



MILITARY & VETERAN LEGAL RESOURCE GUIDE



Virginia Office of the Attorney General
MARK R. HERRING



July 1, 2017

Dear Veterans and Military Families,

Thank you for your service to our Nation and to our Commonwealth. You are true heroes who, without question, put your lives at risk to protect the freedoms we enjoy as Virginians and Americans

With more than 750,000 veterans and their families, the Pentagon, and the largest naval base in the world, Virginia is home to many military families and veterans with unique legal and consumer needs. This Guide provides an overview of the legal benefits and protections available to you as military families and veterans. My hope is that this information allows you to better access the information you and your family need to enjoy these protections and benefits.

We are deeply committed to the success and well-being of our military families and veterans. My consumer protection section uses its enforcement authority to help meet the unique needs of veterans, active duty personnel, and their families. Because servicemembers are often away from home for long periods of time, and because they have a steady income, active duty servicemembers and their families are attractive targets for predatory lending, identity theft, illegal foreclosure or repossession, and credit card fraud. In 2016, I established the Veterans Legal Services Clinic to provide free, simple estate planning services to low income veterans and their partners and spouses. These clinics are held at areas around the state and offer simple wills, advance medical directives and powers of attorney.

My commitment to veterans also extends to hiring veterans, guardsmen and guardswomen, and reservists. A number of them are currently employed at the Office of the Attorney General, and I made a commitment to hiring more through my office's certification through the Department of Veterans Services (DVS), Virginia Values Veterans (V3) program. The V3 encourages Virginia employers to implement nationally recognized best practices in recruiting, hiring, and retaining highly-skilled and dependable veterans.

In addition to offering programs to assist veterans in obtaining civilian employment, DVS also helps veterans access federal and state benefits, medical care and other services. To learn more, visit the DVS website – www.dvs.virginia.gov or call 804.786.0286.

I hope you and your family find this resource to be beneficial. Please do not hesitate to contact my Office if you have any questions. I know I speak for all Virginians when I say that we are incredibly grateful for the sacrifices you and your families made and continue to make.

Sincerely,

A handwritten signature in black ink that reads "Mark R. Herring". The signature is written in a cursive, flowing style.

Mark R. Herring
Attorney General of Virginia

TABLE OF CONTENTS

INTRODUCTION	VI
About This Guide	VI
About the Attorney General's Office.....	VI
Disclaimer.....	VI

CHAPTER 1. EMPLOYMENT

When summoned to active duty, whether state or federal, we know how important it is for you to have a job when you return home. A number of state and federal laws require that in most cases, your civilian job will be waiting for you when your period of service has ended. Additionally, a preference is available to qualifying veterans when being considered for employment with Virginia state or local government agencies.

Protecting Your Job While You are on Active Duty - USERRA	1
Additional Benefits for Employees of the Commonwealth or Any of Its Localities	3
Pensions and Deferred Compensation	3
Health Care	4
What to do if You Believe that Your USERRA Rights have been Violated.....	4
Leave for Military Spouses and Other Family Members	4
Veteran Preference for State and Local Government Jobs	5
Are You Looking for a Job?	5

CHAPTER 2. PROTECTIONS FOR YOU AS A CONSUMER

Military families are often targets of individuals who seek to take advantage of consumers. The Commonwealth of Virginia and the federal government have enacted a number of laws designed to protect you from deceptive and misleading practices of individuals and businesses. If after reviewing this information, you have more questions, you can contact the Attorney General's Consumer Protection Section for information, by phone, (800) 552-9963, or by email, consumer@oag.state.va.us.

Servicemembers Civil Relief Act.....	7
Consumer Credit Protections for Military Families.....	7
Payday and Title Lending Prohibited.....	8
Virginia Consumer Protection Act	8
Buying a Motor Vehicle (Virginia's Lemon Law).....	9
Fair Debt Collection Practices Act.....	10
Tips to Avoid Scams and Deceptive Practices Targeting Military/Veterans.....	10
Making Wise Charitable Donations.....	11
Purchase Wisely.....	11

CHAPTER 3. EDUCATION13

We know how important education is to you and for your family. Several state and federal programs have been enacted to ensure as smooth a path as possible for military children who are often enrolled in many different school districts during their educational career. Additionally, there are a number of tuition and financial aid benefits available to qualifying spouses and dependents of active duty and veterans.

Educating the Military Child 13

Higher Education Benefits and Protections 14

- Military Families 14
- Veterans 15

Official State Duty 16

What to Do When Military Service Interrupts Your Education 17

Federal Student Loan Deferment 17

CHAPTER 4. TAXES19

As an active duty military member, reservist or guard member called to active duty, or a veteran, you may be entitled to certain Federal, Virginia state and local tax benefits. Additionally, in certain circumstances, surviving spouses may be eligible for property tax relief on their principal dwelling.

Income Taxes 19

Real Property Tax Relief 21

CHAPTER 5. FAMILY LAW23

Military families face unique challenges that may make family life difficult. When divorce, custody and other family law issues are coupled with changes in permanent duty station and overseas deployments, navigating the legal system may seem impossible. Virginia has a number of laws to ensure that all legal proceedings involving family issues are fair to you and your family.

CHAPTER 6. OTHER LAWS THAT IMPACT MILITARY FAMILIES AND VETERANS27

Line of Duty Act 27

Voting 27

Professional Licensing in Virginia for Military Spouses 27

CHAPTER 7. HOW TO OBTAIN LEGAL SERVICES AND INFORMATION31

QUICK REFERENCE GUIDE33

INTRODUCTION

About This Guide

This Guide summarizes many of the legal rights and protections that are available to Virginia's veterans, military service members and their families. Specifically, this Guide is designed to help provide a better understanding of the benefits and protections available to military families and veterans in the following areas of the law:

- Employment Law
- Consumer Law
- Educational Law
- Tax Law
- Family Law

This Guide also provides information on how to obtain legal advice and representation from various organizations.

For information on veterans benefits and Virginia programs to benefit veterans, please visit the website of the **Virginia Department of Veterans Services** at <https://www.dvs.virginia.gov/>. In addition to the helpful information on its website, DVS has prepared a Guide with useful information on all of its programs and services. You may find the Guide at https://www.dvs.virginia.gov/wp-content/uploads/2016/07/VAVet_ResourceGuide_ForWeb02.pdf or call DVS at 804.786.0286 to obtain a copy of the Guide.

About the Office of the Attorney General

The Attorney General is the chief legal officer of the Commonwealth and the Office serves as the Commonwealth's law firm. In addition to representing the interests of the people of Virginia, the Office also represents Virginia state government and the state agencies, boards and commissions that compose it.

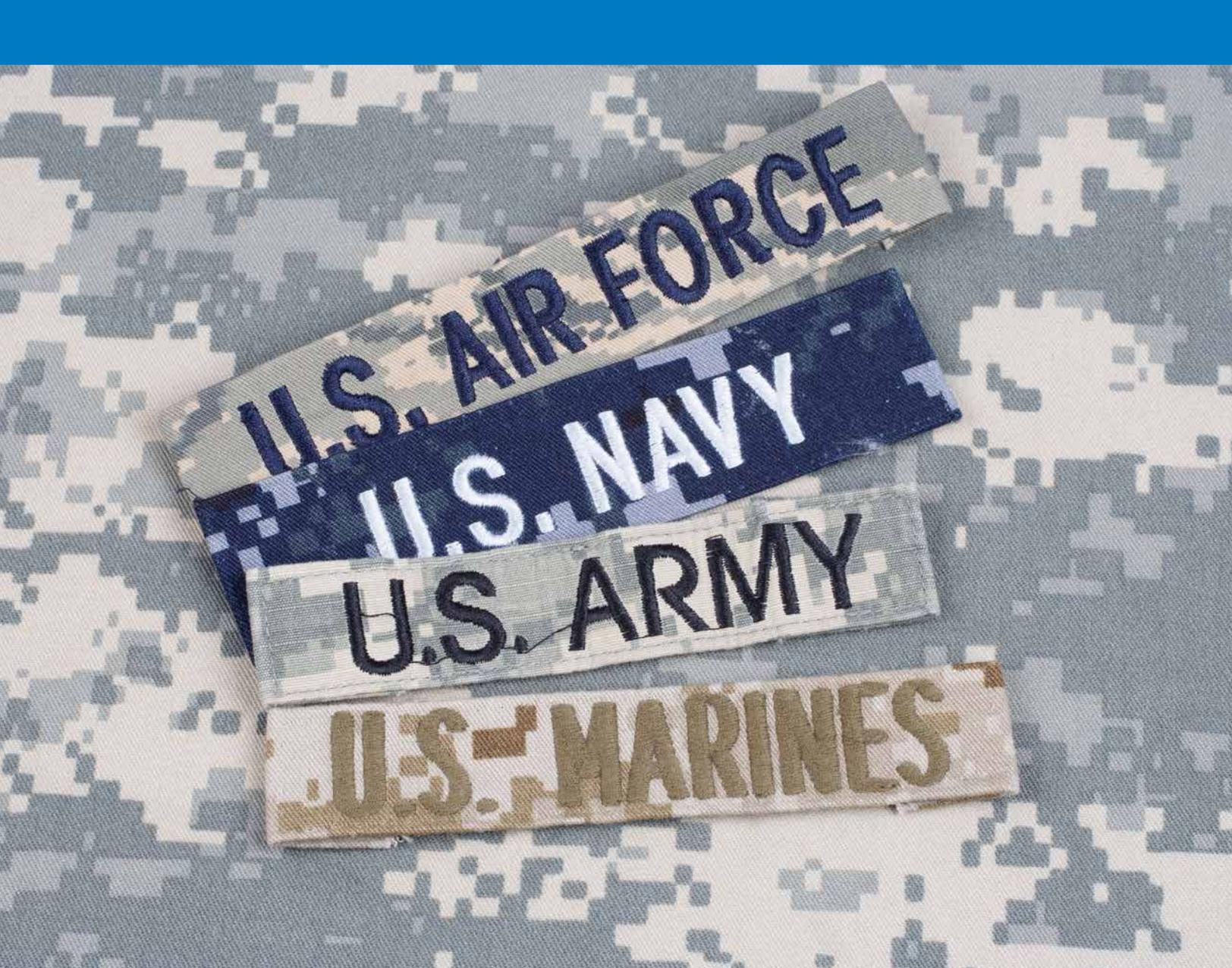
The Office of the Attorney General includes a chief deputy attorney general, five deputy attorneys general who oversee 21 specialized sections of the law, and other employees including assistant attorneys general, additional lawyers appointed as counsel to particular agencies or universities, legal assistants, legal secretaries and other professional support staff.

