



The Elville Benefactor

Estate Planning ▪ Elder Law ▪ Special Needs Planning ▪ Summer 2022

Planning for Life, Planning for Legacies. What's Your Legacy?





ELVILLE
AND ASSOCIATES

2022 Annual Client Event
Ten Oaks Ballroom – Clarksville
Saturday, May 22nd



Welcome Message from President and CEO, Stephen R. Elville, J.D., LL.M.

Welcome to our Summer 2022 edition of the Elville Benefactor!

Warm weather greetings to all our clients, client families, referral partners, professional advisors, friends of the Elville Center for the Creative Arts, and to all those persons who assist with and support our work here at Elville and Associates each day! In this new edition of the Benefactor, you'll find many fundamental articles of interest that lay the foundation for your continuing education and knowledge, and our attorneys, staff, and guest contributors have also worked hard to keep you abreast of changes in the laws and in the legal world in general as our world at home and abroad continues to evolve. And along these lines, we are very excited to share hot off the press substantive information about the new Supported Decision Making law, something that many of you have been anticipating and which has tremendous importance for thousands. From all of us here at Elville and Associates, I want to express my sincere thanks for your confidence and relationship with our law firm. As we continue to navigate the ongoing challenges and unpredictability of COVID-19 and our world at large, your commitment to partnership and client education will always remain paramount. With all this said, I'm wishing you and your family all the very best this summer!! Now please relax and enjoy this edition of the Elville Benefactor.

Spring/Summer 2022

Issue 17

-
- 1 **The New Supported Decision-Making Law Explained**
The 2022 Miracle in Annapolis – “It’s a Start”
Stephen R. Elville
-
- 7 **Aid & Attendance – The “Secret” Benefit for Aging Veterans and Their Spouses**
Lindsay V.R. Moss
-
- 9 **Inheritance Tax**
Shannon K. Mumaw
-
- 11 **Estate Planning for the Young Adult**
Shannon F. Werbeck
-
- 17 **Client Care Program Update – Highlights of a Busy Spring and a Memorable Annual Client Event (Back and Better Than Ever!)**
Jeffrey D. Stauffer
-
- 21 **Capitalize at Your Own Expense!**
Charles A. Borek
-
- 22 **Do You Know Someone Who Would Benefit from Meeting with Elville and Associates?**
Stephen R. Elville
-
- 22 **The Option Group**
-
- 23 **The Elville Center for the Creative Arts**
-
- 24 **The Elville Center for the Creative Arts Summer Update – “Our Children Must Know That They Are Miracles”**
Jeffrey D. Stauffer
-
- 29 **The Power of the Power of Attorney**
Renee Q. Boyd
-
- 33 **The Causes & Signs of Caregiver Burnout**
Ellen S. Platt
-
- 35 **The Bacchus Group**
-
- 36 **Password Managers for Families**
Josh Beitler
-
- 38 **A Silver Lining?**
Mark Malinowski
-
- 40 **Make HEALTH Planning Your #1 Priority**
Dr. Michelle Fritsch
-
- 41 **Ten Things to Look for in an Estate, Elder Law, or Special Needs Planning Attorney**
-
- 42 **Special Needs Planning at Elville and Associates**
-
- 43 **Elville and Associates Attorneys**
-
- 45 **Elville and Associates Staff**
-
- 47 **Calendar of Upcoming Webinars and Events**
-
- 49 **Elville and Associates’ Purpose Statements**



The New Supported Decision-Making Law Explained The 2022 Miracle in Annapolis – “It’s a Start”

Stephen R. Elville

Managing Principal and Lead Attorney
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This spring the Maryland General Assembly delivered a long-overdue victory to persons with disabilities across Maryland, one that will forever change countless thousands of lives. Not unlike Rich Strike’s astounding 80-1 odds come from behind heart-stopping victory in the Kentucky Derby, the Supported Decision-Making bill, starting at the back of the legislative pack, survived apathy then eventually tough scrutiny, then in an electrifying turn of events and sentiment down the stretch, crossed the finish line with the approval the Senate and the House, and by default (no veto by Governor Hogan) will become law on October 1, 2022 – all thanks to the proponents of the Bill, including its driving force, Megan Rusciano, Esq. of Disability Rights Maryland, the lawyer whose tireless and long-standing herculean efforts over most of the last decade has now resulted in a landmark change in Maryland law. Congratulations to Megan from all of us at Elville and Associates!

(“SDM”) is simply astonishing considering the huge impact it will immediately make (effective October 1, 2022) and the 180-degree paradigm shift it represents. Not only can the foregoing sentence not be overstated, but nothing this writer can convey here can adequately describe the profound nature of this change and what it represents in terms of its effect(s) on the rights of persons with disabilities in Maryland. Simply put, the new SDM law takes everything we have ever known or become accustomed to about the treatment and consideration of persons with disabilities and their right(s) of self-determination and turns that upside down. If you are reading this article and are a person with disabilities or the parent or other loved one of a person with disabilities, you can now feel free to turn down a glass to mark the beginning of a new era in human rights for your loved one and for the persons (and organizations) like you who support them.

The following is a complete overview of Supported Decision



Making, including the highlights of the new Supported Decision Making law. I provide this following information knowing the risk of providing too much information - but with the hope that by doing so you the reader will have the opportunity to realize and appreciate the profound nature of this ground-breaking news.

What is Supported Decision Making (“SDM”)?

- SDM is many things, including the following: a tool where a person with disabilities can be empowered and supported in the process of making their own decisions – to whatever extent possible; a written or oral agreement representing a formalization of authority for the supported decision maker to be recognized as such; an alternative to

The New Maryland Supported Decision-Making law



adult guardianship or a tool to be used as part of adult guardianship; a potential addition to a financial power of attorney and advance medical directive; part of a paradigm shift and a new world of self-determination for the disabled, young or old.

Why was Supported Decision Making needed in Maryland?

- Prior to the passage of SDM, Maryland was behind many states, including its neighbors in Delaware and the District of Columbia, in the sense that there was no good alternative to guardianship versus a power of attorney; no formalized way for a person with disabilities to be supported; no annual review of private guardianships; no clear way for all alternatives to adult guardianship to be explored and implemented; inconsistency

in judicial application of existing law; old notions of traditional guardianship were clearly inequitable and no longer needed; and a culture of paternalism and risk minimization was prevalent, thereby hurting the potential of persons with disabilities.

Prior to Supported Decision Making, the following were generally considered the alternatives to guardianship in Maryland (lesser restrictive alternatives).

- Guardianship of the property; guardianship of the person; then alternatives to guardianship, including consent orders (settlement agreements) in guardianship proceedings; appointment of financial agents under financial powers of attorney; appointment of health care agents under an

advance medical directive; Representative Payees (Social Security); joint ownership of financial assets; surrogate decision making (health care).

Now we are no longer constrained by only this traditional paradigm.

What Supported Decision Making is not:

- SDM is not a financial power of attorney and not a way for a 3rd party to make decisions for a disabled person, and not a mechanism giving authority to a third party to do what they deem appropriate for a person; not a mechanism by which a person with disabilities gives up their rights; and not adult guardianship

By comparison, what is adult guardianship?



- Adult Guardianship is: the removal of a person's rights to their property (guardianship of the property or estate); removal of a person's rights to their person - place of abode; health care decisions; right to vote; person has no legal choices; represents the paradigm of protectionism - no recognition of an individual's right to take risks – fear of and prevention of failure; no review (private guardianships); and an unspoken consensus of permanency.

What is Supported Decision Making as compared directly with guardianship?

- No removal of an individual's

rights; facilitates the potential for restoration of rights (for persons now under guardianship); rights to property and person remain vested in the individual; paradigm of individual risk – person has the right to fail; can be part of guardianship if necessary; an addition to an individual's financial power of attorney; an addition to an individual's advance medical directive.

What is the difference between Financial Powers of Attorney and Advance Medical Directives versus SDM?

- In a financial power of attorney and/or advance medical directive, the principal (the individual) appoints an

agent who acts on behalf of principal according to the powers provided to the agent; the power of the agent becomes effective as set forth in the document; the agent acts when principal can no longer act for themselves; the agent has fiduciary responsibility and accountability; the authority of the agent can be terminated by the principal in writing; and as mentioned above these documents are substitutes for guardianship of property and person.

- With SDM there is no agency relationship and the power of principal remains vested in them; the principal alone makes decisions (their own) with help from supporting decision maker

(the supporter); there is no authority for supporter to act for or on behalf of the agent; the supporter has to be accountable – the extent depends on the jurisdiction; the supporter's role can be changed or terminated; and SDM is a substitute for guardianship (a new substitute to be added to the list of lesser restrictive alternatives above.

With the above explanations and references as background and context for our new understanding of SDM and how it differs from the old paradigm of guardianship and its alternatives, here are excerpts from the new Supported Decision Making law. I strongly urge you to sit and contemplate this information. As you do, I predict that you will have a series of epiphanies that will collectively result in your amazement at the scope and extent of the change this legislation has brought. As you read, you will realize that like many things that seem to happen overnight, the world has now changed forever concerning the rights of persons with disabilities in Maryland.

Summary/excerpts from the new Maryland Supported Decision Making legislation:

- Supported Decision Making (defined):
- Can be "with or without SDM written agreement"
- Can be a "series of relationships"
- "to make, communicate, or effectuate the adult's own life decisions"

- Supported Decision Making Agreement (defined):
- Plural - "arrangement with supporter or supporters"
- Describes "how the adult uses SDM to make their decisions", "rights of the adult", "responsibilities of the supporter"
- Supporter(defined):
- "individual selected by adult"
- "to provide support"
- "to provide support in making, communicating, or effectuating the adult's own life decisions"
- Purpose
- To assist adults:
- "by obtaining support – in making, communicating or effectuating decisions – corresponding to the will, preference, and choices of the adult"
- To prevent:
- Appointment of substitute decision maker for the adult, including a guardian
- Application
- Adult may use SDM to:
- "Increase the adult's self-determination"
- "Prevent the need for a substitute decision maker" (agent or guardian)
- "Limit of terminate the use of a substitute decision maker"
- ALL adults are presumed capable of making an SDM agreement
- TO BE CONSTRUED LIBERALLY!
- Manner of communication – "not ground for determining the adult's capability for making, changing, or revoking an SDM agreement"
- SDM agreement cannot be used as evidence of incapacity

- (no risk in signing), and cannot restrict the adult from acting independently or accessing their personal information
- Guardianship:
- Person under guardianship may enter into an SDM agreement
- Court may limit or remove guardianship due to existence of SDM agreement
- Guardian cannot prevent without "good cause"
- "Support" is defined as:
- Gathering information
- Understanding and interpreting information
- Weighing options
- Understanding consequences pro and con of a decision
- Participation in conversations with third parties
- Providing support to the adult in implementing a decision
- Responsibilities of the Supporter:
- Support the will and preference of the adult – without insertion of supporter's opinion about reasonableness of the adult's wishes, preferences, or choices
- Act honestly, diligently, and in good faith
- Act within the scope of the SDM agreement
- Maintain records and make them available regarding:
- Supporter's actions
- How the adult communicates and expresses opinions
- Records and information obtained
- Maintain safety and security of such records
- Relationship is one of trust and confidence
- A supported decision maker man NOT:

- Make decisions for the adult
- Exert undue influence on the adult
- Coerce the adult
- Obtain information about the adult without the adult's consent
- Enforce decisions made by the adult outside of the adult's presence, unless authorized by the adult to do so
- Act outside the authority of the SDM agreement
- Who may NOT be a supporter:
 - A minor
 - A person against whom the adult has obtained a peace order
 - A person who has been convicted of financial exploitation
- Resignation of Supporter:
 - Must be orally given or in provided in writing to the adult, and to all other named supporters and third parties who have the Agreement on file
- Authority of supporter ends upon their incapacity or death
- Requirements of Form of SDM Agreement:
 - Any form consistent with the Statute is acceptable
 - Must be:
 - Documented, dated, and witnessed by two adults who are not the supporter, an employee or agent of the supporter
 - Name at least one supporter
 - Describe the decision-making assistance the supporter (or each supporter) may provide the adult
 - Describe how supporters may work together
 - Describe any potential conflict(s) of interest and how they might be mitigated
- Requirements of Form of SDM Agreement (cont'd):
 - Document how the adult selected the supporter(s)
 - Be approved by the Court if adult has a guardian and the SDM agreement affects the authority of the guardian
 - Contain an attestation about the adult's independence in decision making
 - Adult can revoke SDM agreement orally or in writing and can obtain support from an individual of the adult's choosing to revoke the agreement
 - Third parties may rely on the SDM agreement in good faith
 - Third parties may also decline to comply with an SDM agreement on the following grounds:
 - Actual knowledge of invalidity, revocation, or abrogation; or coercion or undue influence of a supporter
 - Third parties may be held liable for the following:
 - Causing personal injury as a result of negligent, reckless, or intentional acts
 - Failing to give effect to an adult's decision made in accordance with a valid SDM agreement
 - Failing to provide information to the adult or supporter of the adult that would be necessary for informed consent
 - Actions otherwise inconsistent with the SDM law
- So in summary, how will persons with disabilities benefit from the new Maryland SDM law?
 - Persons living with disabilities will no longer be strictly limited by their disability or diminished capacity;
- The new paradigm of risk should encourage the ideal of independence;
 - Persons living with disabilities will have new empowerment and recognition of their rights of self-determination;
 - There is a new and legally articulated role for supporters;
 - A new legal path forward exists – a psychological shift;
 - The new SDM legislation is very broad and not limited – it should be interpreted and applied as such and never "pigeonholed";
 - For persons living with disabilities, the ideals of independence and rights of self-determination are now not diminished by any real need for guardianship;
 - For persons living with disabilities, there are now new protections from and alternatives to guardianship.
- Remember that Maryland SDM legislation is extremely subtle, yet powerful. Most importantly, it is not complicated. Perhaps the latter is the most important advice I can provide in this article – that SDM is a simple concept and should not be confused or complicated beyond its simplicity. SDM is simply the idea that persons with disabilities can make their own decisions to whatever degree possible, provided that they have the support to do so.

