

## Committee Newsletter | Winter 2017, Vol. 1 No. 1

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#### Letter from the Editor

By [Marie Sarantakis](#)

As we ring in a new year, we often make resolutions. Some of us vow to eat better, wake up earlier, or work out more. Others of us see the new year as a time to get re-energized professionally. We are invigorated by the prospect of a fresh slate and setting new routines into motion. As you contemplate what you would like to change in this year, I encourage you to consider regularly submitting an [article](#) to an industry publication, such as our newsletter. This is a great exercise to stretch your mind, expand your expertise in your field, and market yourself amongst your peers.

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We are currently accepting short articles for the spring edition of the [American Bar Association Young Lawyers Division Family Law Committee newsletter](#). Contributions should be no longer than *approximately 200 words* and pertain to recent developments in family law.

We are also accepting longer Practice Series articles, *approximately 600 words*, that would serve as a resource for new lawyers. Practice series articles should discuss a substantive and/or procedural aspect of family law. These articles will be featured on our [Committee's webpage](#).

All submissions should include your article in Word format, a three-line biography, and written permission to republish (if applicable). Please e-mail your submission to [marie@davilegal.com](mailto:marie@davilegal.com) for consideration.

**Author Bio:** *Marie Sarantakis practices family law in Western Springs, Illinois. She is a certified mediator and currently serves in numerous leadership roles with the American Bar Association, Chicago Bar Association, and Illinois State Bar Association.*

## **Report from the ABA YLD Fall Conference**

By Allyson Burger

The ABA YLD Family Law Committee was honored in being selected to co-host and co-sponsor a program at the ABA YLD Spring Conference in Detroit, Michigan. Our program, entitled “LGBT Family Law Considerations and Practice Tips” was Co-Sponsored by the ABA YLD Sexual Orientation and Gender Identity Committee and ABA YLD Tax Committee. The program was enriched by our esteemed and dynamic panelists, Angie Martell, Esq. of Igelisa Martell Law Firm, PLLC, of Ann Arbor, MI and Ryan Loeffers, Esq. of the Hawaii Electricians Administrative Office of Honolulu, HI.

Angie Martell is the founder and managing partner of Iglesia Martell in Ann Arbor, Michigan, her “holistic” law practice. Her practice spans many facets of the law including family and criminal law. She is a tireless advocate for the LGBT, Spanish speaking, and deaf communities and has been the recipient of various awards for her devotion to securing equal treatment for all under the law. Angie enlightened our audience with Family Law practice considerations and tips for this emerging area of the law, which is quite literally changing every day. Ryan Loeffers works as a benefits manager for the Hawaii Electricians Administrative Office and previously practiced in the area of employee benefits, specifically multi-employer benefit plans, and offered insight into dealing in taxation and employee benefits-related issues for same-sex couples.

Angie offered various practice tips to aid in our effective representation of LGBT clients, including familiarization with proper terminology, using neutral language on our traditional standardized forms, diversity training and the like. Throughout the program, we explored the notion that although all fifty states now “accept” same-sex marriage, the rights of LGBT persons vary from state to state, including an absence of civil rights protections in the Sixth Circuit (Michigan). We were reminded that it is of paramount importance to understand these state-to-state legal realities and educate ourselves on the effects that these disparities in the law have on LGBT families. We discussed the varying legal protections that LGBT persons have in different jurisdictions in relation to sperm donor agreements, assisted reproduction technology, parental rights (including differences between married and unmarried parents) and adoption. We discussed the legal implications that have arisen following the landmark Supreme Court holding in *Obergefell v. Hodges*.

Ryan informed us that from an LGBT standpoint, it has become easier to administer the tax law now that same-sex marriage is recognized by both the federal and state governments, as opposed to requiring practitioners to implement dual sets of rules. We learned that for Federal tax purposes, Employee Benefit Plans are not required to recognize same-sex marriages prior to September 16, 2013 but must do so from that point forward. Domestic partnerships and other marriage-like relationships are not considered to be marriages for tax purposes. Ryan delved into the evolution of gift tax, estate tax, and employee benefits implications for same-sex couples prior to and following federal recognition. Additionally, we learned that the IRS has evolved the language of the tax code so to ensure gender neutrality.

