

SOUTH DAKOTA
LEGAL NOTES

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Brooke Swier-Schloss Named Super Lawyers “Rising Star”

Brooke Swier-Schloss of Swier Law Firm has been selected to the 2017 South Dakota “Rising Stars” list in Family Law.

Each year, a small percent of the lawyers in South Dakota are selected by the research team at Super Lawyers to receive this honor. Super Lawyers is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. To be eligible for inclusion as a Rising Star, a lawyer must be either 40 years old or younger or in practice for 10 years or less.

“We are excited and proud that Brooke has been selected to receive this honor,” said Scott Swier. “We congratulate and thank Brooke for her commitment to her clients, which is evident with this well-deserved recognition.”

The annual selections are made using a multiphase process that includes a statewide survey of lawyers, an independent research evaluation of candidates and peer reviews by practice area. The result is a comprehensive and diverse listing of exceptional attorneys. The Super Lawyers lists are published nationwide in Super Lawyers Magazines and in leading city and regional magazines and newspapers across the country. For more information about Super Lawyers, visit SuperLawyers.com.



Coming Soon:

The annual “Bare Necessities” campaign will be kicked off November 20, 2017. The campaign was a phenomenal success last year with 100% of the donations going to the Sioux Falls Area Humane Society. We are bringing more businesses into the campaign and hope to make it bigger with more donations this year.

Visit SwierLaw.com/community to find out more information.



Staff Spotlight on Cindy Buck!

What do you do for the Firm? Director of Finance
What do you do in your spare time? Anything Arts and Crafts - especially painting. I also have a love for music and spending time with family and friends.

Tell us about your family. I come from a big family, 1 sister (Tammy) and 3 brothers (Brian, Randy and Doug). I am a divorced mother of one daughter, Madison, who is a 7th grader at Wagner Community School.

Where are you from? I Grew up in West Bend, Wisconsin then my parents moved to Armour, South Dakota in 1987. I left to attend college in Brookings, SD and always thought there was more out there than small town SD. So I worked for the South Western Company and lived in 5 different states in a 6 year period (North Carolina, Illinois, Pennsylvania, Ohio and Tennessee) before returning home to small town South Dakota.

[Click here](#) to read more.



Fail To Plan, Plan To Fail: South Dakota Parenting Plans (Part 1)

The term “Parenting Plan” may sound dreadful to some because it may bring about a sense of failure. Many people think once a parenting plan is necessary, you can no longer work together as parents for the best interest of your children - which is why you should think of a parenting plan as setting the expectations for your children and each other - not as something that signifies a breakdown in your relationship.

What is a “Parenting Plan”?

A parenting plan is an agreement regarding the schedule, care, custody, and control of your minor children. Parenting plans usually address holidays and special days, exchange times, methods of exchange, child support, special considerations, and the rights of each parent.

Every parent has a parenting plan in one form or another, particularly if your parenting decisions include input from the other parent. Parenting is hard enough when bound together in matrimony and under the same roof - but another challenge presents itself when there is more than one home that is trying to raise the same child, even if both parents agree on education and medical decisions.

Why should you have a Parenting Plan?

Parenting plans reflect forward planning and conflict prevention. The most important aspect of a parenting plan is that it works for all parties involved. Parents can agree on any number of items, and these can all be set out and accounted for in your parenting plan. In more extreme cases, having your parenting plan signed by the court may make the plan enforceable by the legal system and law enforcement.

How are Parenting Plans made?

Parenting plans start with a conversation. In its simplest form, a parenting plan is an agreement (whether written or spoken) between parents as to how they are going to share their time and decision-making responsibilities. Many parents just “go with the flow” and exchange the child “whenever they want.” If that works and everyone is happy, excellent!

Other parents write down a schedule so everyone knows what to expect. This is actually a parenting plan that could be filed and enforced by the courts. It can be as ambiguous or as complex as the parties wish. The best



parenting plans are made and agreed upon by each parent and then brought to the court.

How are Parenting Plans Filed in Court?

Some parents fear being labeled as uncooperative if the court is involved. It is often these folks who wish they would have gotten their parenting plan in writing and filed before something they thought was already agreed upon and working stops being effective. It is much easier to plan in the event of a breakdown in communication than to backtrack after the disagreement has already spiraled out of control.

