

## Preparing for family care

By Edward J. Hamilton Jr. COL, USAR (Ret.)

As a result of downsizing the active Army and increasing reliance by the Department of Defense on all Reserve Component forces, there is an increased likelihood that National Guard and Reserve service members may be called

---

***Judge Advocates should take an active interest in counseling members because unprepared families can present an increased need for legal support at a time when legal resources may be strained.***

---

away with their units on short notice.

Members are accustomed to being away from their families for weekend drills and periods of annual training. Judge Advocates should take an active interest in counseling members because unprepared families can present an increased need for legal support at a time when legal resources may be strained. Family care planning must cover absences due to unexpected and extended periods of active duty, as well as absences during drill and annual training. The need for adequate family care planning is important to unit commanders and members of the Reserve Components.

Army command policy found in AR 600-20 states that each soldier having dependent family members should maintain at least an informal or unwritten plan to provide care for dependents during the soldier's absence during military duty. The objective of the policy is to ensure that soldiers can perform their military duties anytime and anywhere, without distraction arising out of family responsibilities.

While all services have similar requirements, this article focuses on the formal or documented family care plans that are required by paragraph 5-5 of AR 600-20. The regulation provides a specific listing of family situations that require the unit commander to identify and counsel soldiers in such status about family care plans. Both officer and enlisted soldiers are covered by this policy.

Among the soldiers who are required to have a formal plan are single parents who have custody of dependent children (children under age 19) and dual-service parents of all active duty and Reserve Components. A family member incapable of self-care regardless of age (for example, a handicapped adult child) may trigger the preparation of a required family care plan by a soldier who is responsible for providing the care.

In order to have a reasonable and workable family care plan, the soldier must document that all preparations for the physical and financial care, comfort and safety of dependents have been completed. Part of the planning includes appointment by the soldier of an attorney-in-fact who will serve as a temporary guardian for the dependent. This person must be willing, able and available to provide care on short notice and for an extended time. AR 600-20 provides forms and checklists to guide the soldier and commander in developing and maintaining an acceptable plan. Proper development and documentation of a good plan takes thought, time and coordination by the soldier and others who will play a role in executing the plan.

It is the unit commander's responsibility

*See Care page 4.*

## Qualifying for a VA home loan

Many Military Law Section members may qualify for a VA home loan based on their prior military service. The benefits of a VA loan can be numerous to you as a homebuyer, depending on an individual's situation. Some benefits include financing a house with no money down, limited closing costs and favorable interest rates.

VA home loans can be used for previously built homes, new home construction, manufactured homes, condominiums and homes built for persons with special needs. The VA home loans benefits the buyer of each type of home uniquely, and certain restrictions apply based on the type of home purchased. But who qualifies for a VA home loan?

You are eligible if you served on active duty in any the following:

- World War II (Sept. 16, 1940 to July 25, 1947)
- Korean Conflict (June 27, 1950 to January 31, 1955)
- Vietnam Era (August 5, 1964 to May 7, 1975) or
- Persian Gulf War (August 2, 1990 to present) (requires service for two years or for the full period for which called to active duty amounting to at least 90 days of active duty and you must have been discharged or released under other than dishonorable conditions. If you were discharged because of a service-related injury, you may be eligible even if you served for less than 90 days.



*See VA Loan page 3.*

# Chairperson's Corner

## Ozmint looks ahead

By John Ozmint

I am looking forward to my tour of duty as Section Chairperson for the Military Law Section. As I begin this year I would like to address two issues. The first issue concerns our membership and a special provision of our Section allowing attorneys who are not members of the South Carolina Bar to become affiliate members of the Military Law Section.

Any attorney may become an affiliate member of our section for a nominal cost of \$10 a year. This may be more valuable than it appears at first glance. Affiliate members are entitled to all of the privileges of regular members with the exception of voting. Affiliate members receive all South Carolina Bar publications, including *South Carolina Lawyer* and *SC Bar News*. This special provision was designed for the benefit of active duty lawyers stationed in South Carolina and can also be used by reserve lawyers from other states. This offers great opportunity for military lawyers, including Reservists from other states, to stay abreast of happenings in South Carolina legal community. Take advantage!

Secondly, I want to remind our membership of our primary functions. As a small section, we intend to stay focused on doing a few things well. Each year we sponsor or co-sponsor three major functions. First is our annual on-site training and CLE workshop sponsored by the Military Law Section and the USAR 12th Legal Support Organization. Military lawyers and civilians throughout the Southeast attend. Second is the social outing for the benefit of our members and active and reserve lawyers stationed in South Carolina. This event is generally held on a drill weekend for the 12th LSO and is held at the Fort Jackson Golf Club or Officers' Club. Finally, we have renewed our former tradition of co-sponsoring a CLE on South Carolina law designed specifically to assist military practitioners with nuts and bolts issues commonly faced in military practice. This past year, the Staff Judge Advocate at Shaw Air Force Base co-sponsored and hosted this successful event.

