

KH LAW NEWS



Bringing You Our Best

September 2010



This Back to School

Edition Includes:

Back-to-Divorce: Children and School Issues

KH Kudos

Check Out Our Services

Go Green!

Estate Planning in the Electronic Age

Happy Labor Day!

Free Estate Planning Seminar!

Four Convenient Locations

Back-to-Divorce: Children and School Issues

The beginning of a new school year often brings with it challenges for divorced parents who share placement and custody of their children. These issues may include 1) What school will the child attend? 2) What parent is responsible for buying back-to-school clothes? and 3) What parent will receive the child's report cards? All of these issues and more are easily solved with a well drafted divorce judgment that fully addresses these back-to-school issues.

In order to ensure a smooth transition for you and your child, it is important that your agreement or divorce judgment has a strong clause that specifies where the child will attend school. One important aspect to consider is language that states the child has two different domiciles, one at the mother's residence and the other at the father's residence. This will allow the child to attend school in the district of either the mother or father, whether they are the custodial or noncustodial parent. This can be useful if one parent lives in a better school district, or so that the child can continue attending their current school if the custodial parent moves out of the district.

We have found through experience and research that it is very important that children have a say in the school district that they attend. As children get older, it becomes more difficult to change their schools, friends, and lifestyles; therefore a decision must be made that works well for the child, as well as for you. When determining the future school for your child, both parents should sit down with the child and discuss the issue. Finding a solution that the child is comfortable with, and convenient and realistic for the parents, is a must. Remember to consider the following while choosing a school: Can the child get to and from the school by bus or will they need to be driven? What kind of academic resources does the school provide? Finally, what kind of before and/or after school programs are accessible to the child?

Buying back-to-school clothes and paying school registration fees often causes problems. Some divorce judgments may specify which parent must buy the clothes, and whether or not child support payments should be used for clothing and school expenses. However, it is important to remember to pay your fair share, and try to leave the kids out of the discussion. Do not put your child between you and your ex-spouse. A rule of thumb is that primary placement parent should pay for back-to-school clothes and supplies, unless agreed upon otherwise. Once the clothes are purchased, it is important to remember that the kids are the owners of the clothes. Therefore, they should be able to freely bring clothes and supplies back and forth between their homes.

Finally, a much too common feud between parents is the distribution of report cards and knowledge of the child's academic progress. It is important to include that you are able to receive your child's report cards, and any other information provided by the school within your divorce judgment. This will save many headaches down the road when trying to find out how your child is progressing in school.

When back-to-school issues arise with your ex-spouse, keep in mind the first day jitters of starting a new school year and combine that with the challenges upon your child of the divorce itself. Attorney Mark L. Krueger has 25 years of family law experience and will make sure that your divorce judgment fully addresses all school related issues. If you are going through a divorce, or are having problems with your ex-spouse regarding school related issues or any other issues, please contact Attorney Mark L. Krueger, at (866)455-2993 for a consultation.



KH Kudos **Congratulations!**

Tricia & Matt Klitzke were united in marriage on August 14th!

Looking for ways to go **Green**?

Why not sign up for our paperless newsletter!

Reduce paper usage and save some trees!

Just email us at breceptionist@kh-law.net and we'll add you to the list!



For all your legal needs:

Divorce	Injuries from Accidents	Estate Planning
Real Estate	Vaccine Injury Litigation	Family Matters
Adoption	Workers Compensation	Products Liability
Criminal/Traffic	Professional Malpractice	Mediation
Guardianship	Employment/Discrimination	Business Needs
Personal Contract	Probate/Trust Administration	Funeral Trusts

Disclaimer

The information provided in this newsletter is not intended to serve as specific legal advice. Viewing this information does not constitute an attorney-client relationship. All testimonials are released by express consent of our clients.

Estate Planning in the Electronic Age



In today's electronic age, it seems that things are changing faster and faster. Every time we turn around, there's a new technology and more and more information to keep in mind and safeguard.

