

## SOUTH DAKOTA LEGAL NOTES

DECEMBER 2013 | [INFO@SWIERLAW.COM](mailto:INFO@SWIERLAW.COM) | [WWW.SWIERLAW.COM](http://WWW.SWIERLAW.COM)

### Chris McClure Joins Swier Law Firm

Swier Law Firm, Prof. LLC is pleased to announce the expansion of its nationally-recognized legal practice with the addition of Chris McClure.

Chris will be joining the law firm's Family Law Practice Group in the Sioux Falls office and will focus his practice on divorce, child custody, child support, elder law, spousal support, property division, pre- and post-marital planning, and adoptions.

Before joining Swier Law Firm, Chris worked for the South Dakota Department of Social Services and served as lead counsel for South Dakota's Division of Child Support. In this position, he worked with top executives in state government and coordinated numerous child support attorneys.

"Chris has a wealth of experience and knowledge, which will make him a key addition to our firm," said Senior Partner Scott Swier. "His dedication to his clients aligns perfectly with the firm's commitment to providing exceptional legal representation throughout South Dakota," added Swier.

Chris graduated from Augustana College where he was elected Student Body President. He obtained his law degree from the University of South Dakota, where he was Managing Editor and a published author for the *Great Plains Natural Resources Journal*.



### South Dakota Tax Update - Income Tax Credits That Could Expire In 2013

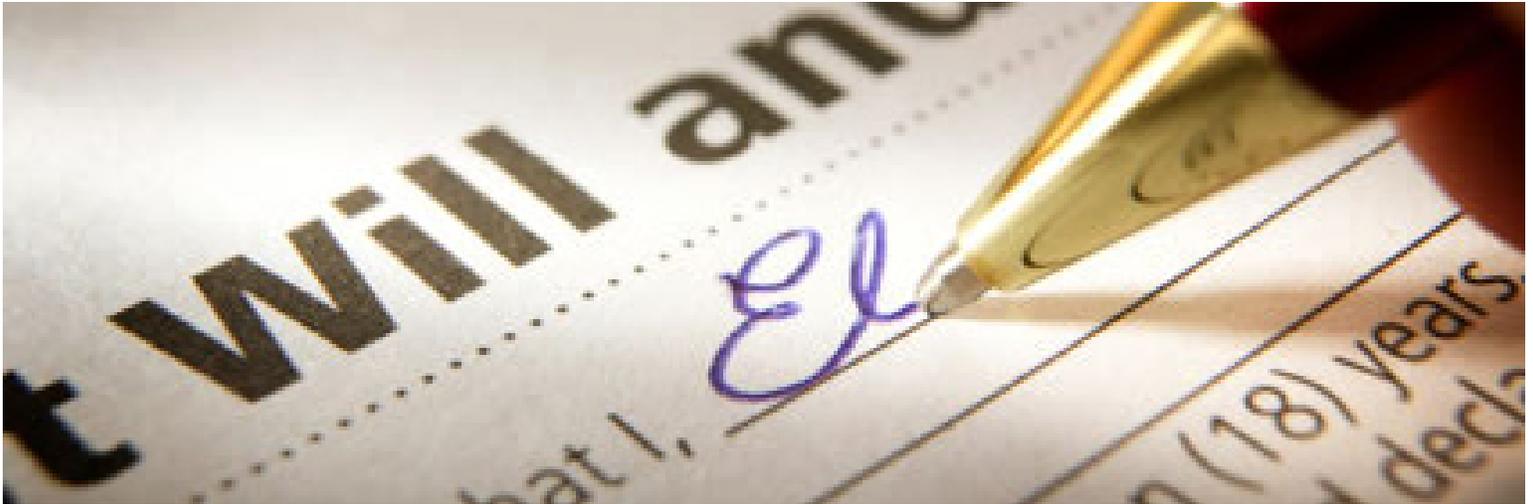
Income taxes may not be the first thing on your mind during this time of year, but with end of the year coming to a close it is important to take a look at some of the income tax provisions that are set to expire at the end of 2013. Of course, Congress often extends these tax provisions and it may again this year. However, it is important to consider taking advantage of these tax provisions before the end of 2013.

First, the teacher's classroom expense deduction is set to expire at the end of 2013. This deduction allows teachers who provide primary or secondary instruction to take a \$250.00 deduction for school supplies they buy out-of-pocket and are not reimbursed.