In closing, sometimes if you live long enough or wait long enough, and if you're lucky, you witness a miracle, such as the fall of the Soviet Union and the tearing down of the Berlin Wall in 1989; or the first



female Speaker of the House of Representatives in 2007; or the election of the first African-American President in 2008; or the nomination of the first female African-American Justice of the Supreme Court in 2022; and now this fulfillment of the United Nations mandate on human rights in the form of Supported Decision Making law for Maryland. Are there unanswered questions about how SDM will work in Maryland? Yes. Are there many questions about supporters and their responsibilities, rights, and liabilities? Are there concerns about the SDM being fully utilized in the years to come so that it is not minimized or pigeonholed into limited use? Yes. Is the SDM law likely to evolve and change over time? Yes. Are there risks? Yes. But

as one smiling person with disabilities (who is also a ward under guardianship) recently stated concerning SDM in front of a large event audience where I was the presenter, and I quote, "it's a start".

Managing Principal and Lead Attorney Stephen Elville's work is centered in special needs planning, elder law, and estate planning with special emphasis in the areas of tax planning and asset protection. As a member of the Academy of Special Needs Planners, the National Academy of Elder Law Attorneys, and the National Network of Estate Planning Attorneys, he works to bring peace of mind to clients by creating solutions to their needs through counseling and education using the very best legal-technical knowledge

available. He is a seasoned speaker and each year presents at dozens of webinars, workshops, conferences, and continuing education events. Steve has also been named to the Maryland Super Lawyers list seven times, including the past six consecutive years. Steve is also the founder and president of the firm's charitable organization, the Elville Center for the Creative Arts, in 2014, a 501(c)(3) organization that partners with school music programs and other organizations such as the Annapolis Symphony Orchestra to give the gift of music to children who want to participate in music but don't have the means to do so on their own. Steve may be reached at steve@elvilleassociates.com, or by phone at 443-393-7696 x108.



Aid & Attendance – The “Secret” Benefit for Aging Veterans and Their Spouses

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Aid and Attendance Improved Pension Benefit (A&A), is a little known benefit offered through the Veteran's Administration (VA) for Veterans and surviving spouses of Veterans. Aid & Attendance can be used to cover the cost of in-home health care, or be used towards the cost of Assisted Living. To qualify, a veteran does not need to have suffered a service-related injury. They need only to have served one (1) day of a 90-day minimum active duty military service during a time of war. Additionally, they must require caregiving oversight for activities of daily living (such as dressing, toileting, bathing, etc.), and must fall within the established income and asset requirements. For 2022, the asset limit is \$138,489 (with the house and any life insurance policies exempt as assets). The eligible wartime periods are:

- World War I (April 6, 1917 – November 11, 1918)
- World War II (December 7, 1941 – December 31, 1946)
- Korean conflict (June 27, 1950 – January 31, 1955)
- Vietnam era (February 28,

1961 – May 7, 1975 for Veterans who served in the Republic of Vietnam during that period; otherwise August 5, 1964 – May 7, 1975)

- Gulf War (August 2, 1990 – through a future date to be set by law or Presidential Proclamation)

(If the active duty occurred after September 7, 1980, one must have served at least 24 months or the full period that one was called up)

Other requirements include:

- Age 65 or older with limited or no income; or
- Totally and permanently disabled; or
- Receiving Social Security Disability Insurance; or
- Receiving Supplemental Security Income

Aid & Attendance is a tax-free monetary benefit through the VA that can supplement a family's income and enable the use of services that would otherwise be unaffordable.

For 2022, the maximum monthly



pension rates and income limits (excluding healthcare expenses) are:

- Veteran – Income less than \$24,610 per year, monthly pension - \$2,050
- Veteran with one dependent – Income less than \$29,175 per year, monthly pension - \$2,431
- Surviving Spouse – Income less than \$16,456 per year, monthly pension - \$1371
- Veteran Couple – Income less than \$39,036 per year, monthly income - \$3253

Pension benefits are needs-based and the “countable” family income must fall below the yearly limit set by law. However, with the cost of in-home health care and Assisted Living increasing each year, it is often the case that the cost of one's health care expenses exceeds the family income.

One important thing to consider is that the income limit does not include medical expenses. For example, if a Veteran and spouse have a combined income of \$70,000 a year, but



\$60,000 of their yearly income is going towards the expense of an Assisted Living (which equates to \$5,000 a month... a relatively low/average cost for an Assisted Living facility), then the Veteran would qualify for the full A&A amount of \$2,431 per month. That's about 50% of the cost of the Assisted Living! The additional income can make a huge difference in the quality of life for those receiving the benefit. It could also mean the difference between affording an Assisted Living Facility and needing to be institutionalized in a Skilled Nursing Facility (SNF) and qualify for Medicaid.

Aid & Attendance can also be used towards the cost of in-home health care. For example, if a Veteran (or spouse) is living at home, but is racking up medical expenses utilizing a home health care agency, Aid & Attendance can be used to supplement the cost. It can even be used to pay the adult child(ren) (or other family members) of a Veteran or spouse, if they are providing care for their parent, and a valid caregiver agreement is in place.

On October 18, 2018, the

VA restructured the way it computes assets. Prior to 2018, there was no "lookback" period. Since the institution of the new VA Rules in 2018, the VA requires a 3-year lookback period for all assets and expenditures. Similar to the Medicaid 5-year lookback period, the VA lookback period was instituted to ensure that Veterans/surviving spouses that were well over the maximum asset limit were not transferring or gifting away assets solely for the purpose of immediately qualifying for this monthly pension.

Though there is now a 3-year lookback period, there are still many ways to implement asset protection strategies in order to qualify for this benefit. Creating a VA Asset Protection Trust is key, especially if the sale of home is being contemplated.

There are several documents that are needed to start the application process. The application requires, among other documents, a copy of the Veteran's DD-214 (discharge paperwork), a medical evaluation from a physician, proof of current medical

expenses, net worth and income information, and documentation of current out-of-pocket medical expenses.

Ms. Lindsay V.R. Moss comes from a diverse background. Ms. Moss joined Elville and Associates in 2013 and as the firm's Senior Principal and senior elder law attorney continues to devote her efforts and her passion towards helping the elderly and disabled. She is a VA-accredited attorney through the Veteran's Administration, trained to navigate the intricacies of the VA system, and also has an Advanced Certification in Mediation. Lindsay is also a Certified Dementia Practitioner (NCCDP) and is certified in Alzheimer's and Dementia Care (HFAM/MAADS). A member of the Women's Law Center of Maryland, she is one of the founders of the Students Supporting Women's Law Center. Ms. Moss also serves on the Board of Directors for the Maryland Association of Adult Daycare Services. She can be reached at lindsay@elvilleassociates.com, or by phone at 443-393-7696 x114.



Inheritance Tax

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Just as there are taxes owed during life, there are taxes owed upon death. One such tax imposed after death is inheritance tax. Inheritance tax is imposed on any property passing from a decedent to a beneficiary, except for property passing to those beneficiaries who are statutorily exempt from inheritance tax. It is seen as a privilege to receive an inheritance, so naturally a tax will follow.

The tax is imposed on the beneficiary who receives the property; however, the personal representative or trustee who is making the distribution is ultimately liable until the tax is paid. A will or trust may shift the burden of payment and provide that the tax shall be paid from the estate or trust funds, but the tax is still imposed on the individual who receives the distribution. Inheritance tax is determined at the time the property is received. Therefore, if at the time of receipt the property is subject to a lien such amounts are deductible.

Persons Exempt from Inheritance Tax

Under Maryland Code, Tax-General § 7-203, the following persons related to the decedent are exempt from inheritance tax: a spouse of the decedent; a child of the decedent; a grandchild of the decedent; a great-grandchild of the decedent (and further lineal descendants of a child of the decedent); a parent of the decedent; a grandparent of the decedent; a spouse of a child of the decedent or a spouse of further lineal descendants of a child of the decedent; a sibling of the decedent; or a charitable organization. For the purpose of determining exemption status, a "child" includes a stepchild or former stepchild and a "parent" includes a stepparent or former stepparent.

Persons subject to inheritance tax include friends of the decedent, nieces and nephews, aunts and uncles, cousins, and more distant relatives.

Property Subject to Inheritance Tax

What property is subject to inheritance tax? The quick answer is all property having a taxable situs in Maryland. Any

real property located outside of Maryland is not subject to Maryland inheritance tax, rather the laws of the state in which the property is located will apply. All other property is deemed to have a taxable situs in Maryland if the decedent was a Maryland resident at the time of his or her passing. This includes – but is not limited to – tangible personal property such as personal effects, vehicles, and jewelry, retirement and non-retirement assets, stocks, and bonds.

However, there are a few limitations that help narrow the broad application of inheritance tax on all property deemed to have a taxable situs in Maryland. One such limitation applies to income earned after the decedent's date of death. Inheritance tax does not apply to the income, including gains and losses, that accrues on probate assets after the decedent's



death. However, it is important to note that this limitation is only applicable to probate assets. The value of the property itself may also affect whether the tax will be imposed. If the total value of the property passing to any one person does not exceed \$1,000, inheritance tax will not apply, regardless of that individual's relation to the decedent. Additionally, inheritance tax will not be imposed on the receipt of property that is distributed from a small estate.

Another exception exists for life insurance proceeds. Inheritance tax is not assessed on the receipt of life insurance proceeds, regardless of the individual's exemption status – unless the proceeds are payable to the decedent's estate. If life insurance proceeds are payable to the decedent's estate, the proceeds will ultimately pass to the individual designated under the decedent's will or

by the laws of intestacy, and the individual's relation to the decedent will thereby determine whether inheritance tax is imposed.

Common Misperceptions

It is a common misperception that placing an asset in a trust will shield the asset from inheritance tax at death. Inheritance tax applies to both probate and non-probate assets. In other words, nonexempt transfers from a decedent's trust are subject to inheritance tax just as all other nonexempt transfers after death.

It is also a common misperception that inheritance tax and estate tax are one and the same. Inheritance and estate taxes are both assessed after death, but each are assessed differently and independently – perhaps this will be our topic of discussion next time. Should you have any questions

or matters related to inheritance tax or estate and trust administration, I can be reached at smumaw@elvilleassociates.com, or 443-393-7696.

Shannon K. Mumaw is an Associate Attorney with Elville and Associates and the leader of the firm's busy Estate and Trust Administration Department. Through her guidance, she partners with clients as they address the sometimes complex matters of the administration of loved ones' estates from start to finish, including helping navigate the probate process, inventory and information reports, accountings, and much more. She also addresses clients' needs as they relate to the estate planning process. Shannon may be reached at smumaw@elvilleassociates.com, or by phone at 443-393-7696 x116.



Estate Planning for the Young Adult

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There is a common misconception that people who are elderly and/or wealthy are the only individuals who need to create an estate plan. However, this is simply not true. If you are over the age of 18 and are wondering: when is the best time to create an estate plan? The answer is now.

When does an Estate Plan Become Necessary?