Disclaimer

The information in this Guide is provided as a resource for general educational purposes and is not provided for the purpose of giving legal advice of any kind. Nor does this Guide represent the legal opinion of the Office of the Attorney General.

The information provided in this Guide may or may not apply to an individual's circumstances. Readers should not rely on information in this Guide without seeking private legal counsel or legal assistance regarding any specific applications of the laws.

This Guide was last updated in June 2017. As laws and regulations change, portions may change or become obsolete.



EMPLOYMENT

CHAPTER 1: EMPLOYMENT

When summoned to active duty, whether state or federal, we know how important it is for you to have a job when you return home. A number of state and federal laws require that in most cases, your civilian job will be waiting for you when your period of service has ended. Additionally, a preference is available to qualifying veterans when being considered for employment with Virginia state or local government agencies. An overview of federal and Virginia employment benefits follow.

Protecting Your Job While You are on Active Duty - USERRA

The Uniformed Services Employment and Reemployment Rights Act (USERRA)¹ provides protections if you have military obligations that take you away from your job. This guide provides a summary of these protections and your rights under the law. If you would like more information, please visit the website of the Employer Support of the Guard and Reserve (ESGR) at www.esgr.mil.

Employers may not discriminate against or take negative employment actions against noncareer military servicemembers and former servicemembers resulting from their voluntary or involuntary military service. USERRA also protects against retaliation if you attempt to assert your USERRA rights. USERRA applies to all civilian employers regardless of size, including federal, state, and local governments, and foreign employers doing business in the U.S. (for employees working in the U.S.).

You must comply with certain requirements to protect your USERRA rights:

- 1) **Notice to employer.** You *must* give notice to your employer before leaving for military service, unless you are unable to do so by reason of military necessity or it is otherwise impossible or unreasonable to do so. USERRA does not require notice to be in writing, though it is best to give notice in writing in case your employer ever claims that you failed to provide notice. National Guard members are required to provide this notice in writing.
- 2) **You must not be away from work for more than five years.**² You may not be absent from your job because of military service for more than five years total. If you change employers before you reach five years, the clock starts over with your new employer.

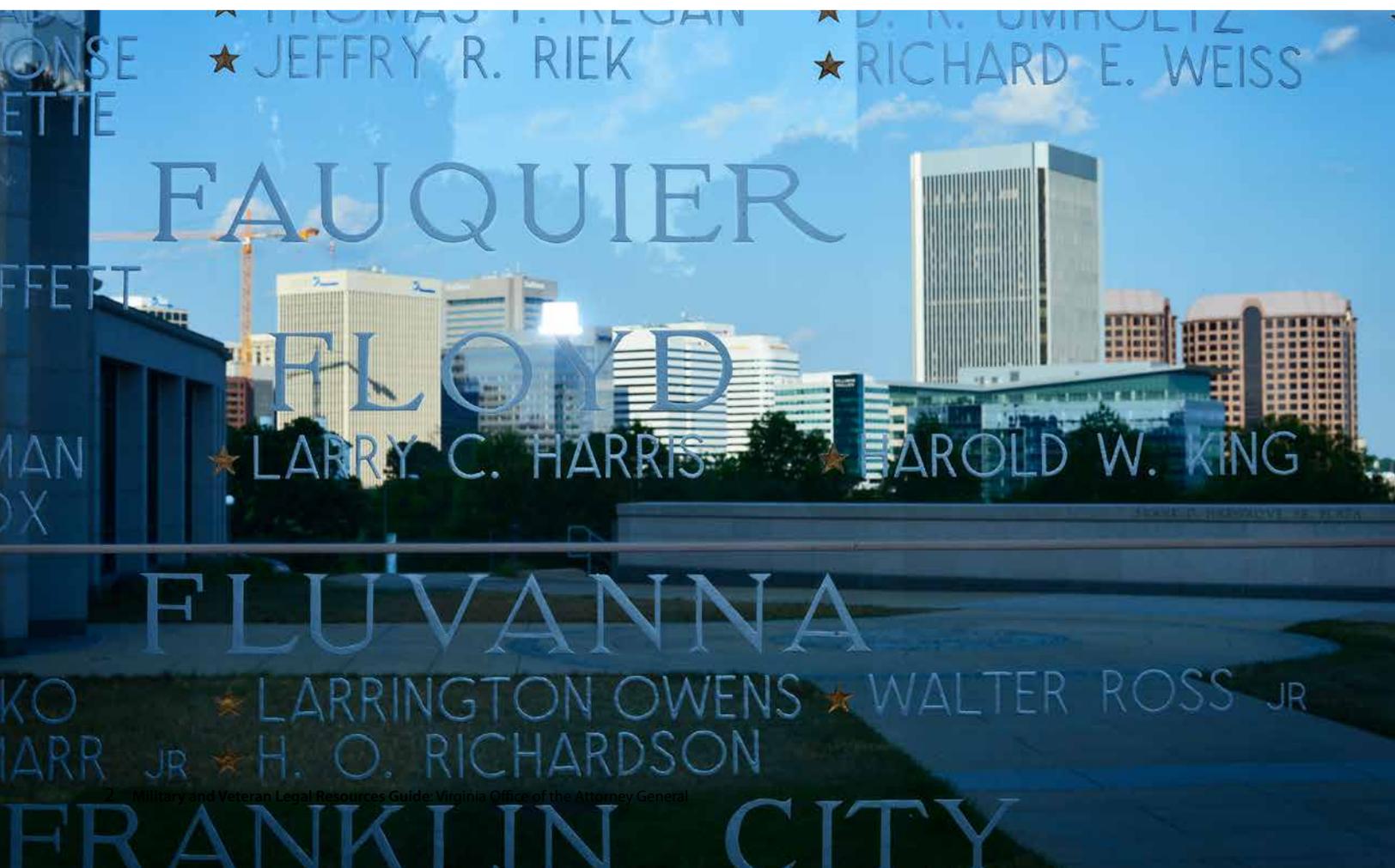
For example, a reservist is employed at XYZ Company starting in 2003. She is deployed for three years, from April 2005 through March 2008. She returns to XYZ in April 2008 and works until October 2010 when she is deployed for eighteen months. She returns to work for XYZ at the beginning of April 2012. Over the next two years, she is absent from her employment with XYZ due to various military obligations for 7 months. Because her total absence for military service exceeds 5 years, she is not entitled to USERRA protections with respect to XYZ. Her job with XYZ is not protected and her employer may fire her without violating USERRA.

¹ Virginia has laws that in most cases mirror these federal protections and extend many of them to members of the Virginia National Guard and the Virginia Defense Force and to residents of the Commonwealth who are members of the National Guard of a different state. The Virginia law protections apply to the above individuals who are summoned to state active duty. These laws are located at Virginia Code §§ 44-93.2 to 44-93.5.

² Certain types of duty are exempt from the five-year requirement, including, but not limited to, training and deployments to Iraq or Afghanistan.

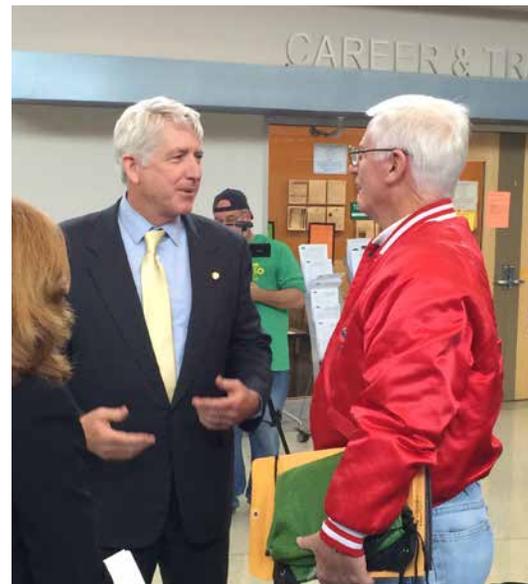
- 3) **Honorable Discharge.** You must have been discharged or released from military service under honorable conditions.
- 4) **Request reemployment within required time period.** The required period of time is based on how long you are away on military service.
 - 30 days or less. You must report to work the next regularly scheduled work period after safe travel to your residence plus 8 hours.
 - 31-180 days. You must request reemployment within 14 days of completing military duty. The request need not be in writing, and you cannot be required to fill out an application or any other employer paperwork in order to be reemployed.
 - More than 180 days. You must request reemployment within 90 days of completing military duty. The request need not be in writing, and you cannot be required to fill out an application or any other employer paperwork in order to be reemployed.
 - Injured servicemembers. If you are recovering from an injury or illness incurred during or aggravated by the performance of the military service, you will have up to two years to request reemployment. That period may be extended if reporting within two years is unreasonable or impossible.

