

THE BAUMHOLDER BUGLE



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APOSTILLE

If you or your spouse is German and you either married or divorced in the United States, you will want that action to be recognized in Germany. However, documents issued in the United States that are intended for use in Germany have to be authenticated before they can be recognized by Germany. Because Germany and the United States are parties to a treaty called The Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents, this process can be accomplished fairly simply by obtaining something known as an "apostille". An apostille is simply a certification of the document in a way that will be recognized in Germany. Depending on which US state the divorce or marriage occurred, in the document

will be certified on either the county or the state level. An easy online search, such as "Texas apostille" will lead you to an official state website with information on how to obtain an apostille. Once the apostille is obtained, the divorce or marriage can be registered in Germany with the president of the Higher



Regional Court (Oberlandesgericht). You can file the application at the local registrar's office (Standesamt). In order to file the application you need to provide:

- Court order
- Certificate of no appeal
- Copy of Passport/ID
- Certified translation
- Copy of LES

There will be a fee between 10 and 300 EUR, depending on the circumstances of the case, the financial situation, etc. Any questions can be directed to the Legal Assistance Office at DSN 485-6506.

FAMILY SUPPORT AND AR 608-99

All Soldiers are required to support their family members. This duty is set out in Army Regulations (AR) 608-99, Family Support, Child Custody, and Paternity, 29 October 2003. Soldiers must comply with court-ordered support. Both US and German court orders are recognized as valid if the Soldier is serving in Germany. In order to avoid a court procedure, the parties can go to the local youth welfare service (Jugendamt) and sign an order for child support without paying any fees.

If the Soldier later PCSes to the United States, the German support order will continue to be recognized as soon as it is registered in the United States. In the absence of a court order, AR 608-99 provides a formula for calculating the amount of support a Soldier must pay to his dependents. The amount will vary depending on the rank of the soldier, the number of family members (as defined by AR 608-99), where the family members are living, and several other factors. The Legal Assistance Office answers questions about family support as part of its divorce and separation counseling. Please call DSN 485-6506 for an appointment.

ABOUT THE U.S. ARMY VICTIM/WITNESS LIAISON PROGRAM

The Army's Victim/Witness Liaison program is a multidisciplinary tool to provide crime victims and witnesses access to services available to them through military and civilian agencies. The Office of the Judge Advocate General is the Army's responsible official for the Victim/Witness Liaison program. Army Regulation 27-10, Legal Services, Military Justice, implements this program.

Staff Judge Advocates, at various installations in the United States and overseas, appoint qualified Victim/Witness Liaisons to coordinate and facilitate the program.

The cooperation of victims and witnesses is integral in the justice system. Without the cooperation of victims and witnesses, the military justice system would cease to function effectively. Accordingly, all persons working within and in support of the system (e.g., commanders, Army legal offices, law enforcement officers, investigative agencies, corrections officials, Army Community Services, Family Advocacy teams, chaplains, and health care personnel) must ensure that victims and witnesses of crimes are advised of

and accorded the rights outlined in AR 27-10, subject to available resources, operational commitments, and military exigencies.

WHO IS ELIGIBLE FOR ASSISTANCE?

The Victim and Witness Assistance Program applies to all adversely affected victims and witnesses in UCMJ federal court proceedings and investigations conducted by the Department of the Army. Victims under the jurisdiction of the state and other federal authorities may also fall under this program. Special attention shall be given to victims of violent crime who have suffered physical, financial, or emotional trauma.

WHAT SERVICES ARE AVAILABLE?

- Liaison through the judicial system
- Medical and dental care
- Legal assistance
- Army Emergency Relief
- Chaplain Service
- Transitional Compensation, in limited circumstances
- Reasonable protection by law enforcement, if warranted
- Civilian community-based victim treatment, assistance, and compensation programs

DoD Bill of Rights For Victims and Witnesses of a Crime

A crime victim has the following rights:

1. The right to be treated with fairness, dignity, and respect for privacy.
2. The right to be reasonably protected from the accused offender.
3. The right to be notified of court proceedings.
4. The right to be present at all public proceedings related to the offense, unless the court determines that the testimony by the victim would be materially affected if the victim heard other testimony at trial, or for other good cause.
5. The right to confer with the attorney for the Government in the case.
6. The right to restitution, if appropriate.
7. The right to information regarding conviction, sentencing, imprisonment, and release of the offender from custody.

For more information regarding Baumholder's Victim and Witness Program, contact Mr. Andy Harvey, Baumholder's Victim/Witness Liaison at DSN: 485-8677 COMM: 06783-68677

WE'RE ON THE WEB!

WWW.BAUMHOLDER.ARMY.MIL/SITES/LOCAL/LEGAL2.ASP



We at the Legal Office wish you a Happy Thanksgiving! Next issue will appear beginning of December.

HOW TO MAKE CAR SALES SMOOTH

If you are selling your vehicle to another Soldier, or civilian within the military community, there are a few tips you can follow to make things go smoother.

1. Have the buyer sign a bill of sale with you that states that the vehicle is sold "as is". Otherwise, you could be responsible for repairs under German law. Under German law, the seller will be liable for any defects within the first two years, if he can buyer that the defect existed at the time of sale.
2. Do not give the keys to the buyer or let him or her use your vehicle until both of you have gone to Vehicle Registration and officially transferred the vehicle into the new owner's name.
3. Insist that the buyer pay you for the vehicle in cash prior to the transfer at the vehicle registration office. Do not agree to take installment payments.

MYTHS ABOUT YOUR WILL

Q: I don't have time to change my SGLI beneficiaries. Won't my will take care of that for me?

N: No. A will cannot override an SGLI designation.

Q: I have a joint checking account with my mother, but I want it to go to my spouse upon my death. Won't my will take care of that for me?

