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## **Intra-Family Agreements**

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On Sunday, January 11, 2015, the Virginian-Pilot reported that a lawsuit had been filed in the Chesapeake Circuit Court in which a woman alleged that, despite investing substantial assets to build a mother-in-law suite in her daughter's home, paying rent and utilities for more than four years and assisting with the cost of installing a backyard swimming pool, she was "kicked out" of her daughter and son-in-law's home. Although it appears from the article that the daughter and son-in-law have a different version of the chain of events that lead to the woman no longer living with them, the sheer fact that this matter has ended up in the courthouse is more important than the ultimate merits of this case. It is not unusual for family members to make informal agreements among themselves in connection with matters of all kinds. For instance, children take elderly parents into their homes to care for them when it becomes too difficult or expensive for the parents to remain in their own homes. Family members make loans to each other on all kinds of terms. However, at the time these arrangements are made, it is not uncommon for there to be misunderstandings about the exact terms of the agreements or about what to do if problems arise down the road. When problems and disagreements do arise, the stress on the family can fracture relationships and lead to a crisis that lands everyone in the last place they intended: court.

It is for this reason that Hook Law Center stresses the importance of reducing these intra-family agreements to writing. By spending the time at the outset of the agreement to put into writing the exact terms of what each party will do, you lay the groundwork for a clear understanding of what matters the agreement covers and what matters it does not. For instance, if a parent is planning to move into a child's home, the agreement should specify whether the parent is paying rent or merely paying a portion of the expenses of maintaining the home. The agreement should also cover the circumstances that would necessitate the parent leaving the home, such as ill health that necessitates assisted living or nursing home level of care, and the circumstances that might allow a return to the home. Depending on the specific circumstances of the family, other terms might be important to include in such agreements like transportation to and from medical appointments, provision of medical care in the home, cooking meals, etc. Families should also be cognizant of their own stresses and needs – if a parent needs constant care, the agreement may want to contemplate that the parent will pay for outside caregivers so that the family can take a vacation without worrying about the parent's safety. Many times the mere act of writing down the agreement will spur the parties to ask each other the very important "what if" questions. Coming to an agreement about how these issues will be handled at the outset is preferable (and will likely lead to a better solution)

## **Intra-Family Agreements (cont'd)**

than trying to deal with the issues in a crisis.

Although reducing an agreement to writing cannot guarantee that a lawsuit will not be the ultimate result, a well-thought-out agreement does provide a roadmap for navigating the choppy waters that occur in life. It can be the basis for a mediated settlement between the parties. It can also be used to diffuse concerns of other family members who question why Dad has made certain payments or is moving out of the house. In addition, written agreements can be used as a tool to assist people in qualifying for government benefits. Hook Law Center is committed to assisting our clients and their families as they search for ways to do what families do best: care for each other. Contact any of our attorneys to discuss putting an intra-family agreement in writing.



### **Wildlife in Your Backyard**

**Hook Law Center:** Kit Kat, what should one do if they find animals in their yard that are causing problems?

**Kit Kat:** Well, the Humane Society of the United States (HSUS) recommends that you shouldn't trap and relocate wild animals. The success rate in such translocation is very low. For example, one study found that squirrels which were moved from a suburban area to a woodsy area had a 3% survival rate after 88 days. You might think it's the same type of habitat, but wild animals like squirrels, foxes, and possums get to know their home territory. They have mapped out escape routes, they know where to find food, etc. Also, when they are scooped up and removed, they may be leaving behind some babies who are too young to fend for themselves.

So what should you do if you find a groundhog poaching the flowers or a squirrel eating the birdseed? What the HSUS recommends is gentle harassment measures such as loud noise from a radio, flashing lights, or vinegar-soaked rags strategically placed. Eventually, they will get the point and move on their own terms, when they've made a plan. Once it is clear the animals have moved, you can erect some barriers which will prevent their return. Preventive barriers include caps on chimneys, sealing holes in porches and sheds, or using temporary fencing. Many people fear opossums, but they are nocturnal and take care of a lot of garden pests such as insects and rodents. They really should pose no serious problems, and can be quite beneficial to your property's ecosystem.

So, be respectful of your property's natural inhabitants. It is possible to co-exist peacefully. (Nancy Lawson, "Strangers in a Strange Land," *All Animals*, January/February 2015, p. 32-33)

**Upcoming Events**

- **January 29 – 31, 2015** - Andrew Hook and Jessica A. Hayes will attend the NAELA Summit in Newport Beach, California.
- **February 7, 2015** – Shannon Laymon-Pecoraro will be speaking to the Down Syndrome Association of Hampton Roads' Baby Play Group.
- **February 10, 2015** – Andrew Hook will be teaching a continuing legal education seminar to personal injury attorneys on "Protecting Your Client's Settlement Using Trusts."
- **February 20-21, 2015** – Andrew Hook will be speaking on Managing a Small Law Firm at the 2015 VAELA UnProgram in Charlottesville, VA.
- **February 23, 2015** - Andrew H. Hook and Shannon Laymon-Pecoraro will be speaking on the ABLE Act to a local financial advisor firm.
- **August 12, 2015** - Andrew Hook will be speaking to a group at Maryview Hospital in Portsmouth, Virginia.
- **August 21, 2015** - Andrew Hook will be speaking to a group at DePaul Hospital in Norfolk, Virginia.
- **August 27, 2015** - Andrew Hook will be speaking to a group at Mary Immaculate Hospital in Newport News, Virginia.

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