

Legal NEWSLETTER

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#askingfortrouble

IMPORTANT LEGAL DOCUMENTS FOR YOUNG ADULTS



ARE YOU ADEQUATELY COVERED TO HEAD OUT ON THE ROAD?

By Attorney Brent W. Jacobson

We hope that you never end up in an automobile accident. However, automobile accidents happen every day, and should you become involved in one, you want to make sure that you have adequate insurance coverage.

The type of automobile insurance coverage that most drivers are familiar with is liability coverage. Liability coverage means the amount available to cover your

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IMPORTANT LEGAL DOCUMENTS FOR YOUNG ADULTS

By Attorney Keith J. Pilger

It can be an exciting time for parents of high school seniors. Many are selecting colleges, technical schools, planning for careers after high school, or perhaps a trip abroad. With all the changes that come with being the parent of a child who is turning 18 and in their last year of high school, in most cases parents are not thinking about the legal change that takes place when a child turns 18.

When a child turns 18, he or she is an adult in the eyes of the law. As a result, parents can no longer make legal decisions for their son or daughter, or even receive information about them that is considered private unless they have their son or daughter's permission. This can have unexpected consequences and create problems, particularly when the son or daughter is many miles away. The good news is that many of these potential problems can be easily avoided with a little bit of planning. The following are a few of the legal documents a parent of child who has turned 18 should consider putting in place:

1. Healthcare Power of Attorney

Many people only think about having someone execute a healthcare power of attorney if they are elderly or have a medical condition. In reality, everyone over the age of 18 should have a healthcare power of attorney in place. A healthcare power of attorney allows someone to appoint another person to make healthcare decisions for them in the event they are incapacitated. In the event a young adult is miles from home and is in an accident or has a medical condition that renders them incapacitated, even if it is temporary,



a properly executed healthcare power of attorney will allow his or her parents to make medical decisions on their behalf. If a healthcare power of attorney is not in place, there is no clear decision-making authority and a legal guardianship may be required in some cases.

2. HIPAA Release

The Health Insurance Portability and Accountability Act ("HIPAA") is a federal law that protects the privacy of an individual's medical information. While the HIPAA law provides each of us with important privacy protections, it can also have unintended consequences. For example, parents of a young adult have no legal right to receive any information regarding their adult son or daughter's healthcare or condition without the son or daughter's consent. In situations where the son or daughter is incapacitated or otherwise not able to give consent, it can be a frustrating situation for parents who are trying to get information on their son or daughter's condition.

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SOCIAL MEDIA AND FAMILY LAW

#askingfortrouble

By Attorney Donna L. Ginzl

Social media sites such as Facebook, Twitter, Instagram, and Snapchat provide an abundance of opportunities to undermine your family law case.

Through your social media posts, one can track your daily activities, uncover the negative views you have of your significant other, and discover issues or characteristics that may reflect negatively on your parenting—all of which can be used as ammunition against you in a family law proceeding. Such social media posts may impact your family law proceeding with respect to financial issues, such as property division, child support, and spousal support.

The following is a list of recommendations we encourage everyone to follow whether or not they are in the midst of, or think they may be heading toward, legal proceedings in a family law matter.

1. Do not post about every weekend outing, vacation, luxurious meal, concert, etc., that you take, eat, or attend without your partner.
2. Do not update your relationship status to publicize a new relationship while you are still going through legal proceedings in family court.
3. Do not post pictures of yourself with a new significant other.
4. Do not disparage your partner on social media.
5. Do not post statements or pictures about consuming too much alcohol or using illegal substances.
6. Do not brag about excessive spending or luxury purchases.
7. If you are not already social media “friends” with



your children, do not “friend” them now.

8. Make sure your privacy settings are set as you want them.
9. Do not complain online about the judge, the family law court process, or anyone involved in the judicial system.
10. Do not write and post statements made while you are angry, hurt, or after you have consumed too much alcohol.

It can be tempting to vent to friends and family, or on a social media support group site. You may think that your privacy settings prohibit your information from being discovered by your significant other or their attorney, but you can never be certain that your trusted social media “friends” will not share information they obtained from your social media posts with the adverse party in your case.

Lawyers Where You Live!

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liability to another party should you be responsible for his or her injuries arising from the accident. While \$25,000 is the minimum coverage you must legally carry in Wisconsin, that amount is likely insufficient to protect you in the event the other driver and passengers sustain injuries. Larger liability coverage amounts are available through most insurers.

Beyond basic liability coverage, you should also consider acquiring umbrella coverage, which is relatively inexpensive coverage that applies in the event a claim exceeds your basic liability limits. Umbrella coverage is usually for \$1 million or more and usually requires underlying limits of a minimum amount.

If another driver is at-fault for injuring you in a vehicle accident, that driver might not have auto insurance (even though the law requires it) or might have insufficient insurance coverage. This is where two other relatively inexpensive coverages may help—underinsured motorist (UIM) and uninsured motorist (UM) coverage.

Hopefully, you also carry good medical insurance. If you are injured in an auto accident, medical expenses can be substantial. What most people do not know is that their automobile policy includes medical coverage for injuries arising from an automobile accident. However in most cases, that coverage is minimal. You may, and we recommend you consider, acquiring much higher coverage.

Protect yourself and buy sufficient liability, medical, umbrella, underinsured, and uninsured insurance coverage. In the unfortunate event you are injured in an automobile accident, you will know that you have sufficient coverage available to compensate you for your injuries and damages.

Finally, while you might have sufficient coverage, wrestling with an insurance company to pay your claim is not a simple task. Our attorneys who handle car accident cases all the time know what works and can help you get the top dollar from your insurance company.

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This situation can be avoided by having the adult son or daughter sign a HIPAA Release consenting to the release of his or her medical information to the individuals named in the release (e.g., his or her parents).

3. Financial Power of Attorney

A financial power of attorney allows someone to appoint another person to obtain information and make financial decisions on their behalf. A financial power of attorney can be limited or broad in scope and can be effective immediately or only in the event of legal incapacity depending on your son or daughter's preference. Financial powers of attorney can be important if a parent is assisting with financial aid matters, or if a young adult is traveling abroad and wants to allow his or her parents to handle their bank accounts and other financial transactions while they are gone.

4. Education Release.

The Family Educational Rights and Privacy Act ("FERPA") is a federal law that protects the privacy of a student's education records and requires that any student over the age of 18 provide written consent before his or her education records (such as grades, transcripts, etc.) can be released, even to parents who are paying the tuition bill. Many educational institutions are proactive and inform parents and students about this requirement. However, some are not, and parents should inquire with their child's secondary educational institution regarding the requirements for the release of their son or daughter's educational records.

If you have a young adult in your family and have questions or need assistance with regard to obtaining the above referenced documents, then you should contact one of the estate planning attorneys at Anderson O'Brien who can help you navigate this process.

