

Military Community and Family Policy

Quick Reference Guide for Family Court Judges

Brought to you by the MC&FP
Office of Military Community Outreach



Providing policy, tools and resources to further enhance the quality of life of service members and their families.



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Mission Statement. The Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy is directly responsible for programs and policies which establish and support community quality of life programs for service members and their families worldwide. This office also serves as the focal point for coordination of the broad range of quality of life issues within the Department of Defense.

Introduction

Just like civilian families, military families experience challenges that bring them in contact with family court judges for help resolving disputes and managing issues they may have. Military families also face some unique challenges specific to military life, and the Department of Defense has developed programs and resources to help them overcome those challenges and to thrive as healthy individuals and families.

The Quick Reference Guide for Family Court Judges offers practical information about military families and the military resources that are available to support them. This guide provides demographics data on military families, helping judges to better understand the families that appear before them. It also outlines some of the factors that make military families unique from their civilian counterparts. It then provides a concise overview of some issues that military families may present in family court and the military services and resources designed to address those issues and support families.



There are three programs referred to frequently throughout this guide. Information on how to reach each can be found in the Additional Resources section at the end of this guide.

- Military OneSource provides a 24/7 year-round toll-free information and referral telephone service worldwide to active-duty, National Guard and reserve service members and their families, offering information ranging from everyday concerns to deployment-related issues. Non-medical counseling services are also available to provide confidential, short-term counseling to active-duty, National Guard and reserve service members and their families at no cost. These counseling services are best used when face-to-face counseling is not available.
- Military and family life counselors also provide non-medical counseling services to active-duty, National Guard and reserve service members and their families. These counselors can be accessed through an installation's military and family support center.
- The Joint Family Support Assistance Program supports National Guard and reserve leadership, as well as military families who do not live near an installation and are unable to take advantage of support services found on military installations.

Military Demographics: A Young, Married Force With Children

The military is made up of individuals on active duty (1.39M), as well as individuals who are members of the Reserve Component (848,302). The Reserve Component includes the reserve elements of the Army, Marine Corps, Navy and Air Force, and the Army and Air Force National Guard. More than half (56 percent) of the active-duty members are married with 1.94M family members, as are just less than half of the reserve members (47 percent) with 1.14M family members. Of these family members, 42.4 percent of the active-duty children and 29.3 percent of the reserve children are 5 years old or younger.

For information or services related to a specific need:

U.S. Armed Forces Legal Assistance Locator

<http://legalassistance.law.af.mil/content/locator.php>

The U.S. Armed Forces Legal Assistance Locator allows active-duty service members of all service branches to locate legal assistance within the continental United States.

Joint Services Support

<https://jointservicesupport.org>

Joint Services Support provides information for National Guard and reserve members, including event schedules and links to programs specific to National Guard and reserve members and their families.

Military Relief Societies

Military relief societies provide emergency financial assistance to service members and families.

Army Emergency Relief - <http://www.aerhq.org>

Navy-Marine Corps Relief Society - <http://www.nmcrcs.org>

Air Force Aid Society - <http://www.afas.org>

Department of Defense Education Activity

<http://www.dodea.edu>

The DoDEA oversees various educational programs offered by the Department of Defense, within the United States and abroad, and supports the education of military children.

Child Care Aware

<http://www.childcareaware.org>

Child Care Aware provides information for parents and child care providers on a variety of child care issues and partners with the service branches to help military families locate and afford quality child care.

TRICARE

<http://www.tricare.mil>

TRICARE provides information pertaining to health care resources and benefits for active-duty and retired military families.

Plan My Move

<http://planmymove.militaryonesource.mil>

Plan My Move provides online organizational tools designed to make frequent moves easier and less disruptive for service members and families.

The National Resource Directory

<http://www.nationalresourcedirectory.gov>

This directory provides access to services and resources at the national, state and local levels to support recovery, rehabilitation and community reintegration for wounded, ill and injured service members, veterans, their families and those who support them. Available information addresses topics including benefits and compensation, education and training, employment, family and caregiver support, health, homeless assistance, housing, and transportation and travel.

