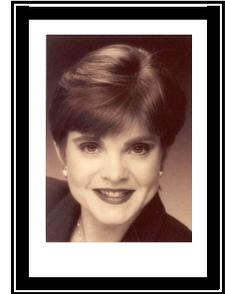


The *Carol A. Wilson* Newsletter



What is Family Law?

As you know, I practice Family law exclusively, but you may not know what all family law includes. In addition to the common legal problem of divorce, family law includes the following:

- ◆ adoptions - private, step parent and U.S. confirmation of a foreign adoption;
- ◆ establishment of paternity;
- ◆ child custody;
- ◆ emergency intervention for children;
- ◆ child support;
- ◆ court ordered grandparent access to grandchildren;
- ◆ pre-marital agreements;
- ◆ post marital partition agreements;
- ◆ assistance in obtaining marriage licenses and waivers of the time deadlines for the same;
- ◆ annulments; and
- ◆ adult and child name changes.

Although it may not be obvious, in the finalization of a divorce, the family law attorney often must create specialized documents such as a Special Warranty Deed, a Deed of Trust to Secure Assumption, or a Power of Attorney to transfer a motor vehicle. The creation of these documents is routine in family law.

Often when handling other types of family law problems, the question of estate planning is raised by the client. It makes sense that in addition to marriages and divorces, the family lawyer also prepares wills for non-taxable estates.

Clients often do not realize the problems that occur when they die without a will. Texas probate of a will is a relatively easy process as long as the deceased person had a will and the probate attorney is knowledgeable in Texas probate law. A wide range of problems can occur when there is no will, because then Texas law will prevail. It is likely that the process will be considerably more difficult, more expensive, and more time consuming.

It is especially important to have a will if there are children. The Will takes care of naming the person or persons that you want to be their guardian. Can you think of a more important decision? It is also critically important if there is property, real or personal, that the Will maker wants to give to a particular person or institution.

Many times clients avoid making a Will because they don't like to think about death, their own or anyone else's. This is called denial. We will all die. It is a gift for those we leave behind to make that

traumatic time as painless as possible for them.

Will preparation is generally done on a flat fee basis, especially if the will is fairly simple. However if the testator or testatrix (the man or woman creating the will) is uncertain about how they want their affairs handled, and to whom they want to leave their estate, the process may take longer and cost more, especially if there are continuous and/or substantial changes to the Will. In the latter case the flat fee would be supplemented by an hourly rate.

Included in the standard fee are a number of other important documents:

- ◆ Declaration of Guardian in the Event of Need (if you were unable to care for yourself you can appoint in advance the person to be your own guardian to take effect at the time you are incapacitated);
- ◆ Directive to Physicians (directs your doctor whether to use heroic life saving measures);
- ◆ Statutory Durable Power of Attorney (allows you to designate in advance a person to deal with your finances if you are unable to do so);
- ◆ Disposition of Body (allows you to describe the funeral arrangements you would like and to designate the person who will be responsible for carrying those arrangements out);
- ◆ Medical Power of Attorney (allows you to name the person who will make medical decisions for you if you are unable to do so).

All of these documents designate a trusted person or persons to take over the decision making if the author is unable to do so. The fee for these documents range from \$900 for a matching pair of wills that includes a trust for minor children for a couple, to \$500 for a will without a trust for a single person. All 5 closing documents are included in this prices. If necessary, the will signing can take place in a hospital, nursing home or other location for an additional charge. The Firm does reserve the right to charge at an hourly rate if you choose to make numerous changes to the documents after you initial instructions to us.

If you, your client, friend or family member has a family law issue, whether it is just a question that can be answered over the phone, or a more complex matter that requires a meeting, please call: 214-303-0142, or visit our website at www.cawilsonlaw.com. We can meet with you in our Dallas, Kaufman or Plano offices by appointment. We strive for excellence in all things, and custom tailor every case to meet *your* needs, the facts and the law.

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