

# What Do I Need to Know About Guardianship?



Do you have custody of a Surviving child or children? Be sure you understand guardianship and the legal process involved in becoming a guardian.



## What is a guardian?



A guardian is appointed by a state-level court to handle a minor's affairs for the benefit of the minor, including money and/or property.

Guardianship laws vary from state to state. The laws of the state where the minor lives apply to their guardians.

As a guardian, you must report regularly to the court on the wellbeing of children in your care and how you have managed their assets, including Survivor benefits.

## Who can be a guardian?



### NOTE:

A biological parent may need legal guardianship to receive benefits. Consult with an attorney if you have questions.

Almost any adult can be a legal guardian. It is not necessary to be related to the Surviving child(ren) by blood or marriage.

However, if you are related to Surviving minor(s) (e.g., a Surviving grandparent or sibling of the deceased), you should still file for legal guardianship if you will be taking care of them on a long-term basis. Otherwise, you may have trouble getting medical care for the minor(s), enrolling them in school or applying for and managing Survivor benefits.

## What benefits do surviving children receive?

Surviving children may qualify for financial benefits under the Survivor Benefit Plan (SBP), Dependent Indemnity Compensation (DIC), and/or for Social Security survivor benefits.

They may also qualify for medical and educational benefits, and for base privileges that may allow you to use the commissary, exchanges and Morale, Welfare and Recreation (MWR) activities.



## Did You Know...?



The key to many military benefits is a Department of Defense ID card. If the child does not have a valid military dependent's ID card, appear in person at a DEERS/RAPIDS facility (locator: <https://www.dmdc.osd.mil/rsl/appj/site>) with proof of guardianship and the deceased sponsor's Social Security or DoD ID number. You may want to call in advance to confirm that you have all required paperwork.

Legal guardians of Surviving children may access on-base services, the commissary, exchanges and MWR activities, by:

1. Presenting the child's ID and your guardianship documentation to the Personnel Office at the base where you want to access services.
2. Requesting a letter from the base commander granting access.

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## How do I apply for survivor benefits?

### Financial



#### SBP:

Complete the forms listed at <https://www.dfas.mil/retireemilitary/survivors/Retiree-death/sbp.html>. (DD 2656-7, W-4P, SF 1199-A or 1199-I, DD 2788 [if required].)

1. Mail or fax completed documents to: DFAS - U.S. Military Annuitant Pay, P.O. Box 7131, London, Ky. 40742-7131. Fax: 800-982-8459.
2. For more information: 800-321-1080 (Monday-Friday 8 AM-5 PM ET).

#### DIC:

1. Complete and sign VA Form 21-534EZ, *Application for DIC, Death Pension, and/or Accrued Benefits*.
2. Include documentation listed in Form 21-534EZ's instructions.
3. Mail to the Pension Management Center (<http://www.benefits.va.gov/PENSION/resources-contact.asp>) that serves your state. Directory of VA regional offices: <https://www.va.gov/directory/guide/allstate.asp?dnum=3&isFlash=0>.
4. For more information: [http://benefits.va.gov/compensation/types-dependency\\_and\\_indemnity.asp](http://benefits.va.gov/compensation/types-dependency_and_indemnity.asp) or call 800-827-1000.

#### Social Security Survivor Benefits:

1. Make an appointment with the Social Security office nearest you (locator: <https://secure.ssa.gov/ICON/main.jsp>).
2. Bring documentation listed at <https://www.ssa.gov/forms/ssa-4.html>.
3. For more information: 800-772-1213 Monday through Friday, 7 AM-7 PM.

### Educational



Surviving children of deceased service members are eligible, through the Department of Veterans Affairs, for Dependents Educational Assistance (DEA) or The Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship), which awards GI Bill benefits to Surviving children and spouses.

Benefits may be used for VA-approved trade, technical and college programs.

To access benefits under these programs, Surviving children must obtain and complete VA Form 22-5490 ([http://www.va.gov/vaforms/form\\_detail.asp?FormNo=22-5490](http://www.va.gov/vaforms/form_detail.asp?FormNo=22-5490)), Dependents Application for VA Education Benefits. The application must be sent to the VA regional office with jurisdiction over the state where the student plans to receive education and/or training. (Locator: <https://www.va.gov/directory/guide/allstate.asp?dnum=3&isFlash=0>.)

Be aware that in addition to VA educational benefits, many state governments offer generous support to Surviving children, including free tuition at state colleges and universities.

### Medical



Surviving children receive coverage for medical care under TRICARE.

TRICARE coverage requires registration in the Defense Eligibility Enrollment Reporting System (DEERS).

If the child is not already registered in DEERS, you will need to appear in person at a DEERS/RAPIDS facility (locator: <https://www.dmdc.osd.mil/rsl/appj/site>) with proof of guardianship and the deceased sponsor's Social Security or DoD ID number.

For more information on the Navy Gold Star Program...



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