

# **Professional Development Standards (PDS) For Legal Assistance Attorneys**

Name: \_\_\_\_\_

## **Definition of Flexible Measurement Terms**

Note: Where verbs express only the general level of learning for knowledge and understanding, this is intended to provide greater flexibility for measurement in observable ways. When determining achievement of learning, use the appropriate observable action for the assessment.

I. Know: The ability to retrieve information from memory.

Actions used to assess knowing include: recall, list, state, identify, reproduce, and recognize.

II. Understand or Comprehend: Connecting existing with new information and experience to form meaning and relate concepts to other situations.

Actions used to assess understanding include: explain, summarize, defend, generalize, give examples, give analogies, and paraphrase.

III. Review: Reading and examining a reference sufficient to grasp its meaning and the principle issue(s).

Actions used to assess a sufficient review include: explain, summarize, discuss, and generalize.

**Core Competencies**

- 1. Navy JAGC Legal Assistance Program**
- 2. Legal Assistance for Crime Victims and Witnesses (Domestic Violence/Assault and Other Crimes)**
- 3. Powers of Attorney**
- 4. Notary Authorities, Requirements, and Services**
- 5. Estate Planning (Wills, Supporting Documents, and Will Execution)**
- 6. Family Law (Divorce/Separation, Non-Support, Custody, Adoption, Paternity, Early Return of Dependents, Name Changes, and Guardianship)**
- 7. Exceptional Family Member Program (EFMP) Education Law**
- 8. Property & Landlord/Tenant Disputes**
- 9. Military Rights/Benefits (SCRA, USERRA)**
- 10. Consumer Law (Fraud, Abuse, Creditor/Debtor, Predatory Lending)**
- 11. Naturalization and Immigration**
- 12. Pre-Deployment/Pre-Mobilization Readiness**

**NOTE: For OCONUS locations, when there is a reference to “your command’s jurisdiction” or “local state and military procedures,” Judge Advocates should select a jurisdiction and apply that jurisdiction to complete the PDS.**

**JURISDICTION APPLIED: \_\_\_\_\_**

**Commanding Officers have the discretion to modify or waive any line items or sections as appropriate for local practice. Commands are encouraged to simulate events that are not available locally to the extent practicable. Commanding Officers also have the discretion to determine that items completed in one PDS satisfy the requirements of a PDS in a subsequent rotation.**

**1. Navy JAGC Legal Assistance Program**

**Note: Judge Advocates may not provide any legal assistance requiring an Attorney-Client Relationship prior to completion of this sections 1-10 of the PDS.**

**Review, sign, and date:**

10 U.S.C. §§1044–1044e	NJS
SECNAV M-5216.5, DEPARTMENT OF THE NAVY CORRESPONDENCE MANUAL.	NJS
JAGINST 5801.3(SERIES), NAVY LEGAL ASSISTANCE PRACTICE GUIDE CHECKLISTS.	NJS
JAGINST 5800.7(SERIES), MANUAL OF THE JUDGE ADVOCATE GENERAL, CHAPTERS VII—LEGAL ASSISTANCE & CHAPTER IX—NOTARY SERVICES.	NJS
JAGINST 5803.1(SERIES), PROFESSIONAL CONDUCT OF ATTORNEYS PRACTICING UNDER THE COGNIZANCE AND SUPERVISION OF THE JUDGE ADVOCATE GENERAL.	NJS
JAGINST 5801.2(SERIES), NAVY LEGAL ASSISTANCE PROGRAM.	NJS
DODI 6490.04, MENTAL HEALTH EVALUATIONS OF MEMBERS OF THE MILITARY SERVICES	NJS
NLSC/CODE 16 STANDARD LEGAL ASSISTANCE CLIENT INTAKE FORM AT YOUR LOCAL RLSO WEBSITE, ACCESSED VIA THE RLSO LOCATOR AT <a href="https://www.jag.navy.mil/legal-services/rlso/">HTTPS://WWW.JAG.NAVY.MIL/LEGAL-SERVICES/RLSO/</a> .	NJS
JOINT MILITARY LEGAL ASSISTANCE LOCATOR SITE. <a href="http://legalassistance.law.af.mil">HTTP://LEGALASSISTANCE.LAW.AF.MIL</a> .	NJS
OPNAVINST 1720.4A, NAVY SUICIDE PREVENTION PROGRAM.	
JAG/CNLSCINST 1720.1, SUICIDE PREVENTION PROGRAM.	
CNLSC SUPLAN 3440-TFNF, COMMANDER, NAVAL LEGAL SERVICE COMMAND SUPPORTING PLAN TO TASK FORCE FAMILY (TFNF) FUNCTIONAL PLAN	
DoDD 1350.4, LEGAL ASSISTANCE MATTERS.	
SECNAVINST 5211.5(SERIES), DEPARTMENT OF THE NAVY PRIVACY PROGRAM AND THE NAVY’S OTHER OFFICIAL GUIDANCE ON PRIVACY AVAILABLE AT <a href="http://www.doncio.navy.mil">WWW.DONCIO.NAVY.MIL</a> .	
COMNAVLEGSVCCOMINST 5800.1(SERIES) NLSC MANUAL, CHAPTER 13, LEGAL ASSISTANCE DEPARTMENT.	
CMTIS BUSINESS RULES. <a href="https://enterprise.jag.navy.mil/Documentation/cmtisrule.pdf">https://enterprise.jag.navy.mil/Documentation/cmtisrule.pdf</a>	

