



# Family Additions



FAMILY ADDITIONS

*Life Stages*



FOR MORE INFORMATION,  
CONTACT YOUR  
INDEPENDENT ASSOCIATE:

# TABLE OF CONTENTS

Family Additions. . . . . 1

Uncontested Adoption. . . . . 2

Child Custody and Child Support . . . . . 5

Guardianship . . . . . 7

Power of Attorney. . . . . 9

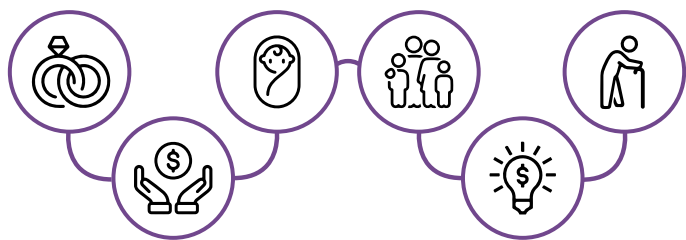
Last Will and Testament . . . . .12

# FAMILY ADDITIONS

## Take life one step at a time

There are key events in life when having a law firm in your corner isn't just a good idea - it's a necessity. Throughout these specific life stages, we all encounter situations that require an attorney that is knowledgeable in different areas of law. From getting married to end-of-life preparations, you can rest easier knowing your legal rights are protected no matter what stage of life you're in.

By providing affordable access to an attorney, LegalShield has you covered for all of life's biggest occasions.



Top Legal Needs Associated with Family Additions		
Will Preparation	Power of Attorney Preparation	Uncontested Adoption Representation
Average Cost: \$2,000	Average Cost: \$280	Average Cost: \$1,800
Total Cost: \$4,080   Annual LegalShield Membership: \$300   Savings: \$3,780		

Amounts based on LegalShield Provider Law Firm average rates. Exact costs are determined by law firms. Savings are based on LegalShield annual membership fee of \$300 per year.

LegalShield provides access to legal services offered by a network of provider law firms to LegalShield members through membership-based participation. Neither LegalShield nor its officers, employees or sales associates directly or indirectly provide legal services, representation or advice. See a plan contract at [www.legalshield.com](http://www.legalshield.com) for specific state of residence for complete terms, coverage, amounts and conditions. This is not intended to be legal advice. Please contact an attorney for legal advice or assistance.

# UNCONTESTED ADOPTION

## Adoption is more common than you may think.

Are you considering a big, exciting change for your family – adopting a child? If so, you might not know where to begin. It may be reassuring to learn that you aren't alone, because adoption is common in the United States.

### Adoption Statistics<sup>1</sup>

- 135,000 children are adopted in the U.S. every year.
- 6 in 10 Americans have had personal experience with adoption.
- Around 7 million Americans are adopted.

<sup>1</sup> <https://adoptionnetwork.com/adoption-statistics>

If you are seeking an uncontested adoption, you may be wondering how to get started. These educational tips on uncontested adoption will help you understand how to introduce a precious addition to your family.



## What is uncontested adoption?

An uncontested adoption is typically easier and shorter than a contested adoption. If the child's birth-parents are willing to cooperate, they will sign a consent that terminates their legal parental rights to the child. State laws vary and will put forth the requirements to complete the process of adopting your newest family addition.

## Are you adopting a baby?

It is important to be patient and thorough. All adoptions take time. The more careful and detailed you are, the smoother the process will be and the sooner your child will be in your arms!

