



"We Make Business and Estate Planning Simple."

ICS LAW BRIEF

INSIDE THIS ISSUE:

- 1,2 *Legal Documents Most Parents Never Consider*
- 2 *I-9 Form Update*
- 3 *2007 Charitable Giving Strategy for Seniors*
- 4 *Guest Corner: Dave Gallagher*

Note: The information contained in this newsletter is for general technical guidance and is not intended for specific application. This newsletter is not intended to be legal advice and should not be used as a substitute for legal consultation. If legal advice is needed, independent legal counsel should be sought.

Legal Documents Most Parents Never Consider

By Gweyn Colaberdino

Parents of minor children never think twice about the fact that they have the legal right to make decisions on their child's behalf. This becomes second nature to parents in the course of raising their children and looking after their welfare. It is not surprising then that many parents forget that their child's eighteenth birthday changes everything.

When a child turns eighteen, the academic, financial and medical communities view the child as an adult, who has the legal right to privacy of information that all adults enjoy. It doesn't matter who is paying the bills. Parents of adult children have no greater legal right than any other individual to their child's personal information. They also have no right to make decisions on their child's behalf without their child's consent. These facts catch most parents off-guard, and can cause unanticipated problems that may have serious consequences.

As you read this article, you may be preparing to send a child away from home to college. Suppose your child becomes

sick or injured and is taken to the college infirmary. You receive a message that he is there, and, as any parent would do, you call to check on his condition. The well meaning and very understanding person answering the phone will tell you that they are sorry, but privacy laws prohibit them from giving out any information regarding your adult child, including whether or not your child is even at the medical facility.

Much of this is a result of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Congress passed this legislation, in part, to protect the privacy of individuals with respect to their medical information. While this law has gone a long way in achieving that privacy, it has as a result become more important than ever that all adults make sure there is someone legally designated to act on their behalf and have access to medical information when they are not able to do so.

To ensure that you have access to your adult child's medical information, it is necessary for your child to execute a

Legal Documents Most Parents Never Consider

(Continued From Page 1)

Durable Power of Attorney for Health Care, naming you as attorney in fact. Under Tennessee law, a properly executed Durable Power of Attorney for Health Care gives the named attorney in fact (sometimes referred to as "agent") the authority to act, over any other person, for the drafter (the "principal") in all matters of health care decisions, and grants the agent the authority to obtain access to medical records. This authority would be effective only when your child is not able to make these decisions on his or her own behalf or is not able to communicate these decisions.

A Living Will can be executed in conjunction with the Durable Power of Attorney for Health Care, setting forth your adult child's wishes regarding life support, artificially provided nourishment and organ donation. If your child is in college, a signed copy of this document, along with the Durable Power of Attorney for Health Care, should be on file at the school's infirmary.

It is also wise to have your adult child execute a General Durable Power of Attorney. This document grants the designated agent the authority to act on behalf of the

grantor for business and financial transactions. This includes, among other things, access to bank accounts and handling tax matters. This document could be used, not only if your child becomes sick or injured, but also if your child is unavailable to handle their own affairs, for example if they are taking a semester abroad. Further, should you desire to confirm Jr.'s academic progress before the next tuition payment is due, you as designated agent, would have the authority with this document to access your child's academic transcripts. However, many colleges and universities require that your child sign their own form for this purpose.

When our children become adults, they need to begin to put in place legal documents that will ensure that those they love and trust are able to continue to look after their best interests. While, for the most part these are documents that we all hope to never have to use, having your child execute a Durable Power of Attorney and a General Durable Power of Attorney is the best way to ensure that you can continue to take care of your child, as you always have.