An estate plan becomes necessary once an individual becomes a legal adult. This is because at 18 you are now legally responsible for your finances and health care decisions. With this new responsibility, you want to make sure everything is accounted for, not only at death, but during your lifetime. An estate plan does not simply mean: "what happens to my stuff when I die?" Estate planning also incorporates documents that can affect you during your lifetime in addition to planning for the disposition of your property at death and designating guardians for your children. For most young adults, estate

planning is the furthest thing from their mind, which is understandable. Many young adults feel that death is in the distant future due to their age, however, we cannot predict the future or when death might occur. That is why it is important for an individual over the age of 18 to at least have the basic, fundamental estate planning documents.

Fundamental Estate Planning Documents

The fundamental estate planning documents include incapacity planning documents as well as a Last Will and Testament.

Incapacity Planning Documents

Incapacity planning is the planning for the care of your health and property in the event you are to become incapacitated. These documents include an Advance Medical Directive, Maryland Statutory Power of Attorney and General Durable Power of Attorney. One of the main purposes of these three documents is to avoid guardianship. People



are often familiar with the term guardianship as it applies to their minor children. Meaning, if I die before my child reaches the age of 18, which is the age of maturity under the law, who will be my child's guardian(s)? However, there are also adult guardians. Specifically, guardianship of disabled adults which is relevant in the event there is an adult who is over the age of 18 who loses their mental capacity and has not signed documents designating an agent to have the authority to act on their behalf. If this were to occur, it would unfortunately become necessary for an individual, including a spouse, to seek court-ordered guardianship over the incapacitated adult to make decisions on their behalf in regard to their health and management of their assets. Therefore, it is important to sign the necessary documents while you have mental capacity to



designate agents and be able to outline specifics about your health care and what powers and authorities your agents have regarding your assets. By signing these documents, you are maintaining autonomy in the event you lose the ability to make decisions for yourself.

Advance Medical Directive

In Maryland, the document covering health care decisions in the event you become incapacitated is called the Advance Medical Directive. An Advance Medical Directive allows you not only to appoint a primary agent, including your spouse if applicable, but it also allows you to name back-up agents. Back-up agents are important in the event your primary agent is incapacitated or unable to be reached. It is best to make sure that you have at least one back up agent.

When working with younger adults, they often state that they would like to name their parents as their agents; however, by the time this is relevant their parents won't be alive. But, that is not the way one should approach this document. You want to think about this in terms of what if something were to happen in the next five to seven years.

The Advance Medical Directive also includes a section people are frequently familiar with. This section is referred to as the "living will." The living will allows an individual to provide instructions regarding health care treatment in certain end-of-life situations. In Maryland, this section is broken up into three distinct categories: a terminal condition, a persistent vegetative state, and an end stage condition. Many young adults approach this section by thinking about if these situations

were to occur at a ripe old age. Unfortunately, we do not know what the future holds, and these are realities that can happen to us at any time. Therefore, by working through these end-of-life decisions it is important to think of it in terms of right now instead of 50 years from now.

The Advance Medical Directive does not just include clinical aspects, but it also includes personal preferences. What if you are in a situation where you are no longer able to communicate? Will your agent know, for example, it is important to you to not be in a room with the television on or that you want a particular type of music playing? There may be specific preferences that are personal to you that your agent might not know about you without guidance. The Advance Medical Directive allows for you to incorporate those types of

personal preferences.

There are also flexibility options built into the Advance Medical Directive. Maryland allows you to state that these are your instructions; however, you are giving your health care agent the discretion to make a different decision in the moment if they believe that it's in your best interest. Or you can choose to say that they do not have discretion and that they are to follow your instructions exactly.

And finally, the Advance Medical Directive allows you to dictate your organ donation preferences and your preference regarding final arrangements. Again, for many people, especially young adults, this, and end-of-life preferences is not something they have spent a significant amount of time thinking about – which is very healthy! However, it is good to think about it for at least a bit of time to have peace of mind that, in the event something does occur, your preferences are put in place pen to paper.

Financial Power of Attorney Documents

Financial Power of Attorney documents are only valid while you are alive and allow you to name another individual to have the authority to access your bank accounts, deal with your 401(k), manage your house, and essentially any of your assets. In order for someone who is not an owner of an asset to have access and be able to do



what needs to be done with that asset, there needs to be a financial power of attorney document in place. This even includes your spouse.

Your power of attorney is to act for your benefit and in your best interest, which means designating an individual as your power of attorney does not give them the authority to take your money and run. They would be violating the law if they did so. At Elville and Associates, we provide two documents that constitute and cover all the bases regarding a Financial Power of Attorney. The two documents we provide and recommend are as follows:

1. Maryland Statutory Power of Attorney

The Maryland Statutory Power of Attorney document is written directly into Maryland statute.

In the statute it states that if this form is used and you do not change the writing within the document, except for a few authorized provisions, it is mandatory that banks and other financial institutions accept it. Therefore, it is extremely powerful but very limited in what can be customized.

The Maryland Statutory Power of Attorney document allows you to name agents to access your assets for your benefit. Again, it is very important to name back-up agents so you are protected in case one of your agents is unable to act. This document includes a general statement of powers which states that a power of attorney can step into your shoes and do what needs to be done, including but not limited to, opening and closing accounts, buying and selling assets, and signing contracts and tax returns.

The Maryland Statutory Power of Attorney document also talks about effectiveness. This is a big area that catches a lot of people because most people assume that a power of attorney is only effective upon your incapacity. However, that is not true. Although it is most often used when someone is incapacitated, the default for this document is that it is effective immediately – the moment you sign it. This allows your agent and you to have equal control over your assets. You can do whatever you want with your assets and your Power of Attorney is only supposed to act in your best interest on your behalf. Your Power of Attorney acting on your behalf can sometimes be relevant even if you are not incapacitated. For example – if you are traveling out of the country and something local needs to be signed. In this instance it could be useful that you have a Power of Attorney, whose effectiveness is immediate, to sign for you. However, some people are not comfortable with this default and in that event, we can customize to render it effective upon incapacity.

2. General Durable Power of Attorney

The second Power of Attorney document our firm recommends and provides is the General Durable Power of Attorney. This document is essentially a supplement to the Maryland Statutory Power of Attorney.

Although the Maryland Statutory Power of Attorney covers most circumstances, there are many that it does not cover. The General Durable Power of Attorney includes the same agents and effectiveness as the Maryland Statutory Power of Attorney; however, it is more comprehensive and includes additional provisions and powers to ensure all bases are covered. This ensures that your Power of Attorney does not run into any obstacles in the event they need to act on your behalf.

Last Will and Testament

A Last Will and Testament is a document that dictates what you want to happen with your assets and property at death as well as who you want to handle your affairs (your personal representative). It is only relevant to assets that do not contain a beneficiary designation and are not jointly owned with a spouse or third party at death. If you own assets jointly with a third party or individually but said assets contain properly completed beneficiary designations (i.e., life insurance, 401k, IRA, etc.), then at death your assets will be owned solely by that person. As mentioned above, a Last Will and Testament controls assets that do not fall under the category of being jointly owned or beneficiary designated and is therefore considered an individually owned asset with no beneficiary designation. In order for said asset to go from a deceased individual owner

to the person meant to inherit the asset (the inheritor), it has to go through what is called probate, which is a legal process in which the validity of a will is proven. If probate occurs, the court will inquire as to whether the decedent has a Last Will and Testament which the court will rely on when administering the probate estate. Through this process your documents are open to the public to view at any time.

A Last Will and Testament is also extremely relevant regarding the guardian of your minor children. It is the document where you designate who you want to be appointed as the guardian of your minor children. These preferences can include, for example, what sports you want your child to be involved in, if you want them to remain in the family home, or remain in the same school system. These details can be written directly into your document or, more appropriately, in a separate letter of intent that can be attached to the Last Will and Testament.

A Last Will and Testament can also dictate how you want your children's inheritance to be handled and whether you want to name the same or a different individual than your children's guardian to oversee the money that is left for your children. You can also state certain parameters regarding how you want this inheritance to be used for your children and at what age you want your children receive the inheritance. Under the law this age is 18. However,



most of us know being 18 does not necessarily mean someone is responsible or mature and you, as the parents, can build some parameters for further control beyond that age. This is something that you will only be able to do if you build it into your estate plan.

If you have a child with special needs, it is important to determine how their inheritance should be structured to not only provide for their needs but also to protect their potential eligibility for governmental assistance. This will ensure that they can maintain their eligibility for governmental benefits while also having the assurance and security of the money you leave for them.

The administration process associated with a Last Will and Testament can take up to nine months, and sometimes more depending on the size of the

estate. It involves opening an estate with the Register of Wills and probate, which is a legal process in which the validity of a will is proven. Probate includes the filing of an inventory outlining what assets are part of the estate, allowing time for claims from any possible creditors, and the filing of an accounting. There are also costs associated with probate, primarily consisting of payments to the probate court to process your documents, paying for professional assistance in filing final tax returns, and oftentimes retaining the assistance of an attorney to assist with the probate process.

A Last Will and Testament is an important part of a fundamental estate and financial plan. It is vital that anyone over the age of 18, at a minimum, have a Last Will and Testament.

When Should Your Estate

Planning Documents Be Updated?

When you establish an estate plan it is important that you update it regularly. Unfortunately your initial implementation of the plan does not mean that you are done forever. When creating an estate plan as a young adult, you should revisit the documents about every five years in order to capture changes in the law and changes in your opinions, preferences and plans. As you get older, your estate plan should be revisited more frequently.

Obstacles for Young Adults in Creating an Estate Plan

Many young adults and young families never seem to get around to creating an estate plan. A big reason for this is the cost associated with it. At Elville and Associates, we offer a low-cost flat fee plan (our Self-Direct

Protect plan) that is intended to help individuals and families who are just starting out and do not have significant assets as of yet. This plan covers getting you the fundamental estate planning documents (Advance Medical Directive, Maryland Statutory Power of Attorney document, General Durable Power of Attorney document and Last Will and Testament) so you know you are protected in case the worst happens. In the future you can easily update and build upon your estate plan, depending on your preferences, as changes occur in your assets, family, and life.

To get your planning underway, consider setting a no-cost consultation to discuss your family's or your individual planning needs. This appointment is the starting point

for you to get to know me as your attorney. I'll partner with you to understand your goals, your overall financial and family situation, and work to create solutions and a path forward for how you wish to design your plan. It's also an ideal time to ask questions and begin a solid, long-term relationship with a respected firm in Elville and Associates that will be there for you as your life and laws change over time. Everyone at Elville and Associates works each day with the ideals of client education, collaboration, and compassion in mind, and you'll leave your initial meeting with peace of mind knowing you've taken the first step in securing your future.

You may not realize it, but you've just begun to plan for that legacy you've envisioned

for your loved ones many years down the road. A job well done!

Shannon F. Werbeck is an Associate Attorney with Elville and Associates and an integral member of the firm's busy Estate Planning Department. She educates and counsels clients through the entire estate planning process – beginning with the initial consultation, followed by the design and implementation of their plans, as well as the necessary maintenance and updating of their planning as changes occur in the laws and their lives. Shannon may be reached at shannon@elvilleassociates.com, or by phone at 443-393-7696 x148.

Waypoint Fiduciary Services®

Attorneys within Waypoint Fiduciary Services®, a division within Elville and Associates, P.C., serve as Trustee/ Co-Trustee of Trusts of all sizes, including Trusts with assets below corporate trustee minimum requirements, Irrevocable Life Insurance Trusts, and Special Needs Trusts.

Our Attorneys also serve as Trust Protectors.

In addition to serving as Trustee and Trust Protector, Waypoint Fiduciary Services® offers the following services to individual and corporate Trustees:

- Legal representation, including but not limited to: compliance with Maryland Trust Act requirements
- Court proceedings related to administering a Trust (ex., modification of Trust terms, judicial terminations), and guidance on interpretation of Trust terms;
 - Preparation of Trust Income Tax Returns;
 - Preparation of Trust Accountings;
 - Maintenance of Trust Books and Records;
- Assistance with initial set-up of new Trusts (obtain Tax ID number, organize Trust management, open new Trust accounts);
- Manage Trust Terminations, including: calculating distributions, determining Inheritance Tax due (if applicable); and preparing releases of Liability for Trustees.

For more information about Waypoint Fiduciary Services® and its services, please contact Stephen Elville at steve@elvilleassociates.com, or 443-393-7696.



Client Care Program Update – Highlights of a Busy Spring and a Memorable Annual Client Event (Back and Better Than Ever!)

Jeffrey D. Stauffer

Community Relations Director
Elville and Associates, P.C.

It was a busy spring for Elville and Associates' Client Care Program with two events highlighting its calendar and two more on the horizon as we look towards the rest of 2022.