If you do not take these required steps, USERRA may not protect you from job loss.



If you comply with the above requirements, your employer must:

- 1) Not require you to take leave. If you wish to use paid leave to overlap with your military service, your employer must allow you to take earned leave instead of leave without pay.
- 2) Not discriminate against you (or any prospective employee) based on your military service when hiring, promoting, or providing any other benefits of employment.
- 3) Promptly reemploy you upon completion of your service and timely request for reemployment. Promptly means within two weeks of the request to return to employment, unless unusual circumstances require additional time.
- 4) Place you in the job that you would have held had you not been absent for military service.
- 5) If you are not qualified to be placed in the job that you would have held if you had not been absent for military service, your employer is required to take reasonable steps to qualify you for the job, including but not limited to providing training or retraining.
- 6) Provide you with all of the seniority-based employee benefits you would have received had you never been gone and other benefits that are not seniority based if others of similar seniority, status, and pay who are on furlough or leave of absence for nonmilitary purposes generally would have received those benefits.



Additional Benefits for Employees of the Commonwealth or Any of Its Localities

In addition to those protections of USERRA, Virginia state and local government employees who are former servicemembers, reservists or members of the National Guard, receive additional protections under Virginia law:

- Those employed by the Commonwealth or its localities receive 15 paid days of military leave per year when on federally funded military duty.
- The state and localities may supplement the pay of reservists or guardsmen called to federal duty so that the employee is compensated the same as when called to active duty. The employer may also continue to provide health insurance and other existing benefits.
- The Commonwealth also offers an additional death benefit if an employee of the Commonwealth or locality is killed in action in any armed conflict while serving as a reservist or with any unit of the Armed Services of the United States.

Pensions and Deferred Compensation

Pursuant to USERRA, pensions and 401ks or other deferred compensation must be updated as though you had never been absent once you have contributed (if applicable) what you are required to contribute. You should check your pensions, 401ks, and other deferred compensation upon your return from military duty to ensure they are updated correctly.

Health Care

When you perform military service for thirty (30) days or less, USERRA requires the civilian employer to continue health care benefits as though you were still at work. If you are gone over 30 days, then your employer must offer COBRA-like coverage for up to twenty-four (24) months. Pursuant to USERRA, the employer can require you to pay one-hundred and two (102) percent of the cost of providing such insurance, with the extra two percent paying for administrative costs.

What to do if You Believe that Your USERRA Rights Were Violated

If you feel that your employer or prospective employer has discriminated against you due to your military status or that your employer has denied you reemployment or benefits of employments to which you are entitled, you have several options.

- You may attempt to resolve the issue with your employer on your own.
- You may contact the Employer Support of the Guard and Reserve (ESGR), a Department of Defense program, which assists employees and employers in understanding the protections of USERRA. You may visit ESGR's website - <http://www.esgr.mil/> - or contact ESGR's customer service at 800-336-4590. If you are unable to work out a conflict with your employer related to your military obligations, ESGR offers free, informal mediation services to assist you in resolving your dispute. You may make a request for mediation by filling out an online form at <http://www.esgr.mil/USERRA/USERRA-Contact/USERRA-Support-Request.aspx?t=1>. Alternatively, you may also contact ESGR at 800-336-4590.
- You may file an administrative complaint with the local United States Department of Labor, Veterans Employment and Training Service (VETS). The Department's website provides contact information for the local VETS offices at <https://www.dol.gov/vets/aboutvets/regionaloffices/philadelphia.htm#va>. VETS is authorized to investigate and resolve complaints of USERRA violations. If VETS is unable to resolve your claim, you may request that your case be referred to the Department of Justice or the Office of Special Counsel for representation 804.786.7269 or 804.786.5436.
- Additionally, you may file a lawsuit against your employer if you believe it has violated your USERRA rights.

You may pursue just one or multiple of the above options.

Leave for Military Spouses and Other Family Members

Families of servicemembers are often presented with significant challenges when their spouse, parent, or child is absent due to military obligations or suffers from a service related serious injury or illness. The Family and Medical Leave Act (FMLA) contains specific protections that allow members of military families employed by certain employers to take unpaid leave without fear of job loss.

In order for the FMLA to protect your job while you are on leave, your employer must have more than 50 employees or be the federal, state or local government. Additionally, you must have worked for your employer for more than 12 months and have worked at least 1250 hours during the 12 months. Assuming you meet these qualifications, you may be entitled to take Military Family Leave.

There are two kinds of Military Family Leave: Qualifying Exigency Leave and Military Caregiver Leave.

Qualified Exigency Leave: When a family member is being deployed to a foreign country, a qualified employee may take up to 12 weeks of unpaid leave in order to attend to important affairs such as: making childcare arrangements for the servicemember's child(ren), dealing with financial or legal matters, or attending deployment ceremonies.

Military Caregiver Leave: When a servicemember suffers from a serious injury or illness related to his or her service, a spouse, child, parent or next of kin who is eligible for FMLA leave may take up to 26 weeks of leave in a single 12-month period to provide care to an injured covered service member.



If you want more information about whether you may be able take Military Family Leave, the Department of Labor has a guide that provides more information: "Employees Guide to Family Leave Under the Family and Medical Leave Act" at https://www.dol.gov/whd/fmla/2013rule/FMLA_Military_Guide_ENGLISH.pdf.

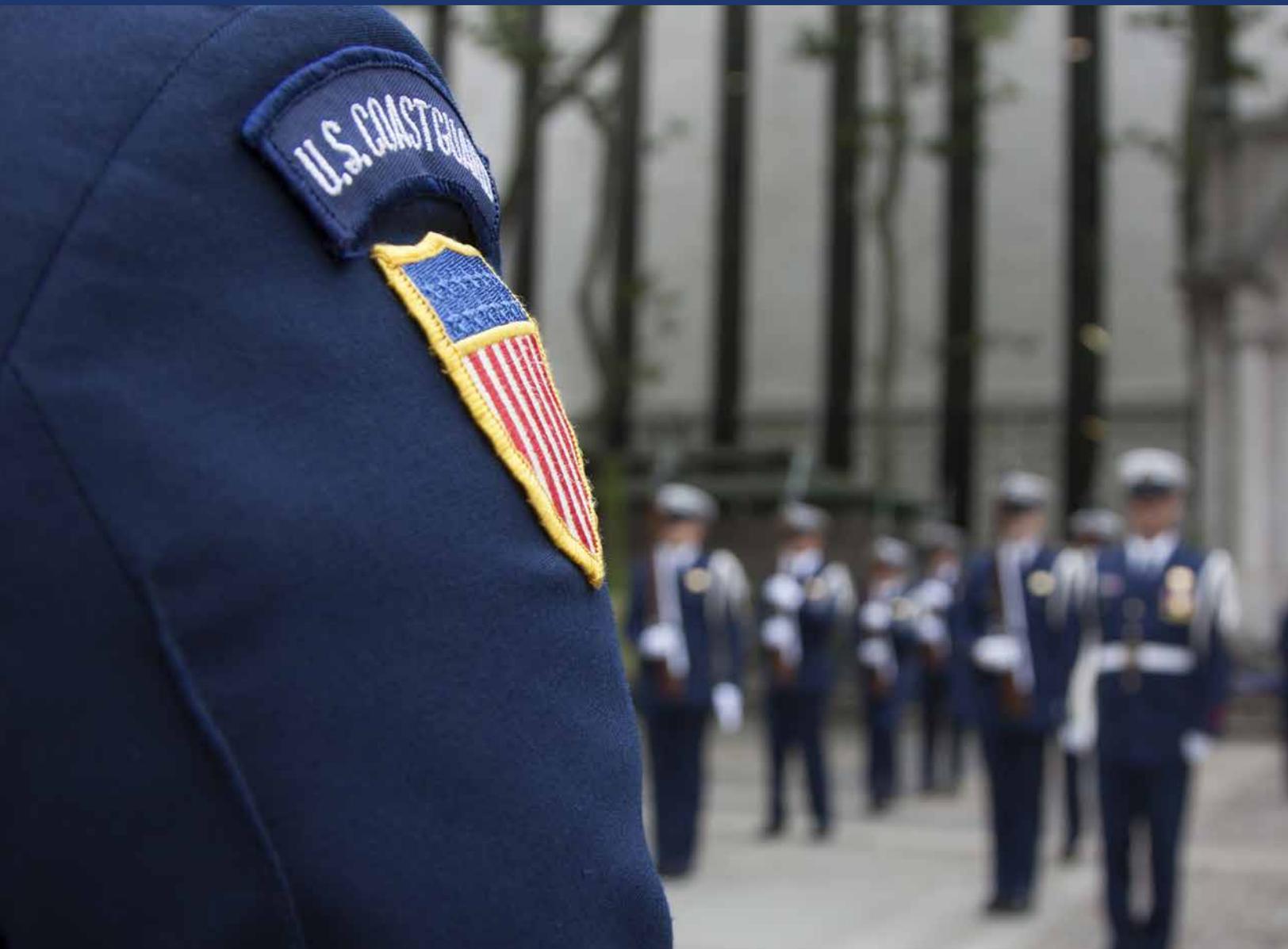
Veteran Preference for State and Local Government Jobs

Servicemembers or veterans who received an honorable discharge and (i) have provided more than 180 consecutive days of full-time, active-duty service in the armed forces of the United States or reserve components thereof, including the National Guard, or (ii) have a service-connected disability rating fixed by the United States Department of Veterans Affairs will receive a preference when being considered for employment with Virginia state or local government agencies.

Are You Looking for a Job?