### Steps to take:

- **GET LEGAL HELP.** You will save yourself a lot of trouble if you find an adoption professional to guide you through the adoption. You will also want legal assistance with the paperwork, phone calls and potential problems that might arise.
- **COMPLETE YOUR BACKGROUND CHECKS.** This will probably include an Adoption Planning Questionnaire, an adoption profile of your family and a home study from a social worker.
- **ENTER THE WAITING PERIOD.** Now that you are on the waiting list for a child, you must go about your daily life as normally as possible. Sometimes this waiting period lasts for a year or more, so try to be patient.
- **REACH OUT TO THE BIRTH PARENT(S).** You've found an opportunity! It's likely that the child's birth parent(s) are going through the same emotional and physical struggles as you. Communicating with them will help you all stay calm and assured while you wait for the baby to arrive. You can contact each other via phone calls, text, email, face-to-face meetings – whatever makes you all the most comfortable.
- **WELCOME THE BABY!** The hospital stay can be emotionally draining for everyone. During the labor and delivery, everyone must try to stay calm and cooperate with the birth plan that you have all agreed upon together.
- **LEGALLY FINALIZE THE ADOPTION.**
  - A home study provider may visit your home to verify that your family and the baby are settling in well together.
  - If you are adopting out-of-state, you will have to stay in the birth state while the Interstate Compact on the Placement of Children process is completed. This can take up to 10 business days.
  - You will have a finalization hearing in court, where a judge reviews the adoption and finalizes it. You can invite friends and family to this hearing; it's a joyous occasion!
- **STAY IN TOUCH WITH THE BIRTHPARENT(S).** This will depend on the birthparents' wishes. They may not have wanted contact with the child. However, if everyone agreed to maintain contact, you can send photos and updates to the birthparent(s) until the child is 18.

## Are you adopting a stepchild?

Lots of stepparents end up adopting their stepchild. This provides more legal support and security – legal and personal – for both stepparent and stepchild. There are a few steps to take into account as you go through this process.

### Steps to take:

- **TALK ABOUT IT.** Seriously discuss adoption with your spouse and stepchild. Go over the implications of adoption with everyone, even the less pleasant possibilities, so you are all informed.
- **GET LEGAL HELP.** It is important to have an experienced attorney on your side as you work on adopting a child. Find a dedicated lawyer who will work with you and your family to make this journey simpler.
- **UNDERSTAND RIGHTS AND RESPONSIBILITIES.** Your spouse has already approved, but what about the child's other birthparent? It's essential for you to be prepared. Their consent may be required to terminate their parental rights. There are circumstances that an adoption may proceed without consent. Adoptive parents will have the same rights and responsibilities as biological parents.
- **LEGALLY PETITION TO ADOPT.** The court needs to know your intentions, so a petition is filed. A social worker will normally conduct the home study, with additional information such as a criminal background check required.
- **ATTEND THE COURT HEARING.** The judge will need to hear you state your desire to adopt. They may ask the stepchild for their opinion as well, depending on their age. Court approval will be required to complete the adoption.

### Seek legal advice.

You should seek advice and assistance from an adoption attorney to navigate the adoption process and begin a new life with your child.



# CHILD CUSTODY AND CHILD SUPPORT

## How child custody works

Custody rules vary from state-to-state, but typically both parents have the right to receive all materials concerning the treatment and well-being of the child. Each parent is allowed access to the child's school activities, progress and conferences, religious events or medical treatment, and other activities. Each parent also has the right to communicate with their child by mail or phone.

In any state, however, the child's best interest should be considered first, along with the child's wishes and preference. The primary concern is that the child's life and education is disrupted as little as possible. Courts will make decisions about custody and parent visitation rights based on several factors including the aforementioned.

## Who provides child support?

Child support laws vary by state. A court will decide the child support obligations of the parties. Child support is normally paid until the child is 18, or even 19 if the child is still in high school. Parents are often required to provide documents that show their income, tax returns, Social Security payments, and many other details. Primary support payments are decided based on both parents' income. The child's health insurance costs and other expenses are also considered. If one parent spends more time with the child – hence, more money – child support payments should reflect that. If a parent purposely avoids paying child support, courts may order them to continue paying. It can get confusing, but it's important to work toward a common goal to benefit the child.

However, changes in your life could be cause for modifications in existing child support agreements. In these situations it is important to speak to an attorney.