Each of these events will be announced early. I look forward to seeing many of you there!

## Shaw AFB CLE update

The Military Law CLE at Shaw AFB that took place May 1 and May 2 has been approved for eight and a half credit hours, including one hour for ethics! The Office of the Staff Judge Advocate at Shaw Air Force Base, the Military Law Section and the Attorney General's Office sponsored the seminar. The CLE was intended to update active duty lawyers stationed in South Carolina and military law practitioners in areas affecting their practice. Topics covered were: motor vehicle law, environmental law, consumer affairs, the civil court system and family law. The CLE attracted many active duty law-

yers, National Guard members, Reservists and some civilians. We'd like to thank all of the excellent speakers for their hard work and professionalism! The training was enjoyed by all!

The Hon. Costa Pleicones was the guest speaker at a Law Day Dinner held on May 1. The dinner was open to CLE attendees and members of the Sumter County Bar. He spoke primarily on the judicial selection process and entertained all in attendance. We'd like to thank the Hon. Costa Pleicones for the great support he has continuously given the Military Law Section!

## Stay informed through JAG school

The *Army Lawyer* is a monthly pamphlet published by the Judge Advocate General's (JAG) School in Charlottesville, Virginia. It provides information to lawyers who practice military law or are in the Army. The faculty at the JAG School primarily writes the articles and shares their thoughts and expertise. In addition to publishing articles on timely legal and tax issues, it also publishes some job opportunities, updates on Guard and Reserve Affairs, Continuing Legal Education news and more.

JAG Corps members of South Carolina Army National Guard and U.S. Army Reserves should be receiving a copy of the *Army Lawyer* at no cost. If you fall into one of these categories but are not receiving the pamphlet, contact the JAG School at 1-804-972-6300 to get put on the mailing list. If you are not presently in the JAG Corps, you can subscribe to the *Army Lawyer* for \$29 per year by contacting the Office of the Superintendent of Documents at 1-202-512-1800. Make sure you're getting your copy today so you can stay informed!

---

## Military Law Section Officers

<b>Chairperson</b>	Jonathan E. Ozmint 803-734-3693
<b>Chairperson-Elect</b>	Jennifer N. Williams 803-748-4785
<b>Vice-Chairperson</b>	L. Ellis Davis 803-276-8824
<b>Secretary/Treasurer</b>	Robert C. Brown 803-256-3700
<b>Section Delegate</b>	Rudolph C. Barnes Jr. 803-364-4444
<b>Immediate Past Chairperson</b>	Sidney S. Riggs 803-359-4994

---

## Council Members

Robert N. Boorda (803) 253-8876	Alan E. Fulmer Jr. (803) 256-6289
Robert J. Barnham (803) 751-7657	James R. Hill (803) 898-9756
Barry Bernstein (803) 806-4318	Thomas J. LeClair (803) 251-0202

---

## VA Loan *continued.*

You are also eligible if your entire service fell within the following times of peace:

- July 26, 1947 to June 26, 1950
- Feb. 1, 1955 to Aug. 4, 1964 or
- May 8, 1975 to Sept. 7, 1980 (if enlisted) or to Oct. 16, 1981 (if officer)

You must have served at least 181 days of continuous active duty and have been discharged or released under conditions other than dishonorable. Again, if you served less time but were discharged based on a service-related injury, you may still qualify.

If your entire service was between Sept. 7, 1980 (enlisted) or Oct. 16, 1981 (officer) and Aug. 1, 1990, you may qualify if the following conditions are met.

- You completed 24 months of continuous active duty or the full period for which you were called (at least 180 days) and

you were discharged or released under conditions other than dishonorable.

- You were discharged for a service-related disability or you were discharged for the convenience of the government after serving at least 20 months of a two year enlistment.
- You served 181 days of active duty and were discharged for hardship or for certain medical or administrative reasons. During the Persian Gulf War, the same exceptions to the two-year requirement apply, except 90 days of active duty is all you are required to have served as opposed to 181.

Active duty personnel that have served continuously for 90 days are also eligible. The number of days will increase to 181 days when an end date is established for Persian Gulf War Service if the soldier does not have wartime service.

Additionally, persons not otherwise eligi-

ble but who have completed at least six years in the Reserves or National Guard or have been discharged with a service related disability and have been (1) discharged under honorable conditions, (2) placed on the retired list, (3) transferred to an element of the Ready Reserve other than the Selected Reserve, or (4) continue to serve in the Selected Reserve are eligible for a loan. (Eligibility for members of the Selected Reserve expires Sept. 30, 2007).

Certain other individuals may also be eligible. To find out more information on VA loans or to request an application for a certificate of eligibility, contact the Department of Veterans Affairs at 1-800-827-1000 or visit your VA Regional office for benefits information and assistance. In Columbia, it is located at 1801 Assembly St. Happy house hunting!