If you are unemployed, the Virginia Department of Veterans Services may be able to assist through its Virginia Transition Assistance Program at www.dvs.virginia.gov/education-employment/virginia-transition-assistance-program-vtap/ or call 804.786.8060.

The Virginia Employment Commission also can assist military and veterans with finding civilian employment at <http://www.vec.virginia.gov/veterans> or call 804.221.5054. Veterans from all military service periods are eligible for job training, job referral, and job placement assistance through the Virginia Employment Commission. Veterans and eligible spouses are given priority over non-veterans to receive employment, training and placement services.



PROTECTIONS FOR YOU AS A CONSUMER

CHAPTER 2. PROTECTIONS FOR YOU AS A CONSUMER

Military families are often targets of individuals who seek to take advantage of consumers. The Commonwealth of Virginia and the federal government have enacted a number of laws designed to protect you from deceptive and misleading practices of individuals and businesses. If after reviewing this information, you have more questions, you can contact the Attorney General's Consumer Protection Section for information, by phone, (800) 552-9963, or by email, consumer@oag.state.va.us.

Servicemembers Civil Relief Act

The Servicemembers Civil Relief Act (SCRA), 50 U.S.C. §§ 3901 through 4043, provides protections and rights to you, including protections for debt collection attempts on you while you are in service.

Limits on Interest Rates. Under SCRA, annual interest rates for debts incurred before entering military service cannot exceed 6% while serving, this includes mortgage rates.

Limits on Sale, Foreclosure and Seizure of Mortgaged Real Estate. No sale, foreclosure, or seizure of property for a breach of a pre-service mortgage obligation is valid if made during or within nine months after you serve a period of active duty, unless pursuant to a valid court order.

Restrictions on Repossession. Property you purchase after entering service cannot be repossessed for nonpayment, or the contract terminated for any breach, without a valid court order.

Protection from Immediate Eviction. So long as your rent is not more than \$3,584.99 (in 2017) per month, you and your family cannot be evicted from your primary residence for nonpayment of rent without a court order, no matter what the rental agreement or local laws say. If the ability of you or your dependents to pay rent is "materially affected" by military service, a court may grant a 90-day delay in eviction proceedings or adjust lease terms to preserve the interests of all parties.

Termination of Some Contracts due to Relocation. You may be able to terminate certain residential or vehicle leases without penalty because of your active duty service. Additionally, you may also be able to terminate your cell phone contract, without penalty, depending on the distance and duration of your relocation.

Protection Against Default Judgment. In addition, courts may not enter a judgment against you in certain circumstances without first appointing an attorney to represent you. If a judgment is entered, you may have the opportunity to reopen any case to assert defenses. You also may request a delay of proceedings.

Because details of the SCRA can be complicated, servicemembers and their families are encouraged to contact the nearest military legal assistance office which can be found at <http://legalassistance.law.af.mil/content/locator.php>.

Consumer Credit Protections for Military Families

The Military Lending Act (MLA), 10 U.S.C. § 987, provides consumer credit protections to servicemembers and certain members of their families. The MLA applies to active duty members of the armed services and their dependents who have or wish to enter into certain types of consumer loans such as payday loans, vehicle title loans, tax refund anticipation loans, certain installment loans, credit cards and other forms of consumer credit.

The MLA limits the Annual Percentage Rate (APR) to 36% for servicemembers. The MLA also limits fees and most “add-on” charges, such as credit default insurance, debt suspension plans, and application or participation fees. **Creditors must provide written and oral disclosure of all fees associated with the loan prior to extending credit.**

The MLA also prohibits creditors from requiring servicemembers to:

- participate in mandatory arbitration
- agree to certain legal notice requirements
- waive their rights under the Servicemembers’ Civil Relief Act
- sign up for payroll allotment as a condition of obtaining credit
- pay prepayment penalties

This section only highlights the protections offered to military families under this Act. For those wishing to know more about the MLA, you may visit the Consumer Financial Protection Bureau website at: <http://www.consumerfinance.gov/askcfpb/1783/what-are-my-rights-under-military-lending-act.html> and/or contact the nearest military legal assistance office which can be found at <http://legalassistance.law.af.mil/content/locator.php>.

Payday and Title Lending Prohibited

Virginia law prohibits licensed payday loan lenders from making payday loans, and licensed motor vehicle title loan lenders from making motor vehicle title loans, to a servicemember or their spouse or dependent. These prohibitions can be found at Virginia Code §§ 6.2-1816 and 6.2-2215(15).

Virginia Consumer Protection Act

The Virginia Consumer Protection Act (“VCPA”), Virginia Code §§ 59.1-196 through 59.1-207, protects you and your family from deceptive, misleading and fraudulent practices when you are buying goods and services for the personal use of you and your family.

Protection for Purchases Made by Door-to-Door Salesman

The Virginia Home Solicitation Sales Act, Virginia Code §§ 59.1-21.1 through 59.1-21.7:1, requires door-to-door salesmen to provide and disclose in writing a three-business-day right of cancellation for personal or telephone/electronic solicitation sales made in your home.

Purchases with an Extended Service Contract

Often when purchasing an automobile, an electronic device or an appliance, the seller offers to sell you an extended service contract. To ensure that the seller does not take advantage of you, Virginia has an Extended Service Contract Act, Virginia Code §§ 59.1-435 through 59.1-441, which requires certain businesses providing services under extended service contracts to register and file a bond with the Department of Agriculture and Consumer Services to ensure that the contracts are performed. If you believe that the seller has taken advantage of you or is not delivering the services promised by the extended service contract, you may file a complaint with the Office of Charitable and Regulatory Programs. The Complaint Form and

instructions for filling it out can be found at the following link: <http://www.vdacs.virginia.gov/pdf/OCRPregulatorycomplaintform.pdf>

Automobile Repairs

If you ask, auto repair shops are required to provide you with estimated costs of the repair to your vehicle along with a description of the work to be done and an estimated completion time. There are also limits to how much the amount charged can exceed the estimate without authorization. More information can be found in the Automobile Repair Facilities Act, Virginia Code §§ 59.1-207.1 through 59.1-207.6.



What to do if you believe a Seller has violated the Virginia Consumer Protection Act.

1. You may be able to file a lawsuit in court and may recover actual damages, or \$500, whichever is greater, as well as reasonable attorneys' fees and court costs. For willful violations of the Act, you may recover damages up to three times their actual damages, or \$1,000, whichever is greater.
2. You may file a complaint with the Office of the Attorney General by mail or online at: <http://ag.virginia.gov/consumer-protection/index.php/file-a-complaint>. You may also call the Attorney General's Consumer Protection Hotline at (800) 552-9963 if calling from Virginia, or (804) 786-2042 if calling from the Richmond area or from outside Virginia. Telephone counselors are available to assist you with your questions and concerns.

Buying a Motor Vehicle (Virginia's Lemon Law)

Like many other states, Virginia has a "Lemon Law" known as the Motor Vehicle Warranty Enforcement Act which protects you when you purchase a defective new or relatively new motor vehicle which does not conform to applicable warranties (otherwise known as a "Lemon"). If your vehicle does not work as it should in a way that impairs its use, value or safety, you should report these problems with the vehicle to the manufacturer and the authorized dealership.

Once you report the problems, the manufacturer or authorized dealer is required to make all necessary repairs to remedy the problems. If the problems are unable to be repaired, the manufacturer is required to replace the vehicle with a comparable vehicle that is acceptable to you or refund the contract price less a reasonable amount for your use of the vehicle up to the date you first provided written notice.

If the dealership or manufacturer fails to fix the vehicle or refund the contract price, you may be able to file a lawsuit against the manufacturer in court. You are NOT required to participate in any informal dispute settlement procedure. Before a lawsuit can be brought, the dealership or manufacturer must be given a prescribed number of attempts to fix the vehicle, or the vehicle must be out of service for repair for a cumulative 30-day period absent conditions out of the dealership's or manufacturer's control. If these attempts are unsuccessful, you **must** file the lawsuit within 18 months from the day the vehicle was delivered to the original owner. Please see Virginia Code § 59.1-207.16 for

additional information on these requirements. If you believe you purchased a defective vehicle, you should keep detailed records of the problem, the repair attempts, and communications with the manufacturer or authorized dealer.

Fair Debt Collection Practices Act

The Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 through 1692p, regulates the conduct of “debt collectors.” The FDCPA regulates when and where a debt collector may contact you as well as third parties related to or associated with you.

Limit on Contacting People other than the Consumer. Communication with neighbors, family members, supervisors or other third parties (such as your Commanding Officer) may place extreme pressure on a consumer, and a debt collector is generally forbidden from doing so. Debt collectors may call third parties to obtain location information (such as a local address), but the debt collector should not identify his employer/ company unless expressly requested, and cannot mention that you owe any debt.



Limit on When Collections Contact May Occur. Debt collectors are prohibited from communicating with you at any unusual time or place, or any time or place known to be inconvenient, and cannot call before 8:00 a.m. and after 9:00 p.m. unless they know that it is convenient for you.

Limit on Contact at Place of Employment. If a debt collector knows or has reason to know that an employer does not allow collection calls, a debt collector may not communicate with you at your place of employment.

Hiring an Attorney. If you hire an attorney, a debt collector cannot have any contact with you if he knows that you are represented by an attorney.

Written Notice of Refusal to Pay. If you write to the debt collector that you refuse to pay the debt or that you want the debt collector to stop contacting you, the debt collector is permitted only to provide a notice regarding the debt and must cease communications. NOTE - This written notice only prohibits further communications, but does not affect whether or not you owe the money.