Now, increasingly people have "electronic assets," such as website domain names and accounts with Gmail, Facebook, Yahoo! Mail, YouTube, Amazon, Kodak Gallery, GoDaddy, LinkedIn, and Twitter, and many other websites that require an account and may store personal or financial data, such as credit card numbers. How do you handle the disposition of these electronic assets upon your death or disability? Of course, domain names are the owner's private property like any other asset. Typically, the contents of electronic accounts like email with Yahoo! or Google's "Gmail" are considered to be private property.

Why is this important? If you die or become incapacitated, you may want someone to delete credit card information and old email with personal data. You may want to have someone go into your email account in order to notify your friends and contacts. You may want your treasured photos, saved in online photo albums, preserved for your family members and loved ones, instead of deleted for inactivity.

There are several options on handling these electronic assets. **First**, you could dispose of them through your Will or Trust. However, passwords and internet presences tend to change frequently. Also, it may take some time to determine what you have and how it is to be handled. Furthermore, even though you have the legal right to transfer your Gmail account, for example, it is logistically rather difficult.

Second, you could keep a USB flash drive or other device with all of this information, together with account handling instructions. You could tell a trusted family member or responsible friend the location of the device and instructions. If this device has information which should be protected, you should keep it in a secure location. For example, you could tell the person you select that it is in your bottom desk drawer and give them the key. This would not be an ideal solution unless the person you select will have access to your residence.

Third, you could get an account with "LegacyLocker.com" or some similar company. With LegacyLocker, you can maintain information regarding your electronic assets, including account numbers and passwords. Upon your death or disability, they will release the information to the person(s) you designate. In order to keep your assets secure, they will independently verify your death or disability with people whom you had pre-selected. Once your designee has the password and account information, they can take control of the email or other assets in the account.

Fourth, you could do nothing. With that option, most email providers will simply delete all the email after a specified period of inactivity. Domain names expire after the period of registration. However, if these assets have substantial economic or emotional value, clearly this would not be the option to choose.

Other electronic assets, such as accounts with PayPal, eBay, iTunes, and ING DIRECT have real financial value. It is important that information concerning these accounts should not be left to anyone that is not legally obligated to do with them as you have directed, like the Trustee of your Trust. This also holds true for electronic access and passwords for financial assets held in traditional bank and financial accounts.

It seems things are changing now, more than ever. However, the law has not kept up with technological advances and there are many gray areas. Therefore, it is increasingly important to have an up-to-date, coordinated estate plan to handle all of your assets, including your electronic assets. Many things can change: Your plans, your assets, your family circumstances, the legal and tax environment, and, of course, your usernames and passwords.



An experienced estate planning attorney who focuses his or her practice in the area can help you develop a coordinated estate plan that includes your electronic assets.

This article by the American Academy of Estate Planning Attorneys (AAEPA) was brought to you by Krueger & Hernandez SC. Attorneys Michelle T.L. Hernandez and Dera L. Johnsen-Tracy are active members of the AAEPA and have extensive legal experience in the area of estate planning. To schedule your free consultation today, simply call (800) 431-9776.

HAPPY LABOR DAY!

FROM ALL OF US AT

KRUEGER & HERNANDEZ SC

Mark L. Krueger Michelle T.L. Hernandez

Dera L. Johnsen-Tracy Matthew S. Kaiser

Tricia Klitzke Christan Mellum

Stacie Ray Kayleigh Robinson

Shelley Craker Eileen Shanks

Renee Nehring



Free Estate Planning Seminars in Madison!

Will, POA, Living Trust; what do you need? Find out the answer to this question and more, at this month's **free** seminar! Held in the Madison area this month on the 21st at the Sheraton, and on the 22nd and 23rd in Middleton.

To register today, call (608) 824-9540 or log on to

www.KH-LAW.net

BARABOO

2nd Street Professional Offices
123 Second Street
P.O. Box 41
Baraboo, WI 53913
Phone (608) 356-3961
Fax (608) 356-2008

MADISON

One Financial Place
8215 Greenway Blvd., Ste 590
Middleton, WI 53562
Phone (608) 824-9540
Fax (608) 824-9140

MILWAUKEE

930 Elm Grove Road
Elm Grove, WI 53122
Phone (262) 782-2229

JANESVILLE

51 South River Street
Janesville, WI 53545
Phone (608) 758-5454