



# KEEPING IT LEGAL

## Your Family Care Plan & the Law

Certain members of the Air Force are required by DoDI 1342.19\_DAFI 36-2908 to document Family Care Plans (FCPs). These members include single parents with custody of minor children, dual military couples with minor children, and married service members whose current spouse is the step-parent of their minor children.

It is important to note that your FCP does not supersede a court order. Custody is a matter of state laws. If a court has entered a custody order regarding your children and you make an FCP that is inconsistent with that order, you risk having

your plan challenged and overturned in court.

In the instance that you have no custody order, then both biological parents have equal rights to custody of their children unless parental rights have been terminated by a court. Even if you name someone in your FCP to take care of your child during your absence, it is possible that the other parent still take custody of the child.

North Carolina enacted the Uniform Deployed Parents Custody and Visitation Act in 2013. This allows parents to enter into temporary agreements

which supersede the Court's order if the custody order does not discuss deployment. It is required that the agreement be in writing and signed by both parents as well as any nonparent that will be granted temporary custodial responsibility of the child. Should parents not agree on how to handle the custody during a deployment, this law provides for expedited court hearings pertaining to this matter.

If the other parent attempts to change the child custody order while you are deployed, you can invoke your rights under the SCRA to postpone the hearing. If you have questions about the validity of your FCP, please contact the legal office.



### ETHICS CORNER

#### Use of Government Position

As government employees and military members, you cannot use your official position for your own personal gain or for the benefit of others. This includes personal financial gain through use of insider information.

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**Your Local JA office is here to help.**

Legal Assistance Hours are  
Monday—Thursday  
0900-1530

(910)394-2341

We provide notaries, powers of attorney, and attorney consultations.

For after-hours emergencies, call the Command Post (910)394-9000 to reach the on-call JAG.

**This paper is for general legal education and should not be substituted for legal advice.**