

# your LAW

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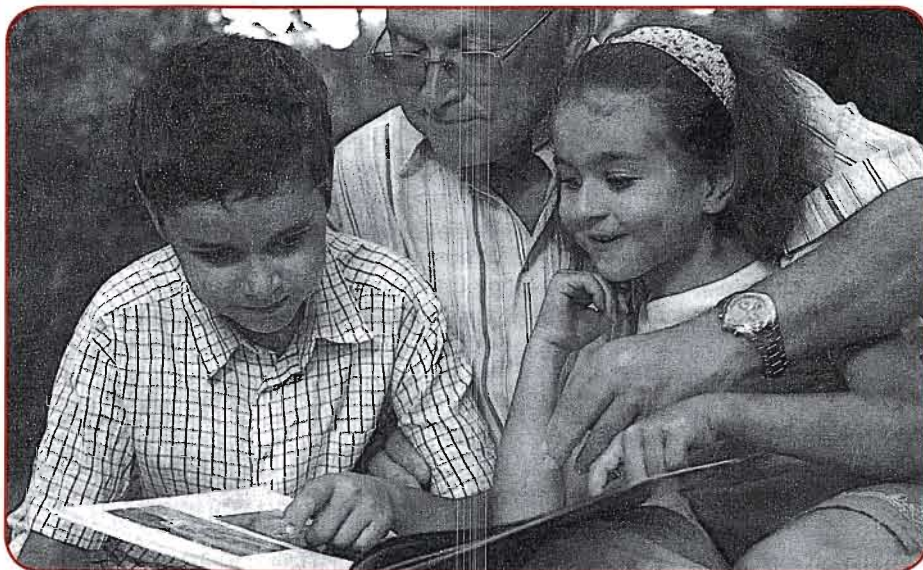
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## Protecting Your Identity

Personal information is a valuable commodity. Many identity thieves are resourceful and will employ a variety of means to obtain information to wreak havoc on the unsuspecting, trusting, and unaware. If Social Security numbers, bank account numbers, or credit or debit card numbers fall into the wrong hands, they can easily be used by imposters to rack up a large amount of fraudulent charges. Identity theft generally refers to one person taking another person's personal information in order to commit fraud or theft. With the dawn of the Internet, the opportunities for identity thieves to pilfer and use your personal information have increased substantially. Some have referred to identity theft as "the crime of the new millennium."

The best remedy for identity theft is to keep it from happening in the first place. There are several proactive steps that you can take to minimize your exposure to identity thieves.

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## Grandparents' Visitation Rights

Today many grandparents either voluntarily or through circumstances assume the care of their grandchildren. In other cases, a grandparent may wish to assume care of a grandchild he or she thinks is not being adequately cared for. Both of these scenarios present questions of how the law defines grandparents' rights when it comes to their grandchildren.

Traditionally, the common law (the law that comes from court decisions) denied grandparents the right to visitation with a child if the parent objected. Parents were considered to have complete control over their children, and courts refused to interfere with their decisions except in extreme circumstances. But with the graying of America and a greater willingness to litigate family matters, some state legislatures have redefined the rights of

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# Estate Planning and Chronic Illness



To many, the idea of estate planning sounds like something distant and daunting. For the 133 million Americans living with a chronic illness, it might seem a lot less distant, and a lot more daunting. What should you do if you or a loved one is living with a chronic

illness? The following “B.A.S.I.C.” tips apply generally as good estate planning practices but are particularly helpful for those families dealing with chronic illness: Be Specific, Automate, Simplify, Inform, and Commit. Careful planning can help ensure that you and your assets will be protected.



**B**e Specific – It will be difficult for your agents and attorney to respect your wishes if your wishes aren’t clear. It is crucial that you document, in a written legal statement, exactly what should happen if your condition worsens. For example, you may want your power of attorney documents to remain valid if your illness renders you incompetent or otherwise disabled. Be sure to discuss this with your attorney, as state laws sometimes require special language to ensure this durability. You should also consider adding special provisions to allow your agent to adapt to needs arising from your illness. If your condition could make it difficult to navigate your home, you might authorize your agent to improve accessibility, for example, by adding ramps and railings, even if such improvements would be expensive.

A durable health care power of attorney, if drafted correctly, will specify those types of medical decisions your agent can make on your behalf, even if you become incapacitated.