Stephen Elville and the firm welcomed CCP members to its spring continuing legal education webinar on March 12th with two high-level professionals from their respective fields sharing their knowledge about an overview of MOLST (Medical Orders for Life-Sustaining Treatment) and a health and wellness presentation titled "Beyond Coping in Covid – Ways to Thrive!"

The first part of the webinar was led by Ms. Jill Rosner, a registered nurse and Certified Aging LifeCare Manager who explored MOLST, a subject

that is highly relevant and necessary for many older adults yet at the same time largely misunderstood. Highlights of her presentation included:

- What is MOLST and its purpose?
- What is its utility and benefit and when is it required in Maryland?
- Who completes the MOLST form and who should have one?
- Examples - under various circumstances
- What is the relationship between the Advance Medical Directive and MOLST?
- What should clients and their health care agents know about MOLST, and how should they approach health care decision making in Maryland?
- Should clients use a Healthcare Decision Making worksheet and prescribe their health care preferences for MOLST?

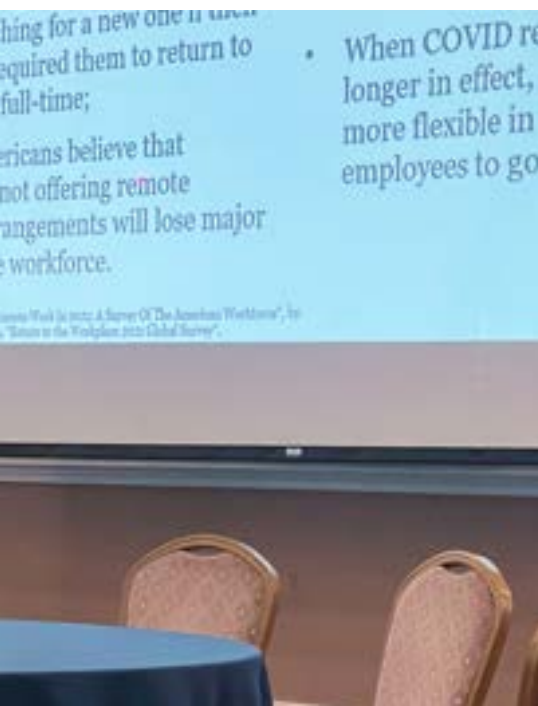
As a highly skilled and respected Aging LifeCare Manager who works with MOLST on a daily



basis, Ms. Rosner carefully addressed each section of the MOLST form with CCP members so they could gain a better understanding of this important medical order.

The morning's second and featured presentation was an interactive discussion led by Dr. Michelle Fritsch, a board certified, doctoral trained health professional who has presented with the firm several times through the Elville Webinar Series' monthly Wellness Series. Dr. Fritsch, founder and CEO of Retirement Wellness Strategies, is known throughout the country for her knowledge regarding health and wellness in retirement. In her presentation, she discussed many aspects of one's health, coping strategies, sources of fulfillment, and offered key strategies to thrive despite events around us the past two-plus years.

Dr. Fritsch has the capacity to



discuss health on many levels -- physical, mental, emotional, spiritual, and social – and this ability shined through during her discussion with our members. Consider tuning in on the third Tuesday of each month when she presents for the firm’s popular Wellness Series webinars. All of her Wellness Series presentations can be found at this link -- <https://www.youtube.com/playlist?list=PL06-wtBf5vDQafaWb-NioefbopzK10AfGp>.

Elville and Associates’ next event was one the firm had been planning for several months and anticipating for over two years! I’m talking about none other than our beloved annual Client Event, which was back and better than ever on May 21st at the beautiful Ten Oaks Ballroom in Clarksville. This was our first in person client-centered event since Covid began and we were beyond excited for its arrival!

As we wanted to make this just as much a celebration as much as an educational event, the firm decided to open the event to all clients, their family members, our financial advisor community, and the general public – and almost 200 people came out on a beautiful spring morning as we “Lived, Laughed, and Learned Past the Pandemic” together! A powerhouse lineup of exemplary speakers and presentations awaited our guests, featuring nationally renowned economist Dr. Anirban Basu of Sage Policy Group, whose wit and wisdom engaged attendees, made them laugh and think all at the same time.

The morning started off on a “high note” as student musicians from the Annapolis Symphony Academy’s Orion Youth Orchestra Trio performed for guests as they enjoyed award-winning breakfast foods from Putting on the Ritz

Catering. Leading the Trio was Dr. Netanel Draiblate, Annapolis Symphony Orchestra Concertmaster and founder of the ASA. The student musicians performed several classical music pieces and looked and sounded like a professional orchestra! Unknown to guests, the students got together at 6 a.m. that morning to practice one more time before the event – true dedication to their craft!

As is customary, the presentations began with an Elville Center for the Creative Arts update, which featured Elville Center Executive Director Jeff Stauffer and Dr. Draiblate discussing the relationship that has strengthened over the past six months between the Elville Center, the ASO and the ASA. The segment closed with Dr. Draiblate wowing the audience as he played a piece on his violin – truly mesmerizing!

Elville and Associates’ fine



partners and friends of the firm, Mr. Bill Walter, Principal at Gross, Mendelsohn and Associates and Mr. Townsend "Sandy" Horner, Managing Director of Wealth Management at Baltimore Washington Financial Advisors shared their presentations with the audience as the morning marched on. As a member of Gross Mendelsohn's Technology Solutions Group, Mr. Walter's presentation, titled "Tactics to Keep Your Personal Information Secure Against a Cyberattack," shared many best practices for attendees to consider, including 1) being smart online, 2) password management, 3) protecting your identity, 4) endpoint protection, 5) key points to consider when using smart home devices, and 6) disposing of old equipment securely and properly. Mr. Horner's popular presentation, titled "8,000 Days in Retirement," asked the simple but important and intriguing questions, "How will you spend

your 8,000 days in retirement? In 2022 the average retiree is living much longer than previous generations. What will you do with all that additional time?" Mr. Horner discussed the "New Retirement Story" and the four phases of retirement – 1) The Honeymoon Phase, 2) The Big Decision Phase, 3) Navigating Longevity Phase, and 4) The Solo Journey Phase.

Also presenting were Elville and Associates' Managing Principal Stephen Elville and The Law Offices of Gary Greenwald's Principal Gary Greenwald, who shared a current and timely legislative update that included the results of the 2022 Maryland General Assembly that ended in April, and how new laws will affect clients' estate, elder law, and special needs planning. Highlighting the update was mention of the passage of Bill 559 – Estates and Trusts – Supported Decision Making. As mentioned in Mr. Elville's front-page article in this newsletter,

supported decision making is a tool where a person with disabilities can be empowered and supported in the process of making their own decisions – to whatever extent possible. It is truly a groundbreaking victory for persons with disabilities in Maryland.

Rounding out the morning's presentations was the event's keynote speaker, Dr. Anirban Basu, CEO and Chairman of Sage Policy Group and one of the region's most recognized and respected economists. Dr. Basu's presentation, "No Time to Buy," has been heard throughout the country – from Phoenix and San Antonio to Pittsburgh and New York, and we were privileged to have him share his thoughts with us in his unique and endearing presentation style. His presentation asked the question, "Will 2022 usher forth a return to normalcy, or will it represent a continuation of the life-altering circumstances that characterized 2020 and



2021? Dr. Basu provided an in-depth analysis of the economy's shifts during the pandemic, including supplying industry and household level detail. He then turned toward an economic forecast for the year to come.

In between presentations, Elville and Associates' paralegals Grace Bailey and Elizabeth Walsh entertained the audience with our always popular door prize giveaways – this year more prizes than ever before! Eight gift baskets ranging in themes from the Deluxe Taste of Maryland Basket, the Garden Lovers Gift Basket, and the Baltimore Ravens Fan Football Gift Basket excited the audience as they awaited in anticipation for their name to be called. As Elville and Associates is a strong supporter of the music and the arts, seven sets of concert tickets from Bach in Baltimore, The Annapolis Symphony Orchestra, The Columbia Orchestra, The Baltimore Classical Guitar Society, and

the Handel Choir of Baltimore were also given away as prizes as well, and many people walked away lucky winners at the event. Also, new this year, a raffle for a special gift basket with all proceeds benefiting the Elville Center for the Creative Arts was offered at the event. And, thanks to donor support over \$500 was raised to benefit the charity! As always, we value and are grateful for your support!

As we look ahead to the end of the year for our Client Care Program and its members, we have two events we are planning. The first is our annual Social Event, which will be held in late August or early September, and information and details will be shared about this always enjoyable experience soon. Our final CCP event of the year, a late fall continuing legal education event, will be held on Saturday, November 12th at Anne Arundel Community College's Arnold campus.

Further details again will be shared as the date draws closer. As one of two firms in the state of Maryland and one of roughly 100 in the United States with an accredited Client Care Program through the Client Care Academy in Boston, Mr. Elville, Client Care Program Manager Mary Guay Kramer and the Executive Management Team have worked diligently through the CCP's six years to develop a program that offers benefits that provide value, drive the CCP's core mission of "Planning that Works," take care of families, and cumulatively aren't found in a program anywhere else.

Consider looking further into all the benefits that are available to you by visiting our Client Care Program link on our website at <https://elvilleassociates.com/clientcare-program/>. To learn more about the CCP or how to become a member, please contact Mary Guay Kramer, Client Care Program Manager, at mary@elvilleassociates.com,



Capitalize at Your Own Expense!

Charles A. Borek J.D., MBA, CPA
Founder of The Borek Group, LLC
Guest Contributor



Business expenditures generally may be recovered through a deduction against income at some point in time. The critical issue is "when?" If an expenditure must be capitalized, its deduction is delayed; the cost is recovered either over its depreciable life or when the business finally sells or otherwise disposes of it. This timing issue can have dramatic tax impacts, as entrepreneur Tamara Yapp can attest.

Tamara had been introduced to probiotic supplements during her efforts to find treatments for medical conditions suffered by her son. For this reason she decided to establish her own health food business. She entered into a distribution agreement with A.G.M. Foods under which A.G.M. would help her develop her own line of probiotic products. To this end she formed Real Food Real Life, LLC and worked to formulate new recipes that incorporated A.G.M.'s supplements to achieve products with better taste, texture, and shelf life. Tamara took steps to launch her product line commercially and hired designers to create a logo, slogan, and product labels. She researched options for shipping

her products and solicited and received pre-orders of products.

All of this, as you might imagine, consumed a lot of money and resulted in a large loss for the business during its first couple of years. Unfortunately, as the IRS pointed out to Tamara, the tax law requires that "start-up" expenditures be capitalized and deducted over 15 years rather than being deducted immediately. This mistake resulted in Yapp owing over \$475,000 in unexpected tax liability, in addition to a \$95,000 penalty imposed by the IRS.

The rules for capitalizing an item as opposed to expensing it can be complex. In 2014 the IRS issued extensive regulations that apply to all taxpayers, regardless of size. While navigating the rules can be challenging, it's not all bad news. The regulations permit certain "safe harbors" that allow the immediate write-off of purchases under a certain dollar amount, regardless of whether such expenditures would have to be capitalized under the normal rules. To learn more about this important issue, be sure to tune into my webinar, "Expense vs. Capitalize: Tangible Property Regulations"

on Tuesday, August 23rd at 10 a.m. To register for the webinar, please click on its title above or here.

Mr. Charles A. Borek is Special Counsel to Elville and Associates and Founder of The Borek Group, LLC. He is a business and tax attorney with 30 years of experience representing individuals, small businesses, and nonprofits. He has taught law students as a visiting and adjunct professor of law at American University and the University of Baltimore and has lectured at Dickinson Law School of Penn State University. Chuck also holds a graduate degree in theology and literature from Wesley Theological Seminary and is pursuing doctoral work at Pittsburgh Theological Seminary. Additionally, Chuck presents seminars to CPAs and lawyers around the country through The Borek Group, LLC, including presentations to "Big 4" accounting firms and Fortune 500 companies. Mr. Borek may be reached at chuck@elvilleassociates.com, or 443-393-7696 x129.

Do You Know Someone Who Would Benefit from Meeting with Elville and Associates?

As we approach our 12th anniversary, much has changed over the years; however, our foundation of providing education and counseling as we work to create solutions to our clients' needs using the best legal-technical knowledge available will always remain the same.

Our attorneys and professional staff are committed to and passionate about providing our clients with a unique experience and exceeding their expectations as they navigate through the important decisions and complexities of estate planning, elder law, estate and trust administration, and special needs planning. We strive to assist our clients with compassion, through education and counseling, and in a collaborative manner – acting as a true partner as we work alongside their planning team advisors to provide the very best counsel and service possible.