Second, another deduction set to expire is the IRA distributions to charity. People older than 70 and a half must take minimum distributions from their IRA. This tax provision allows them to contribute that money to charity without it counting as income. This provision helps keep income low enough for an individual to qualify for other tax breaks that may have phase-out limits. A person can transfer up to \$100,000.00 to a charity out of their IRA.

Finally, the tax credit for making your home "green" is set to expire. Homeowners who take advantage of this can receive a \$500.00 credit for energy efficient appliances. The appliance must be installed and operational by December 31, 2013 unless this provision is extended.





## Seven Reasons to Review Your South Dakota Will

In South Dakota, you may change your will as often as you like. Here are seven reasons to review your South Dakota will:

1. **A change in marital status.**
2. **A change in your state of residence.**
3. **A significant change in the value of your assets.**
4. **A change in the federal tax laws.**
5. **The death of a beneficiary.**
6. **The death of a trustee or personal representative.**
7. **The death of your minor child's guardian.**

If you believe a change to your will is needed, you should consult an estate planning attorney who is familiar with South Dakota's probate code.

### **Q:** In South Dakota, can my Will change my retirement account's beneficiary designation?

**A:** If you haven't recently reviewed your beneficiary designations for your retirement account, you may find that your designated beneficiaries are not who or what you think it should be. This is especially true if you have recently divorced, remarried, or had children since your retirement plan was started. And while many of us make sure that important documents, like our wills, are frequently updated, we tend to "forget" about our retirement account beneficiary designations.

Remember - your retirement accounts are not part of your estate and usually are not governed by the provisions of your will, **so it is important to keep those retirement accounts updated!**



### Child Support in South Dakota

In South Dakota, the Legislature has established guidelines which courts must use to determine that a fair share of income and resources are allocated to the child when that child's parents are separated, divorced, or unmarried.

# kids corner

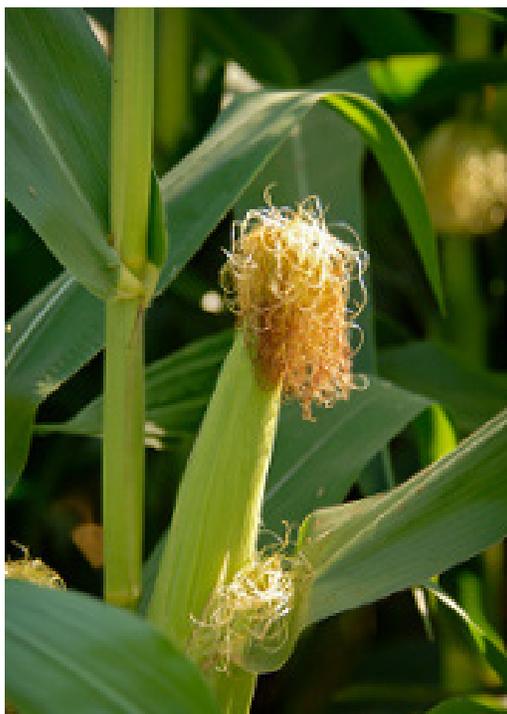
We have been very busy this month! We have been going to rehearsal in Yankton for the Academy of Dance's ballet of Sleeping Beauty. I was a young courtier. My costume was orange and poufy! I got to perform with Aunt Brooke and Uncle Chris because they were also in the ballet. It was fun and all my grandparents came to watch!

Kate, Will, and I also ate a lot on Thanksgiving! I had half of the bowl of cranberries! Kate's favorite was the mashed potatoes and Will liked the ham the best! We even got to see the movie Frozen on Thanksgiving. We played a lot of games over Thanksgiving break.

Avon had the Parade of Lights the Saturday after Thanksgiving. All of our neighbors on Evergreen Street made a float for the parade. The Grinch was the star and all of us kids were the Whos from Whoville. My hair and Kate's hair stood straight up! Our float won first place in the "Most Effort" category! We also launched t-shirts off the float into the crowd!

We are excited for Christmas and want to wish everyone a very merry Christmas and a happy New Year!

By Sarah Swier



## Q: What is the South Dakota Department of Agriculture's Mediation & Counseling Program?

**A:** The South Dakota Department of Agriculture provides help to farmers and ranchers through the Ag Finance Counseling Program. Finance counseling can help producers understand their financial situation and make informed decisions.

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