Tailoring your health care power of attorney to your illness is also important. A health care power of attorney is a specialized type of power of attorney; a traditional power of attorney grants a person broad authority to handle all types of financial matters and is usually not valid if you become incapacitated, whereas a durable health care power of attorney, if drafted correctly, will specify those types of medical decisions your agent can make on your behalf, even if you become incapacitated. Carefully differentiate in your living will which standards are to apply in acute situations versus chronic situations. Do you want experimental or nontraditional treatment? Do you want to be a tissue donor? How much treatment do you want? Don’t leave your agents guessing; the more specific you can be, the better.



**A**utomate – The last thing you want to think about if your condition worsens is your finances. To minimize the chance of forgetting payments and making mistakes, automate as many of your accounts as possible. Have income deposited directly into checking accounts, and have expenses charged against those accounts. Then if your illness flares up or you are hospitalized, your day-to-day finances won’t collapse. With most payments and deposits running automatically, you would be able to devote your attention to your health.



**S**implify – Consider making a centralized list of important information, including: medical and emergency

contact information, current health status, medications, allergies, and contact information for important advisers, such as lawyers, accountants, bankers, financial advisers, and household staff. Make sure to list names, relationships, phone numbers, and e-mail and residential addresses. If your illness could make it difficult to remember things, you might aggregate your passwords and security codes, just to be safe. Collect all important financial information into one comprehensive document, and consolidate as many of your accounts as possible. That way you, your agents, and your attorney can easily monitor your money and make sure that no one is taking advantage of your illness.



**I**nform – Your attorney and agents, or those authorized to act on your behalf, will be better equipped to assist you if they understand the

nature of your condition. It is thus imperative that you provide them with as much information as possible. There are many organizations that endeavor to help people with specific chronic illnesses. These organizations often have educational materials that you can use to get your attorney and agents up to speed. You may want to meet regularly with your attorney. This can help your attorney track changes in your condition, and as an independent professional, your attorney may be able to recognize potential risk factors and protect you from abuse.



**C**ommit – Living with a chronic illness can be overwhelming. It might be especially difficult to talk about your death or disability with loved ones, and if you are receiving intensive treatment for your illness, you might be short on time or energy. When meeting

with your lawyer, break down larger tasks into smaller, manageable pieces. Take your time, and only do as much as you can handle—it is better to have just a few important documents signed and finalized than to take on too much at once and not finish anything.

If you have a chronic illness, it is important that you start the estate planning process as soon as possible. A little preparation now will save you serious headaches later. Following these few simple steps and having a conversation with your attorney now will give you peace of mind and allow you to focus fully on your recovery when you experience health issues. ✕



# Do-It-Yourself Done Right

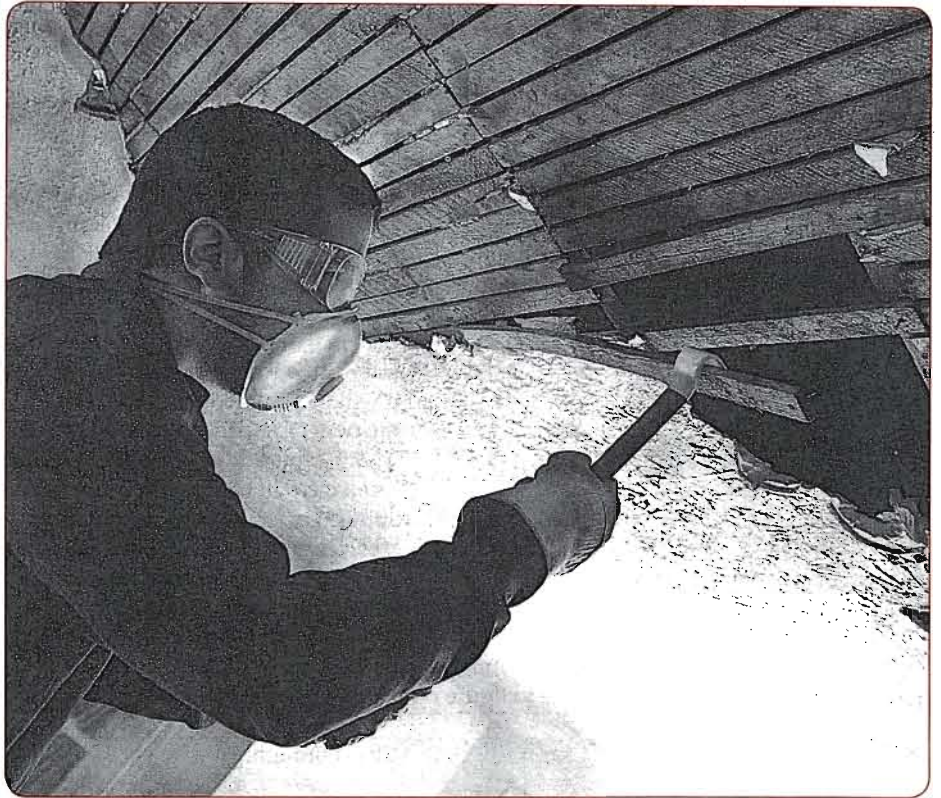
With the kids back in school, the weather cooling off, and the number of barbecues and pool parties to attend on the wane, fall is a great time to start a home improvement project. As you reach for the hammer and some nails and try to recall what you learned in shop class about construction and tool safety, you may also want to think about boning up on local laws and ordinances pertaining to renovations.