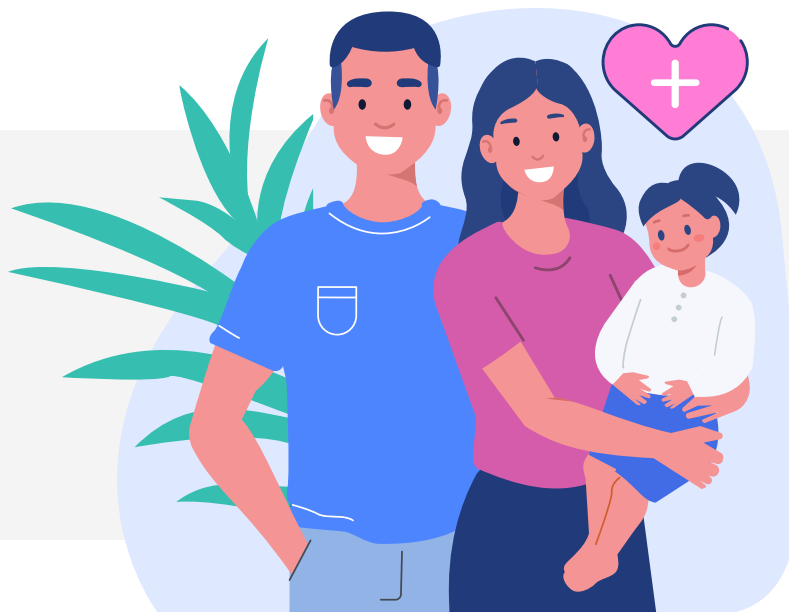


## What can lead to changes in child custody?

There are other reasons which may require changes in child custody beyond remarriage. Once again, the courts need to be involved and the laws can vary state-to-state. Normally, a party must show that there has been a substantial change in circumstances, and that a modification of child custody or placement is still in the child's best interest.

### Some instances that might lead to a change include:

1. Parental health
2. Parental capacity to care for the child's basic needs
3. Parental willingness to provide contact with the child's other parent
4. Parental commitment to giving the child a meaningful childhood and responsible adulthood
5. Stability of the child's home
6. The child's own preference
7. Potential separation of the child from other siblings
8. Agreement of the parties





# GUARDIANSHIP

## What is guardianship?

Guardianship is often thought to be the same as custody, but there are key differences between the two.

While a custody decision determines parental rights and visitation, guardianship deals with situations where both parents are unable to care for a child anymore, either through death, severe disability or inability to provide a stable and healthy environment for the child.

### Types of guardianship

- **TEMPORARY GUARDIANSHIP:** When a child or incapacitated adult needs care for a specified period.
- **EMERGENCY GUARDIANSHIP:** When a child or adult is in immediate danger.
- **GUARDIANSHIP OF A CHILD:** Until that child reaches the age of eighteen.
- **ADULT GUARDIANSHIP:** For adults unable to provide for their own care and needs.
- **GUARDIANSHIP OF A PERSON:** Taking care of their medical and basic daily needs.
- **GUARDIANSHIP OF THE ESTATE:** Managing the financial affairs of a child or adult who is unable to manage their own affairs.
- **GUARDIAN AD LITEM:** An attorney appointed by a court to represent an incapacitated individual or minor child.



## When deciding who to appoint as guardian for your child, you should ask yourself the following questions:

- Are they an adult?
- Do they know your child?
- Do they share your personal values for raising children?
- Are they financially stable?
- Are they physically and emotionally healthy?
- Will the person be actively raising your child?
- Does their current family structure meet your child's needs?
- Do they live in a suitable location?



## Don't do it alone.

One of the best things you can do for your child is to get professional assistance and advice during this busy chapter of your life.

# POWER OF ATTORNEY

## What is it?

You may have heard about Power of Attorney (POA), but you might not know what it means. Is it a specific person, a title, a superpower? We'll break it down for you. (Yes, there are multiple kinds of powers of attorney.)



