

FAMILY CARE PLANS

One of the most important considerations of family readiness is to ensure that your family is taken care of properly in your absence during drills, annual training, mobilization, or during unexpected circumstances.

A Family Care Plan is very important for all families. It documents who will provide care for your family members while you are away on military duty. The plan outlines the legal, medical, logistical, educational, monetary, and religious arrangements you may have for the care of your family. It is highly recommended that all service members have a Family Care Plan prepared. In some instances, a formal Family Care Plan will be required to be on file in the unit, as in the following cases:

- A single parent with minor children (under 18) in home.
- A remarried parent with minor children not in home.
- Dual military couples with children.
- A spouse who is incapacitated, either physically or mentally.

Contact your unit's First Sergeant for additional information regarding Family Care Plans. Taking care of these considerations now will help ensure that you and your family are prepared for any period of separation. Review your plan annually or whenever a significant change in your household occurs. You want to feel secure that the information on file is accurate and up-to-date.

YOUR WILL

One of the important tasks that you must do for personal and family readiness is to write a will. No one likes to think about wills and dying—that is why three out of every four Americans die without wills.

A will is an important document for you and your family. It makes sure that your children have someone to take care of them and that your estate goes to the people you designate. If you die without a will, the state will make those decisions for you. The court will also collect a fee from your estate to pay for a court-appointed representative and an annual bonding premium.

Who should write your will? You should not attempt to write your own will, because many states do not recognize these wills as binding. Each state requires certain elements for wills to comply with the laws of the state. For these reasons, it is recommended that you always have a lawyer prepare your will.

The 133AW Legal Office will prepare a basic, simple will for both you and your spouse for free. Forms, with easy to follow instructions, may be picked up at the base legal office at any time. A civilian lawyer, who specializes in estate planning matters, should be contacted when more complex and detailed wills need to be prepared. Civilian lawyers charge by the hour, so the more work you do on your own, the less it will cost you in attorney's fees.

Once the will is prepared and you have checked it for accuracy, you will sign it before a notary. Put your notarized will in a safe place, protecting it from fire, flood or other damage. A safety deposit box is not a recommended storage location for your will. The bank, upon notification of your death, will seal the box, making it necessary for your family to obtain a court order to open it. Make sure that your family, lawyer, or other representative will be able to find your will easily. Your lawyer's office or the probate clerk in the County Court Administration office can keep your will for you. There may be a small fee for this.

POWERS OF ATTORNEY

There are special times when service members may want to have powers of attorney drafted. A power of attorney gives someone else—a spouse, a

lawyer, a friend or other trust-worthy person—the legal power to carry out transactions in the service member's name without his or her signature or consent. Setting up a power of attorney, for instance, would enable you to grant a trusted friend the authority to sell a car or home. Powers of attorney are not necessary for transactions involving a person who is listed jointly on accounts with you. Most married couples, for example, have joint bank accounts so a power of attorney is not needed for the spouse to transact business or pay bills from those accounts.

There are two types of powers of attorney: a general power of attorney and a special power of attorney.

A **general** power of attorney is very broad. It authorizes another person to sign any legal document in your name and, therefore, should be used with extreme caution. (For example, it could enable someone to deplete your savings account and sell all your property.)

A **special** power of attorney is limited. It authorizes another person to carry out a specific legal act in your name. Once the action is completed or a specific number of days have gone by, the power of attorney expires. Your personal lawyer or military lawyer can help you decide if you or your spouse needs a power of attorney and can prepare one for you.

DESIGNATED CAREGIVER AGREEMENT

A designated caregiver agreement gives a person that you designate the power to assume guardianship of your dependents when you are deployed. The designated caregiver acts in your absence; providing care, discipline, and education for your family members. A designated caregiver also has the power to authorize medical care, including emergency surgery. Whomever you appoint as your designated caregiver must fully understand and agree to fulfill his or her responsibilities. The agreement must be signed by each parent with legal custody and must have the

consent of every parent with court ordered visitation.

It is very important to designate a primary and alternate caregiver. If something should happen to the primary caregiver, then your alternate caregiver can legally assume responsibility for the children's care. An illness, accident, deployment, or unemployment are just a few examples of what could happen to cause the primary caregiver to be unable to fulfill his or her responsibilities.

In Minnesota, designated caregiver agreements are valid for one year, so they should be prepared just prior to your deployment to ensure that it will not expire while you are deployed.

BASE LEGAL SERVICES

The lawyers in the base legal office can advise you regarding any of these legal documents. They will help you determine whether you need one, and if so, prepare it for you. These services are free.

To obtain legal services from base lawyers, you may stop by the office or contact them by phone.

133rd Legal Office
Wing Headquarters
Building 631, 2nd Floor
Room 245
(612) 713-2509

The following checklist will help you prepare your plan. Have you done the following for your family members?

- *Assigned a designated caregiver for your children and made sure that the caregiver understands the responsibility.*
- *Obtained ID cards, commissary cards, registered in DEERS, and checked to make sure the ID cards have not expired.*
- *Signed up for Servicemember's Group Life Insurance (SGLI) and updated the beneficiary information.*
- *Arranged for housing, food, transportation, and emergency needs.*
- *Informed your spouse or any caretakers about your financial matters.*
- *Prepared a will, and designated a caregiver in the will.*
- *Arranged for the designated caregiver to have access to necessary funds.*
- *Arranged for childcare, education, and medical care.*
- *Provided a copy of your will and/or powers of attorney to your designated personal representative or designated caregiver.*
- *Arranged for necessary travel and escort to transfer family members to their caregiver.*
- *Discussed your plans with your spouse and older children.*



FAMILY CARE PLANS, WILLS and POWERS OF ATTORNEY