**Initial and Date:**

1. NJS KNOW: Legal assistance eligibility, JAGMAN Chapter 7 (e.g., DoD civilian and contractor eligibility overseas) and client category prioritization issues.
2. NJS REVIEW: The rules of professional conduct for both the JAGC, and your state bar. Pay particular attention to JAGINST 5803.1(SERIES) Rules 1.2, Establishment and Scope of Representation, 1.4, Communication, 1.6 Confidentiality of Information, and 1.7-1.9 regarding Conflicts of Interest. Know when your state bar sets additional requirements or duties, and how to resolve an issue if there is a conflict between your professional responsibility obligations.
3. NJS REVIEW: Your professional responsibility obligations when supervising non-lawyer legal professionals.
4. NJS KNOW: Your authorities and limitations on the provision of legal assistance, and JAG's policy regarding the Tiers of Service.
5. NJS REVIEW: The American Bar Association (ABA) Military Pro Bono Project, ABA Home Front, ABA Operation Standby, and the ABA Standing Committee on Legal Assistance for Military Personnel, by reviewing [www.abahomefront.org](http://www.abahomefront.org), [www.militaryprobono.org](http://www.militaryprobono.org), and [www.americanbar.org/groups/legal\\_assistance\\_military\\_personnel.html](http://www.americanbar.org/groups/legal_assistance_military_personnel.html).
6. NJS KNOW: How to register for the ABA Military Pro Bono Project, what type of clients and cases are considered qualified case types, and how to refer a case.
7. \_\_\_\_\_ READ: Local guidance on legal assistance in your command's Standard Organization and Regulations Manual (SORM) and the Legal Assistance Standard Operating Procedures (SOP).
8. \_\_\_\_\_ KNOW: Your command's policy on how and where to refer conflicts of interest, office overflow due to surges, and the local rules for the provision of remote legal assistance services or outsourcing to alternate providers.
9. \_\_\_\_\_ KNOW: Your command's policy on referrals to non-U.S. government civilian counsel and local Bar Association referral services and procedures as well as the availability of Legal Aid or other Pro Bono services in locality and their standards for acceptance of cases that cannot be handled under our legal assistance program due to scope or manning issues.
10. \_\_\_\_\_ KNOW: How legal assistance correspondence is serialized, tracked and maintained in your office.
11. \_\_\_\_\_ KNOW: How procedures in your office assure compliance with the Privacy Act.

12. \_\_\_\_\_ DISCUSS: The Navy Suicide Prevention Program with your civilian SME or Department Head, discussing the particular importance of suicide awareness and response as it applies to the legal assistance attorney/client relationship, and reporting requirements to the chain of command.
13. \_\_\_\_\_ READ: The most recent calendar year's Legal Assistance Practice Advisories
14. \_\_\_\_\_ REVIEW: Military One Source and familiarize yourself with the support services offered therein.
15. \_\_\_\_\_ OBSERVE: The non-attorney support personnel in your office (i.e. paralegal(s), legal assistance receptionist(s)/intake clerks) to learn how to instruct clients on filling out legal assistance intake forms, how to schedule an appointment, how to determine eligibility for services, how to check for conflicts, and what to do if a conflict is identified. Also, discuss the best practices for dealing with a difficult client, clients arriving with third persons/parties, a disabled client, an aged client, young children, or a disturbance in the waiting room.
16. \_\_\_\_\_ PARTICIPATE: Check-in a client and a customer under supervision, including eligibility determination, conflict check and intake sheet review for clients and customer worksheet for customer services.
17. \_\_\_\_\_ KNOW: The Business Rules for the current case management tracking system and and SharePoint Customer Services Business Rules for Legal Assistance.
18. \_\_\_\_\_ LOG-ON: Learn how to input a legal assistance client, an opposing party, add attorney services, perform a conflict check, and run a report using the current case management tracking system. Learn how to input a customer service into Sharepoint or any successor system.
19. \_\_\_\_\_ KNOW: The Legal Assistance Manual and Navy records retention policy for retention of the original client/customer intake sheet, will questionnaire and final unexecuted copies of estate plans and ancillary documents.
20. \_\_\_\_\_ KNOW: Your state bar rules with respect to the length of time you must retain records., your state bar continuing legal education (CLE) requirements and the circumstances under which those requirements can be waived for military members
21. \_\_\_\_\_ KNOW: Understand the role of a legal assistance attorney in a disaster response, and review your command's Disaster Response Plan and Active Shooter Response Plan for clients/customers.

22. \_\_\_\_\_ KNOW: Where to find basic information about civil procedure in your state including but not limited to local service of process requirements, response times and limitations periods.

