

SOUTH DAKOTA  
**LEGAL NOTES**

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## Will having a revocable trust avoid challenges by my beneficiaries or heirs?

Not necessarily.

Disgruntled heirs or beneficiaries can challenge the validity of a revocable trust on the same legal grounds as those available for challenging a will. It may be claimed that a revocable trust is invalid because the grantor was incompetent or unduly influenced by another person to establish the trust.



### **Q:** In South Dakota, are there different types of adoptions?

**A:** Yes. In South Dakota, there are several types of adoptions, including

- a) adoptions facilitated by social service agencies;
- b) private adoptions facilitated by adoption attorneys;
- c) adoptions facilitated by the South Dakota Department of Social Services;
- d) interstate adoptions;
- e) international adoptions;
- f) adult adoptions; and
- g) stepparent adoptions

# Brooke Swier Schloss Appointed to South Dakota Bar Association's 2015-2016 Family Law Committee

Brooke Swier Schloss of Swier Law Firm was recently appointed to serve on the South Dakota Bar Association's 2015-2016 Family Law Committee.

The State Bar Association's Family Law Committee maintains and improves the practice of family law through effective interaction with the courts and by informing lawyers and the public of current legislation and regulations. The Family Law



Committee focuses on all matters relating to marriage, dissolution, custody and support, and adoptions.

Brooke was recently named by the National Academy of Family Law Attorneys as a "Top 10 Attorney Under the Age of 40" and is the author of the books *The South Dakota Child Custody and Divorce Handbook* and *15 Tips for Choosing a South Dakota Divorce Lawyer*.



## **Q:** What types of cases in South Dakota are handled in juvenile court?

**A:** All criminal cases against juveniles, except hunting, fishing, boating, park, traffic offenses or underage consumption or possession of alcohol, are started in juvenile court. After the filing of the petition alleging a child to be delinquent, the prosecutor has the option of seeking to have the case moved to adult court.

Before a court will transfer a juvenile from juvenile to regular court, the judge will consider the seriousness of the offense, the manner in which the offense was committed, whether the offense was against persons or property, the prosecutorial merit of the complaint, the desirability of one proceeding where adults and juveniles have been charged in the same action, the prior record of the juvenile, the protection of the public, the prospects of rehabilitation of juvenile, and the juvenile's mental, physical and social history.

If a child is 16 years of age or older and has committed murder, manslaughter, kidnapping, rape, 1st degree burglary or other serious violent felony, it is presumed that he should be transferred from juvenile court and treated as an adult.



## Q: What is Medicare?

**A:** Medicare is a health insurance program for persons age 65 or older, or who have received Social Security disability benefits for 24 consecutive months or longer.



Scott Swier



Brooke Schloss



Jake Fischer



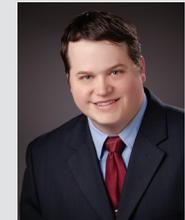
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