Tips to Avoid Scams and Deceptive Practices Targeting Military/Veterans

There are many questionable and illegal business practices that target military servicemembers, veterans, and their families. Be on the lookout for these schemes and scams. Be wary of solicitations from for-profit schools, payday lenders, rent-to-own businesses, car dealers and others that promise special benefits to active duty or former military members. Heed to the old adage that if “it sounds too good to be true, it probably is!”

Avoid Identity Theft

Members of the military and veterans are often the target of identity theft, which occurs when someone, without your permission, uses your personal information to profit, such as by opening new financial accounts, applying for credit cards, making purchases, or requesting a tax refund. Protecting your credit is critical for

your financial future, and problems on your credit report can affect your military career, including your eligibility for security clearance.

Regularly monitor. Regularly monitor your bank and credit card statements for unauthorized charges and monitor your credit reports for unauthorized credit accounts.

Free Credit Report. You are entitled to one free credit report per year from each credit reporting bureau – Equifax, Experian, and TransUnion – and can obtain them by visiting www.annualcreditreport.com.

Active Duty Alert. Before deploying, place an “active duty alert” on your credit report. This alert is good for one year and helps minimize the risk of identity theft while you are away. The alert requires creditors to verify your identity before issuing credit. Another option is a security freeze, which restricts access to your credit report indefinitely. For more information and to place these protections on your credit report, contact the three credit reporting bureaus:

- Equifax: 1-800-525-6285
- Experian: 1-888-397-3742
- TransUnion: 1-800-680-7289



Making Wise Charitable Donations

While many charities are trustworthy, you should always thoroughly investigate a charity before making a donation. Some organizations have been reported to exploit servicemembers’ or veterans’ affinity for their service, including by using solicitors in military uniforms, in the organizations’ attempts to get money that may not actually be used to help servicemembers or veterans. Websites such as www.charitynavigator.org, www.guidestar.org, and www.give.org are great places to start.

You should also check with the Office of Charitable and Regulatory Programs at the Virginia Department of Agriculture and Consumer Affairs at www.vdacs.virginia.gov/food-charitable-solicitation.shtml, to make sure that a charity or professional solicitor is registered to solicit charitable contributions in Virginia.

Purchase Wisely

Do your research before purchasing goods or services, particularly from businesses with which you are unfamiliar. You can research the complaint history for a particular business by visiting the Virginia Attorney General’s website at www.ag.virginia.gov and the Better Business Bureau at www.bbb.org. The Consumer Financial Protection Bureau is also an excellent source of information for servicemembers: <http://www.consumerfinance.gov/servicemembers/>.



EDUCATION

CHAPTER 3. EDUCATION

We know how important education is to you and for your family. Several state and federal programs have been enacted to ensure as smooth a path as possible for military children who are often enrolled in many different school districts during their educational career. Additionally, there are a number of tuition and financial aid benefits available to qualifying spouses and dependents of active duty and veterans.

Educating the Military Child

Virginia recognizes the difficulties in ensuring a consistent K-12 education when military families move often between states and school districts with differing educational philosophies and requirements. The Interstate Compact on Educational Opportunity for Military Children and the Military Child Identifier programs will ease your child's transition into a Virginia school and help Virginia provide a quality education to you and other military families.

The Interstate Compact on Educational Opportunity for Military Children

The Interstate Compact on Educational Opportunity for Military Children was enacted in hopes of removing the barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents. All 50 states and the District of Columbia participate in the Compact. The member States have agreed to cooperate and establish consistent policies to ensure that military children are not disadvantaged in their academic progress as a result of moves between different schools. Through its membership in this program Virginia works to, among other things, ensure military children graduate on time, are placed in appropriate special education programs, and are excused for absences related to a parent's deployment schedule (homecoming, leave, etc.). For more information on how this law may benefit your family, please visit the websites of Military Interstate Children's Compact Commission (www.https://mic3.net) and the Virginia Department of Education (www.pen.k12.va.us/support/student_family/military/index.shtml).

Military Child Identifier

Since 2015, as result of Virginia Code § 22.1-287.04, the Virginia Department of Education has identified children in public and private schools whose parents or legal guardians serve in "(i) the active component of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the U.S. Public Health Services or (ii) the reserve component of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard." This identification allows Virginia to address the needs of the children of the military whose educational careers often include schooling in a number of different states. A School Liaison Officer is available at most military installations to assist military families in navigating school transitions and differing educational requirements by state. For more information on this partnership and to locate the nearest School Liaison Officer you may visit:

The Virginia Department of Education: http://www.pen.k12.va.us/support/student_family/military/school_liaison_officers/index.shtml

The Department of Defense: <http://www.dodea.edu/Partnership/schoolLiaisonOfficers.cfm>

Higher Education Benefits and Protections

Military Families

In Virginia, there are several ways in which active duty military members (includes active duty servicemembers, reservists on active duty and guardsmen activated to federal duty) and their families may obtain in-state tuition benefits and qualify for state financial aid.



Virginia In-State Tuition

Permanent Residence in Virginia. Like any other Virginia resident, if a military family is domiciled in Virginia, the military member and members of the family qualify for in-state tuition rate at a Virginia public college or university. Domicile means the “intent to remain indefinitely” within Virginia.

To establish domicile in Virginia, you must provide clear and convincing evidence that you primarily reside in Virginia and that you intend to remain here. Public institutions of higher education will also look at a number of factors to determine if you are domiciled in Virginia:

- Whether military records reflect Virginia as your state of legal residence. For example, Form DD-2058.
- Whether you have a written offer and acceptance of employment in Virginia following graduation.
- Whether you file or pay income taxes in Virginia.
- Whether you are registered to vote in Virginia.
- Whether you have applied for a Virginia driver’s license.
- Whether your motor vehicle is registered in Virginia.
- Whether you are buying or own property in Virginia.
- Whether you have a job in Virginia.
- What are your social or economic relationships within and outside the Commonwealth.

You need not have all of these factors but when looked at together, the factors should show that you live in Virginia with the intent to stay. Unlike civilian residents of Virginia, an active duty military member who establishes domicile in Virginia is not subject to a one-year waiting period to qualify for in-state tuition and other education benefits available to Virginia residents.

Residence in Virginia when activated for at least 180 days. Any active duty member, activated guard or reserve member, or guard or reserve member mobilized or on temporary active orders for 180 days or more who resides in the Commonwealth will receive in-state tuition.

Assignment to Permanent Duty Station in Virginia. If you are assigned to a permanent duty station in Virginia, you and your spouse and dependent children will receive in-state tuition so long as you are activated for more than 30 days. Your family need not reside in Virginia so long as you continue to be assigned to a duty station in Virginia.

So long as the student benefiting from the in-state tuition continues to be enrolled at the same college or university, they will continue to qualify for in-state tuition even if your permanent duty station changes.

Surviving Spouses. Any surviving spouse who lives in Virginia is also eligible for in-state tuition.

Virginia Financial Aid for Military Dependents

Military dependents who reside in Virginia are eligible for consideration for financial aid from the Commonwealth of Virginia.

Similarly to qualifying for in-state tuition, members of a military family who are domiciled in Virginia are eligible for Virginia financial aid.

Additionally, in cases where the military family resides in, but is not domiciled in Virginia, members of the family may be eligible for financial aid when the permanent duty station is Virginia or when the military member is assigned to a neighboring state (Maryland, Washington D.C., North Carolina, West Virginia, Kentucky, or Tennessee). The student remains eligible for such benefits based on continued enrollment **at any Virginia institution of higher education.**

If the military member receives unaccompanied orders to an assignment outside Virginia immediately after the assignment that met the criteria described above, dependent family members still may be eligible for in-state tuition.

Veterans

In-State Tuition

Any Veteran Living in Virginia or Surviving Spouse of a Veteran Living in Virginia Receives In-State Tuition. Any veteran living in Virginia is eligible to receive the in-state tuition rate, even if the requirements for domicile detailed above are not met. To qualify, the veteran must have been discharged from the military for reasons other than dishonorable. Any surviving spouse of a veteran is also eligible for in state tuition.

GI Bill. Veterans utilizing the GI Bill receive in-state tuition at most colleges and universities in Virginia, but there may still be financial gaps. Many institutions participate in the GI Bill Yellow Ribbon Program and provide additional resources to the student.

Permanent Residence in Virginia. Dependent children are eligible for in-state tuition by establishing domicile in Virginia as detailed above. Similar to active duty members and their dependent spouse and children, these children do not have to wait one year after their veteran parent establishes domicile to become eligible for in-state tuition.

Free Tuition for family members

Under certain circumstance, spouses, surviving spouses and dependents of military servicemembers and veterans are entitled to free tuition at Virginia public universities, colleges and community colleges.

The Virginia Military Survivor and Dependents Education Program waives the cost of tuition and mandatory fees charged by the institution to spouses and dependents of:

- Military servicemembers killed, who became missing in action, or became a prisoner of war during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict, was killed, became missing in action, or became a prisoner of war.
- Veterans who are totally and permanently disabled or at least 90 percent permanently disabled as the result of active duty service during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict.

This program is administered by the Department of Veterans Services (DVS). In order to qualify for this benefit, individuals must apply to DVS and meet certain requirements, including age and residency. For additional information, please visit <https://www.dvs.virginia.gov/education-employment/virginia-military-survivors-and-dependents-education-program-2/>.

Family Members of Servicemembers Killed on Official State Duty

Tuition, institutional charges and mandatory educational and auxiliary fees, and books and supplies are waived for spouses and dependents of members of the Virginia National Guard and the Virginia Defense Force who are killed in the line of duty while serving on official state duty.

To receive these benefits, the student must attend a Virginia public institution. The student shall apply directly to the institution for the waiver of tuition and fees. Students who make satisfactory academic progress may have their waiver renewed. For more information, please see Virginia Code §23.1-609 or speak with the financial aid office at your school.