RECOMMENDED \_\_\_\_\_ DATE \_\_\_\_\_  
(PDTO/Civilian SME/Branch/Department Head)

**2. Legal Assistance for Crime Victims and Witnesses**

**Review, sign, and date:**

JAGINST 5800.7(SERIES), VICTIM AND WITNESS ASSISTANCE PROGRAM AND DD FORMS 2701.	NJS
JAGINST 5801.2(SERIES) APP B, LEGAL ASSISTANCE FOR VICTIMS OF CRIMES VICTIM ACKNOWLEDGMENT; JAGINST 5801.2(SERIES) APP C, CRIME VICTIM ACKNOWLEDGMENT OF LIMITED SERVICES.	NJS
OPNAVINST 1750.3 (SERIES), TRANSITIONAL COMPENSATION.	NJS
10 U.S.C. 806b, ARTICLE 6b UCMJ	
JAGINST 5810.3 VICTIMS LEGAL COUNSEL PROGRAM MANUAL	
OPNAVINST 1752.1(SERIES), NAVY SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.	

**Initial and Date:**

1. \_\_\_\_\_ KNOW: The JAGC, NLSC, and your command’s policy on providing legal assistance support or referral for crime victims and witnesses.
2. \_\_\_\_\_ KNOW: The role of LA attorneys in referring cases to your command’s DV attorney, VLC, DES Counsel, DSO, SARC, Victim Advocate, FAP, Medical and Chaplains.
3. \_\_\_\_\_ KNOW: When an individual is entitled to service of a Victims’ Legal Counsel (VLC) and how to refer an individual to the VLC.
4. \_\_\_\_\_ KNOW: Local military and non-military resources and points of contact for crime victims including state and local transition and compensation programs and eligibility requirements.

**OR**

5. \_\_\_\_\_ KNOW (OCONUS): Local law, policy, and what equivalent actions (to contacting a domestic violence shelter) victims can utilize.

RECOMMENDED \_\_\_\_\_ DATE \_\_\_\_\_  
 (PDTO/ Civilian SME/Branch/Department Head)

### 3. Powers of Attorney

**Review, sign, and date:**

JAGINST 5801.3 (SERIES), NAVY LEGAL ASSISTANCE PRACTICE GUIDE CHECKLIST – POWERS OF ATTORNEY	NJS
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**Initial and Date:**

1. NJS DESCRIBE: The difference between a General, a Durable, a Springing and a Special POA.
2. \_\_\_\_\_ REVIEW: All 24/7 self-assist Special Powers of Attorney available through jag.navy.mil. and obtain the password from your LA Department Head which is available only to RLSO Legal Assistance staff to download and edit the documents on this site.
3. \_\_\_\_\_ OBSERVE: An attorney advise a client on a General, Durable, Springing and Special Powers of Attorney and issues of revocation/cancellation and alternatives to powers of attorney.
4. \_\_\_\_\_ DISCUSS: With your supervisor duration of POAs, advantages of limiting duration, liability of the principal (grantor) for the acts of the agent (grantee), durability, state-specific statutory POAs, limitations of *in loco parentis* SPOAs, extension provisions in the SCRA.
5. \_\_\_\_\_ DISCUSS: With your supervisor the drafting requirements of a real estate Special Power of Attorney in your state and issues involving purchasing property using that type of POA.

RECOMMENDED \_\_\_\_\_ DATE \_\_\_\_\_  
(PDTO/Civilian SME/Branch/Department Head)

### 4. Notary Authorities and Services

**Review, sign, and date:**

JAGINST 5800.7 (SERIES) CHAPTER VII SECTION 0705 LEGAL ASSISTANCE ELIGIBILITY, AND CHAPTER IX AUTHORITY OF ARMED FORCES PERSONNEL TO PERFORM NOTARIAL ACTS	NJS
JAGINST 5801.2 (LEGAL ASSISTANCE MANUAL)	NJS
LAPA 3-20 ENCL 2: NOTARY DUTIES AND RESPONSIBILITIES FORM (FOUND ON CODE 16 SHAREPOINT)	NJS

**Initial and Date:**

1. NJS LOG ON: To NJS’s Blackboard site and complete the notary training.
2. NJS KNOW: What a Notary Public is, who has authority to act as a federal notary public, and who is an authorized recipient of notary services, as well as the meaning and legal effect of an acknowledgement, affirmation, apostille, certified copy, competence, instrument, and jurat.
3. NJS OBTAIN: Your judge advocate personalized notary, notary log (journal), seal and thumb-print pad.
4. \_\_\_\_\_ PARTICIPATE: Notarize and administer the oath for a sworn document under the supervision of a legal assistance attorney.

