

PREVENTIVE LAW

SERIES

Legal Assistance Program

TOPIC:

***DEPLOYMENT
PREPARATION***

April 2014

If you have questions concerning the topic
of this pamphlet, please contact the
Legal Assistance Office

For additional information & useful links, please visit:

<https://aflegalassistance.law.af.mil>

Legal Assistance Office
Phone: 226-4022

**Office of the
Staff Judge Advocate
Misawa AB, Japan**

GET YOUR LEGAL AFFAIRS IN ORDER FOR DEPLOYMENT--NOW!!!

You've packed your uniforms, essential gear and have your orders in hand. You get to the terminal with your family or friends anxious to see you off. Just as they give you the boarding call your spouse asks where you keep the spare checkbook. Or, if you're not married, you're sitting on the plane and remember that you have a credit card bill due to arrive before the end of the month that you forgot about. In either case, panic can set in as it dawns on you that you really didn't prepare for this deployment. Now, magnify the problem: what if this was a no-notice mobility deployment rather than a well planned TDY?

Family members and active duty take note: **THERE IS NO TIME BUT THE PRESENT TO PREPARE.** Are you prepared for a long-term, no-notice deployment or a noncombatant evacuation order? This pamphlet outlines the areas you need to cover to be prepared: powers of attorney, wills, personal finances, personnel documents, and dependent care arrangements. The legal office can assist you in preparing wills and powers of attorney, provide you with notary service, and advise you on other arrangements to get your legal affairs in order. If you are deploying, you may qualify for additional protections under the Servicemembers Civil Relief Act (SCRA). Please see the separate handout on SCRA or come speak to an attorney if you have any questions on this.

WILLS. There are many good reasons for all adults, active duty or not, to have wills. Choosing a guardian or executor, ensuring your wishes for property disposition are carried out, simplifying probate, and leaving those behind with greater peace of mind are among the most important. You may not realize that if you die without a will, your state has laws (called intestacy laws) that will dictate the distribution of your estate. How your state of legal residence dictates the distribution may not be consistent with your wishes. For married people with children, some states' laws split half of your estate between your spouse and your children. That can cause your surviving spouse a great deal of headaches, for example, if a home needs to be sold. It's just not a good idea to let the state make decisions for you instead of making your own wishes known in a will. If you don't have a will or need one updated, your first step is to obtain a will worksheet. Please visit <https://aflegalassistance.law.af.mil> to fill out a will worksheet. When you have the worksheet completed, call 226-4022 for an appointment.

POWERS OF ATTORNEY: When you aren't present to conduct business requiring your signature, a power of attorney (POA) may be an effective way of permitting another to sign on your behalf. However, if you're relying on the myth that a general POA will take care of everything, you are probably in for a shock. Besides being a very risky delegation of authority, many businesses or agencies do not accept general POAs, and no one can force them to accept a POA. The best way to avoid giving powers that have no effect is to plan ahead and grant special powers of attorney.

The first step is to think ahead about any business that needs your signature to accomplish. Do you have any personal property (e.g. cars) titled in your name that you may need to sell, register, or maintain? Do you want your spouse to be able start, stop, or change any allotments, or make inquiries about your military pay to get explanations on why your pay has changed? Do you need someone to pick up your mail or packages? Do you need to designate an adult to care for your child and make emergency medical decisions in your absence? Are there banking transactions that require your signature?

The second step is to know what documents are required to conduct that business in your absence. Some businesses or agencies require special powers of attorney, specifically tailored to the purpose, and some businesses, like banks, or realtors may require that you use their forms. The post office has its own form to allow another access to your mail. Military Finance has specific rules and requirements before anyone may access your pay information or make any changes to your pay account. Contact the businesses or agencies ahead of time to learn what they require. A list of local base requirements is attached for your reference.

Then, get the documents you need. For NEO kits, at a minimum you should have powers of attorney to care for your children for each person listed on your AF Form 357. In all cases, the legal office can help you by preparing special powers of attorney and providing notary service for other forms you need.

