

SOUTH DAKOTA
LEGAL NOTES

DECEMBER 2016 | INFO@SWIERLAW.COM | SWIERLAW.COM

Rebekkah Steinwand Joins Swier Law Firm

Swier Law Firm, Prof. LLC is pleased to announce the expansion of its nationally recognized legal practice with the addition of Rebekkah Steinwand.

Rebekkah will be joining the law firm's office in Sioux Falls as a key member of the Family Law Practice Group. Her practice is focused on adoption, divorce, custody disputes, parenting time, paternity, guardianships, and protection orders.

"We are pleased to have Rebekkah join Swier Law Firm," said Scott Swier. "Adding Rebekkah enhances the depth of our team and demonstrates the firm's commitment to growing the Family Law Practice Group," added Mr. Swier.

"I am excited to join Swier Law Firm because of its focus on legal excellence," Ms. Steinwand said. "Swier Law Firm is a firm that is receptive to innovation and change that provides value for our clients. Its values align well with my goal of striving

for the best possible outcome for our clients. I look forward to being a part of the firm at this exciting time."

Rebekkah earned her Bachelor of Arts in Political Science from Gustavus Adolphus College where she competed in intercollegiate athletics for the Golden Gusties. She earned her law degree from the University of South Dakota School of Law where she was active in the area of children's legal issues.



Swier Law Firm's "Bare Necessities" Angel Tree Featured on KSFY-TV

Swier Law Firm's "Bare Necessities" Angel Tree was recently featured on KSFY-TV.

The law firm kicked off its "Bare Necessities" to help the Sioux Falls Area Humane Society earlier this holiday season. Our goal is to collect all of the items on the Human Society's wish list. Many donations have been rolling in and we are extremely grateful for the generous support our community offers our Humane Society. Items can be dropped off at any of our 5 office locations throughout South Dakota until January 13, 2017, but donations are accepted year-round at the Humane Society.

Are Santa's Elves Working for the IRS: A Look at Federal Estate and Gift Taxes for 2017

It is that time of year again when we wait in anticipation . . . no, not for scrumptious holiday treats . . . but for the Internal Revenue Service (IRS) to release the amount you can pass estate tax free upon your death (the



Unified Credit Against Estate Tax) and the amount you can pass to any person gift tax free (Annual Exclusion). Although I may be stretching the level of anticipation, not for the holiday goodies though (my mother's candy bar cookies are to die for) as we sit around with our loved ones this holiday season, many will wonder what will happen to their family, their farm, their small business when they pass away. How will their children afford to keep the business running while facing a hefty estate tax bill? How large will the estate tax bill be? How much can I gift my children next year without paying taxes?

For those of you who prefer a technical explanation of how the Federal Estate Tax is calculated upon your death, read the next paragraph. As my gift for those of you who appreciate your sanity, skip the next paragraph and read the following shortened explanation or feel free to do what I would and read both. The IRS sets an amount every year that you may pass estate tax free upon your death. Whatever that amount is the year you die, is the amount you may pass onto your loved ones without incurring any taxes. Imagine everything you own fitting in one bucket, what is the value of that bucket? If the value of your bucket exceeds the amount you are allowed to pass estate tax free, then your estate will incur a 40% federal estate tax on the amount that is spilling over. Further, if you tried to give some assets in your bucket away during life and those assets exceeding the amount you were allowed to gift each year, the IRS will give you a smaller bucket to reflect the past gifting.

For those of you wanting to test your sanity: The

Federal Estate Tax is a tax on your right to transfer property upon your death. The value of your estate for federal estate tax purposes is determined by taking your Gross Estate, minus any deductions, plus any

lifetime taxable gifts. Your Gross Estate includes the fair market value of all of your property (cash, securities, real estate, life insurance, annuities, business interests, and all other assets you own) as of your date of death. Your taxable estate is then determined by taking your Gross Estate minus any eligible deductions (mortgages, estate administration expenses, property passing to qualified charities, etc.). Then, the value of any lifetime gifts that exceeded the Annual Exclusion for Gifts (the amount you can gift to any person gift tax free) in the year the gift was made is added to your Taxable Estate. If the value of your Taxable Estate exceeds the unified credit amount, then that amount in excess will incur a 40% federal estate tax.

So is the IRS in a gifting mood this year?

Unfortunately, Santa's elves packed his bag a little light this year. The Unified Credit Against Estate Tax in 2017 is \$5,490,000 per person; a \$40,000 increase from last year. Further, the Annual Exclusion for Gifts in 2017 is \$14,000 per person, no change from last year. Although we did not see the increase we all put on our Christmas list, the Unified Credit is still the highest it has been in the last decade. So eat your holiday cookies, enjoy the time with your loved ones, and feel confident and secure that your Swier Law Firm estate plan will pass on your legacy (just maybe not your taste in holiday cookies). If you have not completed your will or trust or planned for a disability, help protect your loved ones today by coming in to meet with me and discuss your options (I may even have a few of my mother's prized candy bar cookies available). Happy Holidays!



South Dakota Family Law - Top 10 Ways to Co-Parent this Holiday Season

Co-Parenting is difficult, but it can be even harder during the holiday season. Here are ten ways to make the situation better for everyone.