RECOMMENDED \_\_\_\_\_ DATE \_\_\_\_\_  
(PD/TO/Civilian SME/Branch/Department Head)

**5. Estate Planning (Wills, Supporting Documents, and Will Execution)**

**Review, sign, and date:**

NLSC/CODE 16 STANDARD WILL QUESTIONNAIRE INTAKE FORM.	NJS
NLSC/CODE 16 STANDARD WILL EXECUTION SCRIPT.	NJS
SERVICEMEMBER’S GROUP LIFE INSURANCE (SGLI) ELECTION CERTIFICATE, SGLV 8286.	NJS
DD FORM 93, RECORD OF EMERGENCY DATA.	NJS
NAVPERS 1070/602 (COMMONLY KNOWN AS A “PAGE 2” IN THE SERVICE RECORD.)	NJS
SERVICEMEMBER’S AND VETERAN’S GROUP LIFE INSURANCE HANDBOOK, VA HANDBOOK 29-98-1 AT VA.GOV	NJS
SURVIVOR’S GUIDE TO BENEFITS AND THE U.S. DEPARTMENT OF VETERANS AFFAIRS’ WEBSITE FOR SURVIVORS AT <a href="https://www.va.gov/family-member-benefits/">HTTPS://WWW.VA.GOV/FAMILY-MEMBER-BENEFITS/</a>	NJS
NLSC/CODE 16 DUAL WAIVER OF CONFLICT LETTER.	NJS

**Initial and Date:**

1. NJS DISCUSS: With a legal assistance attorney how to address common estate-planning issues including children from prior relationships, elective share, the difference between state inheritance and estate taxes and large (taxable) federal estates, disabled beneficiaries, domicile/jurisdiction, and non-U.S. citizen executors and beneficiaries.
2. NJS KNOW: The Legal Assistance manual requirements for the preparation and the execution of a valid power of attorney, and any special requirements of local law in your command’s jurisdiction.
3. \_\_\_\_\_ KNOW: Florida, Puerto Rico, Guam and Louisiana intestate succession laws, forced heirship and elective share laws.
4. \_\_\_\_\_ REVIEW: Your jurisdiction’s version of the Uniform Transfers to Minors Act or the Uniform Gift to Minors Act, if applicable in your command’s jurisdiction.
5. \_\_\_\_\_ OBSERVE: A legal assistance attorney discuss estate planning with a client during a client interview. The interview should include going through the information on the standard will questionnaire and an explanation of the options for leaving property to a minor child and specific line-by-line review with the client of assets and debts.
6. \_\_\_\_\_ KNOW: The difference between a trust and a custodianship account for a child including the benefits of each. This includes knowing the termination age of the custodianship account under your state’s law.

7. \_\_\_\_\_ OBSERVE: A legal assistance attorney advise a member on how to correctly fill out the Dependency Application/Record of Emergency Data, NAVPERS 1070/602 (commonly known as a “Page 2” in the service record) and the restrictions on how and when to use Servicemembers Group Life Insurance (SGLI) Online Enrollment System (SOES) to make any updates.
8. \_\_\_\_\_ OBSERVE: A legal assistance attorney explaining and obtaining mutual consent to the standardized dual representation letter in the context of a spousal will. Observe the attorney conducting the will interview of spouses.
9. \_\_\_\_\_ OBSERVE: A legal assistance attorney conduct a command will visit.
10. \_\_\_\_\_ CONDUCT: A command will visit under the supervision of a legal assistance attorney.
11. \_\_\_\_\_ ACT: As a witness for a will execution supervised by another legal assistance attorney.
12. \_\_\_\_\_ EXECUTE: Serve as the notary for a will execution under the supervision of another legal assistance attorney.

RECOMMENDED \_\_\_\_\_ DATE \_\_\_\_\_  
(PDTO/Civilian SME/Branch/Department Head)

**6. Family Law (Divorce/Separation, Non-Support, Custody, Adoption, Paternity, Early Return of Dependents, and Name Changes)**

**Review, sign, and date:**

UNIFORMED SERVICES FORMER SPOUSES PROTECTION ACT (USFSPA), 10 U.S.C. §1408.	NJS
MILPERSMAN 1754-030 & 5800-010, SUPPORT OF FAMILY MEMBERS, PATERNITY COMPLAINTS.	NJS
MARINE CORPS MANUAL FOR LEGAL ADMINISTRATION (LEGADMINMAN), MCO P5800.16(SERIES) CHAPTER 15, FINANCIAL SUPPORT OF FAMILY MEMBERS.	NJS
COMMANDANT INSTRUCTION (COMDTINST) M1600.2, CHAPTER 2E SUPPORT OF DEPENDENTS.	NJS
DFAS GARNISHMENT OPERATIONS GUIDANCE ON DIVIDING MILITARY RETIRED PAY, <a href="https://www.dfas.mil/garnishment/">HTTPS://WWW.DFAS.MIL/GARNISHMENT/</a>	NJS
OPNAVINST 1752.2 (SERIES) FAMILY ADVOCACY PROGRAM, ENCLOSURE (8)	
DEPARTMENT OF DEFENSE FORM (DD) 2873, MILITARY PROTECTIVE ORDER (MPO) and NO CONTACT ORDERS (NCO).	
ARMY REGULATION (AR) 608-99, FAMILY SUPPORT CHILD CUSTODY AND PATERNITY.	
AIR FORCE INSTRUCTION 36-2906, PERSONAL FINANCIAL RESPONSIBILITY.	
BUPERSINST 1750.10 (SERIES), IDENTIFICATION CARDS FOR MEMBERS OF THE UNIFORMED SERVICES, THEIR ELIGIBLE FAMILY MEMBERS AND OTHER ELIGIBLE PERSONNEL.	
THE LAUTENBERG AMENDMENT, 18 U.S.C. § 921-22 AND DEPARTMENT OF DEFENSE FORM (DD) 2760.	
DoD FINANCIAL MANAGEMENT REGULATION, VOLUME 7B, CHAPTER 29	
MILPERSMAN 1000-130 (NAME CHANGE OF MEMBER)	
CONTINUED HEALTH CARE BENEFIT PROGRAM (CHCBP) TRICARE: <a href="https://TRICARE.MIL/">HTTPS://TRICARE.MIL/</a> ; HUMANA MILITARY: <a href="https://WWW.HUMANAMILITARY.COM/">HTTPS://WWW.HUMANAMILITARY.COM/</a>	
OPNAVINST 1300.15 (SERIES) NAVY MILITARY PERSONNEL ASSIGNMENT POLICY	
OPNAVINST 1740.4(SERIES)NAVY FAMILY CARE POLICY	
NAVY PERSONNEL COMMAND FORMS (NAVPERS) 1740/6, FAMILY CARE PLAN CERTIFICATE.	
MILPERSMAN 1300-306 (OVERSEAS SCREENING DEFICIENCY REPORTS AND EARLY RETURN REQUEST)	