Additional Resources

For more information about any of the programs or services described in this guide, contact the following:

Military and Family Support Centers

<http://www.militaryinstallations.dod.mil>

Find contact information for military and family support centers and other installation programs by visiting MilitaryINSTALLATIONS, an online directory of military programs and services.

MilitaryINSTALLATIONS

<http://www.militaryinstallations.dod.mil>

MilitaryINSTALLATIONS provides contact information for programs and services, maps and directions, links to comprehensive location overviews and community points of interest for military installations worldwide. The directory is searchable by installation or program.

Joint Family Support Assistance Program

<http://www.militaryonesource.mil/deployment/joint-family-support-assistance-program>

For military families that do not live near an installation, like members of the National Guard and reserve, services and resources are available through state JFSAP service providers. The program offers information on, and referrals to, military programs and resources available in the civilian community.

Military OneSource

<http://www.militaryonesource.mil>

Military OneSource provides a 24/7 year-round toll-free information and referral telephone service worldwide to active-duty, National Guard and reserve military members and their families, offering information ranging from everyday concerns to deployment-related issues.

Visit <http://www.militaryonesource.mil> or call 800-342-9647 and speak to a Military OneSource consultant.

What Makes Military Families Different From Non-military Families?

- Demographics such as ages of parents and children, and a large single population (many of whom have children)
- Cultural diversity of military members and families
- Living on or near a military installation, often in remote locations, away from extended family support (Active Component)
- Frequent absence of the military member due to training and deployments
- Multiple relocations (Active Component), sometimes entailing living separately (Active and Reserve Component)
- Exposure to various cultures
- Military member's job entails risk of injury/death
- Military command involvement in the military member's personal and family life
- Irregular hours/unpredictable schedule
- Being the only military family member in a school, church or place of employment (Reserve Component)

Note that these (and other) factors generate strength in some families, while they pose challenges for others.



What Support Might Military Families Need From a Family Court Judge?

Military families share the same struggles as other families in your community. When family court judges deal with military families, understanding what programs and services are available in the military community can help to resolve those families' issues. Many military families may not be aware of these programs or recognize how they may be of use in their particular situation, and judges can provide this valuable information.

The military community strives to provide its members and their families with quality services such as affordable child care, legal assistance, education and counseling on various topics, and medical care. Family court judges who are aware of these services are in a unique position to identify what a family may need and to point those families in the right direction. What follows will make you more familiar with those services.



Support for expectant and new parents

The New Parent Support Program promotes a healthy family environment for new and expectant parents. The program focuses on protective factors designed to create strong, healthy family bonds. The program provides various services, including:

- Home visits — In-home support for new parents provides guidance on various aspects of parenthood and child care.
- Hospital visits — A nurse or social worker can visit parents in the hospital to provide information on the NPSP and other support services for new parents.
- Referral to other services — The NPSP can help identify additional services that parents may need.
- Prenatal classes — Classes bring new parents up to speed on preparing for the transition to parenting.
- Parenting classes — Hands-on workshops for parents of infants and toddlers focus on a variety of issues from discipline to feeding.
- Play groups — Structured activities in play groups help children develop social and motor skills, and new parents are able to meet and develop a support network.

These resources, and the additional ones on the following page, can help military families become stronger and healthier, benefiting both them and the larger military community.



Prevention, intervention and treatment

The Family Advocacy Program is available on military installations where families are present. It addresses child abuse and domestic abuse in the military community through public awareness and prevention, early identification and a comprehensive coordinated community response. When abuse occurs, domestic abuse victim advocates provide adult victims safety assessments and planning, as well as accompaniment to medical and court appointments. Licensed providers offer counseling and support to victims and clinical treatment for offenders, focusing on accountability and rehabilitation. The FAP works closely with local child protective service agencies to mitigate the effects of child abuse, reduce the risk of further harm and to provide services and referrals to meet the needs of children. The program promotes relationship health and family wellness through classes, workshops and seminars covering various topics, including:

- Couples communication
- Anger management
- Stress management
- Effective parenting
- Conflict resolution

Military OneSource can also provide confidential non-medical counseling services to help address concerns related to positive communication, anger and stress management, healthy relationships and parenting. Counselors do not provide counseling to address child abuse or domestic abuse that is currently occurring or has occurred in a family. A Military OneSource consultant would provide information and referral to civilian organizations that could help address these issues for those families without access to installation-based FAP services.

