

THINGS TO THINK ABOUT BEFORE YOU DEPLOY

As military members in general we all recognize that we face the possibility of being deployed. But have you really planned for deployment and for the effect of deployment on your personal affairs? The simplest way to think about deployment is to focus on the underlying fact that you will no longer be here. You will be somewhere else. So everything that you now routinely do -- like making a local phone call or dropping in over lunch or after work -- will become a significant task. Either it won't get done (for some items that may be a valid solution) or someone else will have to do it.

The purpose of this paper is to focus on some of the most significant things that will have to be done. For a lot of these items, there are no school solutions. Rather, you have to think about the item and the problem and draft your own solution. The legal office can help you in that process, but the real key is planning a solution before you deploy. It may not be a perfect solution -- but it will certainly be better than any solution that you try to work out long distance after you are deployed and after the problem has blown up.

The legal office has tried to identify some of the typical questions and problems. You should think about this list and ask yourself if there are any other items that are not typical but that you will face. Also, you may note that some of these items are not, strictly speaking, legal problems. Rather, they are general "living problems". That is, these are things that you will have to address in order to keep your own personal home fires burning when you are deployed.

Finally, the list is in alphabetical order by subject.

AUTOMOBILES

What are you going to do with your car and where are you going to keep it?

If you are married your spouse can care for it. But what if both of you are deployed or you're single? Are you going to store the car? There are commercial storage lots that will store a car for free. If you choose this option, check with your insurance company. You may be able to reduce your insurance coverage, but if there is a loan on the car, check with the lender (the bank or credit union) before you change your insurance. Almost all loans say that you cannot change the insurance without the lender's consent; and in most cases that consent is going to be fairly difficult to get.

If you have a friend take care of the car, then your friend needs a power of attorney to operate, maintain insurance on and register, if necessary, the car. The legal office can prepare a power of attorney. However, if you are having a friend take care of the car make sure it is someone you trust. Before you let a friend or a relative take care of your car for a long period of time, check with your insurance company to see if they will cover that circumstance. State law requires you to have insurance.

BILLS

Someone will have to pay your bills. You may not be able to pay them from the front. If you are married, your spouse can make the payments (but again, only if your spouse is not being deployed as well). If your spouse or person who is making the payment has access to your checking account -- which means their name is on the account -- you probably don't need a power of attorney to make the payments. As long as the bills are paid, your creditors probably don't really care who pays them. The power of attorney becomes necessary if there is a dispute and you want someone to negotiate and settle on your behalf.

You also have to decide how the person who is paying your bills is going to get access to your money to make the payments. There are several options and each has advantages and disadvantages.

1. You could have an allotment go to that person's bank account (allotments can only go to financial institutions so you can't have the allotment go to the person directly). This has the advantage that it doesn't give the person access to all of your money, just the amount of the allotment. But it has some disadvantages. The amount of the allotment may not be big enough. Also, since the money is now in the other person's bank account, you may have a tracking problem. There is no way to keep track of what money in his/her account is yours and what is his/hers.

2. Another approach is to put the person on your own account. This gives the person complete access to your account. (Again, this is probably not an issue if that person is your spouse.) You do subject yourself to the risk that the person will misuse the money in the account. On the other hand, you are also at risk with a power of attorney. The bottom line is, if you have others paying your bills, they will need access to your money.

3. Who do I get to pay my bills for me if I deploy? The real answer to this question is that the person you pick should be someone you trust completely. Spouses and parents are usually good choices. In most cases, your roommate is not.

CHILD SUPPORT

The amount of child support payments that are due every month may change due to a change in income level due to deployment. If you are deploying and you are pass due on your child support, you must make arrangements with the state to pay the child support debt before you can deploy. Remember that if your child support payments are not taken out of your military pay check, you must make arrangements for these payments to be paid while you are deployed. Contact the Legal Assistance Office if you have any questions regarding your child support obligations while you are deployed.

DEPENDENTS

Who is going to take care of your dependents, i.e., your minor children?

This is particularly a problem for the single parent, but it would also arise if both husband and wife were going to be deployed. You need to decide whether the children are going to stay here or are going to go to grandparents or relatives out of the area. If the children are being sent out of the area, then you should resolve how they would go to school in the new location. Sometimes the schools require that a parent enrolls the children so you may have to fix this before you leave.