**Initial and Date:**

1. NJS DRAFT: Under the supervision of a legal assistance attorney, prepare a military non-support letter using the Code 16 SharePoint (Hot Docs Content - All Documents (navy.mil))
2. \_\_\_\_\_ KNOW: The jurisdictional provisions (including any exceptions to those jurisdictional provisions for military members), for seeking marriage dissolution, marital property division, spousal support, name changes, adoption, establishment of guardianship, determination of paternity, child custody and child support in your command's jurisdiction.
3. \_\_\_\_\_ ACCESS: CONUS ONLY - The Clerk of the Court websites in your command's jurisdiction and familiarize yourself with their online resources including family law, landlord-tenant and small claims forms and the relevant filing procedures for those forms.
4. \_\_\_\_\_ KNOW: The effect and purpose of a separation/marital settlement agreement and Code 16's policy on drafting them.
5. \_\_\_\_\_ ACCESS: Any fleet concentration State's Child Support Enforcement website to find and practice inputting state mandated child support calculations.
6. \_\_\_\_\_ READ: A state-issued voluntary declaration of paternity from your command's jurisdiction. Familiarize yourself with the requirements for properly recording or filing this form in your jurisdiction as well as the legal effect of a voluntary declaration of paternity. Also, familiarize yourself with the process for utilizing this document to establish dependent status in the military.
7. \_\_\_\_\_ ACCESS: The DFAS adoption reimbursement website [www.dfas.mil/militarymembers/payentitlements/adoptionreimbursement.html](http://www.dfas.mil/militarymembers/payentitlements/adoptionreimbursement.html) and garnishment website <https://www.dfas.mil/garnishment/> focusing on the source materials available there.
8. \_\_\_\_\_ KNOW: Local state and military procedures regarding domestic violence cases, including the handling of civilian domestic violence protection orders, the various types of violence injunctions and the standing requirements for each, and the interaction between such protection orders, the Lautenberg Amendment, and the Department of Defense Form (DD) 2760.
9. \_\_\_\_\_ KNOW: How to enroll a child or other dependent in DEERS, obtain a DoD Identification Card, and gain access to medical care.
10. \_\_\_\_\_ KNOW: How to advise and assist a client seeking an Early Return of Dependents (ERD) request, and how a marital separation agreement may/may not effect the ERD unless it has been filed with a court of competent jurisdiction.

11. \_\_\_\_\_ KNOW: Military and civilian requirements to change a member's name, including requirements with the member's command and how to satisfy notice requirements to relevant state and federal agencies of the name change.
12. \_\_\_\_\_ OBSERVE: A legal assistance attorney discuss step-parent adoption, guardianship, paternity and name change issues during a client interview.\*
13. \_\_\_\_\_ OBSERVE: A legal assistance attorney discuss family law issues, including child support, child custody, or military non-support issues during a client interview.\*

\* Department Head/PDTO may conduct a mock of any of these items to demonstrate the proper consultation components to develop the jurisdictional analysis and point to the proper forms for the jurisdiction in which the case must proceed.

RECOMMENDED \_\_\_\_\_ DATE \_\_\_\_\_  
(PDTO/Civilian SME/Branch/Department Head)

## 7. Exceptional Family Member Program (EFMP) Education Law

**Review, sign, and date:**

DODI 1315.19, EXCEPTIONAL FAMILY MEMBER PROGRAM	NJS
SECNAVINST 1754.5 (SERIES), EXCEPTIONAL FAMILY MEMBER PROGRAM	NJS
OPNAVINST 1754.2 (SERIES), EXCEPTIONAL FAMILY MEMBER PROGRAM	NJS
MCO 1754.4 (SERIES), EXCEPTIONAL FAMILY MEMBER PROGRAM	NJS
MILPERSMAN 1300-700, EXCEPTIONAL FAMILY MEMBER PROGRAM	NJS
INDIVIDUALS WITH DISABILITIES EDUCATION ACT, 20 U.S.C. § 1400	NJS
MILPERSMAN 1300-306, EARLY RETURN OF DEPENDENTS	
MILPERSMAN 1300-500, HUMANITARIAN ASSIGNMENT	
BUMEDINST 1300.2 (SERIES), SUITABILITY SCREENING, MEDICAL ASSIGNMENT SCREENING, AND EXCEPTIONAL FAMILY MEMBER PROGRAM IDENTIFICATION AND ENROLLMENT	