A power of attorney is a legal document that can help protect your family. By creating and signing this document, you give someone else the legal authority to act on your behalf. This is often necessary when you are medically incapacitated, need help managing your financial affairs, or find yourself in other situations where legal assistance is convenient. When you give POA to someone, you become the “principal” and the person you give it to is called the “agent” or the “attorney-in-fact”.

## Types of POA:

- **NON-DURABLE POA:** This POA is only used for a specific transaction during a set period of time that you determine beforehand. If you become incapacitated or the transaction is finished, the POA ends.
- **DURABLE POA:** When you give this POA, you grant the agent authority to manage all your affairs if you cannot. This kind of POA ceases when you die.
- **MEDICAL POA:** Also called healthcare POA, this gives the agent authority to make healthcare decisions for you if you are unable to do so.
- **SPECIAL OR LIMITED POA:** This is a one-time POA for banking or other financial transactions such as sale of property.
- **SPRINGING POA:** This is the most flexible POA. You set this POA to become effective in the future after the occurrence of an event that you designate in the paperwork. A good way to remember this one is to know that it “springs” into action at the time you establish.
- **IRS POA:** This POA assists in tax filing with the Internal Revenue Service.
- **PARENTAL POA:** This POA helps parents deal with their minor child’s everyday care, health and education.
- **REVOCATION OF POA:** Call in this POA when you need to terminate a current POA document.

## How do I create a power of attorney?

First, consult a lawyer to find out which type of POA is appropriate for your circumstances. Select an agent whom you know well and who you can trust to act according to your wishes. Your lawyer will help you draw up the proper documents. The POA may need to be notarized or recorded, depending on which type of POA you have selected. Talk to your family, friends and other people whom you want to know about this POA process. Hand out copies of the documents so multiple people can be informed about what needs to happen. This keeps everybody accountable, including you and the agent.

You can select more than one POA agent. Just be aware that this could cause problems if the agents disagree about what should happen with your finances, healthcare, etc. If you don't have a properly executed durable power of attorney and become incapacitated, it could require your family to seek a guardianship in court. Even with a POA in place, you are allowed to act independently. If everything goes smoothly, the POA can act without court supervision. But sometimes, things begin to go south, and you may need to end the POA and start fresh. You are legally allowed to do this; you may need a Revocation of POA to complete that cancellation.

### Does my POA agent need to follow any rules?

- Most importantly, your agent needs to abide by the terms in your Power of Attorney documents.
- Your agent must abide by your wishes as long as you are not incapacitated and are able to make your own choices.
- Once you are incapacitated, your agent must attempt to do what you would have wished and act in your best interest.

That's why it is so important to select an agent whom you know well and deeply trust. A good agent will take the best care of you because they are aware of your wishes and determine to abide by them, regardless of whether they agree with those wishes.

