



FORT SILL LEGAL ASSISTANCE

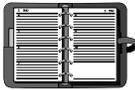


General Information



The Fort Sill Legal Assistance Office, located in Building 4700, Suite 400, on Mow-Way Road, provides legal assistance to active duty Soldiers, reservists, retirees, and Family members. Hours of operation are 0900 - 1600, Monday, Tuesday, Wednesday, Friday and 1300 - 1600 on Thursday. Telephone numbers are (580) 442-5058 and (580) 442-5059.

SCHEDULING APPOINTMENTS



Scheduled appointments may be made by telephone or in person. Scheduled appointments occur on Monday, Wednesday and Friday. Same day walk-in service is available each Tuesday and Thursday on a first-come, first-served basis. Emergency appointments are available daily. *Legal advice cannot be provided by telephone.*

MISSION



The mission of the legal assistance program is to assist eligible Soldiers, retirees and Family members with their personal legal affairs in a timely and professional manner. The program's existence is based on the Army's need for Soldier readiness, morale, discipline, and maintenance of a quality force. Legal assistance may involve making an appropriate referral to another military or civilian attorney or entering into an attorney-client relationship and representing the client. No in-court representation is provided by legal assistance attorneys. Assistance with personal legal problems is provided on the following matters: wills and estate planning, tax, consumer matters, finances, family law, immigration and naturalization, insurance, real estate, and military administrative actions such as responses to financial liability investigations of property loss (FLIPLs), letters of reprimand, evaluation appeals, security clearance denials and other matters.

LAST WILL AND TESTAMENT



A will is a document that directs how property is to be distributed upon your death and appoints responsible parties to carry out your wishes under the supervision of a

Court. Contrary to popular belief, your property does not go to “the state” if you do not have a will, unless you have no surviving heirs. Laws which determine to whom your property will be distributed if you die without a will vary from state to state, but usually your property will be distributed to your spouse and children and in some cases your nearest living relatives. Generally, your property would be distributed as follows:

- If you are single and without children, your biological parents receive your property in equal shares, even if they are no longer married.
- In some states, if you are married and without children, your spouse receives the property acquired during the marriage and your parents receive the remainder. In other states your spouse receives all of the property.
- If you are married with children, your spouse and children may be required to divide the property, but not necessarily in equal shares.

To direct the specific distribution of property, designate your executor, name guardians, and establish trusts or custodianships for minor children, you should make a will. However, making a will is an entirely personal decision and must be completely voluntary. No one can require you to have a will. A will is not required for deployment or any other military purpose, and you cannot be ordered to make one.

POWER OF ATTORNEY



A power of attorney is a written grant of legal authority from you to the person named to act on your behalf. A *special power of attorney* grants limited authority only to act as specified in the document. A *general power of attorney* extends legal authority to the person named to take almost any action that you could take such as buying and selling property and creating debt obligations. It is an extremely broad and powerful document and should be carefully considered and made for a limited duration. Many financial institutions and stock brokerages recognize only powers of attorney prepared on their forms. DFAS will accept only a *special power of attorney* for financial transactions involving the pay of Soldiers. A power of attorney can be revoked by retrieving the document and destroying it or by executing a written revocation and notifying the agent and anyone to whom it was or may be presented for use that the instrument is revoked. However, even after revocation the signer may, nevertheless, remain liable to any third party who accepts the power of attorney and was not aware of its revocation. Powers of attorney and revocations are prepared daily in the Legal Assistance Office.

FAMILY SUPPORT



Because the Army has an interest in the welfare of both Soldiers and their family members, Soldiers are required by Army regulation to maintain reasonable contact with their families, to provide adequate financial support and to comply with their written agreements and court orders regarding family obligations. Army Regulation 608-99 applies when Soldiers are geographically separated from families by assignment or separated because of domestic disagreement, employment or for financial reasons. In general, in the absence of a court order or written support agreement between a Soldier and spouse, a Soldier must provide total support in an amount at least equal to the BAH II-WITH (also known as BAH RC/T-WITH) rate whether or not BAH is actually being received. The BAH II-WITH is merely the measure of the support to be provided each month. There are exceptions to the regulation's support requirements and the amount of support varies if family members are residing in government quarters or not residing together. Soldiers and family members should consult a legal assistance attorney for advice specific to their circumstances.

THE SERVICEMEMBERS CIVIL RELIEF ACT (SCRA)



The SCRA is a federal law designed to postpone or suspend certain civil legal proceedings and obligations to allow Soldiers to devote full attention to military duty. It does not apply to criminal matters, such as DUI/DWI offenses and traffic citations. This law also covers family members under certain circumstances. To invoke the SCRA in a pending lawsuit, a Soldier's military service must materially affect his or her ability to participate in the legal proceeding, and there must be a meritorious defense to the action. In other circumstances, the SCRA can be used to reduce the interest on loans incurred before entering military service and to prevent eviction, foreclosure, repossession, and the sale of certain property. The SCRA is not a protective sword against every legal and financial problem; it is merely a temporary shield in certain circumstances. Its effect is to postpone, rather than resolve matters, and it does not apply to all situations. Soldiers and family members should consult a legal assistance attorney for advice about the applicability of the SCRA in their particular circumstances.

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This Information Paper provides basic information only and is not intended to serve as a substitute for personal consultation with a Legal Assistance Attorney. To schedule an appointment with a Legal Assistance Attorney, please contact the Legal Assistance Office at (580) 442-5058 or (580) 442-5059. The Fort Sill Legal Assistance Office is located on the 4th floor of Building 4700, Hartell Hall (Welcome Center) at 4700 Mow-Way Road.