1. **Be positive:** Don't make your child feel bad for going to spend time with the other parent. Instead of feeling guilty for leaving one parent, aim for the child to be happy to have two holidays with two loving—not combative—families.
2. **Listen to Volunteered Preferences:** If cooperation exists between co-parents, listen if your child volunteers a reasonable preference when considering the holiday visitation plan (do not ask the child and put them in a position of choosing if they do not voluntarily express their preference). If they express a preference but it is unreasonable, at least make them feel like they are heard and try to incorporate it into the compromise.
3. **Maintain / Establish Traditions:** If there are traditions that fall outside of your visitation time, consider deferring those traditions for when you have your child. Make your child feel both important and included, but neither guilty nor responsible.
4. **Empathize and Don't Act Selfish:** Wanting to keep your child to yourself during the holidays (and in general) is a very natural parental feeling. Differentiate this desire from how you act around your child. It is okay to feel this way, but it is not okay for your child to feel guilty or responsible because of the arrangement.
5. **Encourage Support and Communication with your Co-Parent:** Children are significantly hindered if they feel like they cannot express love of one parent in front of the other. Instead of making your child feel guilty for being comfortable enough to express themselves in front of you, encourage it. Letting your child love and communicate with the other co-parent will not make your child love you any less (and in the long run, the result is the contrary). Additionally, if split parenting time is a new concept for your family, it is definitely new and foreign for your child. Be there for them, encourage them to communicate with the other parent, and/or keep a comfort item (like a photo) with them. Chances are your other co-parent wants to be around your child just as much.
6. **Plan with Flexibility in mind:** The best way to prepare for the holidays is to create a detailed visitation plan in writing ahead of time, but be flexible if something unexpected arises. If planning for holiday visitation just isn't going as planned, keep an eye out for the next post outlining the South Dakota Parenting Guidelines for holiday visitation.
7. **Involve the Child in Holiday Planning:** Just because visitation times must be stringently planned between co-parents doesn't mean the time with your child has to be as well. Let your child have some control over what you do during your visitation time, let them plan a day or themes for celebrating.
8. **Document:** Although the court only enforces agreements they sign off on, any holiday visitation schedule should be in writing. Always document communications, how drop-offs went, if things go less than perfectly, or even if they do! It is always better to document communications and events than to not.
9. **Right of First Refusal:** If you have plans that do not involve your child and require a babysitter, grant your other co-parent the right of first refusal to babysit instead. You should offer the other co-parent the option, but should not expect them to drop their plans.
10. **Prepare yourself:** Perhaps the most important tool to give your child the best holiday season is to get yourself mentally and emotionally prepared. Have plans for when you know your child will be with the other parent. Keep an open mind and always act with your child's best interest in mind.

Ashley Hoffman Appointed to South Dakota Bar Association's Environmental & Natural Resources Committee

Ashley Hoffman of Swier Law Firm was recently appointed to serve on the South Dakota Bar Association's 2016-2017 Environmental & Natural Resources Committee.

The State Bar Association's Environmental & Natural Resources Committee maintains and improves the practice of environmental and natural resources law through interaction with the courts and by informing lawyers and the public of current legislation and regulations.

Ashley is a graduate of the University of South Dakota School of Law where she served on the Board of Editors for the South Dakota Law Review. She also earned her Masters of Environmental Law and Policy, magna cum laude, from the Vermont Law School, generally considered the country's premier environmental law program. Christmas, medical care, and a chance to be placed in a forever home!



Please
REVIEW US!



We appreciate and value you as a friend of Swier Law Firm, and we would appreciate hearing your feedback on how we are doing! Please take a minute to review us on Google so that we can better serve you in the future! Just log into your Google account, [click here](#) and click on the pencil or "write a review." Thank you in advance for your time!

<https://www.google.com/search?q=Swier%20Law%20Firm&ludocid=9308276024589510911&lrd=0x878ec9e96bd8c9b5:0x812da3ba1cf168ff,2,5>



Scott Swier



Brooke Schloss



Jake Fischer



Lindsay Harris



Michael Henderson



Ashley Hoffman



Rebekkah Steinwand



Amanda Work

SWIER LAW FIRM, PROF. LLC

AVON OFFICE

202 N. Main Street, P.O. Box 256
Avon, SD 57315
p: (605) 286-3218
f: (605) 286-3219
toll free: (888) 864-9981

CORSICA OFFICE

240 E. Main Street
Corsica, SD 57328
p: (605) 286-3218
f: (605) 286-3219
toll free: (888) 864-9981

SIOUX FALLS OFFICE

2121 W. 63rd Place, Suite 200
Sioux Falls, SD 57108
p: (605) 275-5669
f: (605) 286-3219
toll free: (888) 864-9981

WHITE LAKE OFFICE

306 S. Johnston Street, Suite 1
White Lake, SD 57383
p: (605) 249-2424
f: (605) 286-3219
toll free: (888) 864-9981

WINNER OFFICE

142 E. 3rd Street
Winner, SD 57580
p: (605) 842-3373
f: (605) 842-3375
toll free: (888) 864-9981

info@swierlaw.com | swierlaw.com