*This information has been taken directly from VA pamphlet 26-4, accessible on the Internet at [www.homeloans.va.gov](http://www.homeloans.va.gov).*



*The Hon. Costa Pleicones talks with LTC Dan Shearouse and Col. David Brunjes of the 12th LSO at the On-Site Luncheon in March.*

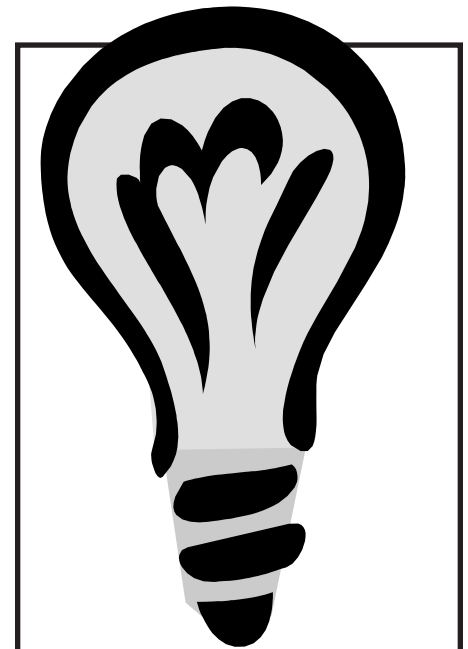
## On-Site Training a success!

The Annual Charlestown CLE On-Site, which is co-sponsored by the 12th Legal Support Organization and the Military Law Section of the Bar, was a success. The training took place at the Sheraton Hotel in North Charleston March 24-26.

Topics covered at the On-Site included a Criminal Law Update, The Law of War and Operations Other than War, Fraternalization, and Current War Crimes Issues. The sessions were taught by faculty from The Judge Advocate General's School (TJAGSA) located in Charlottesville, Va. All of the training was informative and well received by the many Active Duty, Reservists, Retired

Military and civilians who attended. The guest speaker at the luncheon on Saturday was a member of the Military Law Section, the Hon. Costa Pleicones, Associate Justice of South Carolina Supreme Court. He kept everyone riveted and entertained throughout the luncheon!

The Military Law Section held its annual meeting after the last session on Saturday, March 25. It also hosted a social that evening at Bogie's Bar and Grill. Many Section members attended and a few new ones were recruited. Thanks to everyone who made the On-Site great, and a big welcome to our new members!



**Have any  
bright ideas?**

If you have any comments  
or suggestions for  
*the Pen and Sword*,  
please call  
Editor Jennifer Williams  
at 803-748-4767.

## Care *continued.*

to perform a review of each soldier's family status to determine if dependents will need care. This review should be conducted when a soldier is assigned to the unit. Commanders should remain alert for subsequent changes that may require a soldier to be counseled about the need for a plan.

Commanders must formally counsel those soldiers who are required by regulation to have a family care plan and the commander must review plans developed by the soldiers within 60 days of the initial counseling session. It is the soldier's responsibility to develop a workable plan, submit it to the commander for approval and keep the plan current.

Plans must be tested regularly during unit exercises and must be recertified periodically, usually during the soldier's birth month. Plans must be revised after any change in circumstances that would make a plan unworkable. Soldiers who are required to have but fail to develop or maintain an approved family care plan are

not deployable assets of the unit. They may be administratively removed from the unit, or a bar to re-enlistment may be affected on enlisted soldiers. Commanders must monitor family care planning to maintain unit readiness and avoid embarrassing and stressful situations from occurring when the unit is alerted for active duty.

Various regulations govern a soldier's responsibilities to his or her dependents. For example, soldiers who have dependents should be mindful that AR 608-99 requires them to provide adequate financial resources for family members, especially during the soldier's absence for an extended time. The regulation also requires a soldier to provide continuous support for family members and, when applicable, to comply with separation agreements, court orders and judicial decrees.

Another regulation, AR 600-15, requires soldiers to manage their personal affairs satisfactorily and pay their just debts promptly. These debts include car payments, rent and credit card bills. Failure of the soldier to pay these items could pro-

duce stress on dependent family members and the soldier. Such failure may also result in damage to the soldier's credit rating and the public image of all military personnel.

The costs of recruiting, training and retaining a member of the Reserve Components represent a significant investment by the American taxpayers. The unavailability of members due to dependent responsibilities will cause the public and the Congress to question the wisdom of relying on the Reservist Components.

When family circumstances require a formal family care plan, both the service member and the commander must be diligent in assuring that a plan is prepared, approved and maintained. Retention of a deployable soldier should be the focus of this planning. Only by dealing with family care issues prior to receipt of a unit alert may a commander have some assurance that members will be available to perform assigned missions. Family care planning is a good example of how the commander and the soldier have shared, ongoing responsibilities to assure mission readiness.