For more information on education benefits for military members, veterans, and their families see <http://www.schev.edu/index/students-and-parents/student-type/military-education>.



What to do When Military Service Interrupts Your Education.

When you are called to active duty while pursuing an undergraduate or graduate degree, you may be eligible to resume your education as though no break had occurred, and you may be eligible to defer the payment of your federal loans during your service. These rights and benefits begin when you put your education on hold to fulfill active duty service requirements when those requirements are for a period of more than 30 days under a call or order to active duty of more than 30 days.

In order to protect:

1. **Notice of Military Service.** You must either give advance written or verbal notice of such service to the appropriate official at the school (or an appropriate officer of the Armed Forces or official of the Department of Defense may do so on your behalf) or you can provide attestation of service upon your return instead;
2. **Length of Time Away from School.** The cumulative length of the absence and of all previous absences from that school by reason of military service does not exceed five years (there are exceptions);
3. **Status of Separation from the Military.** You do not separate from the military with a bad conduct or a dishonorable discharge or as a result of a dropping from the rolls; and
4. **Notice of Intent to Return.** You notify the school of your intent to return not later than three years after the completion of the period of service (longer if convalescing from injury or illness sustained on military duty). The school may require you to provide documentation that you have not exceeded the service limitations.

Assuming you comply with the requirements above, you are entitled

1. To start at the beginning of the next academic term;
2. In the same program you were in before your military service or, if no longer offered, the program most similar, unless you request or agree to a different program;
3. At the same enrollment status you last held at the school, unless you request or agree to a different enrollment status;
4. With the same number of credit or clock hours you completed before you left for military service, unless you is readmitted to a different program to which the hours are not transferable;
5. With no change in your academic standing; and
6. With no increase in the tuition and fee charges above what you were paying when you left, unless there are sufficient veterans' education benefits or other servicemember education benefits to pay the increased amount of those tuition and fee charges.

Federal Student Loan Deferment

Any member of the National Guard, Reserves, or retired member of the Armed Forces may be eligible for a deferment of your federal loan payments during active duty service and for up to 13 months following the conclusion of your service. For more information, the U.S. Department of Education has a helpful publication entitled "For Members of the Armed Forces – What you need to know about your federal student loan benefits". This publication may be accessed at <https://studentaid.ed.gov/sa/sites/default/files/military-student-loan-benefits.pdf>.



TAXES

CHAPTER 4. TAXES

As an active duty military servicemember, reservist or guard member called to active duty, or a veteran, you may be entitled to certain Federal, Virginia state and local tax benefits. Additionally, in certain circumstances, surviving spouses may be eligible for property tax relief on their principal dwelling.

Income Taxes

Resident Military Personnel

Members of the armed forces on active duty are taxed on their military pay only by their legal states of residence (home of record). You are a Virginia resident for state tax purposes if your legal state of residence was Virginia when you entered the armed forces, and you have not legally changed your residency to another state. This is true even though you may be stationed elsewhere. All income is reported on a resident Virginia income tax return, whether it was received from within or outside of Virginia.

Nonresident Military Personnel

If you are a member of the armed forces and you are not a Virginia resident, you are not subject to Virginia income tax on your military pay, or on interest received from accounts held in Virginia banks. If, however, you have other income from Virginia sources, such as a part-time job, or from a business or trade conducted in Virginia, you are subject to tax on this income. If you are a nonresident member of the military and have income from Virginia sources, report the Virginia income on a nonresident Virginia income tax return.

Residency status as a member of the military does not extend to spouses or dependents. Non-military spouses and dependents that live in Virginia are subject to the same residency and filing requirements as all other individuals. For taxable years 2009 and thereafter, however, spouses may be eligible for relief under the Military Spouses Residency Relief Act. Additional information may be found on the Virginia Department of Taxation website at <http://www.tax.virginia.gov/content/nonmilitaryspousefaqs>.

Deduction for Military Basic Pay

Military personnel stationed inside or outside Virginia and on extended active duty for more than 90 days may be eligible to subtract up to \$15,000 of military basic pay received during the taxable year from their federal adjusted gross income. Consult with your tax preparer to see if you are eligible to deduct military basic pay.

Exemption for Virginia National Guard Income

Virginia law exempts a portion of the wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia. This exemption is only available to those persons in the ranks of O-3 (Captain) and below. National Guard servicemembers may also qualify for the exemption for the first \$15,000 of basic military pay in certain circumstances. Your tax professional can help you determine whether you are eligible to claim these exemptions.

Subtraction for Combat and Hazardous Duty Pay

Military personnel on active duty service in a combat zone or a qualified hazardous duty area may be eligible to subtract their combat or hazardous duty pay from Virginia income, if that pay was included in their federal adjusted gross income and not otherwise subtracted, deducted or exempted under a different tax rule. You should consult your tax professional if you believe you may be eligible.

Extensions for Filing and Payment if You are Stationed Outside the United States

Generally, an individual's Virginia income tax return is due May 1st. If, however, you are stationed outside of the United States or Puerto Rico on your return's May 1 due date, the due date to file and pay your Virginia income tax is automatically extended to July 1. If you file under this provision, you should write "Overseas Rule" at the top of your return and include a letter that explains you were stationed out of the country.

Extensions for Noncombat Assignments Outside the United States

If you are a member of the Armed Forces and serve in a combat zone, Virginia law grants you the same individual income tax filing and payment extensions that the IRS grants you plus an additional fifteen (15) days, or a one-year extension, whichever date is later. This extension also applies to spouses of military personnel. In addition, your requirement to make estimated payments of income tax (if applicable) is also suspended during this extension period. If you owe unpaid taxes, Virginia will cease pursuing collection on the delinquent accounts during the extension period. Neither penalties nor interest on unpaid balances will accrue during the period of extension.

For additional information about tax benefits available to members of the Armed Forces, please visit the Department of Taxation's website at <http://www.tax.virginia.gov/content/military-tax-tips>.

Need Help with Your Taxes?

The Internal Revenue Service provides tax information and resources to military families and veterans. The military specific page is located at <https://www.irs.gov/individuals/military> and the veteran specific page may be accessed at <https://www.irs.gov/individuals/information-for-veterans>.

Additionally, there are a number of organizations that provide free or low cost tax services to military families and veterans.

- You may visit the IRS website to select from industry leading tax preparation programs. For families who earn \$64,000 or less, these programs are free.
- The military provides free legal assistance related to taxation to servicemembers through Armed Forces Legal Assistance. You can find the nearest Military Legal Assistance office at this website: <http://legalassistance.law.af.mil/content/locator.php>.
- The Department of Veterans Administration website offers taxation information and resources to veterans: <http://www.blogs.va.gov/VAntage/16726/free-tax-return-preparation-for-veterans-military-members-and-their-families/>.
- For in-person assistance, the Volunteer Income Tax Assistance (VITA) program offers free tax help to people who generally make \$54,000 or less, persons with disabilities and limited English speaking taxpayers who

need assistance in preparing their own tax returns. For more information about this program or to find a VITA location near you, please visit <https://www.irs.gov/individuals/free-tax-return-preparation-for-you-by-volunteers>.

- In addition to VITA, the Tax Counseling for the Elderly (TCE) program offers free tax help for those who are 60 years of age and older, specializing in questions about pensions and retirement-related issues unique to seniors. The IRS provides a list of current sponsors who offer free tax help to the elderly through this program: <https://www.irs.gov/individuals/tax-counseling-for-the-elderly>
- The Community Tax Law Project (CTLP) is a Virginia non-profit that provides free legal help to low income tax payers with tax problems. For additional information about the services offered by CTLP, please visit the website at <http://www.ctlp.org/>.



Real Property Tax Relief

In certain circumstances, Virginia provides tax relief for a veteran's principal residence.

For Disabled Veterans

The principal residence of a veteran determined to have a 100%, permanent and total, service-connected disability, or who has a service-connected individual unemployable disability rating, is exempt from real estate tax. The exemption includes property owned jointly by a husband and wife, and applies to the dwelling and up to one acre of land.