The program was well-attended and hugely informative. We are so grateful for our speakers' materials and participation and certainly hope to offer continued programming on this important topic as the law continues to expand and change.

*Author Bio: Allyson Burger is a senior associate at Saltzman Chetkof and Rosenberg, LLP. Ms. Burger currently serves as Chair of the ABA YLD Family Law Committee.*

## **Understanding the Fundamentals of Pet Trusts**

By [Marie Sarantakis](#)

Today, pets are more than companions. To many of us, they are family. Unlike children, who mature and attain self-sufficiency, our pets remain dependent on our care, attention, and affection for their basic needs. Accordingly, more pet parents are starting to factor in their pets when developing an estate plan.

Trusts are a common mechanism for asset protection, but trusts with a pet as a beneficiary are just starting to gain attention and traction in the legal community.

Laws surrounding pet trusts are state specific. Currently, every state, with the exception of Minnesota, allows for pet trusts, but the subtle nuances in their laws vary. The American Society for the Prevention of Cruelty to Animals (ASPCA) has [summarized pet trust statutes](#) across the various states for cursory review.

For attorneys who are involved with family law and estate planning, a basic understanding of pet trusts will become increasingly relevant in order to provide adequate protection for client's wants and needs.

## **Five Shocking Divorce Statistics**

By [Marie Sarantakis](#)

(1) **Nearly half of all marriages end in divorce.** [DivorceStatistics.org](#) states that nearly 41% of first marriages end in divorce and that percentage increases for each subsequent marriage. For example, 60% of second marriages and 73% of third marriages fail.

(2) **"Grey divorce" is on the rise.** According to the [New York Times](#), more couples are getting divorced after long-term marriages and it is now more socially acceptable to do so. Longer life expectancy and the increase in women's economic independence make divorce later in life more practicable.

(3) **Less than half the children in the United States are growing up in a household with both of their married parents.** According to the [Pew Research Center](#), 46% of children live in a home with their biological parents who are married. Comparatively, this number was at 73% in 1960 and 61% in 1980. Approximately 15% of children live in a home with a blended family, and this number has remained relatively consistent since the early 1990s.

(4) **The northeastern United States have the lowest marriage rates and conversely the lowest divorce rates.** In contrast, the southern United States have the highest marriage rate and, in turn, the highest divorce rates. According to [The Chicago Tribune](#), Madison, Wisconsin boasts the nation's lowest divorce rate.

(5) **Most divorces occur after the holidays.** *The Huffington Post* recently stated that January is the most popular month for a spouse to file for dissolution. It is thought that many spouses, especially if children are involved, temporarily put off divorce in order to not cause strain on the family over the Christmas season. The holidays may test already strained marriages and New Year's resolutions may prompt an impetus for growth and change for disenchanted spouses.

## NEWS AND ANNOUNCEMENTS

### **Register for the 2017 ABA Midyear Meeting**

The [ABA Midyear Meeting](#) will be held in Miami Florida from February 2, 2017 through February 5, 2017. The meeting promises to host meaningful CLE programming, speakers, and special events.

### **Improve Your Legal Writing Skills with a CLE Webinar**

You can now [register](#) for an online webinar to improve your writing skills pm February 7, 2017, from 1:00 p.m. until 2:30 p.m. (ET). The ABA Section of Family Law will co-host a 1.5 credit CLE session featuring a distinguished panel of legal writing professors who will provide attorneys with tips to draft more effective and efficient writings.

### **Attend the 2017 ABA Section of Family Law Spring CLE Conference**

On March 3, 2017 through March 6, 2017, the ABA Section of Family Law will be hosting its Spring CLE Conference in Savannah, Georgia at the Savannah Hyatt Regency. Attendees can earn up to sixteen hours of general CLE credits and three hours of ethics/professionalism CLE credits. [Registration](#) begins online in early January.