The Military Family Readiness System: Meeting the Unique Needs of Military Families

The Military Family Readiness System is the network of programs, services, people and agencies on military installations and in civilian communities, and the collaboration among them, that promotes the readiness and quality of life of service members and their families. Service providers working within these programs work closely and collaboratively to meet the varied needs of the military families that come to them for support.

On the military installation, these services, or information about them, can be accessed through the military and family support center:

- Deployment support
- Relocation assistance
- Spouse education and employment
- Emergency family assistance
- Family life education
- Transition assistance (returning to the civilian workforce post-retirement or separation from the military)
- Support for family members with special needs
- Information and referral
- Parental support through the Family Advocacy Program
- Children and youth services
- Counseling
- Financial readiness support

For military families living far away from an installation, information can be accessed through Military OneSource or through the Joint Family Support Assistance Program in each state. Online information on how to access all of the programs and resources described in this guide is included in the Additional Resources section.

Resources Available to Support Military Families

Family counseling

Everyone faces challenges at one time or another. But the additional challenges of military life can put a strain on healthy individuals and the most solid relationships. Like their civilian counterparts, service members and their families must work hard to maintain good communication and keep their relationships strong. Counseling may be a critical resource for families coming before a family court judge.

Non-medical counseling services

Non-medical counseling programs provide confidential, short-term counseling to active-duty, National Guard and reserve service members and their families. Counselors possess a master's or doctorate degree in a mental health field and are licensed or certified in a state, territory or the District of Columbia to practice independently. Non-medical counseling is designed to address issues such as improving relationships at home and work, stress management, adjustment issues (e.g., returning from a deployment), marital problems, parenting, and grief and loss issues.

Non-medical counseling is available through both Military OneSource and military and family life counselors. National Guard and reserve members and their families, as well as geographically dispersed active-duty members and their families are eligible regardless of activation status. Each person seeking counseling may receive up to 12 sessions per issue at no cost. Counselors are also available to provide these services at no cost through some military and family support centers.



Department of Defense schools

The Department of Defense Education Activity schools offer a prekindergarten through grade 12 curriculum for children of service members both overseas and in some stateside locations. The DoDEA's teachers, administrators and staff are trained and experienced to address the needs of military-connected students and their challenges, including frequent moves, transitions and separations from parents.

School liaisons

For children enrolled in schools in the civilian community, installation school liaison officers provide information on the surrounding school districts and help relocating children smoothly adjust to their new schools. The SLOs often work directly with school districts to resolve problems between the military families and schools.

Morale, Welfare and Recreation

Morale, Welfare and Recreation programs are a comprehensive network of support and leisure programs and services designed to improve the quality of life of service members and their families. The MWR programs consist of a wide range of programs and services from fitness and outdoor recreation to libraries and bowling centers. Available programs and services vary at each installation.

Child and domestic abuse

Like their civilian counterparts, military service members and their families are affected by the presence and balance of risk and protective factors in their everyday life. For military families, that balance may be affected by military duty, a deployment or a recent move. Many military families live far from the help and support of extended family. If risk factors outweigh protective factors, military families, like other families, may experience abuse.

Youth misconduct

Children and youths — even those in the military community — may on occasion engage in misconduct or even illegal behavior. The military community strives to provide excellent programs and services to help youth and teens stay in school and remain healthy and productive members of their communities.