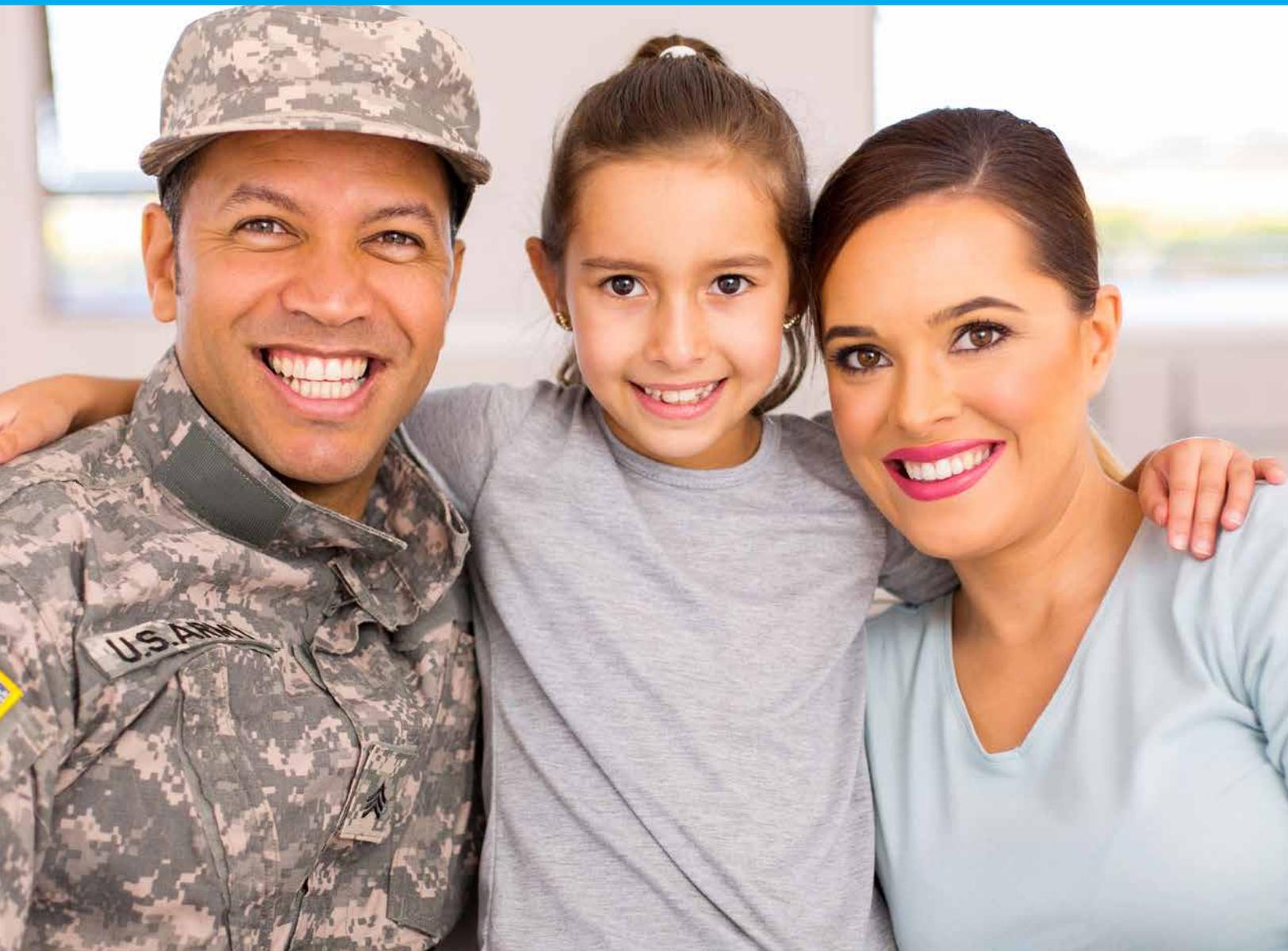
The surviving spouse of an eligible veteran may continue to receive this real estate tax exemption if the veteran died on or after January 1, 2011. The spouse will lose the exemption if the spouse remarries or does not occupy the property as his or her primary residence.

For Surviving Spouses of Veterans Killed in Action

The principal residence of the surviving spouse of a veteran killed in action is exempt from real estate tax. Surviving spouses are entitled to a full tax exemption if the value of the home does not exceed the average value of single family homes in the locality. If it does exceed the average value, the surviving spouse is still entitled to a partial exemption. Learn more at: Virginia Code § 58.1-3219.9.

The exemption applies even if the spouse moves to a different principal place of residence in Virginia. The spouse will lose the exemption if he or she remarries or does not occupy the property as his or her principal residence.

For more information about real property tax relief, contact the Commissioner of the Revenue for your locality. A directory of contact information for Virginia Commissioners of the Revenue can be found at <http://www.vacomrev.com/who-we-are/districts-localities/>.



FAMILY LAW

CHAPTER 5. FAMILY LAW

Military families face unique challenges that may make family life difficult. When divorce, custody and other family law issues are coupled with changes in permanent duty station and overseas deployments, navigating the legal system may seem impossible. Virginia has a number of laws to ensure that all legal proceedings involving family issues are fair to you and your family.

Divorce

To obtain a divorce in Virginia, you or your spouse must be a resident of and domiciled in Virginia for six months. For servicemembers, so long as you have been stationed in or resided in Virginia, including being stationed on a ship with its home port in Virginia, for the six months prior to filing a suit for divorce, you meet the domiciliary requirements.

In Virginia, you may get a fault-based or no-fault divorce. For a fault based divorce, you must prove that your spouse:

- Cheated on you;
- Was convicted of a felony and sentenced to more than one year in prison;
- Physically abused you;
- Left you; and/or
- Made you leave.

For a no-fault divorce, you must live apart/be separated from your spouse for a year. If you have no children and you and your spouse sign a separation agreement, you only need to be separated for six months.

It is always advisable to consult with an attorney experienced in family law matters when considering a divorce as significant matters are at stake: custody of your children, spousal and child support (what one spouse must pay the other) and who will receive title to any real estate you and your spouse own.

If you are filing for a no-fault divorce, the Virginia Poverty Law Center has developed an interactive on-line program that will help you decide whether your circumstances might be appropriate for filing for a divorce without an attorney. The program also collects certain information that will allow you to print the documents you need to file with the Court if your situation qualifies you to file for a simple, no-fault divorce. You may access this program at: <http://www.valegalaid.org/divorce>.



The Servicemembers Civil Relief Act prohibits your spouse from proceeding with a divorce against you while you are deployed, unless you consent. If either you or your spouse are in the military, the Court will pay special attention to ensure that the military member of the marriage receives all papers and notices to which he or she is entitled. This protection for servicemembers may make the divorce process last longer.

Pension and retirement benefits. Pensions, including military pensions are considered personal property, and are subject to be divided between you and your spouse as part of the divorce.

Child Custody and Visitation

When a parent is deployed, it can make maintaining visitation schedules very challenging or in cases of overseas deployments, impossible.

When you have a court ordered custody and visitation schedule in place

If a court enters an order that modifies your visitation schedule as a result of the deployment, it must be entered as a temporary order and state in the order that the reason for the change in custody arrangement is because of the deployment. Additionally, the order must require:

1. the nondeploying parent to reasonably allow for visitation when you are on leave;
2. the nondeploying parent to allow you and your child reasonable opportunities to communicate by telephone and email during your deployment; and
3. you to provide timely information regarding your leave schedule to the nondeploying parent.

Additionally, you may ask the court to delegate your visitation rights to a family member, including a step-parent.

Once you return from your deployment, you may petition the court to reestablish your custody and visitation. The court must schedule a hearing on this matter within 30 days of the date you file your motion.

If you do not have a custody and visitation order in place and you are summoned to deployment, you are entitled to an expedited hearing to ensure that you have reasonable communication with your child during your deployment. If you are unable to appear in person at the hearing due to your deployment, you may attend the hearing by telephone or video.



VIRGINIA



OTHER LAWS THAT IMPACT MILITARY FAMILIES AND VETERANS

CHAPTER 6. OTHER LAWS THAT IMPACT MILITARY FAMILIES AND VETERANS

Line of Duty Act

Administered by the Virginia Department of Accounts, the Line of Duty Act provides benefits to Virginia National Guard, Virginia Defense Force and others on official duty and their beneficiaries if they are killed or disabled while in the line of duty. Benefits include death benefits, disability benefits, continued health insurance, burial expenses and short term disability supplements. More information can be found at the website of the Department of Accounts: http://www.doa.virginia.gov/Admin_Services/Line_Of_Duty/Line_of_Duty_Main.cfm.

Voting

Voting is an important right and your service in the military should not stand in the way of you exercising that right. The place where you cast your ballot will be determined based on your state of legal residence or domicile. One easy way to determine your state of legal residence is to consult your Leave and Earnings Statement or LES. The state to which you pay your income taxes is your state of legal residence. If you are a resident of Virginia, but will be stationed outside of Virginia or unable to go to the polls because of your military duties when an election occurs, you may request an absentee ballot. Military dependents who are unable to go to the polls on election day because their family is stationed outside of Virginia may also vote absentee.

If your state of legal residence is not Virginia, you will need to request an absentee ballot from that state in order to vote. You can find out how to do that by visiting the Federal Voting Assistance Program at: <https://www.fvap.gov/military-voter/overview>. You can also get help by going to the Installation Voter Assistance Office where you are stationed. You can locate the nearest IVA office at: <https://www.fvap.gov/info/contact/iva-offices>.

Dependents may have the option of keeping the service member's original state of legal residence or establishing residency where the service member is currently stationed, which will determine where a dependent is entitled



to vote. For specific information regarding how you can register to vote and request an absentee ballot, you can visit the Federal Voting Assistance Program's website (<https://www.fvap.gov/>), the Virginia Department of Elections' website (<http://www.elections.virginia.gov/>), or contact your closest IVA office.

Professional Licensing in Virginia for Military Spouses

For many military families, frequent moves are difficult because the spouse works in an industry where a professional license issued by the state is required for the spouse to work in her or his chosen profession.

Professions regulated by the Department of Professional and Occupational Regulation

Virginia Code § 54.1-119 provides for expedited review of professional license applications for people whose spouses are relocated to Virginia for military duty. While this does not apply to licenses regulated by the Board of Health, many licenses regulated by the Department of Professional Occupational Regulation are subject to this section. Examples of these licenses include: real estate, contractor, cosmetology, architect, engineer, and interior designer.

If a military spouse relocates to Virginia, his or her application for a professional license must be acted on by the controlling board within 20 days of receipt of a completed application. If the board cannot respond within 20 days, the board shall issue a temporary license until it can make a decision on the application. The temporary license cannot be valid for greater than 12 months. You may contact the Department of Professional and Occupational Regulation at 804.367.8500.

Attorneys

Military spouses who are licensed to practice law in another state, may practice law in Virginia assuming they meet certain requirements and so long as they practice under the supervision of a licensed Virginia attorney. "Rule 1A:8. Military Spouse Provisional Admission" of the Supreme Court Rules explains these requirements in detail. The Rules can be found at <http://www.courts.state.va.us/courts/scv/rulesofcourt.pdf>. The Virginia Board of Bar Examiners may be reached at 804.367.0412.





