding “other court appointed fiduciary”. Charlie Ofstein seconds the motion. This passes unanimously with 17 yes votes and zero no votes. No abstentions.
     5. Regarding Section 116, the Committee recommends someone acting as a patient advocate be limited to matters related to payment of expenses related to medical and health concerns of the principal (Section 1c) [116 - (c) would read ““a person that, at the time of the petition, is exercising authority to make health care decisions for the principal provided, however, the petition is limited to matters related to the payment of expenses related to medical and health concerns of the principal.”]. The second recommendation is that sections (d) – (i) be removed from the list of individuals. The Committee also recommends 3(b) “Court fiduciary” removed from the list. Robert Mannor moves that these recommendations be accepted with the friendly amendment in respect to Section 3b remain as written. Sanford Mall seconds. This passes unanimously with 17 yes votes and zero no votes. No abstentions.
     6. Regarding Section 217, the Committee recommends the wording “which may include” be added. Secondly, the Committee recommends the wording be changed from “a gift in Trust” to “a gift in any Trust” as well as the removal of (b). Sanford Mall moves to accept these changes, Terri Winegarden seconds. This motion passes with 17 yes votes and zero no votes. No abstentions.

Angela Hentkowski asks for a motion to adjourn the meeting. Sanford Mall moves to adjourn the meeting and Kimberly Parks seconds. Meeting adjourned at approximately 1:00 PM.