As we are very active in the communities we serve through educational webinars and workshops, our firm's charitable organization (the Elville Center for the Creative Arts), and innovative programs, we always welcome the opportunity to meet new people of all backgrounds and be resources to them – sharing our knowledge and helping them achieve peace of mind through "planning that works."

As a client or advisor who understands our commitment to outstanding service and our "Caring for Clients" model, we'd look forward to meeting someone you know – perhaps a family member, friend, or co-worker – that would benefit and appreciate the service you've come to expect from Elville and Associates. A referral from a satisfied client and financial advisor "friend of the firm" is one of the finest complements we can receive.

You can always reach out to our Community Relations Director, Jeff Stauffer, at jeff@elvilleassociates.com, myself at steve@elvilleassociates.com, or at 443-393-7696.

Thank you again for the trust you've placed in Elville and Associates.

All my best,

Stephen R. Elville
Managing Principal and Lead Attorney



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FOR MORE INFORMATION, please contact
Jeffrey Stauffer, Executive Director, at 443-393-7696 or jeff@elvillecenter.org



Stay Tuned for Information About the Elville
Center's Fall Fundraiser – Details Forthcoming!



The Elville Center for the Creative Arts Summer Update – “Our Children Must Know That They Are Miracles”

Jeffrey D. Stauffer

Community Relations Director
Elville Center for the Creative Arts, Inc.

“Logic will get you from A to B. Imagination will take you everywhere. If I were not a physicist, I would probably be a musician. I often think in music. I live my daydreams in music. I see my life in terms of music.”

Albert Einstein

As the Elville Center for the Creative Arts celebrates its eight-year anniversary this summer, the foundation of our mission remains the same as the day we opened our doors and minds to the concept of working to “Make a Musical Difference in the Lives of Children” each day by providing them the opportunity to learn music theory and application, experience cultural events related to the musical and creative arts, and to use music and the promotion of music-related activities to transcend



ASO Concertmaster Netanal Draiblate, flutist Kimberly Valerio, and trombonist David Perkel visit the Elville Center to select instruments for the Annapolis Symphony Academy's students

social and economic divisions. The Elville Center partners with school music programs and other music organizations to give the gift of music to children of all ages who want to participate in music but don't have the means to do so on their own. We do this by refurbishing donated musical instruments, purchasing new instruments for programs, offering overarching support to developing music programs, partnering with professional symphonies and

other organizations to fund music education initiatives, and much more.

As schools got back to in person concerts and music filled packed auditoriums once again, the Elville Center remained extremely busy helping provide instruments and supplies to school music programs around the state. Below are two examples of developing relationships that have kept the Elville Center busy the past



Jeff Stauffer visits Sisters Academy and looks over instruments in need of refurbishment with Music Teacher Alison Johnson

several months.

[The Annapolis Symphony Academy and Orion Youth Orchestra](#)

First, an update to our growing partnership with the Annapolis Symphony Orchestra and the Annapolis Symphony Academy. As I mentioned in our winter charity update, back in November Steve Elville and I were afforded the opportunity to meet with the Annapolis Symphony Orchestra's Executive Director Dr. Edgar Herrera, Annapolis Symphony Academy Director and Founder Dr. Netanel Draiblate, and ASA

Program Coordinator Julie Nolan at the ASA's home at Temple Beth Shalom in Arnold to learn more about the ASO's recent activities and initiatives. We also wanted to learn how our support could be make the biggest impact for the ASO community, not just now but over the next several years. After that meeting, we were so moved by what we heard and saw that the next day we signed a five-year major sponsorship agreement with the Annapolis Symphony to support its educational initiatives within the communities it serves.

Since then, Dr. Draiblate and

his fellow musicians in the Orchestra, Ms. Kimberly Valerio (flute) and Mr. David Perkel (trombone) have visited the Elville Center two times and left with a total of 35 instruments for its expanding Annapolis Symphony Academy programs, including its Orion Youth Orchestra and growing band and jazz ensembles. They were overwhelmed at the selection of instruments we had on hand and the quality of the instruments, which were all fully refurbished and in like-new playing condition. What a wonderful success story for the Elville Center, the Annapolis Symphony Orchestra and the Annapolis Symphony Academy! And, most importantly, the students in the Academy Orchestras and Ensembles!

To build on that success, a trio of student musicians from the ASA's Orion Youth Orchestra performed at Elville and Associates' annual Client Event in May. Leading the orchestral trio of two violinists and one cellist was Dr. Netanel Draiblate, Annapolis Symphony Orchestra Concertmaster and founder of the ASA. The student musicians performed several classical music pieces and looked, acted, and sounded like a professional orchestral trio! Unknown to guests, the students got together of their own accord at 6 a.m. that morning to practice one more time before the event – what true dedication to their craft!

Sisters Academy of Baltimore

Just as the ASO/ASA relationship is one that has grown with effort and support over time, we have the same high hopes for a new partnership recently developed this spring with Sisters Academy of Baltimore. The Academy is “a tuition-free, Catholic, community-centered middle school that educates girls of different races, ethnicities and religions from families with limited economic means in southwest and west Baltimore. The Academy empowers its students to become agents of transformation in their families, communities, and society.” In May, I had the pleasure of meeting with Ms. Jeanne Dolamore, Principal; Ms. Eileen Phelps, Development Director; and Ms. Alison Johnson, Music Teacher, at the Halethorpe-based Academy to learn about the school, its staff and students, and its music program’s current situation, its vision and needs. Last September the school was fortunate to hire Ms. Johnson through Notre Dame’s Operation Teach Program, and in the words of Ms. Phelps, “she has been a true gift - a natural educator, who the students took to immediately.” Before her arrival and due to Covid, very little was happening musically at the school, so a three-pronged long-term plan was put into place. This involved building a general music program, a choir and instrumental program, and an experiential extended day program with music offerings including bells, guitar, and



Jeff Stauffer talks to Sisters Academy's Principal Jeanne Dolamore about the music program's needs

keyboard for starters. Good strides have been made on all three fronts, and recently Ms. Johnson has been doing a thorough inventory of instruments recently donated to the school. One of our biggest issues facing the music program right now are donated instruments they currently could use that they do not have the funds to repair – and they know they will have the same issue with future donated instruments.

Current repair needs include:

- 1 trumpet, 1 trombone, 1 euphonium, 5 clarinets, and 4

saxophones

- 1 cello and 2 - 3 violins that are in need of being repaired or set up properly (fallen sound posts, new strings, fine tuners required, etc.)

The ongoing need for instrumental accessories are in line with the above as well - from violin bows of various sizes, to strings, rosins, shoulder pads and things like instrumental reeds for clarinets. The program also does not have any music stands for its students. As alluded to above, the program has two sets of beautiful hand chimes and

one set of handbells that get a lot of use. Ms. Johnson has resurrected some hand chimes that were donated but several of them are starting to show a great deal of wear. While these sets are integral pieces to the music program, they are not sustainable in the long term. Ms. Johnson has identified the following needs:

1. replacement clappers for most of the hand chimes, those these have been difficult to identify and locate – or replacing the sets in full
2. In order to use the handbells, specialty padding is needed for the tables on which they sit cut at custom sizes
3. Bell ringing (specialty) folders that can be attached to the tables for ease of reading

With all of this information in hand, the Elville Center sprang into action and is fulfilling several needs for Ms. Johnson, her students and The Sisters Academy music program as a whole, including:

1. Purchasing 15 music stands as a start for the program. This was five more than Ms. Johnson mentioned would make an immediate impact for the program.
2. Taking all of the instruments in the program's inventory needing refurbishments to Music & Arts of Severna Park to refurbish as many of the instruments as practical
3. Donating 11 requested musical instruments to the program, including five flutes, three violins with bows, two trombones, one clarinet, and one keyboard. More will be available to the program as the fall semester's needs become more clear
4. Donating several extra violin bows and a cello bow
5. Researching costs and replacement options for the hand chime sets. This is a significant expenditure that will cost \$1,000 - \$1,300 per set, and donor support will be paramount to help the Elville Center fulfill this important need for the

program.

6. Researching and contacting the company that makes the special foam padding for the hand bells to determine a solution to the custom padding needs for the program's bells

I detailed Sisters Academy's program situation as it is a perfect example of a school music program we look forward to helping grow and succeed now and in the years to come. There are three critical factors we look for when partnering with a school that is developing a music program, all of which Sisters Academy has: 1) it has the support



of the school's administration;
2) it has a dedicated teacher that is invested in and cares for her students very much; and 3) its students truly care about music and want to see the program grow. As they say at Sisters Academy and in the words of Spanish cellist Pablo Casals, "Our children must know that they are miracles."

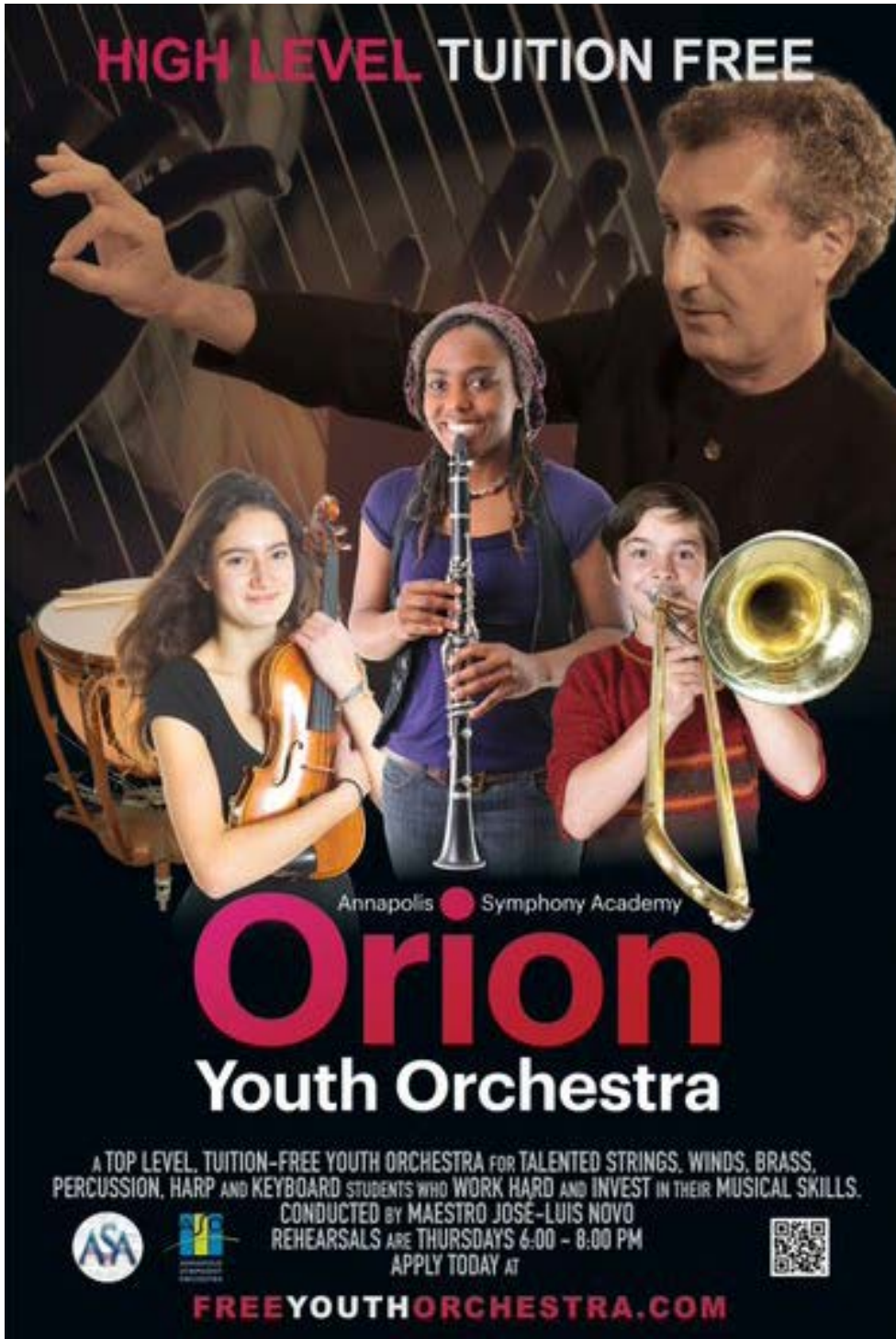
The Elville Center needs your support to further its important work and help develop and further new relationships such as Sisters Academy of Baltimore and continue to grow existing ones that are depending on the charity. Virtually every single one of the refurbished instruments and equipment the

Elville Center provides are not possible without donor support. We need those instruments that you don't use anymore and are taking up space.

And, most importantly, we need your monetary support to help refurbish those instruments, purchase supplies, and facilitate cultural learning experiences for student musicians in need such as those students at Sisters Academy.