Child and youth programs

The military services offer a wide variety of quality programs for children and youth in structured developmental settings on and off the military installation to provide for safe, age-appropriate activities. Although activities vary by installation, the following kinds of programs are generally available:

- Instructional programs, like photography or woodworking
- Recreational programs
- Education and youth development programs



Non-medical counseling services for children

Children and youth behavioral military and family life counselors provide no-cost or low-cost support for children of active-duty, National Guard and reserve service members.

The CYB-MFLCs, who are also available through regional Joint Family Support Assistance Program teams, can address the following issues with children:

- Self-esteem
- Communication and relationships
- Life skills, including problem-solving, conflict resolution and adjusting to change
- Bullying and anger management
- Changes at home, including deployment, divorce, and grief and loss

Medical counseling services

Medical counseling services, sometimes referred to as mental health treatment, are available to help address issues such as active suicidal or homicidal thoughts, sexual assault, child abuse, domestic violence, alcohol and substance abuse, post-traumatic stress disorder and other mental health conditions. Medical counseling services are available through:

- Military treatment facilities — medical facilities located on military installations that can range from small clinics to large hospitals and can offer a variety of medical care
- TRICARE — the military health insurance provider — a health care provider at a military treatment facility may refer a service member or family member to TRICARE to access specific services or for referrals to other health care professionals

Child care

Like many other families, military families want quality, affordable child care. With more military spouses working or going to school than ever before, more military families now rely on child care. Frequent moves mean that military families face the challenge of making new child care arrangements more often than civilian families. Unpredictable schedules and long work hours often make finding flexible child care a necessity.

Some service members, including National Guard and reserve members, live far from installation support services and finding affordable child care can be more difficult.

Installation-based child care options

- Child development centers are available on most installations and provide quality child care to children ages 6 weeks to 5 years old.
- Family child care and child development home programs provide child care for children 4 weeks to 12 years old in a home setting.
- School-age care provides care for children before and after school, during holiday breaks and over summer vacation. Children from kindergarten age through 12 years old are eligible.

Community-based child care

The Department of Defense works with Child Care Aware to make quality community-based child care more affordable and accessible to military families. This relationship has resulted in programs specially designed to help military families with child care needs that cannot be accommodated through installation programs.

- Military Child Care in Your Neighborhood and Operation: Military Child Care may be available to service members who live in an area where on-installation child care is not available. Military Child Care in Your Neighborhood helps offset the cost of community-based child care. Operation: Military Child Care can:
 - Help locate state-licensed child care facilities
 - Assist with child care fees
 - Assist during deployment

- Protection from default judgments — Before a court can enter a default judgment (for failure to respond to a lawsuit or failure to appear at trial) against a service member, the person suing the member must provide the court with an affidavit stating the defendant is not in the military. If the defendant is in the military, the court will appoint an attorney to represent the defendant's interests (usually by seeking a delay of proceedings). If a default judgment is entered against a service member, the judgment may be reopened if the member makes an application within 90 days after leaving active duty, shows he or she was prejudiced and shows he or she had a legal defense.
- Residency for tax purposes — The SCRA provides that a nonresident service member's military income and personal property are not subject to state taxation if the service member is present in the state only due to military orders. The state is also prohibited from using the military pay of these nonresident service members to increase the state income tax of the spouse.

For more information on the protections afforded by the SCRA, family court judges can suggest military families reach out to their installation legal assistance office.



- The agreed rent does not exceed a pre-determined amount adjusted annually. This amount will increase each year with inflation. There is no requirement that the lease be entered into before entry on active duty.
- Postponement of foreclosure — No sale, foreclosure or seizure of property for a breach of a preservice mortgage obligation is valid if made during or within nine months after a period of active duty.

