



PREVENTIVE LAW SERIES

# LEGAL READINESS & DEPLOYMENT



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Before you deploy, ensure you take care of all your personal legal issues. It is much more difficult – if not impossible - to resolve such issues if you wait until you are deployed. The below is a quick checklist of items you should consider in order to become “legally ready” for deployment. This is not intended to be an all-inclusive list, and there may be other legal issues you may need to resolve, depending on your personal situation. **DO NOT BE ONE OF THOSE PEOPLE WHO WAITS TO THE LAST MINUTE OR, EVEN WORSE, IGNORES BECOMING LEGALLY PREPARED.**

## **SUPPORT**

You should ensure that your dependents will have an adequate and continuous amount of support while you are deployed. You can set up allotments, direct deposits, or consider having joint checking and savings accounts. Make sure that all dependents are registered in DEERS, especially newborns.

## **FAMILY CARE PLAN**

Dual-military and single parent military members must complete a Family Care Plan designating an individual to take care of children during deployment. The person designated as caregiver must sign the form agreeing to the plan (See NAVADMIN 142.91).

## **POWERS OF ATTORNEY**

Consider executing special powers of attorney to authorize people you trust to act on your behalf. Special powers of attorney are useful documents for both married and single service members. A special power of attorney gives the agent power and authority to act for the principal for a special, limited purpose. For instance, a special power of attorney can enable someone to pay your bills, register your car, pay your taxes, ship your household goods, and do a multitude of other things.

## **WILLS**

Think about drafting or updating your will, especially if you have had a child or gotten married. If you die without a will, your property will be distributed in accordance with state intestacy laws. Normally, the property will go first to your spouse, then to your children, then your parents, and then to your brothers and sisters, nieces and nephews, and other close relatives. If you have minor children for whom you need to name a guardian and/or a custodian or trustee to hold assets, it is a good idea to have a will.

## **MEDICAL DIRECTIVES**

An advanced medical directive lets you choose whom you wish to make medical decisions for you if you are medically unable to make such decisions yourself. A living will lets you express your desires as to how you wish to receive life-sustaining treatment on you.

## **LIFE INSURANCE**

Ensure that your life insurance beneficiaries are up-to-date. Life insurance proceeds will NOT pass through your will because your life insurance policy is a contract between you and the life insurance company. You can name a child as a beneficiary, but the money will go to the guardian of the child until the child reaches the age of majority, usually eighteen (18) years. If you want to leave insurance proceeds to your children, and have someone other than the other biological parent manage the children’s money, you should first see an attorney.

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FOR LEGAL ADVICE IN A PARTICULAR SITUATION, ALWAYS CONSULT WITH AN ATTORNEY.

## LEASES

Servicemembers can only break a lease if they have valid PCS orders under the SCRA or if the Servicemember is deploying for a period of more than 90 days (see 50 U.S.C. App. §535 for more information). Written notice to the landlord along with the copy of the relevant orders are required under the SCRA to break residential leases. The SCRA also allows Servicemembers to break vehicle leases and cell phone contracts under certain circumstances.

## CREDIT REPORT- ACTIVE DUTY ALERT

To help avoid identity theft, add an "Active Duty Alert" to your credit reports calling any one of the three credit reporting agencies (calling one places the alert on file with the others). The active duty alert requires the Agencies to contact you directly to verify your identity if someone requests credit in your name

- **Trans Union:** (800) 680-7289
- **Equifax:** (800) 525-6285
- **Experian:** (800) 397-3742

You should also regularly check your credit history and are entitled to a free annual reports at [www.annualcreditreport.com](http://www.annualcreditreport.com)

## UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

USERRA seeks to ensure that those who serve their country can retain their civilian employment and benefits, and can seek employment free from discrimination because of their service. There are four basic entitlements that reservists called to active duty have under the law: 1) prompt reinstatement to civilian employment (generally a matter of days, not weeks, but will depend on the length of absence); 2) accrued seniority as if continuously employed (this applies to rights and benefits determined by seniority as well); 3) training or retraining and other accommodations; and 4) special protection against discharge, except for cause. For service of more than 30 days but less than 181 days, the service member must submit an application for reemployment within 14 days of release from service. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service (see 38 U.S.C. §§4301-4344).

## LEGAL ASSISTANCE SERVICES

A legal assistance attorney is available by appointment Monday from 0800 - 1100 and 1300 - 1500, Tuesday through Thursday (excluding the fourth Wednesday of the month) from 0900 - 1100 and 1300 - 1500 and Friday from 0900 - 1045. Powers of attorney and notaries are available at the same times. For more information, please contact the Legal Assistance Office, located in Building 56, 32nd Street Naval Station, San Diego, CA, by telephone at (619) 556-2211, or our office at Naval Air Station North Island – Coronado, Building 318 – Second Deck, above the Fleet and Family Support Center, Saufley Road, by telephone at (619) 545-6437.

## RESOURCES

Credit Reporting Agencies:

- **Equifax:** P.O. Box 740250, Atlanta, GA 30374-0250; [www.equifax.com](http://www.equifax.com). Phone numbers: (800) 525-6285 for fraud report, and (800) 685-1111 for credit order report. Order a copy of your report (\$8 in most states): P.O. Box 740241, Atlanta, GA 30374-0241, or (800)997-2493.
- **Experian:** P.O. Box 949, Allen, TX 75013; [www.experian.com](http://www.experian.com). Phone numbers: (888) EXPERIAN (397-3742) for fraud report and for credit order report. Order a copy of your report (\$8 in most states): P.O. Box 2104, Allen TX 75013.
- **Trans Union:** P.O. Box 6790, Fullerton, CA 92634; [www.transunion.com](http://www.transunion.com). Phone numbers: (800) 888-4213 for credit order report. Order a copy of your report (\$8 in most states): P.O. Box 390, Springfield, PA 19064. To dispute an item on your report, call (800) 916-8800.

Obtain a **FREE** copy of your credit report at [www.annualcreditreport.com](http://www.annualcreditreport.com).

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