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FAMILY AFFAIRS

IN THE NEWS:

New Child Support law goes into effect January 1, 2007.

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December 2006

Another year is drawing to a close and it is time to look ahead to 2007. The new year will bring several significant changes to the Child Support Laws as well as new limitations for moving out of state with children. In this issue of *Family Affairs*, I will discuss the new legislation going into effect on January 1, 2007 as well as the advantages of *Our Family Wizard®* software.

At Fogel Law Offices we strongly believe that the job of a family law attorney is not only to provide clients with expert legal advice, but also to provide them with the tools necessary in order to move onto the next stage of their life.

In addition to the our staff of attorneys and paralegals, there are a number of professionals and tools available to help make the divorce process much less intimidating. We utilize these resources as part of our comprehensive approach to handling family law matters for our clients.

My goal for this publication is to provide useful information on family law matters. Please let me know if there are any topics of interest you would like me to discuss in an upcoming issue of *Family Affairs*. Your feedback is always welcome

Sincerely,

Jonathan J. Fogel



OUR FAMILY WIZARD®

The divorce process is often a stressful one for all parties concerned. Although the circumstances of each family may be different, many of the challenges faced by parents involved in a divorce are not unique. Parents often struggle with communication and organization before separating. So it is no surprise that sharing important family information becomes even more difficult after the emotions of divorce are added to the equation. The result is often poor, combative communication with children having to serve as “messengers” between squabbling parents. This is both a cause and symptom of bad communication which in turn leads to more stress for everyone.

Unfortunately, most parents do not realize how harmful their arguments are to the children. Too often the effects of poor communication and unpleasant exchanges go unnoticed until after the damage is done. Well-meaning parents want to do what is best for their children but they are not experts at divorce and require guidance and assistance from professionals who can give them information and access to tools and resources that can help them.

OurFamilyWizard® is a tool which provides a bridge for the difficult moments that are sure to arise when children’s activities span two households. It allows parents to communicate in a manner that is thoughtful and reflective, rather than reactive.

The OurFamilyWizard® parenting website was designed by divorced parents with the help of family law professionals as a tool for coordinating family schedules and sharing family information. The website acts as a conduit for parents to plan for holidays, share insurance cards, keep track of shared expenses, and much more. It is also being utilized by the courts as a way to eliminate the “he said, she said,” dilemma by making parents accountable and keeping children out of the crossfire.

Unfortunately many family law practitioners encounter parents who engage in deceitful and destructive behavior. Far too often the bench is forced to decide who is telling the truth, or which version of the truth is closest to reality. The OurFamilyWizard® parenting website helps eliminate harmful game playing between parents by documenting every entry on the site. The time and author of an entry is shown on each page, and entries cannot be post dated. Each page is printable to provide evidence of what information was actually provided to the other parent on a given date.

Parents in all fifty states and 12 countries have made a decision to improve their communication by using the OurFamilyWizard® parenting website. Judges in at least twenty-three states and three countries are ordering families to utilize the OurFamilyWizard® parenting website to communicate and share vital family information.

The website was designed to be easy to use for all members of the family. It has six sections – Shared Family Calendar, Message Board, Journal, Information Bank, Expense Log, and Resources – which can be used in any combination depending on the needs of each family. While some families utilize all of the site’s life management tools, others benefit from using just one or two.

The Shared Calendar provides basic calendaring functions, as well as many additional features such as color coding, notice of conflicting events scheduled for the same child, trading of days to accommodate special circumstances and many other items designed to assist parents in coordinating the busy schedules of separate households.

The Message Board allows families to communicate directly with one another. Because it is not the same as email, users will never be distracted by non-family materials such as spam mail and advertisements. It also serves as a way to shield children from harmful materials that may be associated with email. The message board acts as the secure mailbox for the family.

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The Information Bank is a place where family members can access the information maintained in several areas on the site. Information on everything from health histories to shoe sizes can be readily available to both households. The Information Bank also accommodates the online storage of important files. These files can be documents, pictures or anything else that may be needed by one or both parties.

The Journal functions as a virtual diary. Family members may maintain personal and/or shared Journals for their children. Parents can give each other detailed records of the children's daily affairs in a non-intrusive manner. It is especially important because children no longer need to carry messages or notebooks between parent's households.

The Expense Log allows parents to track the shared expenses of their children. Parents can set up expense types that will automatically calculate each parent's share of an expense. Receipts can be uploaded and parents can review expenses and approve them before payment.

The Resource Section has information and links to family law professionals who use the OurFamilyWizard® parenting website, helpful books and articles, support groups, family-friendly websites and online tools.

Comments from parents and family professionals logged in the OurFamilyWizard® guest book tout the site's effectiveness. Lois, of Mediation Works North in Minnesota, says, "I have been a divorce mediator for seven years specializing in parenting plans and co-parenting issues. I also teach conflict management and communication classes and the Parents Forever Divorce Education as a mandatory part of the mediation process. All I can say is, 'Way to go, people!' I will be referring all of my clients to your site."

To find out how you can help parents move into a new and better way of shared parenting, go to www.ourfamilywizard.com or e-mail them at info@ourfamilywizard.com.

NEW LEGISLATION

Recently, the Minnesota Legislature passed a bill that dramatically changes the way the state calculates child support obligations and significantly impacts a custodial parent's ability to move out of state with the children. The changes begin to go into effect on January 1, 2007, and it may require some parents to go back to the drawing board to sort out child support payments.

Currently, only the non-custodial parent's "net" income is considered in calculating child support. The new legislation looks at both parent's "gross" income. It considers the cost of raising children, divides the cost based on the parents' relative incomes, and also makes some adjustments for parenting time.

Under the existing law, the battle over which parent had sole physical custody was very important as it related to child support because only a "joint" physical custodian received a reduction in child support payments. Under the new law, however, the **percentage of time** each parent has with the child will become the critical factor, not the custody label.

Under the existing law, there is a presumption that a custodial parent be allowed to move out of state with the parties' minor children. Under the new law, that presumption will no longer exist and the court will have to apply a "best interest standard" when considering the request of a custodial parent to move the child's residence to another state. In other words, it will be harder to move out of state with the minor children.

For more information about this new legislation, please contact me directly at (763) 746-4045.

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Mr. Fogel has extensive experience handling complex marital estates, spousal maintenance, custody disputes, post decree matters, paternity, and domestic abuse. Fogel Law Offices, P.A. is committed to the needs of individuals faced with family concerns, whether they are pursuing litigation of their own family law matter, or desire an attorney's counsel through mediation. Mr. Fogel is a frequent speaker at seminars for continuing legal education and has appeared several times on radio and television to discuss issues related to divorce. *Mpls. St. Paul Magazine*, *Twin Cities Business Monthly*, and *Minnesota Law & Politics* have recognized Mr. Fogel as a "Super Lawyer" and a member of the top 6% of attorneys in Minnesota. Please visit us at www.fogellawoffices.com.

This newsletter provides general information on legal matters, and should not be relied upon as legal advice. A qualified attorney must analyze the relevant facts and apply the applicable law to provide specific legal advice. If you require legal advice or want additional information regarding the services we offer, please contact us at 763-746-4045 or familylaw@fogellawoffices.com.

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