General protections

While a service member is deployed, he or she may be named in a legal case. The following protections are designed to preserve a service member's right to a fair trial:

- Postponement of civil court matters — If military service prevents a service member from participating in a civil action or administrative proceeding, he or she may request a 90-day stay. The request must be in writing and (1) explain why the current military duty materially affects the service member's ability to appear, (2) provide a date when the service member can appear and (3) include a letter from the commander stating that the service member's duties preclude his or her appearance and that he or she is not authorized leave at the time of the hearing. This letter or request to the court will not constitute a legal appearance in court. Further delays may be granted at the discretion of the court, and if the court denies additional delays, an attorney must be appointed to represent the service member.
- Right to terminate leases — The SCRA permits termination of residential leases by active-duty service members who subsequently receive orders for a permanent change of station or a deployment for a period of 90 days or more. The SCRA also permits the termination of leases for motor vehicles leased for personal or business use by service members and their dependents. A preservice motor vehicle lease may be canceled if the service member receives active-duty orders for a period of 180 days or more. The automobile lease entered into while the service member is on active duty may be terminated if the service member receives PCS orders to a location outside the continental United States or deployment orders for a period of 180 days or more.

Financial concerns

Like most people, service members may not always know the best ways to save, budget and plan for their financial futures. They can also become targets for predatory lenders and money scams. For military families, a move or deployment can put a strain on the budget. National Guard and reserve members face additional financial challenges when called to active duty from a job or business in which they were earning more money than their military pay.

Financial counseling

Financial counseling services are available to military families through several vehicles. Families can receive services through installation-based Personal Financial Management programs. Counselors work with service members and families to help them keep their finances healthy, save for the future, improve their credit and resolve financial problems. They provide classes, seminars, one-on-one counseling and additional financial education.

Military families can also access financial counseling services through Military OneSource and through the Military and Family Life Counselor Program. The counseling services offered through installation-based PFM programs, Military OneSource and MFLCs are available at no cost to service members and their families. Joint Family Support Assistance Program service providers work with National Guard and reserve family programs and with military installations to augment existing installation family programs.

Military relief societies

Each service branch has an associated private, nonprofit organization that assists service members and their families with things like emergency transportation, funeral expenses, medical bills, food, rent, utilities, disaster relief, child care expenses, vehicle repair or other unforeseen family emergencies. They provide financial help in the form of interest-free loans, grants or a combination of loans and grants. Each organization limits the kinds of financial expenses it will cover. For example, fines and legal expenses, the purchase of a home or vehicle and other nonessentials are not covered.

Servicemembers Civil Relief Act

The Servicemembers Civil Relief Act (50 U.S.C. App. §§ 501-596) is a federal law that gives all military members some important protections as they enter active duty and other protections while they are on active duty. The SCRA protects active-duty service members, including National Guard and reserve members who have been activated by the federal government. Some of the SCRA's protections also extend to family members. These protections are usually extended for the period of deployment and a certain number of days following deployment. When military families experience legal or financial challenges, the protections listed below may apply and may help protect their interests.

Protections from financial distress

Families may incur financial distress during times of deployment or relocation. For example, when the service member deploys, the spouse may have to cut back or stop working to care for children. Similarly, when a military family moves to a new duty station, it may take some time for the spouse to find a new job. The following protections are designed to reduce that distress:

- Six percent maximum interest rate — Creditors must reduce the interest rate on debts to 6 percent for liabilities incurred before a service member enters active duty (does not apply to debt incurred while on active duty). For mortgages, credit card debts, car loans, business obligations and other debts, as well as fees, service charges and renewal fees, the reduced rate extends for one year after active military service.
- Prevention of repossession of property — Without a court order, property cannot be repossessed for nonpayment or a contract terminated or rescinded for any breach prior to or during active-duty service.



Protection from loss of housing

Financial challenges might also impact the family's ability to pay rent or make mortgage payments. The following protections are designed to protect families from evictions and foreclosures:

- Protection from eviction — Service members and their families cannot be evicted due to nonpayment of rent without a court order. The court must find the member's failure to pay is not materially affected by his or her military service. Material effect is present where the service member does not earn sufficient income to pay the rent. Where the member is materially affected by military service, the court may stay the eviction (three months unless the court decides on a shorter or longer period in the interest of justice) when the military member or dependents request it. The requirements of this section are:
 - The landlord attempts eviction during a period in which the service member is in military service or after receipt of orders to report to duty.
 - The rented premises is used for housing by the spouse, children or other dependents of the service member.