The first thing you want to ask before rushing off to the local home improvement store and buying your materials is to ask yourself a simple question: Are you up for the job? If you have never done any sort of renovation, it may be wise not to start with adding an entire wing to your house. In addition to the building laws that such a major project would implicate, there are safety and health issues to consider as well: What happens if you or someone working with you gets hurt on the job? If the roof falls in six months after you are done? If you hit a sewer line as you dig a foundation?

If this is your first renovation project, you would be wise to start small—installing a new kitchen sink, tiling a bathroom floor, or hooking up speakers for a home entertainment system. Home improvement stores and other supply providers have lots of helpful information available to help ensure that your do-it-yourself job is a success.

Once you are confident the proposed improvement is within your expertise (or at least confident that you will have that knowledge by the time you start the project), make sure you have the tools that you need. If you do not, you have three options: purchase, rent, or borrow. If a neighbor is willing to lend the tools you need, borrowing will be your most cost-effective option. If you rent a tool, you may be liable for any damage should you break it while misusing it. Check the terms of the lease agreement closely if the lender makes you sign a written agreement. Buying a tool is the most expensive option, but it has the advantages of avoiding potential hassles over the tool borrowed from your neighbor or a commercial lender and also of increasing your inventory of tools available to tackle future jobs. New tools also frequently come with a warranty.

Before you start work, it is important to determine if you need to draw up plans for your




renovations. If you are planning on building an addition to your home, you will need an architect. Most building departments will not accept plans for filing that do not include the seal of a licensed architect or engineer. For interior remodels, most building departments do not require architect approval. However, the building department will still expect your plans to be very specific, including how the changes will affect plumbing and wiring, and whether they will create any potential structural issues.

Next, determine if you will need a permit. Even minor home renovations such as replacing a toilet or repairing a broken window may require a building permit. If the project expands the exterior of your home, you may need a variance or special design review from your local planning commission. Officials at your local department of

buildings can help you determine what permits you will need. If you live in a co-op, condo, or planned development, the homeowner's association or condo or co-op board may have review and approval rights for the work. If exterior work (other than painting) is involved, the zoning department may also have to review the project for setbacks, proper uses of the property, and parking requirements. If your house is in a historic preservation district, the historic commission will also need to conduct another view of any work to the exterior.

Another consideration: do you have sufficient insurance to cover the renovation? Check with your insurance agent to see if your homeowner's policy provides adequate coverage. If you have friends or subcontractors coming over to help, make sure they will be covered as well. Confirm you have both coverage for any injuries workers may suffer on the job and for damages they might cause a third party.

A do-it-yourself remodel or renovation can be a fun family or individual project to keep busy and

improve the value of your home as the weather starts to turn a little cooler. Don your flannel shirt and buckle up your tool belts, and get ready for a productive day. Just make sure you've dealt with all the potential legal and safety issues before you hammer that first nail. Good luck and happy renovating! 

## FIVE RENOVATION TIPS

1. Keep in mind that your home renovation project will probably cost at least 20 percent more than you think it will.
2. When you become your own contractor, you take on all the legal and financial responsibilities of a contractor.
3. Never hire an unlicensed subcontractor.
4. Never hire a subcontractor who does not have adequate insurance coverage.
5. Know your strengths and limitations.





1. Be careful to whom you reveal personal information such as your Social Security number. Do not give out this kind of information over the phone or online unless you know the person or institution with whom you are dealing.