As a 501(c)(3) non-profit corporation, all donations made to the Elville Center are tax-deductible. Right now is an ideal time to consider a donation – it feels good to know you made a difference!

To learn even more about the Elville Center for the Creative Arts, please visit www.elvillecenter.org, contact Executive Director Jeff Stauffer at jeff@elvillecenter.org, or call 443-676- 9691. Or, to donate through Paypal or Venmo (@elvillecenter), visit www.elvillecenter.org/donate. We appreciate and value your support!



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The Power of the Power of Attorney

Renee Q. Boyd
Associate Attorney
Elville and Associates, P.C.

Introduction:

When most people think about Estate Planning, they think about planning for how their assets (the estate) will be distributed when they die and how to facilitate smooth administration. But Estate Planning encompasses much more – it is also planning for and deciding who will manage your assets during your lifetime, if and when you are incapacitated. It is equally important for you to prepare for a time when you are still living but may be unable to make decisions for yourself -- for your health care and financial matters. Whether you are just starting out in your career or preparing for your retirement years, it's never too early to consider how you want your health and financial affairs to be managed if something happens to you and you are not able to exercise control over your affairs for one reason or another. This is known as incapacity planning. For your health care decisions, incapacity planning is addressed with an Advance Medical Directive. Planning for your financial decisions is addressed with a

Power of Attorney document.

What is a power of attorney?

Powers of Attorney are extremely significant tools to help you prepare for your future, and are perhaps the most important of all planning documents. A Power of Attorney is a legal document you sign to grant someone you trust with authority to make decisions on your behalf. The "principal" is the person who creates the power of attorney and the "agent" (aka the attorney-in-fact) is the person who is receiving power by way of the document. This agent, or attorney-in-fact, has the legal authority and right to make certain decisions that you would make if you were able. You, as the principal, have not given up your own power to perform these same functions, but rather have granted legal authority to the agent to perform various tasks on your behalf if you are not able to do so.

Why do I need one?

A Power of Attorney arrangement is important,



even essential, to managing your financial affairs in the event you become unable to manage things on your own. Planning for the future with a power of attorney can minimize complications to achieving your financial goals. This important document:

- *Provides the ability to choose who will make decisions for you (rather than having a court decide).*

If you sign a Power of Attorney document and later become incapacitated and unable to make decisions, the agent named can step into your shoes and make important financial decisions on your behalf. Without a Power of Attorney in place, a court-appointed guardianship or conservatorship may need to be established, and that can be a time consuming and very expensive process. Someone who does not have a comprehensive Power of



Attorney at the time they become incapacitated may have no lessor restrictive alternative and a third party would have to petition the court to appoint a guardian or conservator. The court would then choose who is appointed to manage the financial and/or health affairs of the incapacitated person, and the court would continue to monitor the situation as long as the incapacitated person is alive. While this is not only a costly process, the incapacitated person would likely have little or no input in deciding who will be appointed to serve.

- *Provides family members the opportunity to discuss wishes and desires.*

Much thought and consideration goes into creating a comprehensive Power of Attorney. One of the most important decisions is who will serve as the agent. When you or a loved one make the decision

to sign a Power of Attorney, that provides a good opportunity to discuss wishes and expectations with the family and, in particular, the person named as agent in the Power of Attorney.

- *Minimizes questions about principal's intent.*

There are often times court battles over a person's intent once that person has become incapacitated. A well-drafted Power of Attorney, along with a health care directive, can eliminate the need for family members to debate or disagree over a loved one's wishes. Once written down, this document is excellent evidence of your intent and is difficult to dispute.

- *Allows agents to talk to other providers.*

An agent under a Power of Attorney is often in the position of trying to reconcile bank charges, make arrangements

for health care needs, engage professionals for services to be provided to or on behalf of the principal, and much more. Without a comprehensive Power of Attorney giving authority to the agent, many companies will refuse to disclose any information or provide services to the incapacitated person. This can result in a great deal of frustration, as well as lost time and money.

- *Allows agents to plan for the principal's eligibility for public benefits.*

Having a Power of Attorney is extremely important in helping a loved one become eligible for public benefits, such as Medicaid and/or Veterans Administration benefits, as well as in assisting them with maintaining their eligibility and in making benefit-related decisions. The Power of Attorney gives the agent the authority to access the



supporting documentation required during the application process and to manage and potentially transfer the loved one's assets and income to gain eligibility. Once eligible for public benefits, the Power of Attorney provides the agent with the power to write checks on behalf of the benefit recipient to cover co-payments or share of the costs.

- *Provides peace of mind for everyone involved.*

Taking the time to create and sign a Power of Attorney lessens the burden on family members who would otherwise have to go to court to get authority for performing basic tasks, like writing a check or arranging for home health services. Knowing this has been taken care of in advance is of great comfort to families.

How do I get a Power of

Attorney in place?

The laws governing Powers of Attorney are specific to each state, so it is important that you understand the applicable laws both where you live, and where you have assets. Most states require that your Power of Attorney be in writing, witnessed and notarized. You must sign when you are still mentally competent for your Power of Attorney to be valid. This is a good reason to plan early for your later years, so that your affairs are in order.

Nobody can predict exactly which powers will be needed in the future. Although each client's goals are different, generally the primary goal is to have a Power of Attorney in place that empowers your agent to do whatever needs to be done in the future. At Elville and Associates, we take a two-tiered approach to meeting

these planning goals. The first tier is use of the Maryland Statutory Power of Attorney that was created under the Maryland Power of Attorney Act of 2010. This is a straightforward document that, while not customizable, must be accepted by law at the financial institutions in the State. It is a simple document, enforceable by law, that provides the average person with the ability to grant his or her agent with basic powers.

Many people, however, choose to supplement the statutory Power of Attorney with a durable Power of Attorney which can be customized, and which allows much broader and more extensive powers to be granted to your agent. Examples of these enhanced powers are powers granted to your agent:

- To establish, amend, revoke or terminate revocable and

irrevocable trusts during the principal's lifetime

- To fund or make withdrawals from trusts
- To create or change beneficiary designations
- To manage government benefits
- To care for and deal with pets
- To make a gift of money or property
- To perform a Medicaid spend-down of assets
- To be compensated

Using the combination of the statutory and the durable Power of Attorney documents is a powerful tool because each has a tactical advantage. The statutory document is enforceable through the state statute which requires banks and other financial institutions to accept it. The durable power of attorney document, on the other hand, is much more comprehensive and places the principal in a much stronger position should need arise when the principal becomes incapacitated.

Summary:

No one likes to think about a time when he or she is unable to make their own decisions, but it is critical to plan for it. Accidents happen and illnesses can come on unexpectedly. If and when you become incapacitated, your family and loved ones will not automatically have the access and authority to make your decisions and manage your affairs. Without that access and authority in place, your wishes may not be followed and your assets may not be protected.

In Maryland, unlike with health care decision making, there is no such thing as surrogate decision making in financial matters. This is why the Power of Attorney is essential. Powers of Attorney can and do provide you with peace of mind – you choose who will act for you when you are unable to act for yourself, and you define that person's scope, authority and limits. Even if you are unable to handle the decision making yourself, having a Power of Attorney document in place assures you that everything you have worked for during your life will continue to be managed according to your wishes.

For more information or to schedule a time to discuss your incapacity and estate planning needs, including a "powerful power of attorney," please contact me at renee@elvilleassociates.com, or by phone at 443-393-7696 x111. All initial estate planning consultations are free and typically run about 1-1/2 hours. This is a time for you to get to know Elville and Associates and me, ask questions, and have me learn about your overall situation, your goals and you so I can create a solution and path forward for your planning. I look forward to meeting you!

Renee Q. Boyd is an Associate Attorney with Elville and Associates and a key member of the firm's busy Estate Planning Department. She partners with clients to educate them and provide them a perfect client experience through the entire estate planning process – along with future maintenance and updating of their planning as changes occur in the laws and their lives. Renee may be reached at renee@elvilleassociates.com, or by phone at 443-393-7696 x111.

ON THE RADIO



Elville and Associates is pleased to be a longtime corporate sponsor of WBJC 91.5 FM. Please listen for our announcements and view our web ads on wbjc.com.

Elville and Associates is a proud supporter of the arts and we would like to recognize the following organizations that make a difference in the community.





The Causes & Signs of Caregiver Burnout

Ellen S. Platt, MEd, CRC, CCM

President & Certified Aging Life Care Manager
The Option Group

Being a caregiver is incredibly demanding, and not just physically. Many caregivers experience caregiver burnout, or a state of emotional, physical and mental exhaustion that is often accompanied by a change in attitude. Burnout can occur when a caregiver is not getting adequate support or when they are going beyond their physical, financial or emotional abilities to provide care. It may affect all aspects of functioning, making it difficult to do even the simplest of tasks. What are the symptoms of caregiver burnout?

11 Symptoms of Caregiver Burnout

Because the symptoms of caregiver burnout are so similar to symptoms for other conditions like exhaustion, stress and depression, it's important that you speak with your doctor as soon as possible. The most common symptoms of caregiver burnout include:

1. Withdrawal from family and friends
2. Feeling helpless or hopeless

3. Loss of interest in activities and hobbies that you used to enjoy
4. Feeling irritable
5. Persistent sadness or depression
6. Changes in your sleep patterns
7. Changes in your appetite or weight (increasing or decreasing)
8. Getting sick more often or more easily
9. Emotional or physical exhaustion
10. Feeling like you resent or want to hurt the person you are caring for, or yourself
11. Using sleep medications, coffee or alcohol excessively

The causes of caregiver burnout are varied, and include:

- Role confusion between being a caregiver and a spouse, child, friend or parent.

- Work-Life balance is key to maintaining equilibrium.
- Schedule times of respite from the caregiving role
- Lack of control over time, resources, money or medical outcomes
- Unrealistic expectations for the caregiving situation
- Not realizing the signs early enough, which allows things get even worse.
- Lack of psychosocial supports and/or others to help with caregiving role.
- Unreasonable burdens or demands placed upon them by themselves, family, friends or the person being taken care of

Preventing Caregiver Burnout

- Talk with someone that you trust, who is not directly





involved in the life of the person you are caring for o talk about your feelings. This can be a friend, someone also in a caregiving role, or a mental health professional.

- Have a collaborative relationship with the primary care physician of the person you are caring for, to seek support with medical care.
- Be sure to attend to your own health and medical needs.
- Set realistic goals for your role as a caregiver and realize that you will need to delegate some tasks and appointments. Ask for help. Make specific requests of others to support you.
- Know what your limits are and when you've reached them. Step back when you need to for respite. Don't think that you

are able to avoid the potential for caregiver burnout. Regularly assess yourself for the signs and schedule times of respite BEFORE you need them.

- Practice healthy coping mechanisms like exercising, socializing, meditating, or pursuing leisure time activities, instead of things with a high potential for abuse like alcohol.
- Make sure that you are getting enough sleep every night.
- Acknowledge that your feelings are valid and that negative feelings like anger and frustration are normal.
- Seek support from others in a similar role. You are not alone. There are many caregiver support groups that can help you to speak with other people

in similar situations, and have guidance from professionals who can educate you and make suggestions to help your situation.

Ms. Ellen S. Platt, MEd, CRC, CCM, is the Founder and President of The Option Group, which provides unique services to older adults and their children or caregivers to navigate longevity. She is both a Certified Rehabilitation Counselor and a certified Aging LifeCare Manager.

Ellen's experience spans almost 30 years providing care management and case coordination services to those with catastrophic injury, chronic diseases and disabilities. Out of that experience, she created The Option Group to address similar needs and services specifically for seniors and their caregivers. Ellen can be reached at eplatt@theoptiongroup.net or 866-227-3798.



“What Should We Do with the House When Our Loved Ones are no Longer with Us”?

If you need to sell property due to Senior Transition or Probate, CALL US TODAY!

We help families get their loved ones home prepared for market and sold for the highest price as quickly as possible. We do all the legwork for you!

Dealing with the death of a parent or loved one is challenging; but selling their home can be fraught with land mines, particularly if they die without a will. Family members consumed by grief may be unable to make decisions, leaving homes that may have already languished fall further into disrepair. The thought of having to clean out a home that may have decades worth of furnishings and clothing, dispose of personal belongings, get the home ready for market by painting or other minor remodeling, pricing it appropriately and getting it on the market quickly is extremely overwhelming. Getting a home ready for market is the last thing you feel like doing when you are grieving the loss of a loved one.

