

MSBA ELDER LAW SECTION eNEWSLETTER

November 20, 2007

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THOUGHTS FROM THE CHAIR

Dear Members: You will find the minutes for the October 25, 2007, meeting of the Governing Council on the website. Our next meeting will be on Friday, December 14, 2007. Our goal is to make the Governing Council responsive to the members and to provide opportunities for everyone to participate – either in pro bono activities, writing for the eNewsletter, or in Elder Law CLE's.

Mark your calendars for Wednesday, April 16, 2008. It's the National Advance Directive Date, when our section will be supporting William Mitchell's plans to have an all-day advance directives session at the school. The Council would love to hear your input on how to support and expand this effort throughout the state. We will keep you posted as to how you can help on that day.

Happy Thanksgiving from all of us. Laurie

ELDER LAW NEWS

No "News" this week. The Editorial Staff wishes all Elder Law Section members a Happy Thanksgiving!!

ELDER LAW SECTION ACTIVITIES

LEGISLATIVE COMMITTEE REPORT: The Elder Law Section's Legislative Committee met on November 12, 2007, to review legislative proposals which have been submitted by the MSBA's Probate and Trust Section for possible inclusion in the MSBA's 2008 legislative agenda. Those proposals included: amendments to the Probate Code; delay in approval of the Uniform Power of Attorney Act to allow further study of

the Uniform Act; opposition to a separate Minnesota Gift Tax; opposition to a separate Minnesota Gift Tax; and the need for clarification of the Department of Revenue's new authority to disagree with date of death values as finally determined by the IRS for estate tax purposes.

Although the Legislative Committee supported each of the Probate and Trust Section's proposals discussed at the meeting, the Committee recommended that no action be taken by the Elder Law Section Executive Committee, acting on behalf of the Section, to support or oppose those legislative proposals at this time.

The Legislative Committee will meet next on January 28, from noon to 2 pm. at Suzanne Sandahl's office in Richfield, to review the proposals which become part of the MSBA 2008 legislative agenda, and other matters which might be expected to arise in the 2008 session of the legislature.

Proposals submitted to the MSBA Legislative Committee for review by all sections are available at the following link:

<http://www2.mnbar.org/committees/legislative/2007Proposals/Private.htm>

MINNESOTA CASES

Minnesota Court of Appeals unpublished case: A06-2162

In re: Conservatorship of Dewey P. Wallace.

WILLIS, Judge. Appellant challenges the district court's order of appointment of a conservator for the estate of her long-time companion. Because district court did not abuse its discretion, we affirm.

Available at: <http://www.mncourts.gov/opinions/coa/current/opa062162-1113.htm>

STATUTES, REGULATIONS, BULLETINS

MINNESOTA DEPARTMENT OF HEALTH, OFFICE OF RURAL HEALTH AND PRIMARY CARE is seeking grant applications from eligible organizations for the Minnesot Rural Flex Grant Program. The program's goal is to increase access to health care in rural communities including healthy aging interventions. State Register, Page 880:

http://www.comm.media.state.mn.us/bookstore/stateregister/32_20.pdf

MINNESOTA DEPARTMENT OF HUMAN SERVICES is seeking proposals to provide training opportunities and build capacity of programs that help senior citizens that have a dual hearing and vision loss. State Register, Page 882:

http://www.comm.media.state.mn.us/bookstore/stateregister/32_20.pdf

Don't forget that the Elder Law Website is a great resource. Here's what you can find on the Website: Links under "What's New" to the DHS Health Care Programs Manual, the updated Income and Asset Eligibility Figures for Minnesota Health Care Programs, the DHS Bulletin on treatment of uncompensated transfers, the Minnesota Bankers Association Compliance Bulletin on Powers of Attorney, and a legislative summary; Practice Links to organizations such as NAELA, ABA Commission on Law and Aging, Minnesota Senior Federation; Links to Federal and State Government Agencies, Statutes, and Regulations; Meeting Notices, Listings of Officers and Council Members, Section Bylaws, and more.

To access the ELDER LAW SECTION WEBSITE

Click here: <http://www2.mnbar.org/sections/elder-law/index.asp>

Please send eNewsletter contributions by noon on Saturday of each week to Vicki McIntyre at vmcintyre2@yahoo.com