I-9 Form Update

If you recently noticed that the version of the I-9 form that your business uses for all of its newly hired employees has expired, don't be alarmed. Currently, the United States Citizenship and Immigration Service has not issued a new I-9 form. Therefore, businesses should continue to use the current I-9 form with an expiration date of May 31, 2007, for all of its newly hired employees. If your business is using an I-9 form with a different expiration date, please update to the current I-9 form which can be found at <http://www.uscis.gov/files/form/i-9.pdf>. When the new I-9 form becomes effective, this newsletter will provide a link to the new form.



2007 Charitable Giving Strategy for Seniors

By Linas Sudzius

This year is the last one that some of our senior clients will be able to make a tax-favored charitable donation from an IRA.

Prior to 2006, if a person wanted to make a charitable distribution using IRA money, he'd have to take a taxable distribution from the IRA and write a check to the charity. Many taxpayers who did that were unable to claim a full charitable deduction for the money donated, because they didn't itemize their deductions or because they otherwise failed to qualify for the deduction.

In 2007, taxpayers who are older than 70 ½ may donate money to charity directly from their IRA account. The distributions will be tax-free. Taxpayers are allowed to donate up to \$100,000 per year from their IRAs. Since the distribution will not be included in taxable income, individuals will not be able to claim a tax deduction for the charitable contribution.

One other positive result of implementing the strategy is that amounts sent directly to charity also qualify for meeting minimum distribution requirements. Clients ought to seriously consider using IRA money instead of just writing a check if they are

- Older than 70 ½,
- Already supporting a charity with financial contributions, and
- Facing the prospect of taking otherwise unneeded distributions from an IRA.

This special opportunity is scheduled to end this year, so save the money while you can.



Interested in coming to one of our monthly Iron Clad Shield Seminars? Call ICS Law Group at (615) 224-1290 for more info.



ICS Law Group, PC
370 Mallory Station Road
Suite 512
Franklin, TN 37067

ICS Law Group, PC

370 Mallory Station Road
Suite 512
Franklin, TN 37067

Tel: 615.224.1290

Fax: 615.523.1541

www.TNwills.com

Contact Us:

Linas Sudzius

linas.sudzius@tnwills.com

Gweyn Colaberdino

gweyn.colaberdino@tnwills.com

Gaylord Gardner

gaylord.gardner@tnwills.com

Mary Snipes

mary.snipes@tnwills.com

Klara Nizki

klara.nizki@tnwills.com

Robert Gardner

robert.gardner@tnwills.com

Editor

Robert Gardner

Associate Editor

Gaylord Gardner

Publisher-in-Chief

Linas Sudzius

Design & Layout

323design.com



Guest Column:

E-Learning Can Educate Your Workforce and Strengthen Liability Protection

By Dave Gallagher

Each issue, we invite trusted business colleagues to write a short article on a relevant topic.

This issue's guest is Dave Gallagher

Employee training can be filled with obstacles that threaten business productivity and proficiency. As a business owner, you understand the reality is that time is tight, resources are stretched and you have a business to run. You simply don't have time to fool with the details of a training class, or harbor any productivity-robbing inefficiency.

Resourceful business owners are discovering that e-learning or web-based training can be an important part of the solution. E-learning overcomes many of the challenges of conventional training such as employee accessibility to training, time constraints, travel expense, and recordkeeping.

Here's how it works: Training assignments are created for each employee based upon job function so there's no unnecessary training or wasted training time. Each employee is given a unique login ID to take their specified training. Employees login from any where at any time and complete their training online. The training is self-paced, multimedia, interactive and engaging.

Training topics range from Safety and HR compliance to IT, Sales and Managerial Skills. Many companies also create custom content.

But how does E-learning strengthen liability protection? Training your workforce on topics like

- workplace harassment,
- workplace safety, and
- non-discrimination rules

can help ensure that expensive workplace behaviors won't happen.

With E-learning at the forefront, you can improve the efficiency and effectiveness of your employees.

Dave Gallagher is President of Flexible Learning Solutions, Inc. located in Brentwood.

He can be reached at 615.351.3283 or Dave.gallagher@flexls.com.