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Joshua Robertson



Edward Schragger

Our attorneys continue to receive awards of distinction. We congratulate the following attorneys for their recent achievements and accomplishments in their areas of practice:

MaryEllen Kiley Bishop – 2010 Best Lawyer® and Super Lawyer® and FIVE Star Wealth Managersm award

Michael Bishop – 2010 Best Lawyer® and Super Lawyer®

Jill Goldenberg – 2010 Best Lawyer® and Super Lawyer®

Joshua Robertson (pictured) – 2010 Super Lawyer Rising Star®

Edward Schragger (pictured) – 2010 Super Lawyer®

Congress Declines to Extend Estate Tax Laws Unprecedented Uncertainty Continues

Although the House of Representatives passed a bill which would have permanently extended the Federal estate tax with an exemption of \$3.5 million and a tax rate of 45%, the Senate declined to act prior to the end of 2009. This has resulted in unprecedented uncertainty with respect to the estate tax as of the date this article was written.

Under the Economic Growth and Tax Relief Reconciliation Act of 2001 (“the 2001 Tax Act”), the following changes in the tax laws became effective on January 1, 2010:

- The Federal estate tax and the generation skipping tax **have been repealed**
- The Federal gift tax remains with a lifetime exemption of \$1 million and a flat 35% tax
- The step-up in basis at death of appreciated assets was repealed and assets received from a decedent will have a carryover basis. An estate can allocate up to \$1.3 million of basis increase among appreciated assets, plus an additional \$3 million of basis increase to appreciated assets passing to a surviving spouse.

The carryover basis provisions will impose significant recordkeeping burdens on families as original cost basis

information for investments, property and other assets will need to be compiled and maintained.

The changes which went into effect on January 1, 2010 **will be reversed in 2011** and the estate, gift and GST tax laws will revert to the laws in effect in 2001. On January 1, 2011, the Federal estate tax and gift tax will be restored with a \$1 million exemption and a 55% maximum tax rate. The carryover basis provisions will no longer apply and decedents’ assets will again receive a step-up in basis to fair market value at the date of death.

No one can accurately predict what Congress will do in 2010, if anything. Some commentators opine that Congress will enact tax legislation this year which is retroactive to January 1, 2010, which could result in none of the newly effective changes ever actually being applied to any taxpayer’s estate. It is also entirely possible that Congress will not take any action in 2010, resulting in the estate tax returning in 2011 with a \$1 million exemption and higher top rates.

We will keep you informed as developments emerge. Please contact us if you have questions about how the estate tax laws apply to you or your existing estate plan.

CGG Adds Two Partners

Cohen Garleick & Glazier added two partners to the firm. In November 2009, MaryEllen Kiley Bishop joined the firm as a partner. MaryEllen is one of Central Indiana’s most celebrated attorneys in her field with over 25 years of experience in probate, estate planning, tax law and probate litigation. In addition, Heather Wysong-Zaiger was promoted to partner in January 2010. Heather has been with the firm since 2004 and concentrates her practice in the areas of general civil litigation, domestic relations and personal injury, including traumatic brain injury.



MaryEllen Kiley Bishop



Heather Wysong-Zaiger

Remembering Tyler: Meeting the Challenge to Give Back



Steve Crell

Horseshoes, the color blue, and everything Colts held special meaning for Tyler Hensley. A huge Indianapolis Colts fan, Tyler desperately wanted to attend Dwight Freeney's football camp. Knowing his family could not afford the camp's fee, Tyler dedicated himself to writing a 500 word essay to win a scholarship to attend. When Dwight Freeney called Tyler to let him know he won the scholarship to attend the camp, it was a dream come true.

Even though a few years passed since Tyler spent a glorious week being coached by Dwight, Peyton Manning, Jeff Saturday and other football heroes, he still talked about it. It was the highlight of his

life and he hoped to help other kids earn similar scholarships or raise money to go to the camp.

In June 2009, Tyler died tragically in a trailer fire. As Steve Crell represented the family in their wrongful death and negligence case, Steve heard tales of Tyler's experience at football camp. "Can you imagine being a kid and having Dwight Freeney show you how to play defense?" asks Steve. "I can only imagine how Tyler felt being on the football field with his idols."