**Initial and Date:**

1. NJS KNOW: The definition of exceptional family member (EFM) eligibility under MILPERSMAN 1300-700.
2. NJS REVIEW: The six EFMP enrollment categories.
3. NJS REVIEW: DoN EFMP staff roles, to include Case Liaisons, School Liaison Officers (SLOs), Regional SLOs, EFMP Program Managers, and Regional Special Education Liaisons.
4. \_\_\_\_\_ KNOW: EFMP estate planning issues, to include special needs trusts, power of attorney competence and consent requirements, and guardianship/conservatorship considerations when an EFMP dependent turns 18.
5. \_\_\_\_\_ REVIEW: Your jurisdiction’s local non-profits that assist with legal services for EFMP dependents, to include Legal Aid, volunteer lawyer associations, and disability rights organizations.
6. \_\_\_\_\_ KNOW: The phone number and email address for your closest civilian EFMP SME attorney.

7. \_\_\_\_\_ KNOW: Entitlements for children 0-21 years of age under the Individuals with Disabilities Education Act, to include Free Appropriate Public Education (FAPE), Individualized Education Plan (IEP), and Least Restrictive Environment (LRE), as well as parental Due Process Complaints if their child is denied FAPE, IEP, or LRE.

RECOMMENDED \_\_\_\_\_ DATE \_\_\_\_\_  
(PDTO/Civilian SME/Branch/Department Head)

### 8. Property & Landlord/Tenant Disputes

**Review, sign, and date:**

SERVICEMEMBER’S CIVIL RELIEF ACT (SCRA), 50 U.S.C. §§ 3951-3959	NJS
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FORECLOSURE AVOIDANCE PROGRAMS) AT HUDOIG.GOV	

**Initial and Date:**

- 8. NJS REVIEW: SCRA protections for members regarding evictions and distress, installment contracts for purchase or lease, mortgages and trust deeds, and terminations of residential or motor vehicle leases.
- 9. NJS REVIEW: the Military Housing Privatization Initiative Tenant Bill of Rights
- 10. \_\_\_\_\_ REVIEW: CONUS - Your state’s landlord-tenant and eviction laws including eviction due to foreclosure, legality of pet deposits, refunds of security deposits, preliminary walk-through rights and right to repair and offset rent, if any and assess whether they provide more protection than the SCRA protections in 1 above.
- 11. \_\_\_\_\_ DRAFT: An SCRA lease termination letter using the Code 16 SharePoint HotDocs Hold Box template (at Hot Docs Hold Box – Home, accessed via portal.secnv.navy.mil).
- 12. \_\_\_\_\_ REVIEW: Your command's base housing office, policies and regulations removing in/out of base housing, BAH/OHA entitlements, and emergency situations that would warrant temporary on/off-base housing (e.g., DV involving dual-mil who live on base).

RECOMMENDED \_\_\_\_\_ DATE \_\_\_\_\_  
(PDTC/Civilian SME/Branch/Department Head)

**9. Military Rights/Benefits (SCRA, USERRA)**

**Review, sign, and date:**

SERVICEMEMBER’S CIVIL RELIEF ACT (SCRA), 50 U.S.C. §§ 3901-4043	NJS
UNIFORMED SERVICE EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA), 38 U.S.C. §§4301–4335.	NJS
REVIEW THE SCRA LETTER FORMS AVAILABLE ON CODE 16 SHAREPOINT. REVIEW SCRA LETTERS ON A VARIETY OF SUBJECTS (E.G., STAY REQUEST AND REDUCTION OF INTEREST RATE TO 6%) PRODUCED BY YOUR OFFICE.	NJS
REVIEW THE EMPLOYER SUPPORT OF GUARD AND RESERVE (ESGR) WEBSITE at <a href="http://esgr.mil/">http://esgr.mil/</a> AND BECOME FAMILIAR WITH THE USERRA SUPPORT SERVICES PROVIDED BY THE ESGR.	
JOINT TRAVEL REGULATIONS (JTR) CHAPTER 5, PART A, SUBSECTION C, PAR5102A AND 5102B	
DOJ SERVICEMEMBERS AND VETERANS INITIATIVE WEBSITE AT <a href="https://www.justice.gov/crt-military">https://www.justice.gov/crt-military</a>	
FTC.GOV ACTIVE DUTY ALERTS <a href="https://www.consumer.ftc.gov/articles/0273-active-duty-alerts">https://www.consumer.ftc.gov/articles/0273-active-duty-alerts</a> . See also Ch. 9, Consumer Law.	
20 U.S.C. §§1078 & 1078-10 to-1078-12 (FEDERAL FAMILY LOAN EDUCATION PROGRAM); 20 U.S.C. §1087e (FEDERAL DIRECT LOAN PROGRAM; PUBLIC SERVICE LOAN FORGIVENESS); 20 U.S.C. §§1087dd & 1087ee (FEDERAL PERKINS LOAN PROGRAM).	

