

FAMILY LAW SECTION MEETING AGENDA

JANUARY 8, 2016 (TELECONFERENCE)

1. Roll Call
2. Reading and approval of December meeting minutes
3. Review and approval of December financials
4. Old Business/Committee Reports
 - a. Seat 2-October CLE (Lisa)
 - Dates for Oct. 2016
 - Topic ideas
 - b. Seat 3-Other CLEs
 - Lunch CLE Series (Tyler)
 - c. Seat 4- Legislation Committee
 - Proposed Legislation (Jennifer)
 - d. Seat 5-Publications Committee (Fred/Tom/Mackenzie)
 - e. Seat 6-Technology Committee (Jen)
 - f. Seat 7-District Support (Debra)
 - g. Seat 8-Resource Coordination
5. New Business
 - a. Family Advocates-CASA Program Director-(Jeff Dearing)
 - b. Elections-slate (Jennifer)
 - c. Other

Family Law Section meeting minutes

December 11, 2015

1. Meeting called to order by Chair, Jennifer Schindele.
2. Roll Call: Jennifer Schindele, Tyler Rounds, Lisa Rodriguez, Douglas Leavitt, Tom Smith, Chris Hopper, Stephanie Ann Riley, Suzanna Graham, and Denise Penton.
3. Committee Updates:
 - a. Seat 2-October CLE Series. Dates need to be selected for the October CLE series for 2016 and sent to Mahmood so they can be put on the bar calendar. We will attempt to find out the best date for N. Idaho and select dates from there. We will need to brainstorm and discuss topic ideas.
 - b. Seat 3-Other CLEs. Tyler announced there will be a ½ hour CLE at our meeting on February 12th. Speaker is Carl Christensen, CPA to present on tax issues including but not limited to dependency exemption, earned income credit, head of household, etc. Will conduct via Go To Meeting. The annual meeting is July 13-15, 2016 in Boise, Idaho. If we want to present a CLE we need to have a proposal to Mahmood no later than February 15th. It was suggested that there be a CLE on the issue of the new Family Law Rules of Procedure. Judge Peterson recently presented on this issue and had some materials.
 - c. Seat 4-Legislation Committee. No report.
 - d. Seat 5-Publications. No report on the Handbook/Formbook. Tom Smith reported that there were six articles submitted to The Advocate editorial board to be run through the editorial process. The Family Law Section is sponsoring the February issue.
 - e. Seat 6-Technology Committee. No report.
 - f. Seat 7-District Support. No report.
 - g. Seat 8-Resource Coordination. No report.
 - h. Seat 9-Special Projects and Awards. Last year presented at Annual Meeting. There will be a call for nominations early spring.
 - i. Seat 10-Donations Committee. There may be some carryover funds. If so, the committee will review requests.
4. New Business
 - a. Annual Budget-Must be provided to Mahmood no later than January 15th. A draft budget will be emailed to at large council members and officers for approval.
 - b. Sponsorship at Annual Meeting-Last year the section co-sponsored the awards luncheon for \$1,100. There may be an opportunity to do so again. We were able to present the Family Law Award of Distinction at the luncheon.

- c. Elections-There are five at large council positions open as well as the office of Secretary/Treasurer. Call for nominations for open positions. Elections will be in early March. All nominations can be emailed to the current Secretary/Treasurer, Jen Brumley. If anyone has an interest and wants to discuss, contact Jen Brumley or Jennifer Schindele. The new terms will start April 8, 2016 at the Annual Meeting.
 - d. Idaho Supreme Court Judicial Conference Input-If anyone has any input on areas/issues for judicial training, forward to Mahmood.
5. Review of November Meeting Minutes. Tom Smith moved to approve. Lisa seconded. Motion passed unanimously.
 6. Review of November financials. Tom Smith moved to approve. Stephanie seconded. Motion passed unanimously.
 7. Tyler moved to adjourn the meeting. Tom Smith seconded. Passed unanimously.

