

Canc FRP: Sep 2024

NAVJUSTSCOLNOTE 1503 CH-1
LEADERSHIP
26 Feb 2024

NAVJUSTSCOL NOTICE 1503 CHANGE TRANSMITTAL 1

From: Commanding Officer, Naval Justice School

Subj: FISCAL YEAR 2024 PROFESSIONAL DEVELOPMENT STANDARDS

Ref: (a) JAGINST 1500.4B

Encl: (1) Revised pages 16-26 of FY24 Legal Assistance PDS

1. Purpose. This change is issued to incorporate a change to the FY24 Legal Assistance Professional Development Standards (PDS), providing Extraordinary Family Member Program Education Law to the FY24 PDS as Legal Assistance Core Competency 7. Core Competencies 8 through 12 are renumbered to align with this update.

2. Action. Remove pages 16 through 24 of enclosure (2) from the notice and insert enclosure (1).

3. Records Management. Records created as a result of this change transmittal, regardless of media or format, must be managed per Secretary of the Navy Manual 5210.1 of January 2012.



CHRISTOPHER M. WILLIAMS

Distribution:

This change transmittal is cleared for release and is available electronically only via <https://www.jag.navy.mil/about/organization/ojag/njs/publications/>.

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.secnav.navy.mil).
12. _____ REVIEW: Your command's base housing office, policies and regulations re moving 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 _____
 (PDTO/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 http://esgr.mil/ 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 https://www.justice.gov/crt-military | |
| FTC.GOV ACTIVE DUTY ALERTS https://www.consumer.ftc.gov/articles/0273-active-duty-alerts . 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), 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, 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.
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 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 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.
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 |
|--|-----|

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)

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

Commanding Officer
[Command] DATE _____

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

