



## A Family Law Newsletter from De Gennaro Law Firm

The Family Law Newsletter is provided by De Gennaro Law Firm to help individuals and families navigate through the myriad of legal concerns they will confront in both life and death.

### **Do you want your digital assets to go to digital heaven when you die?**

You have multiple passwords for your computers, computer content, social media, multimedia content, digital mementos, institutional and investment accounts. What if something happened to you leaving you incapacitated or worse, dead. You may be heaven bound (or perhaps elsewhere bound), but do you want to take your digital assets and passwords with you? If not, how will your love ones access your password protected digital assets and accounts? (Of course, if you have a walk-through closet filled with skeletons, you may not want to share your innermost secrets with anyone.)

So what could you do when you want to give someone the keys to your kingdom on earth?

Here are a few suggestions:

1. Create a list of your digital assets and password protected documents with corresponding passwords. Keep the list in a secure place along with your will and other important documents. Be sure to update it regularly.
2. What if you prefer to separate your digital assets from their corresponding passwords? Here is something you can do. Place in one envelope addressed to a trusted friend a list of your digital assets and password protected documents. Place in a second envelope, addressed to another trusted friend, the corresponding passwords. Let each person know what you are doing and label the envelopes with instructions to "not open until after incapacity or death". Include information for the two friends to contact each other. And, if you want only one person to have access to both your digital assets and passwords, be sure to identify who that person will be.
3. If you prefer a more formal document to express your intentions, use your will to appoint a "digital executor" to manage your digital assets according to the instructions in your will.

### **Part 1. Some Estate Planning Mistakes to Avoid.**

1. Dying without a will. If you die without a will, the state where you are domiciled will determine who gets what and how much. Why would you want to leave these decision to someone who has no interest in protecting your loved ones or legacy?

2. Giving property outright to your children. This is not a good idea if you have a minor child who will inherit a large amount of money from you at age 18 and who lacks the maturity to manage the money wisely. (Just think of yourself at that age.) What if your child marries a fortune-hunter, or is hounded by creditors or drools over a new Porche?

*What to do? Use your will or trust to postpone distributions to your child until the time you believe your child can use the inheritance in a responsible manner. Hopefully, you will live long enough to witness this miracle.*

3. Thinking we can postpone our death by not planning for it. We don't want to think about our mortality so we don't plan for it, often to the detriment of our loved ones. Even if your death appears light years away to you, providing a guardian for a minor child or a trust for a special needs child is a must.

4. Choosing the wrong guardian for a minor child. In the event of your death, who should you select as guardian to make important health, education and welfare decisions for your minor child? Please, not your parents. They have suffered enough in raising you and have earned the right to live out their twilight years in peace and quiet.

So, who should the guardian be? Select a guardian who shares the same religious beliefs and values as you do. Be sure the guardian has the emotional capacity and economic and physical ability to serve as guardian. And, expect the guardian to return the favor by making a similar request of you.

### Complimentary Consultation

**For a Complimentary consultation, please contact the De Gennaro Law Firm at 248.350.0404, or email us at [service@degennarolaw.com](mailto:service@degennarolaw.com).**



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For over forty-four years, he has taught and practiced extensively in the areas of family law, business organizations, contracts, commercial litigation, and estate planning, and conducts personalized estate planning seminars for the firm's clients and their families. He has served as a hearing officer for the Michigan Department of Civil Rights, and a mediator for the Wayne County Circuit court.

De Gennaro law firm collaborates with a network of professional firms to provide additional support services, including divorce and commercial litigation, and will work with your existing financial and tax professionals to ensure a comprehensive approach to your business, family and estate planning needs.

Visit our website for detailed information about the [legal support services](#) provided.

*This newsletter and any description of current law and its application are not intended as legal advice. Readers are directed to seek individual consultation with regard to their particular concerns.*