Also, unless the grandparents or relatives live in the local area or are waiting around your house for you to deploy, it may be necessary to appoint someone to care for the children until the grandparent or relative gets here. This means that you will probably need two powers of attorney: (1) A short term one that allows that someone to pick up the children from school and authorize medical care; and (2) A long term one to the grandparent or relative so they can care for the children and can authorize medical care.

HOUSE AND FURNITURE

If you are married or have a roommate, then there may not be a problem (but again, that assumes that both you and your spouse or roommate are not deployed). If you are renting, then your lease should contain a military clause that allows you to get out of the lease. Georgia Statute applies for leases signed after 16 April 1990. (Before you walk out of a lease, check with the legal office to make sure you have the right clause and that the clause does let you out.) But a military clause, even if it gets you out of the lease, may not solve your problem. What are you going to do with the furniture, stereo, clothing and possessions in the apartment? The landlord doesn't have to store your stuff at no charge. You probably will have to get it out of there. If you do get out of the lease, then you need to arrange for someone to pick up your possessions, put them in storage, and disconnect the utilities.

If you don't think you will be gone for long (who knows) and you think you will come back here, you may not want to get out of the lease. You may want to keep the apartment empty. That means giving someone a power of attorney to negotiate with your landlord (perhaps to renew the lease), pay the utilities, enter the apartment, etc.

If you own your home, then you have to decide whether you want to keep it or arrange for someone to sell it. In many ways the question here is one similar to the question that you would face with a rental. You are still going to have to decide what to do with the furniture, etc. The only difference is that you are probably more likely to keep a home that you own than you would keep a rental house or apartment.

LOAN PAYMENTS

The discussion for bills applies here as well. But there is one additional point to be made about loans. You can avoid most of the complications that you would otherwise face if you put your loan payments on allotment. The loan will be paid directly, and you won't have to worry about someone else making the payments.

MAIL

You probably didn't think about mail, but if your spouse is not staying here it can be a problem. The post office will forward your mail for up to one year. All you have to do is fill out their form. You can mail the form to the post office. So it is a good idea to complete the post office change of address form and then mail it to the post office when you get orders to deploy.

The procedure is fairly simple. The more difficult question is where to have your mail forwarded. Remember that mail includes your bills and letters from your creditors. You probably don't want them to go to the front. It might be a good idea to forward your mail to the person who will be paying your bills.

TAXES

If you are deployed, then you may want someone to do your taxes. The IRS has an approved power of attorney, which will allow certain people, i.e., spouse, certain relatives and some others, to sign your tax return if you are out of the country for 60 days prior to April 15, 1991. Of course, if you use this approach, then whomever you give the power of attorney will know all about your money. For many military people that may not be a big deal, but for some it will be.

Also, you may not need to do the power of attorney. It is possible that, if your tax affairs are not too complicated, you may be able to do your return from the deployment site (meaning from the front).

If you always get a refund and expect to get a refund this year, then you could file for an extension. Another approach is to wait until you get back by filing for an extension.

The IRS allows an automatic four-month extension from filing. You have to send in Form 4868. The extension is only for filing, you still have to pay taxes when due. (That is why this only really works if you are getting a refund. Otherwise, you have to send in money with the extension.)

In addition to the Form 4868, the IRS allows an automatic 2 month extension if you are out of the country on April 15. Again, this is only an extension from filing, not from any tax that may be due. So, like the Form 4868, this only works if you expect a refund. The procedure is that when you file, you attach a statement to the return stating that you were out of the country on April 15.

For the most part, you are probably better off with the power of attorney, but like most of these issues, there are no school solutions.

UTILITIES

This is related to your house. Utilities include gas, electric, water, telephone and cable TV. If you cancel your lease, don't forget to cancel your utilities. Someone else could do that for you but that someone would need a power of attorney to act on your behalf. Also, if there were any security deposits, someone will need a power of attorney to get them back.

If you do not cancel your lease, or if you own a home so that you want to keep the utilities in place, then you should arrange for someone to pay them for you. That someone may need a power of attorney. The power of attorney is not to pay the bill, because the utility company probably doesn't care who pays them, but to negotiate on your behalf any dispute that you might have.

WILLS

One of the items that you should address is your Will. While you are not required to have one, it is very good idea to do so. A Will would provide for the disposition of your property in the event of your death. It will also provide a choice of the person that you want to care for your minor children.

If you already have a Will, this may be a good time to reexamine it. If any of the people named in the Will have died, you probably want to redo your Will. If you have become divorced, then you want to redo your Will -- the old one probably left everything to your ex-spouse. Finally, even if none of these things have happened, you should reexamine your Will if it is more than about 5 years old.