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common sense information for you

Durable Power of Attorney for Health Care: Are You Sure Your Family Knows Your Wishes?

Based on the experience of Terri Schiavo's family, it is clear that without some form of documentation of your wishes regarding end-of-life decisions, legal wrangling may result. Legal ex-



perts say creating a Durable Power of Attorney for Health Care may prevent legal disputes later. If your wishes are spelled out in a legal document and if one or more persons are appointed to carry out your wishes, it is less likely there will be confusion about your wishes. You should discuss your wishes with your family, particularly those you appoint to carry out your wishes. Disputes arise when family members do not know your precise wishes regarding these important decisions. While forms are available from the State Bar of Michigan and other sources, they should be discussed with your attorney. Once your attorney



has prepared the forms, you should keep them in a secure place like a safe deposit box, and you should give copies to those persons you appoint to carry out your wishes and your physicians.



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Sources

State Bar of Michigan
<http://www.michbar.org>

What's Inside

page 2 - Internet Fraud—What it is and How to Protect Yourself

page 3 - How to Help Your Children During and After Divorce (Part Two)

page 4 - Legalese Translated

Internet Fraud— What it is and How to Protect Yourself

What it is

Internet fraud simply refers to any fraud scheme using some element of the Internet, whether e-mail, websites, chat rooms, etc., to solicit potential victims, undertake fraudulent transactions, or transmit proceeds. Types of Internet fraud include:

- **Retail and auction schemes** – Online auction or retail sites offering high-value items to attract consumers, inducing victims to pay for the promised items in advance, and then delivering either items of far less value than promised or nothing at all.
- **Business opportunities or “work at home” schemes** – Advertising alleged business opportunities to earn money while working from home, these schemes require victims to pay anywhere from tens of dollars to several hundred dollars, but never deliver the information or materials.
- **Identity theft and fraud** – Schemes designed to gather victims’ personal data, such as Social Security or credit card numbers.
- **Investment schemes** – These can take the form of stock market manipulation schemes or schemes to solicit investors in various scams.
- **Other schemes** – These include websites offering “quick divorces” in foreign countries for a price, without requiring the victim to leave the United States.

Helpful websites

<http://www.sec.gov/investor.shtml>

<http://www.michigan.gov/cis/0,1607,7-154-10555---,00.html>

<http://www.ftc.gov/>

<http://www.nasd.com/InvestorInformation/index.htm>



Tips

- Be careful about giving your personal data, such as Social Security and credit card numbers, or passwords, online.
- Be wary of online sellers who demand that checks or money orders be sent to a post office box before you receive the goods or services they have promised.
- Research prospective sellers by looking at sources of information given at the website and other websites.
- Pay by credit card if possible, since paying using a major U.S. credit card may limit your liability to \$50, or use an escrow service if offered.
- Don't rush investment decisions.
- Research investment opportunities through the websites of such organizations as the Securities and Exchange Commission, the Federal Trade Commission, the National Association of Securities Dealers, or the Michigan Department of Labor and Economic Growth's Office of Financial and Insurance Services.

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How to Help Your Children During and After Divorce (Part Two)

Parents can reduce the emotional impact of divorce on children, by using the following tips:

Spousal Support

- Do not talk about spousal support with your children.
- If you are entitled to spousal support, do not turn it down out of pride—accept it, save it, and use it to help your children with college and other expenses.

Divorce Proceedings

- Do not discuss the court proceedings and rulings with your children.
- Do not bring your children to the divorce proceedings unless requested by the court.
- Do not bring parents or other family members to the divorce proceedings.
- Do not talk about the division of property with your children.
- If the marital home is being sold as part of the property settlement, do not have the children present when the home is being shown to potential buyers.



Parenting Time

- Discuss parenting time with your children only when both parents are present.
- The Judgment of Divorce should contain a detailed parenting time schedule. You and your ex-spouse can always deviate from the schedule if you are

communicating, eliminating the need to return to court if you and your ex-spouse stop communicating.

- Do not agree to a parenting time schedule that separates the children.
- Parenting time should be exercised on a consistent basis, without long gaps between visits with your children. Show up, and be prompt, for all scheduled parenting time.
- If you cannot see your children on a consistent basis, you should telephone, write, e-mail, send cards, etc., on a consistent basis.
- Do not withhold or attempt to withhold parenting time as a means to gain leverage in the divorce proceedings or to hurt your spouse/ex-spouse during or after the divorce.



Child Support

- Do not fight for extra parenting time simply to reduce child support.
- Do not threaten your spouse/ex-spouse that you will stop seeing your children if you must pay child support and child care expenses.
- Do not talk about child support with your children.
- Do not withhold parenting time because child support is late.
- Do not pass on a better career opportunity to avoid paying higher child support.
- Child support is for your children; do not agree to take a lesser amount to appease your spouse/ex-spouse or as a result of pride.

(Excepts taken from the January 2005 issue of the *Michigan Bar Journal*.)

Abstract of title — An abbreviated chronological history of the ownership of a plot of land.

Challenge for cause — An objection to the qualifications of a juror for which a reason is given; usually on grounds of personal acquaintance with one of the parties or the existence of a bias which may affect the verdict.

Decree — A court decision or order. A final decree fully and finally disposing of a case; an interlocutory decree is preliminary in nature, determining some issue in the case but not the ultimate question involved.

Expert evidence — Testimony concerning scientific, technical or professional matters by persons qualified to speak with authority thereon by reason of their specific training, skill or familiarity with the subject.

Interrogatories — Written questions posed by one party and served on another who must answer them in writing under oath — a form of discovery to enable the party posing the questions to prepare for trial.

Mistrial — Termination of a trial prior to verdict, with the case ordered for retrial, because of some basic flaw such as lack of jurisdiction or improper drawing of jurors, or because of some event in the courtroom which jeopardizes the rights of one of the parties to a fair trial.

Nolo contendere (*no 'lo kon-ten 'de-r'e*) — “I will not contest it” — a plea by a defendant in a criminal case on which, like a plea of guilty, a conviction may be entered, but, unlike a plea of guilty, may not be used as an admission in any other proceeding.

With prejudice — Applied to orders of judgment dismissing a case, meaning that the plaintiff is forever barred from bringing a lawsuit on the same claim or cause.

“*A Laypersons Guide To Legal Terms*” is available from the State Bar of Michigan’s Member Services and Communications Division 517-346-6322. The publication is available for \$2.25 including shipping.

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