

Office of The Staff Judge Advocate Shaw AFB, SC

Deployment Guide

The handout discusses legal documents you may need in the event that you are absent from your family for a period of time. The following topics will be addressed: Powers of Attorney, Wills, Insurance, Tax Assistance, and the Soldiers' and Sailor's Civil Relief Act. If you need any of the documents listed below or have any questions please call the Legal Office to set up an appointment.

Powers of Attorney

- A POA is a document which authorizes another person (i.e., your "agent") to act on your behalf and conduct your business while you are absent. Basically, the POA will give your agent the ability to sign for you and that signature will have the same legally binding effect as if you had personally signed.
- Businesses are not required to accept a POA. No one can force a business, including a bank, to accept a POA. You should check with your bank and other businesses or agencies with which you deal to ensure that they will honor the POA.

Who needs a Power of Attorney?

- If you and your spouse have joint bank accounts and own all of your property jointly (i.e. cars, houses, investments, etc.) then you may not need a POA. If everything is jointly owned, your spouse is probably already able to take care of all family business in your absence. However, where property is not jointly owned, a POA may be needed. Only you know your business affairs. Therefore, it is up to you to determine whether or not a POA is required.

What kind of Power of Attorney do I need?

- There are two (2) types of POAs:
General POA -- gives your agent virtually unlimited authority to act on your behalf. This is the most powerful POA.
Special POA -- gives your agent the authority to do one or more specified acts. You specify on the POA document what acts the agent may perform on your behalf (i.e., sell or register your car, ship or receive household goods, cash paychecks, etc). This is a

more limited and less powerful POA since the agent's authority to act is limited to only those specific acts which you have authorized.

- In deciding which type of POA is needed, always remember the general rule -- **DON'T GIVE AWAY ANY MORE POWER THAN IS ABSOLUTELY NECESSARY.** Don't get a General POA if all you need is a Special POA.
- In deciding who to give a POA to (i.e., your agent), there are three (3) important factors to keep in mind -- **TRUST, TRUST, AND TRUST.** If you give someone a General POA, he or she will be able to do virtually anything concerning your business. You had better have a lot of trust in that person.
- To use the POA, your agent must have the original signed document. Though POAs can be revoked at any time, it is often difficult to ensure that all entities which could honor that power are notified that the power of attorney has been revoked.
- POAs may be obtained, Monday through Friday 0900-1600 at the Base Legal Office.

WILLS -- Who needs a Will?

- A will is a document that distributes your assets to those people of your choosing in the occurrence of your death. As military members, it is strongly recommended that all members deploying have a current and updated will. All military members have the benefit of having a will created for them regardless of whether or not they are deploying. Where can I get a will prepared?
- Military members and their dependents can have will prepared, free of charge, at the Base Legal Office. Clients desiring a will can consult with an attorney and have one prepared. Please call DSN 965-1560 to schedule an appointment with an attorney and visit our website at <https://aflegalassistance.law.af.mil> to fill out a will worksheet prior to arriving.

Insurance

- All military members who have private insurance (other than SGLI) should check with their insurance agent to make sure the policy doesn't contain what is called a "war clause" or "combat exclusion clause."
- Such clauses state that the insurance policy will pay nothing if the insured is killed during combat. Obviously, military members do not want to have such a policy or clause.
- If you do have insurance under the SGLI, death by means of combat is covered under the policy. However, you should ensure your designation of your beneficiary is up-to-date. Whoever you name as the beneficiary on the SGLI form will be the one who

receives the proceeds even if you named someone else as the beneficiary in your will. If you named "no designation" or "By Law" designation, then the proceeds are paid according to the SGLI statute.

Tax Assistance

- The Law Center, through the Volunteer Income Tax Assistance (VITA) office, offers free tax assistance with the filing of tax returns. We even have electronic tax filing. This is a valuable service which military members and their families should take advantage of. Spouses should not become delinquent in filing their tax returns just because the military member is deployed.

Servicemembers' Civil Relief Act (SCRA)

- The SCRA is a federal law designed to protect military members (and in many circumstances their dependents) from certain legal obligations when their military service interferes therewith. The Act allows a military member to postpone certain civil (not criminal) actions during their absence, reduce interest rates to 6% on their pre-service loans, have protection against foreclosures and repossessions without court order, and request prospective relief of the court for certain financial obligations they can't meet because of their military service. Additionally, this is the Act that allows military members to keep their home state as their domicile while they are in the military (i.e., continue to pay income and personal property taxes only in the state you call home).

- Keep in mind that there are many prerequisites before employing the protections of the SCRA. Call DSN 965-1560 to schedule an appointment to speak to an attorney regarding protections that may be applicable to you under the SCRA.

Conclusion

- This pamphlet was designed to provide general information in an effort to ensure your legal affairs are in order in the event of a deployment. If you have a specific question regarding any of the information in this pamphlet come to the Base Legal Office to speak with an attorney. To schedule an appointment to speak with an attorney, please call DSN 965-1560.