



FORT SILL LEGAL ASSISTANCE



GENERAL INFORMATION

The Fort Sill Legal Assistance Office, located on the 4th Floor of Building 4700 (Welcome Center) at 4700 Mow-Way Road, Fort Sill, Oklahoma, provides legal assistance to active duty Soldiers, reservists, retirees, and Family members.

HOURS OF OPERATION

Monday, Tuesday, Wednesday, and Friday

0900 - 1045 and 1230 - 1545

Thursday Afternoon

1300 – 1545

(580) 442-5058 and (580) 442-5059

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. Our legal assistance attorneys may not prepare court documents for you or represent you in court. Assistance with personal legal problems is provided on the following matters: Wills and estate planning, consumer law, family law and support, immigration, 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 others.

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.

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.

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 only basic information 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. The Fort Sill Legal Assistance Office is located on the 4th Floor of Building 4700 (Welcome Center) at 4700 Mow-Way Road, Fort Sill, Oklahoma 73503.