N: No. Your mother is a joint owner of the bank account and the will cannot override that.

Q: I don't want my former spouse to get our children if I die. Won't my will take care of that for me.

N: No. Courts will give a preference for custody of children to a parent, absent substantial evidence that the parent is unfit.

GREEN CARD

If you are PCSing to the US with a German spouse within the next year, you will want to start thinking about applying for an immigrant visa (green card) for that spouse. The process often can take six months to complete. These visa applications will be processed at the US Consulate in Frankfurt. A good place to start is on the US Embassy website at: <http://germany.usembassy.gov/visa/uscis/i130/>

Keep in mind that you will need to have an INFOPASS appointment if you wish to speak in person with someone in the U.S. Citizenship and Immigration Services (USCIS) office at the Consulate. You may make an appointment by going to: https://infopass.uscis.gov/info_lang.php?sel_lang=en

FLIPLS EXPLAINED

Soldiers and DA civilian employees can be asked to pay for equipment they are believed to have damaged or lost through a process called Financial Liability Investigation of Property Loss (FLIPL). This process is outlined in Army Regulation (AR) 735-5, Policies and Procedures for Property Accountability 28 February 2005, Chapter 13. If you are being considered for assessment of financial liability, you will be notified in writing and given an opportunity to submit a rebuttal statement. The Legal Assistance Office can assist you in this process.

MAKING SOMEONE A DEPENDENT

Certain family members, such as a spouse or child, are automatically entitled to dependency status. Other family members, such as a parent, brother or sister, require special review before they can be considered dependents. The process to seek dependent status for a minor or an adult family member must be coordinated through the unit and Finance.

To seek dependent status for a minor for whom you have legal custody or guardianship, you must bring the minor's birth certificate, and original or certified copies of the guardianship or other relevant court document to Finance. At Finance, you should go to the customer service counter and complete DD Form 137, requesting financial support for the new dependent.

In the packet from Finance, there is a form 137-3. This form must be notarized by the Legal Assistance Office after you have filled in the required information.

Once the packet is complete, you take the paperwork back to Finance for mailing DFAS. DFAS will review the affidavit of support and mail an affidavit to the prospective dependent. DFAS will then mail their decision back to you within 4-6 weeks.

To seek dependent status for an adult family member, you must send the following documents to DFAS, Indianapolis:

- (1) Proof (such as copies of canceled checks) that you provide more than half of the individual's financial support;
- (2) Completed DD Forms 137 and 137-3. DFAS will send the proposed dependent a questionnaire verifying your information and their desire to become your dependent. The dependent must sign the questionnaire and have his or her signature notarized. You will then receive notice that DFAS is processing your application. If you have any questions regarding obtaining dependency status for someone, contact the Legal Assistance Office.



ARMY CLAIMS

Claims filed against the US Government by soldiers, DA/DOD civilians, and other personnel for loss of and/or damage to personal property resulting from an incident to their service:

Claims resulting from household goods and vehicle shipments. Claims resulting from fire, flood, theft, vandalism, and other unusual occurrences on military installations or at Government quarters.

- DD FORM 1842
- DD FORM 1844

Tort Claims

Claims filed against the US Government for personal injury, death, or damage to or loss of personal property caused by a negligent act or omission of military or Government personnel acting within the scope of their employment.

- STANDARD FORM 95

Article 139 Claims

Claims filed against a Soldier for personal property willfully destroyed or wrongfully taken. Such claims must be filed within 90 days from the incident date.

- Article 139 Claim Form

Filing Claims Online

On 1 October 2009, the Personnel Claims Army Information Management System (PCLAIMS) was fielded. It can be accessed from the Judge Advocate General's Corps internet site at www.jagcnet.army.mil. The US Army Claims Service link needs to be clicked and then the PCLAIMS link. The PCLAIMS link will describe the rules for filing personnel claims only and allow filling out required forms. An Army Knowledge Online (AKO) account is needed to use PCLAIMS. Notice Procedure For All FRV Shipments

Shipments include household goods, hold/unaccompanied baggage shipments, line haul and local moves, DPM shipments.

Any notice of lost and/or damaged items resulting from shipments must be given within 70 calendar days from the date of delivery. The DD Form 1840/1840R (pink form) must be completed and delivered to the claims office within the prescribed time frame.

Claims for these shipments can be filed

either directly with the carrier within 9 months of delivery or with the Government within 2 years of delivery.

Notice Procedure For DP3 shipments

Any notice of lost and/or damaged items resulting from DP3 shipments must be given directly to the Transportation Service Provider (TSP) via internet, email, fax or mail within 75 calendar days from the date of delivery. For assistance with the notification, contact the claims office.

Claims for these shipments can be filed directly with the TSP within 9 months of delivery or with the Government within 2 years of delivery.

The Statute of Limitations for filing claims under AR 27-20 is 2 years from the date of the incident. Questions? Please call DSN 485-6507 for an appointment

CIVILIAN MISCONDUCT

If you are not on active duty and are eligible to receive individual logistic support (ILS) from the U.S. Forces or are seeking access to U.S. military installations, you are under the authority of the Civilian Misconduct Action Authority (CMAA). In most garrisons, the CMAA is the garrison commander and is assisted by a Civilian Misconduct Officer (CMO). It is the job of the CMAA to maintain morale, welfare, safety, and good order in their geographic areas of responsibility.

Guided by Army in Europe (AE) Regulation 27-9, Misconduct by Civilians, 29 January 2009, the CMAA may impose administrative punishment for actions such as damage to property or shoplifting. Table D-1 has a list of offenses and the suggested penalties for the first, second and third offense. Punishment can range from a letter of warning to an early return of family members.

