



KH LAW NEWS

The Edge on Today's Top Legal News

May 2007



This month's issue features...

- * Protecting Your Children from Their Nightmares...and Yours
- * Show Your Mother You Care
- * Jury Claims it's All Part of the Game
- * Kudos and Birthdays
- * From All of Us

Protecting Your Children from Their Nightmares...and Yours

You tuck your children into bed and kiss them goodnight. In the doorway, you watch them peacefully drift off to sleep. They are so innocent, so naïve. After your long day, you fall into bed and dream of the day when your children will be grown. You dream you are walking your daughter down the aisle at her wedding, beaming with pride. Your dream starts out normally until you notice that your soon-to-be son-in-law is actually a chimpanzee.

While our dreams may be a stage for many bizarre fears, this one is fairly logical. No, it's not likely that your daughter will marry a chimpanzee, however, we have reason to be mindful of our children getting into bad marriages destined to end in divorce. In the United States, the rate of divorce has increased dramatically from one or two generations ago. The rate of divorce is more than double the rate in 1940 and is up 86% from 1960. Nearly half of all marriages in the United States end in divorce.

Is it possible that your children or their descendants could be party to a divorce? Definitely. So, how can you possibly protect your children in the event of their divorce? First, upon your death, you can leave assets to your children in a "divorce protection" trust. Such a trust allows your child to keep his or her inheritance from being considered marital property or community property. However, your child can still be in charge of the money. He or she can be the trustee and can make decisions on the management and investment of the money. Even if your child is not the trustee, he or she may have the power to pull money out of the trust.

In addition to protecting your child in the event of divorce, you can also protect them from the unlikely event of your marriage ending. If you remarry (especially if your spouse is not the parent of your children) you can ensure that your children are provided for after your death. Rather than leaving all of your assets outright to your spouse at the time of your death, you can leave those assets in a trust. You can leave up to \$2 million (in 2007) free of Federal Estate Tax, in a "Family Trust" for the benefit of the spouse and/or children. This trust can pay income or principal for the needs of the spouse and/or children. Anything over that amount can be left in a "Marital Trust," paying all income to the spouse. The Marital Trust could be dipped into for the needs of the spouse, or you could provide the spouse with income only. Either way, whatever is left over would be there for the kids and would not go to some new spouse your surviving spouse may meet in the future.

You may not have control over your daughter marrying a chimpanzee, or even someone who acts like one. However, you can protect her inheritance so that she will be able to recover financially after a breakup. A qualified estate planning attorney can help you protect your children from divorces.

Attorney Michelle T.L. Hernandez has extensive legal experience in the area of estate planning and is an active member of the American Academy of Estate Planning Attorneys. To schedule your free consultation today, simply call (800)431-9776.

Mother's Day: Show Her How Much You Care!

This Mother's Day, why not let your mom know how much she means to you? She helped mold your future, and now is your chance to do the same for her! Let her know about the importance of planning for her future with our Estate Planning Survival Kit. Or why not come in for a free initial consultation with our estate planning attorney Michelle T.L. Hernandez? For more information regarding either of these exciting options, please call us today at 1-800-431-9776 or visit us on the web at www.kh-law.net! We look forward to hearing from you!

Happy Anniversary!!!



Congratulations to Paralegal Renee Nehring who has been a part of the team for nine years!!! We couldn't do it without her!



Jury Claims Injury to Youth Football Player is Part of the Game

Recently, a New York jury was asked to find a Pop Warner Football League responsible for injuries incurred by an 11 year old player during practice. An experienced player in his second season, the boy asked for the opportunity to play quarterback. During a scrimmage, the coach gave him that opportunity for the first time. The team practiced the play three times, however on the third play, the young quarterback was tackled by three fellow teammates and, as a result, fractured his right leg.

The player's mother filed suit, claiming that because it was his first time in that position, he should have been wearing extra protective gear to ensure that his safety was maintained. She sued the coach for not outfitting him with proper protection and the league for not properly training the coaches.

The jury did not see eye to eye with the mother. They found that the coaches did nothing wrong and that the player entered into the game knowing that football was a contact sport. In knowing this, it is understood that injuries are inherent to the game. The case was dismissed.

Although this particular case did not favor the injured party, in Wisconsin, there *are* circumstances that could lead to liability. If you have questions about protecting yourself from liability in these types of claims, or if your child has been injured as a result of what you believe was the negligence of another, please contact Attorney Mark Krueger at 1-866-455-2993 for a free consultation.

KH May Birthdays

Kara E. Sanger
5/8

Michelle T.L. Hernandez
5/28

Happy Birthday Ladies!

Wishing you and yours
a Happy Mother's Day
from all of us at
Krueger & Hernandez
SC!

Mark L. Krueger,
Michelle T.L. Hernandez,
Gregory J. Fumelle,
Renee Nehring, Eileen
Shanks, Dera L. Johnsen,
Stacie Ray, Shelley Craker,
Fawn Lawton, Kara Sanger



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