The Bacchus Group has over 33 years of experience in the Maryland and Washington, DC areas helping to support Senior Citizens and their families in selling real assets both before and after death. We have worked with some of the most well respected Estate Planning Firms and Attorneys in the area to help their valued clients handle the real estate disposition during this difficult time.

Our Probate and Trust Estate Real Estate Services include the following:

- Real Estate Consultation and Advisory Services to help family members decide on the best course of action for the property; whether it is a sale, conversion into an income generating rental property or other outcome.
- Our Seasoned and Experienced local real estate professionals provide accurate pricing and market information to help family members garner the highest sale price for the property...especially important for family members outside the local DC Metro area.
- We take a complete inventory of the house contents and can coordinate distribution to selected family members, donations to charities or disposal to a local trash facility as directed by family members.
- We coordinate all necessary House Repairs, Cleaning, Trash Removal, Painting or Minor Remodeling to help get the home ready for market as soon as possible
- We have a trusted network of professional and affordable contractors who are ready to take care of any repair needs. A member of our team will meet them at the property and negotiate the best price for work on your behalf.
- We monitor the property until the sale to make sure it remains in good condition, especially during severe weather seasons.
- We take Professional Photographs of the Property and can offer Staging Services* (*may be an extra fee for staging)
- We utilize Aggressive Marketing and Promotion strategies to get the property sold fast, AS IS and for the highest price.

Call Neil Bacchus today for a free, no obligation, consultation at 301-674-8090 or via email at Bacchusneill@gmail.com. Or, join us for a virtual Zoom call at your convenience.

Neil Bacchus with The Bacchus Group of Long and Foster
Estate and Probate Disposition Services
Real Estate Sales
7700 OLD GEORGETOWN RD #120
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Password Managers for Families

Josh Beitler, MCP, MCSA

Systems Consultant/Network Engineer
Gross, Mendelsohn & Associates, P.A.

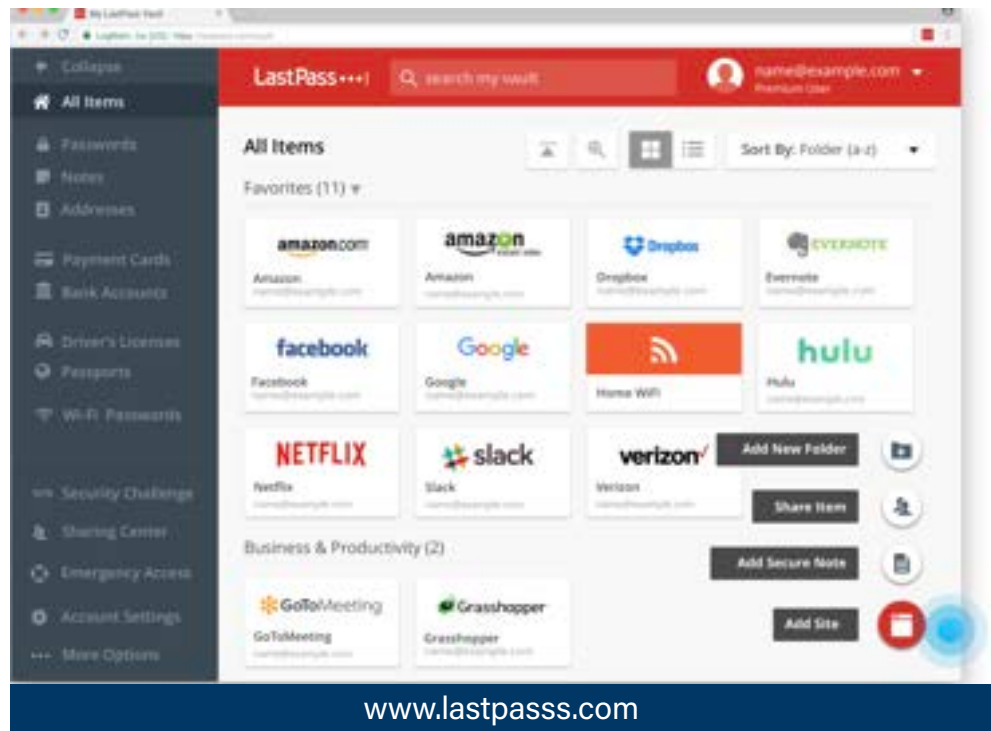
We live in a digital age with usernames, passwords, biometric logins and so much more. Like it or not, it's here to stay. But having all these passwords can be confusing and frustrating. How do you keep track of them all? And how do you make sure they're secure enough to fend off hackers?

Some people may keep passwords in an Excel spreadsheet, on sticky notes or in a notebook. Unfortunately, none of these methods are secure and it can be daunting to keep these passwords up-to-date when they inevitably change.

In light of recent natural disasters, another factor to consider is that your computer, sticky notes or notebooks could be destroyed. Then you're back to square one.

Luckily, there are tools out there to help keep your logins and passwords secure and at your fingertips, with minimal effort to keep them up-to-date when they change. Let's take a look at a few options.

Select a Tool to Secure Your



Logins and Passwords

Dashlane, 1Password, LastPass and Keeper are just a few of the major password managers out there. Most of them offer a basic, free account for you as an individual to setup and use. Any of these password managers will have a small web browser add-on which will find username and password fields on a page and allow you to automatically create, save, update or even fill in your username and password for the given site.

Most of these also offer a

password generator so each site has its own secure and unique password. This keeps would-be attackers out of your accounts in the event of a breach on another site.

What If Your Password Tool Gets Breached?

So now that you know about tools available to keep, manage and fill in passwords for you, I bet you're thinking, "Well if that gets breached, everything leaks out." While that may be true, when you setup your account they will ask you for a unique

password that will only be used on the password keeper's site. They will also strongly recommend that you use your mobile phone as a backup so they can verify your identity with a code.

All their passwords are stored with military grade level encryption, so even if the database were to be breached, the information won't be discernible to the attacker.

What If a Family Member Needs To Gain Access?

Now that you're the sole person who has access to these passwords, what happens if you were to become incapacitated? How do your loved ones access your important online accounts?

It is more important than ever to make sure someone other than you knows how to access your digital accounts and files. Often, one member of the household manages financial files, documents and digital accounts. If something happens to you, and you're the one who holds all the passwords, your loved ones will have a terrible time in an already unfortunate situation trying to access things like bank accounts, investment accounts and retirement plans.

The good news is all these major vendors offer a "family plan." Just as you can share minutes and data on a cellular plan, you can share logins and passwords with trusted individuals. Here's how it works:

You or a member of your family signs up for a password manager's family plan. It's not free but it is inexpensive (plus, you get plenty of other benefits that we'll touch on later).

Whoever sets up the plan invites other family members to join the password manager. At this point you can add all your usernames, passwords, ID cards (medical, driver's license, etc.), secure notes (maybe notes to a lock box at the bank) and even secure documents, like a will, that others may need to access. As a member of the plan, entries will be available to other members of the group. However, you can also set specific permissions for items you've entered.

Depending on which service you choose (LastPass, Dashlane, etc.), the paid plans offer password breach monitoring, also known as dark web monitoring, which can notify you if one of the passwords in your manager has been compromised.

What Happens to All Your Current Passwords?

You might be wondering what happens to all the passwords you have saved in Google Chrome, Firefox, Edge and other web browsers. Luckily, there is an "import" feature that allows those previously saved credentials to be brought into your password manager, making the transition easy as pie.

While these changes sound a

little daunting, all the providers we've mentioned are super easy to use. Even members of your household who aren't tech savvy will find it easy to update and keep passwords.

As another plus, if you use a smart phone, all of these vendors have apps that integrate with your phone, so you have all your passwords auto-filled for mobile websites and applications (like banking apps).

Key Takeaways

Passwords are a necessary part of day-to-day life. Keeping track of them yourself is time consuming and difficult but using a password manager adds high level security and user level convenience. Not to mention, a password manager carries the additional benefit of allowing trusted family members access when necessary.

Josh Beitler is a systems consultant and network engineer with Gross Mendelsohn's Technology Solutions Group. He monitors, updates and troubleshoots network and server systems for clients and works primarily in Windows Server, Microsoft Office and Office 365 environments. Josh also has experience with automated network monitoring and data backup solutions. He is passionate about technology and enjoys passing on his knowledge to help clients improve efficiency. Josh can be reached at jbeitler@gma-cpa.com or 443.604.3617.



A Silver Lining?

Mark Malinowski

91.5 WBJC Morning Drive-Time Host
Guest Contributor

Well, let's face it: The past two years have been challenging, to say the least. The COVID-19 pandemic is responsible for a million deaths in the United States alone, and countless individuals have been affected by the pandemic, either through sickness, loss of life, loss of employment, etc. But we all know this. No need to go into detail.

I happen to be a "glass half-full" kind of guy. Whenever I find myself in a bad situation, I try my best to find something positive to take away from it. I blew a tire on the Beltway once, and it was one of those rare times when I wasn't surrounded by drivers doing 70-plus and was able to pull over without incident. I blew a tire but considered myself lucky.

So, in that light, is there anything positive we can get from this pandemic? A truly challenging question, and one that is best answered for specific individuals, organizations, and situations.

On the personal side, three weeks after getting my vaccination, I was feeling ill, saw

the doctor, and found out I have COVID. Fortunately, it was a "mild" case, but I wouldn't wish that on anybody. Well, almost anybody, but I digress. It was awful, and it gave me a new appreciation for all the suffering I saw on the news every night and made me realize how lucky I truly was that I came into contact with someone AFTER getting my shot. It also taught me that I am of certain age where I am no longer invincible (as I was in my youth) and need to start paying closer attention to my health and the messages my body sends me. That paid dividends later, when I received a very different diagnosis, but, as we say in public radio, "That's a whole other pledge drive."

Speaking of pledge drives, the pandemic presented numerous challenges to your favorite radio station (just like every other business) that needed to be overcome. Looking back, our last "regular" fundraiser was in February 2021. We knew about COVID-19 but it had not been declared a pandemic yet. We had volunteers answering phones, food donors, and we were working together in the same studio. We did well (as we



normally do – thanks to you, our listeners), and shortly after that the "you know what" hit the fan. Suddenly, everyone is working from home, with the exception of the announcers, and only one in the studio at a time. You only took your mask off when you were doing your on-air shift, and when one announcer relieved another, it was like to ships passing in the night. Yvonne Allen and Diana Ross took turns coming in from time to time to make sure things like the mail was picked up and sent out, and other necessary administrative tasks. I would remind you that at this time, we had no General

Manager, Business Manager, or Development Director. Many of us, particularly Jonathan, Yvonne, and Diana were doing double and triple duty to keep things going.

As May approached, the question was, "How do we do our spring fundraiser?" At this point, having a room full of volunteers was out of the question, and even the idea of two announcers in the same studio made everyone a bit uncomfortable. The plan (for which Jonathan, Diana, and Yvonne can take the credit) was to conduct something we called a "Quiet" Drive. It actually lasted much longer than a standard pledge drive at WBJC but was not the "in your face" sort of fundraising that we have all come to love and enjoy. OK, I get it. Anyway, very little of our programming (if any) changed, and on rare occasions, two people would be on the air at the same time, but not in the same studio. Our engineers ensured that we could link the on-air studio to a production studio and were separated by walls of glass and a hallway (social distancing at its best). We had no idea how this might work, but, lo and behold – it worked! Once again, thanks to your efforts, we met our financial goals, and were good for the summer. It may have taken a bit longer, but it worked! We were all certain that by the fall, things would stabilize, and we could hold a "regular" fundraiser (see above).

Boy, did we get THAT one

wrong. Things, as you know, did not get better, and in some ways, got worse. Here we are facing another quarter where we need to raise the funds to keep things going but can't conduct the type of fundraiser we need. This time, it was something different. Our quiet drive focused on website pledges, as there was nobody to answer phones. In the fall, we were able to have staff come back (which really meant Yvonne and Diana) in addition to the announcers, so the decision was made to encourage website pledging, with the option of using our business phones for those without access to the internet. Since there are only a couple of lines, it resulted in longer wait times for callers, but you held on. Also, we were able to have two announcers in one studio, separated by a plexiglass screen, adding to the immediacy and the fun! Once again (and I never get tired of saying this), you came through, and we were very successful, reaching our overall goal, and able to work through the winter without financial worries. This time we were SURE that come February, things would be different, and we could have our volunteers back (we love our volunteers, and really miss them), but, as you know that didn't happen.