**Initial and Date:**

1. NJS \_\_\_\_\_ KNOW: Decedent and survivor benefits including but not limited to Survivor Benefit Plan (SBP); VA Benefits including Dependency and Indemnity Compensation (DIC), VA Pension, Casualty Assistance Calls Officer (CACO) issues, as well as local VA offices and points of contacts.
2. NJS \_\_\_\_\_ KNOW: What the Survivor Benefit Plans (SBP) are, what their advantages and disadvantages are, deadlines for applying for SBP, and who clients should contact with specific questions about SBP or DIC.

3. NJS KNOW: When proceedings can and cannot be stayed pursuant to the SCRA and how to effectively implement a stay request.
4. \_\_\_\_\_ KNOW: Relevant city, county and state rules, regulations, and statutes particular to your location offering special protections and benefits to service members and their dependents (e.g., “State SCRA’s” and special in-state tuition rules).
5. \_\_\_\_\_ KNOW: Tax issues particular to your location, such as state domicile/legal residency requirements, state income taxation, real and personal property taxes, and vehicle registration and use taxes.
6. \_\_\_\_\_ REVIEW: A Military Affidavit/Affidavit of Military Status form filed pursuant to state rules of court in the jurisdiction within which the pleadings are to be filed whenever a request for default is made against a military member.
7. \_\_\_\_\_ KNOW: When a default judgment can be set aside pursuant to the SCRA and state and local rules of court and procedures for setting aside default judgments.
8. \_\_\_\_\_ DRAFT: An SCRA lease termination letter using the Code 16 SharePoint HotDocs Hold Box template. See Ch. 7, Property & Landlord/Tenant Disputes.
9. \_\_\_\_\_ REVIEW: Members’ rights under USERRA using the following resources: DOL Pamphlet ([https://www.dol.gov/vets/programs/userra/USERRA\\_Private.pdf](https://www.dol.gov/vets/programs/userra/USERRA_Private.pdf)), DOL website (<https://www.dol.gov/vets/programs/userra/>).
10. \_\_\_\_\_ KNOW: How to assist servicemembers with placing ‘credit bureau deployment alerts’, also known as “Active Duty Alerts”. See also Ch. 9, Consumer Law.

RECOMMENDED \_\_\_\_\_ DATE \_\_\_\_\_  
(PDTO/Civilian SME/Branch/Department Head)

**10. Consumer Law (Fraud, Abuse, Creditor/Debtor, Predatory Lending)**

**Review, sign, and date:**

MILITARY LENDING ACT, 10 U.S.C. §987.	NJS
FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. §§1692–1692p.	NJS
OPNAVINST 1620.2(SERIES), ARMED FORCES DISCIPLINARY CONTROL BOARD.	NJS
TRUTH IN LENDING ACT, 15 U.S.C. §§1601–1667f AND TRUTH IN LENDING REGULATION Z, 12 C.F.R. Part 226.	NJS
FAIR CREDIT REPORTING ACT, 15 U.S.C. §§1681–1681x.	NJS
MAGNUSSON-MOSS WARRANTY ACT, 15 U.S.C. §§2301–2312.	
USED MOTOR VEHICLE TRADE REGULATION RULE, 16 C.F.R. Part 455.	
FEDERAL ODOMETER ACT, 49 U.S.C. §§32701-32711.	
MILPERSMAN 7000-020, INDEBTEDNESS AND FINANCIAL RESPONSIBILITY OF MEMBERS.	
FTC.GOV ACTIVE DUTY ALERTS HTTPS://WWW.CONSUMER.FTC.GOV/ARTICLES/0273-ACTIVE-DUTY-ALERTS. SEE ALSO CH. 9, CONSUMER LAW.	

**Initial and Date:**

1. NJS REVIEW: The resources available on the Consumer Financial Protection Bureau’s website, [www.consumerfinance.gov](http://www.consumerfinance.gov), paying particular attention to the process for filing a consumer complaint and the materials aimed at military members and veterans. See [www.consumerfinance.gov/servicemembers](http://www.consumerfinance.gov/servicemembers).
2. REVIEW: Your state consumer protection agency websites and laws, e.g. deceptive trade practices, unfair debt collection practices, lemon laws. Familiarize yourself with which agencies regulate particular businesses, including collection agencies, automobile dealerships, health clubs, contractors, retail installment sales and real estate.
3. KNOW: How to use your state’s online resources and other databases to look up a business’s license and status.
4. DISCUSS: With your supervisor your office’s experiences with local predatory lending practices, the consumer issues most commonly seen in your office with specific reference to: bank or debit card fees/overdraft fees/prepaid credit card fees, cash advances, pay day loans, used car loans, and title loans.