Further, fueled by Tyler's passion, Steve saw the case as an opportunity to give back to the community and he challenges other attorneys to do the same. With the case settled through mediation, Steve appropriately honored Tyler by dedicating a portion of his fee to underwrite two scholarships to attend Dwight Freeney's next camp. The scholarship Steve established remembers Tyler's passion for football, his love of the camp and the summer he spent learning from the best.

International Impact through Leadership

Our attorneys are known for the hours they dedicate to non-profit and civic organizations. Managing partner, Chuck Cohen exemplifies Cohen Garelick & Glazier's commitment to community through his volunteerism on the local as well as international level. Therefore, it was not a surprise when he was tapped to serve the Budget Committee of the Jewish Federations of North America.

The Jewish Federations of North America continues to turn to Chuck for leadership and guidance. He has served the organization on the executive committee and as a representative for intermediate cities. Chuck's latest appointment to the Budget Committee comes at a critical time for all philanthropic entities. His leadership will prove vital to the organization's con-

tinued success toward achieving its mission. The Jewish Federations of North America (formerly United Jewish Communities) represents and serves 157 Jewish federations and 400 independent Jewish communities which raise and distribute \$3 billion annually for social welfare, social services and educational needs.

We are proud to know that Chuck's volunteer oversight and leadership will impact communities on an international level.



Chuck Cohen

New Child Support Rules & Guidelines Amendments Became Effective January 1, 2010

In an effort to create uniformity and consistency across family law courts in the state, Indiana requires the use of "Indiana Child Support Guidelines" to determine new or adjusted child support payments. Originally introduced in 1989, the Indiana Supreme Court updated the guidelines last fall and the changes became effective January 1, 2010.

Changes include, but are not limited to the following:

Calculations for Higher Income

The prior guidelines utilized a formula to determine child support which allowed for child support to level off when combined income reached \$4,000 per week. The new guidelines determine child support payments through a standard calculation set forth in a schedule of up to \$10,000 per week. In addition, the new guidelines address weekly adjusted income over \$10,000 by calculating child support payments based on a fixed percentage of income and taking into consideration the number of dependent children. These new guidelines may result in significant support amounts for high income earners.

Social Security and Disability

The new guidelines define how Social Security and Disability benefits can and cannot be applied to child support calculations. Language in the new guidelines address a variety of scenarios pertaining to benefits received in the name of custodial and non-custodial parents, as well as benefits paid directly to a dependent.

Negative Income Calculations

Possibly one of the more controversial of the new guidelines, it is notable that prior case law has been effectively overruled by the new guidelines in the area of "negative support." Under the new guidelines, if a negative child support amount is calculated for the non-custodial parent there is a rebuttable presumption that the custodial parent pays child support to the non-custodial parent equal to the amount of the negative calculation.

Controlled Expenses

Controlled expenses are now more clearly defined in the guidelines and apply typically in cases of equal parenting time. Controlled expenses include the six percent rule (for uninsured health care expenses) and "items like clothing,

education, school books and supplies, ordinary uninsured health care and personal care." Payment of controlled expenses are the obligation of the parent in a shared parenting plan who does not receive the parenting time credit and receives child support from the other parent.

Modifications

The newly introduced guidelines include language that defines adjustments to child support when multiple children are involved and one child becomes emancipated and/or reaches the age of 21.

Further, two new exceptions were introduced to the existing guidelines that child support modifications are to be retroactive to no earlier than the date of petition. The first exception allows for custodial and non-custodial parents to agree to and carry out an alternative method of payment that adheres to the original decree. The second exception addresses circumstances that call for a change of custody between parents.

Medical Support and Health Care

The new guidelines require medical coverage for dependent children when possible. As stated in the guidelines, "The court shall order one or both parents to provide private health insurance when accessible to the child at a reasonable cost." The new guidelines define "reasonable cost" based on measuring the insurance premium against a percentage of weekly gross income (five percent) and the existing child support calculations.

As part of the revised health care guidelines, a new resource called the "Health Insurance Premium Worksheet" has been made available through the State of Indiana website.

In fact, the State of Indiana website updated all online calculators and worksheets to reflect changes in child support guidelines that became effective January 1, 2010.

You may wish to review your current child support agreement and the new guidelines in their entirety. Should you need assistance in calculating support or to revise your agreement, contact your Cohen Garelick & Glazier family law attorney at 317.573.8888.