### What kind of POA do I need?

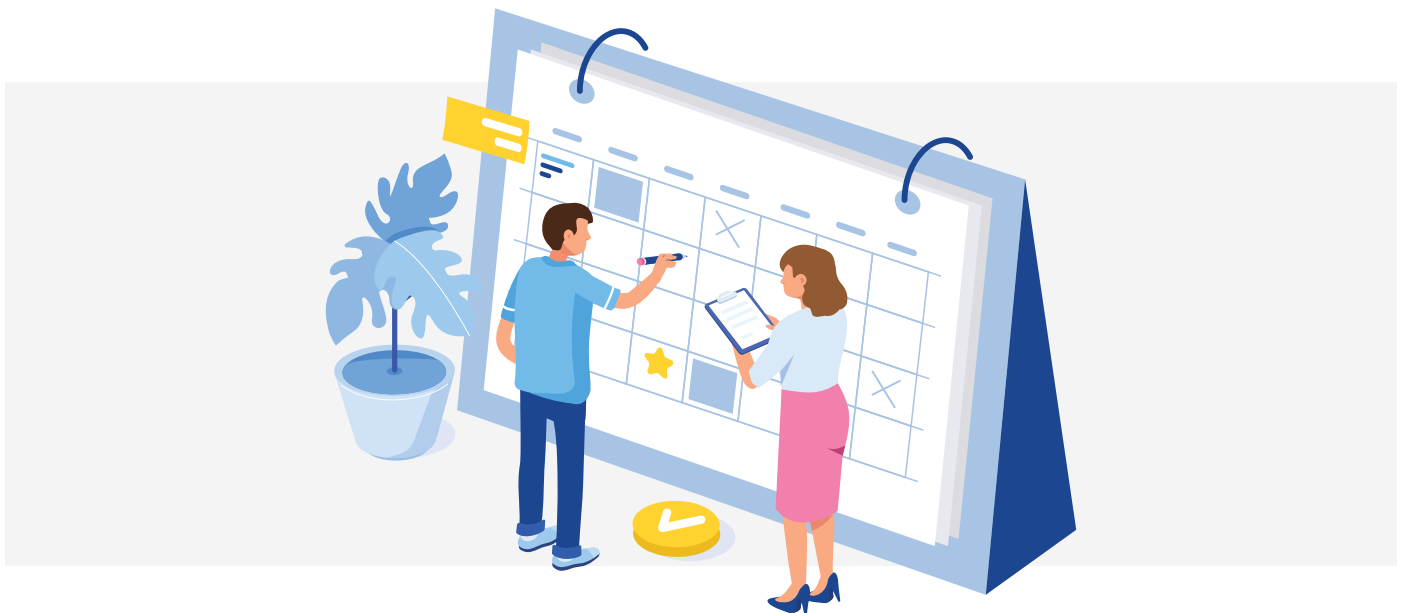
Don't worry about making these big decisions on your own. With a LegalShield Membership, our provider attorneys can work with you to help you choose the right POA for your situation. They can review existing documents, prepare new documents, provide consultation on a variety of personal legal matters and answer your questions.

# LAST WILL AND TESTAMENT

## Protecting your family and preparing for the future.

Welcoming a new child to your family is one of life's most joyous and exciting events. But it can also be stressful. Regardless of whether he or she is your biological child or adopted, you are bringing a new human being into your life who requires love, care and planning.

Many don't want to think about end-of-life needs because death can be an unpleasant topic. As a result, it's common for adults to avoid preparing for their passing. Not having a Will can impose an additional burden on your family, and result in your wishes being unfulfilled. It is very important to create or update your Will when introducing a new child into your family.



## Creating your Last Will and Testament.

You might not have given it much thought before, but caring for children means you should begin considering how to care for your new family once you are gone. Creating a Will is a way to stay in control over who inherits your property, who will administer your estate, and who will serve as guardian of your children. There may be additional estate planning beyond a Will that should be considered.

You should seek advice and assistance on this important matter from a qualified attorney.

## You may need to speak with an attorney if you:

1. Have a large estate or larger than the exemption allows for estate or inheritance tax
2. Are married
3. Have children
4. Have a blended family
5. Believe some of your relatives might try to contest your Will
6. Think someone might argue that you were not of sound mind when you signed your Will
7. Own part of a small business

A Will has to meet the requirements of state law. The language should be specific, unequivocal and accurate. Oftentimes, when Wills are created without the assistance of an estate planning attorney, there are issues later that could have been avoided. You should also speak with an estate planning attorney to determine if additional planning may be needed.

## What exactly is a Last Will and Testament?

A Last Will and Testament is the legal document by which you designate who is to receive your estate upon your death. Within the provisions of your Last Will and Testament, you nominate an executor or personal representative – either an individual or an institution – as responsible for the administration of your estate and the disposition of your property.

Clear and reasonable instructions are important for preventing possible legal challenges that could delay probate. After death, if probate of the Will is necessary, it is normally submitted to the probate court of the county in which the person who created the Will resided. Depending on the complexity of the estate and whether there are legal challenges to the Will, the probate process may be reasonably shortened or protracted.