LEGAL SERVICES FOR MILITARY FAMILIES AND VETERANS

CHAPTER 7. LEGAL SERVICES FOR MILITARY FAMILIES AND VETERANS

There are a number of resources available to assist military servicemembers, veterans, and their families protect their legal rights.

If you have simple legal questions or questions about the Virginia Courts system, the following websites may be useful:

Virginia Free Legal Answers – Virginia Free Legal Answers is a free, fast, and easy service for Virginians who cannot afford a lawyer. The site can be accessed from any device anywhere, even at your public library. There is no cost to you to post your question or to receive an answer.

VAlegalaid.org – This website offers free and low cost civil legal information. You may also find examples of forms you may wish to use if you are representing yourself in court or if you are handling legal matters on your own without an attorney. For example, there are forms for uncontested divorces, a model lease, and an example of a letter telling a debt collector to stop calling you. Please visit the self-help forms section of the website for a full menu of available forms.

Virginia Judicial System Self-Help Website – This website provides legal information in areas of the law commonly sought by self-represented persons, such as family law, traffic matters, landlord-tenant law, small claims, probate, protective orders, and guardianship and conservatorship.

Virginia's Judicial System - For Citizens – This website provides information about Virginia courts, including their locations and contact information, how to request an accommodation if you have a disability, as well as other useful information about Virginia courts.



If you think you need an attorney, the following programs may be able to assist you:

Civil Matters & Family Law

Armed Forces Legal Assistance – The military provides free legal assistance to servicemembers on a variety of civil matters including trusts and estates, bankruptcy, and consumer matters. Legal assistance attorneys usually cannot represent you in court. You may find the nearest Legal Assistance office at <http://legalassistance.law.af.mil/content/locator.php>.

Mason Veterans and Servicemembers Legal Clinic (M-VETS) – Located at George Mason University in Northern Virginia, M-VETS provides free representation to service members, veterans and dependent family members in family and civil matters, discharge upgrades, and pension/dependency and indemnity compensation. Additionally, M-VETS assists service members with PEB/MEB/Medical Discharge Assistance, Record Corrections, and Military Pay Entitlements. You may obtain more information about these services at the M-VETS website (<http://mvets.law.gmu.edu/>) or by calling 703.993.8214.

VBA Veterans Issues Task Force – The VBA Veterans Issues Task Force helps Virginia veterans and service members who are getting ready to deploy, or are returning from a deployment, find an attorney who will assist them or their family with their legal services needs on a pro bono or reduced fee basis. Fill out the requested information on the website (<http://www.vba.org/?servicemember>) and someone will contact you.

Community Tax Law Project – The Community Tax Law Project provides free legal representation to low-income Virginia taxpayers in tax disputes. You may obtain more information about these services at the CTLP website (<http://ctlp.org/>) or by calling 804.358.5855.

Attorney General Legal Clinic – The Virginia Attorney General, in partnership with the Department of Veterans Services and the Virginia State Bar, provides free, simple estate planning services to low income veterans and their partners and spouses. These clinics are held at areas around the state and offer simple wills, advance medical directives and powers of attorney. You may access our website to find additional information and to fill out an application: <http://www.oag.state.va.us/programs-initiatives/veterans-assistance-resources/veterans-legal-services-clinic>.

Veterans Benefits

The Lewis B. Puller Jr. Veterans Benefits Clinic – Located at William & Mary Law School, the Puller Clinic assists disabled veterans in obtaining the disability compensation and medical benefits to which veterans are entitled. The services offered at the Puller Clinic are free. To apply for services, please download, complete, and return the Application Form (http://law.wm.edu/academics/programs/jd/electives/clinics/veterans/apply_services/Puller%20Clinic%20Application10.4.16.pdf) to veterans@wm.edu, or via fax to 757.221.3131, or mail it to The Lewis B. Puller, Jr. Veterans Benefits Clinic, William & Mary Law School, PO Box 8795, Williamsburg, VA 23187-8795.

Mason Veterans and Servicemembers Legal Clinic (M-VETS) – Located at George Mason University, in Northern Virginia, M-VETS provides free representation to veterans seeking disability compensation and medical benefits from the Department of Veterans Affairs. You may obtain more information about these services at the M-VETS website (<http://mvets.law.gmu.edu/>) or by calling 703.993.8214.

Criminal

VBA Veterans Issues Task Force – The VBA Veterans Issues Task Force helps Virginia veterans and service members who are getting ready to deploy, or are returning from a deployment, find an attorney who will assist them or their family with their legal services needs on a pro bono or reduced fee basis. Fill out the requested information on the website (<http://www.vba.org/?servicemember>) and someone will contact you.

Virginia Veterans Dockets – The Virginia Supreme Court adopted a Rule of Court to allow jurisdictions around Virginia to create Veterans Dockets for criminal defendants who are veterans of the armed services and have substance dependency or mental illness. Defendants who are eligible for these dockets will be offered treatment and specialized services for veterans.

If the above entities are unable to assist you, you may contact the Virginia Lawyer Referral Service to locate an attorney near you:

Virginia Lawyer Referral Service – If you think you have a problem that may require the services of a lawyer, call the Virginia Lawyer Referral Service, 800.552.7977. If you are referred to a lawyer, you will be entitled to consult with the lawyer for up to one-half hour for a fee of \$35.

QUICK REFERENCE GUIDE

Employment

If you are looking for assistance keeping your employment or finding new employment:

- Employer Support of the Guard and Reserve
800.336.4590
www.esgr.mil
- U.S. Department of Labor Veterans Employment and Training Services
804.786.7269 or 804.786.5436
www.dol.gov/vets/aboutvets/regionaloffices/philadelphia.htm#va
- Virginia Transition Assistance Program
804.786.8060
www.dvs.virginia.gov/education-employment/virginia-transition-assistance-program-vtap/
- Virginia Employment Commission
804.221.5054
www.vec.virginia.gov/veterans

Consumer

If you feel that you, as a consumer, have been the target of deceptive or misleading practices:

- Attorney General's Consumer Protection Section
804.786.2042 email – consumer@oag.state.va.us
<http://ag.virginia.gov/consumer-protection/index.php/file-a-complaint>
- Better Business Bureau
703.276.0100
www.bbb.org
- Consumer Financial Protection Bureau
855.411.CFPB (2372)
www.consumerfinance.gov/servicemembers/
- Free Credit Reports
Equifax: 1-800-525-6285, Experian: 1-888-397-3742
TransUnion: 1-800-680-7289
www.annualcreditreport.com
- Military Legal Assistance Offices
<http://legalassistance.law.af.mil/content/locator.php>
- Office of Charitable and Regulatory Programs
804.786.1343
www.vdacs.virginia.gov/pdf/OCRPregulatorycomplaintform.pdf

Education

If you have questions about your or your family's education:

- Military Interstate Children's Compact Commission
859.244.800 email – mics3infor@csg.org
<http://mic3.net/pages/contact/contactmic3.aspx>
- State Counsel of Higher Education for Virginia
804.225.2600
www.schev.edu/index/students-and-parents/student-type/military-education
- U.S. Department of Education
800.USA.LEARN (800.872.5327)
www.ed.gov/veterans-and-military-families
- U.S. Department of Defense Educational Partnership
571.372.6026
email – hq.partnership@hq.dodea.edu
www.dodea.edu/Partnership/index.cfm

- Virginia Department of Education
804.225.2157
www.pen.k12.va.us/support/student_family/military/index.shtml
- Virginia Military Survivors and Dependents Education Program
804.225.2083 email – vmsdep@dvs.virginia.gov
<https://www.dvs.virginia.gov/education-employment/virginia-military-survivors-and-dependents-education-program-2/>

Taxes

If you have questions about your state or federal taxes:

- Armed Forces Legal Assistance
www.legalassistance.law.af.mil/content/locator.php
- Community Tax Law Project
804.358.5855
www.ctlp.org
- Internal Revenue Service
<https://www.irs.gov/individuals/military>
<https://www.irs.gov/individuals/information-for-veterans>
<https://www.irs.gov/uac/free-file-do-your-federal-taxes-for-free>
- Tax Counseling for the Elderly
<https://www.irs.gov/individuals/tax-counseling-for-the-elderly>
- Virginia Commissioners of the Revenue
www.vacomrev.com/who-we-are/districts-localities/
- Virginia Department of Taxation
804.367.8031
www.tax.virginia.gov/content/nonmilitaryspousefaqs
- Volunteer Income Tax Assistance <https://www.irs.gov/individuals/free-tax-return-preparation-for-you-by-volunteers>

Voting

If you have questions about elections and voting:

- Federal Voting Assistance Program
800.438.VOTE (8683) email – vote@fvap.gov
<https://www.fvap.gov/>
- Virginia Department of Elections
804.864.8901
email - info@elections.virginia.gov

Registering to Vote: <https://vote.elections.virginia.gov/Registration/Eligibility>

Requesting an Absentee Ballot: www.elections.virginia.gov/voter-outreach/military-overseas-voter.html OR www.elections.virginia.gov/casting-a-ballot/absentee-voting/index.html

Legal Representation

If you think you need to talk to a lawyer, please see the resources starting at page 31.

If you have questions about your federal and state benefits, access to medical care, or other non-legal matters, please contact the **Virginia Department of Veterans Services** at 804.786.0286 or find the Department online at www.dvs.virginia.gov/.



Attorney General Mark R. Herring

www.ag.virginia.gov

Office of the Attorney General of Virginia
202 North 9th Street
Richmond, Virginia 23219
804.786.2071
veterans@oag.state.va.us