Jennifer Schindele

From: Bob Aldridge [bob@rlaldrigelaw.com]
Sent: Monday, January 04, 2016 3:55 PM
To: Jennifer Schindele; lisa@twinfallslegal.com; jen@adbattorneys.com; mbaillie@jvwlaw.net
Subject: TEPI bills
Attachments: Family Allowance removal 2016.pdf; Effect of CP deposit and Will 12-8-15.pdf; Digital assets bill 12-7-15.pdf; Digital assets bill 12-15-15 with amendment.pdf; UPC 2-802 and 804 1-15-15 (2).pdf; Delegation of parental power amended 1-4-16.pdf; Nomination of Guardian amended 1-4-16.pdf

I have attached some bills that TEPI is planning on bringing this session. I would appreciate any input you have (hopefully, that these are all perfect and wonderful and will be enthusiastically supported). I will gladly expand on the explanations below, or have a phone conference if that helps. I do want to get these to RS form as soon as possible. Thank you for your help.

(1) On the Digital Assets bill, I am waiting for reaction from the national providers (Google, Facebook etc.) on whether they will accept the addition of "reasonable" to the good faith language as ITLA had requested. I will let you know as soon as I hear if anything changes from the original language. This has been thrashed out over the last several years to get to a bill that all the stakeholders (which were legion) could agree on. I am assuming that this is a delicate enough compromise that no changes will be allowed. The bottom line of the bill, which we have been trying to get for years, is to allow Personal Representatives, Conservators, Powers of Attorney, trustees, to access digital assets in appropriate circumstances with appropriate ability of the holder of the account to limit such access in advance.

(2) Delegation of Parental Power - takes the existing language of the statute, first done in 1991 for Desert Storm and expanded since then, and adds the ability to have a springing delegation - normally incapacity or incarceration or whatever. Intended for temporary situations. The parent can set any conditions, including requiring a specific physician, or more than one physician, to determine incapacity, on the delegation becoming effective. Does not foreclose having anyone else bring a standard C&G proceeding. But allows a parent who has clear choice on who should be guardian on a temporary basis to have an easy flexible and inexpensive way to delegate those powers, either immediately as in the existing statute, or on a springing basis. I made some amendments to this, mainly adding the ability of the parent to require specific physician(s) or more than one physician, and allowing actual notice to negate the need to record a revocation.

(3) Nomination of Guardian - the next step if the delegation runs into some entity that requires Letters or a court order. Parallels the existing Testamentary Appointment method, but during lifetime, not just at death. The parent or other person files the delegation document with the Court and files an acceptance. Again, does not foreclose someone else bringing a C&G proceeding.

(4) Effect of CP Deposit - from the updated UPC. Community Property keeps its character when deposited. But, cannot change survivorship and ownership agreements by Will, which is important to outside parties, especially banks and brokerages. Clarifies an existing gray area.

(5) Family Allowance Removal. The Family Allowance was removed from the UPC a number of years ago, but I kept finding places where it was still mentioned. So this bill removes those references.

(6) UPC 2-802 and 804 - short title would be Effect of Divorce. Again from updated UPC. Expands the existing limited effect of 15-2-802 by first making some minor clarifications - (b)(2) should have always been there to make sense. Then adds new 804 to cover the effects of a divorce in other than a Will. Can always be overridden by express terms or a governing instrument or court order or contract. Provides revocation of dispositions or appointments which were revocable by the divorced individual such as power of appointment, serving as fiduciary, joint tenancy with right of survivorship (there creating equal tenancies in common). Does not affect third parties for value and in good faith reliance on apparent title. Remarriage reinstates (yes, we see those) as does nullification of the divorce or annulment. Has express protection for payors and other third parties and for bona fide purchasers. Provides for when something received in violation of the statute is subject to be returned. And recognizes preempting federal law.

Let me know if you have any questions. I am also providing or have provided these bills to other relevant stakeholders and will let you know of any changes produced that that.

Thank you for your help.

Bob Aldridge