5. \_\_\_\_\_ REVIEW: The resources available on the Federal Trade Commission’s identity theft website, paying particular attention to “Military Personnel & Families Fighting Back Against Identity Theft” and “Active Duty Alerts Help Protect Military Personnel from Identity Theft.”
6. \_\_\_\_\_ ACCESS: [www.annualcreditreport.com](http://www.annualcreditreport.com) and become familiar with the procedures for obtaining a free copy of your credit report.
7. \_\_\_\_\_ KNOW: The local process for forwarding cases to the Armed Forces Disciplinary Control Board.
8. \_\_\_\_\_ KNOW: How to assist servicemembers with placing ‘credit bureau deployment alerts’, also known as “Active Duty Alerts”.
9. \_\_\_\_\_ KNOW: How debts and bankruptcy can affect security clearances.
10. \_\_\_\_\_ ATTEND: A Command Financial Specialist legal brief.

RECOMMENDED \_\_\_\_\_ DATE \_\_\_\_\_  
(PDTO/Civilian SME/Branch/Department Head)

## 11. Naturalization and Immigration

**Review, sign, and date:**

8 U.S.C. §§1101–1504, FOCUSING ON §§1427, 1430, 1431, 1433 & 1439 TO 1440-1.	NJS
MILPERSMAN 5352-010: NATURALIZATION AND DERIVED CITIZENSHIP OF MILITARY PERSONNEL	NJS
MOST RECENT LEGAL ASSISTANCE PRACTICE ADVISORIES CONTAINING IMMIGRATION OR NATURALIZATION GUIDANCE LOCATED ON THE CODE 16 SHAREPOINT	NJS
USCIS “FILE ONLINE” GUIDES AND FORMS at FILE ONLINE   USCIS	
USCIS FORMS I-129F, I-130, I-485, N-400, and N-426 at FILE ONLINE   USCIS.	
“U.S. NAVY GUIDE TO NATURALIZATION APPLICATIONS BASED UPON QUALIFYING MILITARY SERVICE” at 2023_NAVY_MILITARY_NATURALIZATION_GUIDE_C16_ISSUED.PDF (USGOVCLLOUDAPI.NET).	
AMERICAN IMMIGRATION LAWYERS ASSOCIATION’S MILITARY ASSISTANCE PROGRAM at AILA MILITARY ASSISTANCE PROGRAM (MAP).	

**Initial and Date:**

1. NJS ACCESS: The U.S. Citizenship and Immigration Services (USCIS) website at [www.uscis.gov](http://www.uscis.gov) and the USCIS website for military families at <http://www.uscis.gov/military>. Note the USCIS dedicated Military Hotline number, 1-877-CIS-4MIL (1-877-247-4645), for help with immigration services and benefits.
2. NJS DISCUSS: With a supervisor Parole-in-Place (PIP) including when PIP would be appropriate, who qualifies for PIP, the potential bars to requesting PIP, the documents necessary to make a PIP request and the local procedures to make the request.
3. NJS KNOW: Requirements to obtain a Certificate of Birth Abroad (CRBA) and passport for newborn U.S. citizens born overseas.
4. NJS KNOW: Potential bars to immigration for prospective spouses and/or dependents.
5. NJS KNOW: The requirements of military members desiring to marry a foreign national overseas, including notification to their Commanders.
6. \_\_\_\_\_ KNOW: Your local USCIS or Consulate points of contact for immigration and naturalization issues.

7. \_\_\_\_\_ READ: The most current Visa Bulletin found at <https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html>.
8. \_\_\_\_\_ KNOW: How to refer a client to the American Immigration Lawyers Association and its referral service at [www.aila.org](http://www.aila.org).
9. \_\_\_\_\_ OBSERVE: A legal assistance staff member (attorney, Regional Citizenship Program Manager, or Naturalization Area Coordinator) discuss a military naturalization matter with a Service Member during a client interview.
10. \_\_\_\_\_ KNOW: How to prepare and assemble a facilitated naturalization packet utilizing the “U.S. Navy Guide to Naturalization Applications Based upon Qualifying Military Service.”

RECOMMENDED \_\_\_\_\_ DATE \_\_\_\_\_  
(PDTO/Civilian SME/Branch/Department Head)

**12. Pre-Deployment/Pre-Mobilization Readiness**

**Review, sign, and date:**

CODE 16 STANDARD PRE-DEPLOYMENT LEGAL BRIEF POWERPOINT ON CODE 16 SHAREPOINT	NJS
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**Initial and Date:**

1. \_\_\_\_\_ OBSERVE: Pre-deployment/pre-mobilization brief delivered by another legal assistance attorney.
2. \_\_\_\_\_ EXECUTE: A pre-deployment/pre-mobilization brief under the supervision of another legal assistance attorney.

RECOMMENDED \_\_\_\_\_ DATE \_\_\_\_\_  
(PDTO/Civilian SME/Branch/Department Head)

**LEGAL ASSISTANCE ATTORNEY**

RECOMMENDED \_\_\_\_\_ DATE \_\_\_\_\_  
(PDTO/Civilian SME/Branch/Department Head)

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I CERTIFY THAT \_\_\_\_\_ HAS COMPLETED THE  
PROFESSIONAL DEVELOPMENT STANDARDS REQUIRED OF A LEGAL ASSISTANCE  
ATTORNEY.

\_\_\_\_\_ DATE \_\_\_\_\_  
Commanding Officer  
[Command]

[Once complete, command retains a copy of this page and the original goes to Officer for retention]