## The basic elements of a Last Will and Testament:

**TESTATOR/TESTATRIX:** The testator/testatrix is the individual who has made a Will.

**EXECUTOR/EXECUTRIX:** The executor/personal representative petitions the court to open the probate of the estate. After the executor identifies, values and inventories all estate assets, creditors will normally have a specified time period during which they may make claims against the estate. The executor reviews the claims and makes the decision whether to approve or deny a claim. Once all assets have been accounted for – creditor claims, tax issues, and any other estate issues have been addressed – the executor/personal representative seeks a final order allowing the transfer of the remaining estate assets to the proper heirs, devisees and legatees.

**DEVISEES & LEGATEES:** The individuals and organizations named in the Last Will and Testament that receive assets upon the testator's death.

**BEQUEST SECTION:** The bequest section specifies who is to receive specific personal property under the Will. A specific bequest is a gift, item or asset that will be given to a named person or entity. An example of a specific bequest is providing your diamond ring for your daughter as a gift or distributing a specific amount of money for each of your grandchildren.

## What are the requirements for a Will to be valid and legally binding?

Each state has its own list of requirements to ensure that your Will is legally binding. If these requirements aren't observed, then the document will not be valid and legally binding. You should seek advice and assistance from a qualified estate planning attorney to confirm that your Will is properly prepared and executed.



## What is the difference between a Living Will and a Last Will and Testament?

These two documents serve very different purposes:

1. **A LIVING WILL** states your wishes regarding life sustaining treatment, artificially administered food and water, and other end of life decisions. The document identifies the type of care you receive in the event you are unable to communicate your wishes.

2. **A LAST WILL AND TESTAMENT** is a legal document that provides instruction on what should happen to your estate assets in the event of your death. The document names who will serve as guardian(s) for your minor children and who will carry out the Will's provisions through the probate process in the event of your death.

## What is the probate process?

The probate process is the court-supervised process of authenticating a Last Will and Testament. If there isn't a Will, then state law will designate how your estate will be distributed. During probate, the appointed executor/personal representative oversees the final distribution of the estate while addressing creditor claims.

## How often should you update your Will?

Updating your Will can ensure that your estate isn't subjected to needless challenges and delays.

It is usually recommended that you update your Will after going through big changes in life, such as moving out of state, getting divorced, getting married, having or adopting a child, losing a loved one who is a named beneficiary, or changing your mind about beneficiaries and assets.

Updates should also be made whenever there is a relevant change in the law, your finances or personal circumstances. For example, if you've made a promising investment or have reason to expect a significant success in your business, you may wish to consider an appropriate strategy.

## Circumstances when you may need to consider updating your Will:

1. Becoming a parent
2. Becoming a grandparent
3. Getting married
4. Changes in the law
5. Impending good fortune
6. Financial setbacks
7. Change in committed relationships
8. Losing a spouse
9. Bad health



## How to make changes to your Will

You should seek advice and assistance from a qualified estate planning attorney to make sure the updates to your estate planning are done properly.

## When may a Will be contested?

A Will can be contested for any number of reasons. Examples include lack of a proper witness, lack of sound mind when you signed it, a beneficiary feels slighted, an heir who has been omitted, or if there is any kind of legal fault with the document itself. The best defense is a clearly drafted, validly executed Will in unequivocal language created with the help of a qualified estate planning attorney.

Make sure you're legally covered during all of life's major events.

*LegalShield provides access to legal services offered by a network of provider law firms to LegalShield members through membership-based participation. Neither LegalShield nor its officers, employees or sales associates directly or indirectly provide legal services, representation or advice. See a plan contract at [www.legalshield.com](http://www.legalshield.com) for specific state of residence for complete terms, coverage, amounts and conditions. This is not intended to be legal advice. Please contact an attorney for legal advice or assistance.*