Instead, we did the next best thing. By this time, we had a new General Manager, Richard Miles, a new Business Manager, Kim Chase, a new Development Director, Jennifer LaFleur, and a new announcer in training, Abin Malhotra. We had People! The

decision was made to use our standard pledge drive phones, often called the "contest lines" and set up a schedule for staff to answer phones from callers. It worked well, and interestingly, the mix of phone and website pledges was closer to 50-50 than any of us expected. I feel certain that many of the callers could have used the website, but chose to call, and I base that on the excitement in the voices of the people whose calls I had the pleasure of answering. There's nothing like a little human contact. And, as it turned out, this recently completed drive was one of the most successful in our history. We finished almost 12 hours earlier than we expected. It was truly remarkable, and nothing short of inspirational.

So, what can we take away from all this? Well, like my Marine Corps friends would say, "We observed, adapted, and overcame." We (and I mean you and me) were faced with myriad challenges of the past two years, and despite that, we succeeded, thanks to you, the best members any public radio station could ask for. I have said this before and will say it again. The money is truly important, as it keeps the physical operation of the radio station going, but there is another side to it, and that is the fact that you work hard for your money, and yet are willing to part with it to support what we do at WBJC. That is a vote of confidence that transcends dollars and cents, on an almost spiritual level, and that, my friends is the true silver lining.



Make HEALTH Planning Your #1 Priority

Dr. Michelle Fritsch, PharmD

Founder

Retirement Wellness Strategies

Zig Ziglar's quote describes the preventable early demise, or at least loss of function, I've seen too many times.

"The man who earns a million but destroys his health in the process is not really a success."
– Zig Ziglar

Key elements of planning your health in retirement:

- Intentionally evaluate your health – Bad habits, work stress, limited time, and distraction can be risky for your long-term health. One of the earliest plans with the biggest return on investment in retirement is your health. Proactive assessment and action now can prolong the healthy, active part of your next phase of life.
- While working, especially in high demand careers, many people ignore their own health in favor of the health of the company. Then, in retirement they experience a rapid health decline.
- Doing nothing will allow risky habits to continue. Our current healthcare system is reactive. Once you get sick, injure yourself, and find yourself

declining, then the healthcare system kicks in. You don't want to wait for this to happen when you have this opportunity to proactively avoid or delay a general decline in health.

- Make this the most rewarding life chapter yet! – With planning and intention, you can make a mark on the world in retirement. Your years of collected skills, interests, and perspectives can make you an invaluable resource to address some of today's societal issues. Explore your interests. What breaks your heart? Now is the time when you may have the capacity in regard to time and talent to make a difference.
- While continuing to work you will be disappointed that no one is doing anything to fix the societal problems that bother you most.
- If you do nothing, your disappointment will grow. As a result, that can lead to harmful negativity or complacency.

Do you have a plan to:

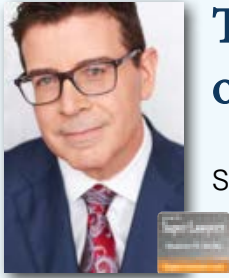
- Find meaning and purpose by engaging in fulfilling activities?



- Be physically and socially active.
- Maintain a healthy lifestyle – minimize or avoid health risks. Propel Comprehensive Wellness is a program designed to guide you to avoid the pitfalls, take control of your health, and uncover your next purpose.
- Each month receive a set of short videos and a workbook.
- Each month builds on the last
- Take control of your health, minimize your risks, uncover your purpose, stay active, and prepare for a bright future!

Use the code HEALTH to try your first month for only \$10 as a friend of Elville & Associates.

Dr. Michelle Fritsch is an author, nationally renowned speaker, founder of Retirement Wellness Strategies and cofounder of Propel Comprehensive Wellness. You can call her at 410-472-5078, email her at michelle@propelyourwellness.com or visit her website at www.propelyourwellness.com.



Ten Things to Look for in an Estate, Elder Law, or Special Needs Planning Attorney

Stephen R. Elville, J.D., LL.M. - Managing Principal and Lead Attorney



1. Provides **warm, empathetic** approach and caring environment.
2. Attorney is a **counselor** and not just a technician.
3. Clients are provided with a **unique** estate planning or elder care planning **experience**, and not just a transaction.
4. Provides an **interactive planning process** in **partnership** with clients -- emphasis on **client's goals** (not a paternalistic approach).
5. **Ensures** Financial Advisor/ CPA -- **collaborative** approach with goal of **inclusive** advisory team effort; works in good faith with Financial Advisors and/or CPAs to implement all appropriate solutions in **best interests** of the client.
6. **Timely** and **structured process** -- encourages clients to complete the planning process and discourages procrastination.
7. Asset alignment -- planning attorney and firm's asset alignment coordinator **oversee** and **ensure proper** asset alignment with all estate and elder law plans (client not abandoned with unfunded plan).
8. **Client education and understanding** -- to the extent possible, attorney **ensures** that client **understands** and has at least a working knowledge of their planning documents and choices.
9. **Follow up** -- maintains **ongoing contact with clients** via annual continuing education and client care programs to encourage clients to meet with attorney at least bi-annually, and **facilitates client-attorney contact** throughout the years via newsletter and other communications.
10. Value-added services -- provides client access to latest in **contemporary** estate planning ancillary solutions for "complete" estate planning.

SPECIAL NEEDS PLANNING AT ELVILLE AND ASSOCIATES



The special needs planning attorneys at Elville and Associates work with families and their loved ones with disabilities as collaborative advocates and partners through a planning process that emphasizes creativity in document and fiduciary structure, along with education for all persons involved in the beneficiary's life. Our mission is to counsel, educate, and provide solutions based on the most contemporary legal-technical information and strategies available nationwide.

Our legal services for special needs planning include the following:

Special Needs Trusts

Public Benefit Preservation

Housing and Support Solutions

Supplemental Security Income (SSI)

Social Security Disability (SSDI)

Financial and other Planning for Children and Adults with Disabilities

Health Care Decision Making

Fiduciary Services

If you have questions or would like to know more about planning for a loved one with special needs, Contact Mary Guay Kramer at mary@elvilleassociates.com, or at 443-741-3635.

Stephen R. Elville, J.D., LL.M.
Managing Principal
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Practice Areas

Estate Planning

Elder Law

Special Needs
Planning

Estate
Administration

Asset Protection

Taxation



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AND ASSOCIATES



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Estate Planning

Medicaid

Veterans Benefits

Special Needs
Planning

Asset Protection

Crisis Planning

Facility
Placements



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Elder Law

Special Needs
Planning

Tax Planning



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Administration

Estate Planning

Tax Planning



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Elder Law

Tax Planning

Asset Protection



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Welcome to the Elville Webinar and Workshop Series!

The Elville Webinar and Workshop Series is offered on a recurring basis each month, featuring several presentations covering both legal and non-legal topics of interest. All are welcome to attend – clients, financial advisors, and the general public. Most all of our presentations offer continuing education credits for CFPs, CPAs, and various other professionals.

Unless otherwise specified, the presentations listed below are being offered by webinar and if you're reading this newsletter in a digital version clicking on the presentation link will enable you to view additional information about each event and register for it as well. We are constantly adding new presentations to our calendar of events, so be sure to visit elvilleassociates.com/events for updates and the latest schedule. Most all of our presentations are also available on Elville and Associates'

YouTube Channel for viewing the day after the presentation is offered. Should you have any questions about the Elville Webinar Series, have an idea for a new topic, or need help registering for an event, please contact Community Relations Director and webinar moderator Jeff Stauffer at jeff@elvilleassociates.com, or at 443-393-7696 x117.

We look forward to hosting you!

Tuesday, June 14th at 11:45 a.m. – Selecting a Continuing Care Retirement Community with Baltimore Washington Financial Advisors and Stephen Elville

Wednesday, June 15th at 10 a.m. – Understanding Maryland ABLE Accounts and How they Benefit Your Loved One with Special Needs with Maryland ABLE's Kelly Nelson

Wednesday, June 22nd at 10 a.m. – What Families Need to Know About Planning for a Loved One with Special Needs with Stephen Elville

Tuesday, July 19th at 11:30 a.m. – The Wellness Series: Social Wellness with Ellen Platt and Michelle Fritsch

Wednesday, July 20th at 10:30 a.m. – Medicaid Long Term Care Asset Protection Planning with Lindsay V.R. Moss

Thursday, July 21st at 11:45 a.m. – Trustee Selection and How to Choose the Right One for You with Baltimore Washington Financial Advisors and Stephen Elville

Friday, July 22nd at 10 a.m. – Trustee Selection and How to Choose the Right One for You with Stephen Elville

Wednesday, August 3rd at 10 a.m. – Estate Planning Presentation with Stephen Elville – In Person at Riderwood Village

Tuesday, August 16th at 11:45 a.m. – Guardianship and the Alternatives with Baltimore Washington Financial Advisors and Stephen Elville

Tuesday, August 16th at 11:30 – The Wellness Series: Making the Most Out of Your Medical Appointments with Ellen Platt and Michelle Fritsch

Tuesday, August 23rd at 10:00 – Capitalize at Your Own Expense! with Charles Borek

Friday, August 26th at 10 a.m. – The Essentials of Estate Planning and Elder Law with Stephen Elville

Tuesday, August 30th at 10:30 a.m. – The Differences Between Assisted Living and Skilled Nursing Facilities with Lindsay V.R. Moss

Tuesday, September 6th at 10 a.m. – Medicare Basics: What You Need to Know with Mark Trent

Wednesday, September 14th at 10 a.m. – What Families Need to Know About Planning for a Loved One with Special Needs with Stephen Elville

Tuesday, September 20th at 11:30 – The Wellness Series: Staying Mentally Sharp with Ellen Platt and Michelle Fritsch

Wednesday, September 21st at 10:30 – What Are Continuing Care Retirement Communities? with Lindsay V.R. Moss

Friday, September 23rd at 10 a.m. – The Advisors' Forum – Topic to Be Announced with Stephen Elville

Wednesday, September 28th at 10 a.m. – Understanding the Uses and Purposes of Irrevocable Trusts in 2022 with Stephen Elville

Wednesday, October 5th at 10:30 - Guardianship - What Is It, When Is it Appropriate, and What Are Some Alternatives? with Lindsay V.R. Moss

Wednesday, October 12th at 10 a.m. – Understanding Estate and Trust Administration with Stephen Elville

Tuesday, October 18th at 11:30 – The Wellness Series: Know Your "WHY"? Fulfillment vs Buysness with Ellen Platt and Michelle Fritsch

Tuesday, November 15th at 11:30 – The Wellness Series: Getting Through the Holidays with Ellen Platt and Michelle Fritsch



Elville and Associates' Purpose Statements



VISION STATEMENT

To become the leading estate planning, elder law, and special needs planning law firm in Maryland through the relentless pursuit of and adherence to the fundamental Firm values of educating and counseling clients and the constant recognition that the firm exists to provide solutions to our clients' problems and to exceed their expectations; in an environment for all employees, and where all members of the Firm are respected and encouraged to utilize and develop their own unique talents and abilities.

MISSION STATEMENT

To provide practical solutions to our clients problems through counseling, education, and superior legal-technical knowledge.

PHILOSOPHY STATEMENT

Elville and Associates engages clients in a multi-step educational process to ensure that estate, elder law, and special needs planning works from inception, throughout lifetime, and at death. clients are encouraged to take advantage of the Planning Team Concept for leading-edge, customized planning. The education of clients and their families though counseling and superior legal-technical knowledge is the practical mission of Elville and Associates.

Elville and Associates -- Membership Organizations





Elville and Associates' Accredited Client Care Program

When was the last time you heard from your estate planning attorney?

Or, perhaps, are you new to the concept of estate planning?

Learn about Elville and Associates' accredited Client Care Program – "planning that works."



Services Offered by Elville and Associates

ESTATE PLANNING AND TAXATION

- Wills
- Trusts
- Powers of Attorney
- Advance Medical Directives
- Estate Administration (Probate)
- Trust Administration
- Fiduciary Representation
- Estate Tax Planning
- Asset Protection
- IRS Tax Controversy
- State of Maryland Tax Controversy
- Personal and Business Tax Planning
- Business Law
- Business Succession Planning

- Charitable Giving and Philanthropy
- Elville Self-Direct™
- Waypoint Trust™
- Elville Legacy System™

ELDER LAW

- Medical Assistance Planning
- Long-Term Care Asset Protection
- Long-Term Care Planning
- Nursing Home Selection and Placement
- Assisted Living Issues
- Guardianship
- Veterans Benefits
- Social Security
- Senior Housing

SPECIAL NEEDS PLANNING

- Special Needs Trusts
- Public Benefit Qualification and Preservation
- Supplemental Security Income (SSI)
- Social Security Disability (SSDI)
- Funding of Tort Recoveries
- Financial and other Planning for Special Needs Children and Adults
- Health Care Decision Making
- Fiduciary Services



ELVILLE
AND ASSOCIATES

Planning for Life, Planning for Legacies

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