Just as any action with the courts begins, each parenting plan starts with a summons and complaint. This is off-putting to some, but is simply the way the parents must start an action with the court. This process can be done with the help of an attorney. You may not even have to meet your attorney face-to-face, let alone go to court. In fact, if both parties can agree, all that is usually required is the summons, a complaint, admission/certificate of service, a parenting plan signed and notarized by both parties, and the court’s signature. If you live in Lincoln County or Minnehaha County, the court will also require you to participate in the SMILE program - a class designed to encourage peaceful parenting.

To read part 2, go to SwierLaw.com/library.

Food Drive To Benefit Feeding South Dakota

SWIER LAW FIRM and HOY TRIAL LAWYERS are teaming up to help FEEDING SOUTH DAKOTA!

Drop off non-perishable food or personal care items to either of our law firm's Sioux Falls locations. Swier Law Firm's other four (4) offices located through-out Eastern South Dakota, in Avon, Corsica, White Lake, and Winner are collecting the donations for the area local food pantries. A few needed items include:

FOOD ITEMS

- Cereal
- Pasta and Rice
- Canned fruits
- Canned vegetables
- Canned meats and canned pasta
- Boxed Meals (i.e. Hamburger Helper, Tuna Helper)

PERSONAL CARE ITEMS

- Toothpaste and Brushes
- Deodorant
- Shampoo and Conditioner
- Skin lotion
- Hand Soap
- Laundry Detergent
- Diapers



Go to SwierLaw.com/community for more information.

Recipe: Pumpkin Meringue Pie

Pioneer Woman, Ree Drummond, posted this delicious masterpiece on her blog a few years ago and it's been a constant Thanksgiving crowd pleaser at our home ever since," said Rebekkah Steinwand. "The pie is easy to make but the torched meringue makes it look complicated. The secret with using a kitchen torch is to keep moving your wrist so you don't stay in one spot and burn the top.

1 whole Store-bought Pie Dough (or Homemade)

All Purpose Flour For Dusting

1 can (15 Oz. Size) Pure Pumpkin Puree

1-1/4 cup Heavy Cream

2/3 cups Granulated Sugar

3 Large Eggs, Divided

1 teaspoon Ground Cinnamon

1 teaspoon Pure Vanilla Extract

1/2 teaspoon Freshly Grated Nutmeg

1/2 teaspoon Kosher Salt

2 teaspoons Coarse Sugar, For Sprinkling

FOR THE MERINGUE:

2 cups Granulated Sugar

8 Large Egg Whites At Room Temperature

INSTRUCTIONS

Roll out the dough into a 12-inch round on a lightly floured surface. Ease into a 9-inch pie plate. Fold the overhanging dough under itself and crimp the edges with your fingers. Pierce the bottom and sides all over with a fork. Chill at least 1 hour or overnight.

Preheat the oven to 350°F. Line the chilled dough with foil and fill with pie weights or dried beans. Transfer to the oven and bake until the edges are golden, 20-25 minutes. Remove the foil and weights and continue baking until the



crust is golden all over, 10-15 more minutes. Transfer to a rack and let cool completely.

Make the filling: Gently whisk the pumpkin, cream, granulated sugar, 2 eggs, cinnamon, nutmeg, vanilla and salt (do not over-mix). Beat the remaining egg and brush on the crust edge; sprinkle with coarse sugar. Pour the filling into the crust and bake until set around the edges, 50 minutes to 1 hour (the middle will still jiggle slightly). Transfer to a rack; let cool completely.

For the meringue, combine granulated sugar and egg whites in the heatproof bowl of a mixer set over a pan of simmering water. Whisk until sugar dissolves, about 3 minutes. Transfer bowl to mixer, and whisk on medium speed for 3 minutes. Raise speed to high, and whisk until stiff glossy peaks form, about 6 minutes more. Dollop meringue onto pie, and spread using a swirling motion.

Hold a small handheld kitchen torch at a 90-degree angle 3 to 4 inches from surface of meringue. Move flame back and forth until meringue starts to brown. Slice and serve.

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