POWERS OF ATTORNEY: RULES OF ENGAGEMENT

RULE 1: NEVER RELY ON A GENERAL POWER OF ATTORNEY

RULE 2: ASK AGENCIES IF THEY HAVE A SPECIAL FORM

RULE 3: GET SPECIAL POWERS OF ATTORNEY FOR SPECIFIC NEEDS

To create a POA, visit <https://aflegalassistance.law.af.mil> You will receive a ticket number which you can bring into our office to print out your POA.

PERSONNEL DOCUMENTS: Review your SGLI to make sure your beneficiaries are up to date. While you're there, check your emergency data card too. Pull out your NEO kit and check carefully to make sure all your family's needs are covered, the documents are current, and the documents are in a safe, secure, and reasonably accessible location.

DEPENDENT CARE: For single parents or dual military, pull out your dependent care arrangements to verify that they are still current and realistic. If they don't cover contingencies and transportation arrangements from start to finish, it's time to make that top priority. Who will care for your child(ren) immediately upon your recall? How will they get back to the States in the event of a NEO and where will their caretaker meet them? Have you contacted the schools in your caretaker's district to find out if your children can enroll without any special documentation?

BOTTOM LINE: As with any situation involving legal affairs, each person has their own special needs or circumstances. It's time to assess yours and visit the legal office to make your arrangements. The mission needs your full attention when you're gone, and your family deserves the peace of mind that will come by planning ahead and taking care of personal legal affairs now.

THE INFORMATION CONTAINED IN THIS PAMPHLET IS OF A GENERAL NATURE AND IS PROVIDED FOR YOUR ASSISTANCE AND CONVENIENCE. IT IS NOT INTENDED AS LEGAL ADVICE AND IS NOT A SUBSTITUTE FOR LEGAL COUNSEL. IF YOU HAVE ANY QUESTIONS AS TO HOW THE LAW IN THIS AREA AFFECTS YOU OR YOUR LEGAL RIGHTS, CONTACT THE MISAWA AIR BASE LEGAL OFFICE FOR AN APPOINTMENT WITH A LICENSED ATTORNEY.

SUMMARY OF LOCAL POWER OF ATTORNEY REQUIREMENTS

<u>Agency</u>	<u>Type of Acceptable POA</u>
AIR FORCE AID	GENERAL
BANKING FACILITIES:	
COMMUNITY BANK	GENERAL/SPECIAL (please contact bank)
CREDIT UNION	GENERAL (not for loans)/SPECIAL
BASE EXCHANGE	
DPP	SPECIAL (to open account)
LAWAWAY PICKUP	GENERAL/SPECIAL (case by case basis)
CAR CARE CENTER (JCI)	SPECIAL
CHILD DEVELOPMENT CENTERS	SPECIAL
CLAIMS OFFICE	SPECIAL/LETTER (spouse only)
DODDS (enrollment)	SPECIAL (please contact school for specific language)
EML ORDERS	NONE REQUIRED (please contact First Sergeant)
FINANCE	SPECIAL (contact finance for the exact wording for your particular situation)
FMO/TMO	SPECIAL
HOME SALE (REAL ESTATE)	SPECIAL
HOUSING (ACCEPTANCE/CHECK OUT)	SPECIAL
HOSPITAL TREATMENT	SPECIAL
IRS	
FILE TAXES	GENERAL/SPECIAL/IRS FORM 2848
CASH REFUND CHECK	SPECIAL (as req'd by bank)
POST OFFICE	SPECIAL
PARENTAL RIGHTS/CHILD CARE (In Loco Parentis)	SPECIAL
RED CROSS (EMERGENCY)	NONE REQUIRED
VEHICLES AT MISAWA AB	
REGISTRATION	SPECIAL
LIABILITY INSURANCE	NONE REQUIRED
ROAD TAX	NONE REQUIRED
VEHICLE SALE/DISPOSITION	SPECIAL
TMO (shipment or receipt of household goods)	SPECIAL
TUITION ASSISTANCE	
MILITARY TO MILITARY OR DEPENDENT	GENERAL
MILITARY TO OTHER THAN DEPENDENT	SPECIAL