2. Whenever you do give out your personal information, be certain you know how it is going to be used, how it will be protected, and the consequences of refusing to provide it.

3. Keep track of when you usually receive credit card account statements, and contact your bank if you do not receive your monthly statement. Identity thieves sometimes change your billing address to keep you from becoming aware of the crime.

4. Use secure passwords for all your online accounts, steering clear of using passwords an identity thief might be able to figure out, such as your birth date or mother's maiden name.

5. Guard your mail, and even your trash, from theft. Thoroughly tear or shred credit account information, credit offers, and the like. An inexpensive home shredder is likely a good investment.

6. Make sure your computer is updated with the latest antivirus software and that any personal information you do send out is encrypted. Use a firewall for your computer.

7. Avoid using automatic logins for Internet sites with your personal information, such as banking and shopping sites.

8. Pay attention to the privacy policies of the websites that you visit. Learn what personal information these sites acquire, and how it will be used.

## When it comes to identity theft, an ounce of prevention is worth a pound of cure.

9. As soon as you become aware that one of your accounts has been compromised or stolen, immediately report it to the bank or creditor. Some states also allow consumers to request that credit reporting agencies freeze or lock access to their credit file (generally for a fee). A freeze or lock prevents an identity thief from opening a new account under your name. The disadvantage is that the freeze may interfere with credit accounts you want to keep going (such as the one that allows you to get cell service). Check with your local consumer affairs agency to determine if a freeze is possible in your state and appropriate for your situation.

10. Check your credit report at least annually to verify no one has opened unauthorized accounts under your name.

Remember: When it comes to identity theft, an ounce of prevention is worth a pound of cure. Your identity is a very valuable asset that's worth protecting. After all, you've spent your entire life building it. *M.*

### IF THE WORST HAPPENS

If, despite all your efforts, you are the victim of an identity thief, take the following steps as fast as you can. First, place a fraud alert on your credit reports and accounts. Next, notify all creditors, banks, and other businesses where fraudulent accounts were opened in your name. You should also notify police and file a police report. Keep copies of the reports for banks and creditors. Then, get a copy of your credit report to determine where the fraudulent activity is occurring. Finally, notify the Federal Trade Commission's toll-free ID theft hotline at 1-877-IDTHEFT or online at [www.ftc.gov/bcp](http://www.ftc.gov/bcp).

grandparents, giving them access to the courts to enforce those rights.

Most state statutes allow grandparents to petition for visitation. These laws reflect the belief that the grandparent-grandchild bond is precious, and that grandparents are uniquely qualified to provide roots and a sense of identity to their grandchildren—particularly when they have been instrumental to the child's development. Some states have extended the right to petition for visitation to great-grandparents, aunts, uncles, siblings, and even nonrelatives with whom a child has a close relationship. These laws do not make granting visitation automatic—they simply give grandparents the right to *ask* for visitation.

Some states have ruled that grandparents may not access the courts to gain rights to visitation with their grandchildren. The rights of grandparents vary greatly from state to state, the applicable law being that of the state in which the grandchild resides. Grandparents interested in seeking custody should consult a lawyer. In 1998, Congress passed a law mandating that a visitation order granted to a grandparent in one state be recognized in any state where the grandchild is living.

### What Grandparents Must Prove

Most state laws that allow grandparents to seek visitation also set forth the specific circumstances under which they may do so. The most common situation is the divorce of the parents or the death of a parent. Courts may also allow grandparents to seek visitation when a parent is incarcerated, a child is born out of wedlock, or a child has previously lived with the grandparent.

In most states that allow grandparents to seek visitation, the applicable standard will be whether granting visitation is in the best interests of the child. Many states list the factors courts will consider in determining if the standard is met, such as the prior relationship between the grandparents and grandchildren, the mental and physical health of the parties, and the preference of the child, if the child is old enough to express a preference.

If you are seeking visitation with your grandchildren, carefully consider whether litigation is your best option. Grandparent visitation disputes are painful and disruptive for children, the parents, and the grandparents. Going to court may intensify emotional issues and create problems for the grandchildren in particular. Litigation is emotionally wrenching, costly, time-consuming, and may not yield the desired results. Consider counseling and mediation as first steps. A lawyer will not only be able to help you know your rights under the applicable state law but will also be able to counsel you on the available options for enforcing those rights. *M.*