

Family Support in the Army

Including the Inspector General Defense Language Institute Self Help Checklist

Army Regulation 608-99 requires the provision of adequate temporary financial support to family members. The regulation is at http://www.apd.army.mil/pdf/AR608_99.pdf. While the required support amount may be stated in terms of BAH or BAH II, the soldier's obligation to pay this amount to family members is not contingent on whether the soldier is either entitled to or actually receiving this amount. Soldiers who are geographically separated from their families are expected to provide financial support for those family members. Appropriate arrangements may include a joint checking account or voluntary allotment.

In the absence of a court order or written agreement, such as a separation agreement, the amount of temporary support a service member must pay to his or her family is set out in AR 608-99, paragraph 2-6. This paragraph provides for payment of the BAH II-WITH amount to families not residing in government housing. You can find the precise dollar amount on the DFAS military pay Web site, <http://www.dfas.mil/militarypay/militarypaytables/2010WebPayTable34.pdf>. If the soldier has other family members, the amount is calculated using a pro-rata determination. While the family members are living in government housing, the soldier is not required to provide additional financial support.

As an exception to the financial support requirements of paragraph 2-6, a soldier may comply by directly paying non-government housing expenses on behalf of family members if they are residing in non-government housing and the soldier is also obligated by contract to pay those expenses. Such expenses include rent, mortgage, real property taxes and insurance, utilities such as gas, electric and water. All housing in the Monterey area is non-governmental. All local government housing has been privatized and soldiers who occupy them forfeit their BAH as rent. Thus if a soldier leaves privatized housing while continuing to forfeit BAH, the family members who continue to reside there are not entitled to any support under AR 608-99.

The battalion commander may release a soldier from the regulatory support requirements under various circumstances. Under paragraph 2-14 release may be granted under any one of the following situations: the spouse's income exceeds the soldier's military pay; the soldier has been the victim of abuse from the spouse; the supported family member is in jail (still must support children of the marriage); support under the regulation has been provided for 18 months (still must support the children); the supported child is in the custody of someone not the lawful custodian; support was ordered by a court without jurisdiction; or a court made an order with no language directing or suggesting that the soldier provide financial support to family members.

For more online information go to <http://www.jagcnet.army.mil/Legal> Select "Family Law Matters" and then "Child & Family Support". This Legal Assistance Office is prepared to advise on support and related family law issues. Call 242-5084 or stop by Building 275 to make an appointment. Family members not receiving the required support may also contact the Inspector General (IG) Office for assistance in obtaining this support. Call 242-5205.

Inspector General
DLIFLC Family Support Payment Self Help Checklist

These are the steps you must take to get family support payments started. We are providing this checklist to remind you of each step. As the third step, you will contact your spouse's commander. If you cannot resolve the problems after following this checklist, please contact us.

>>>>>>we are ready to assist you!<<<<<<<

Step 1: Are you eligible?

* 1. Your spouse must be a full-time employee in the U.S. Army.

a. Other Services: Each service has different requirements (We can help direct you to the proper assistance agency)

b. Army Reserve/National Guard: Generally, we do not have authority over this pay unless the spouse is on full-time active duty for over 180 days.

c. Retired Army: Only if the court order includes a specific "garnishment order"

Step 2: Get your important related records.

* 1. Certified copy or the original marriage certificate and verification you are still married

* 2. Your military ID card

* 3. A court order, if it exists. With one, you may get an involuntary allotment if your spouse does not cooperate. Without a court order, you cannot get an involuntary allotment. A certified copy of the court order for support will make the process much more direct. If you cannot afford an attorney, the local State District Attorney Office, Family Support Division can help. In this area, that phone number is: (408) 755-3200. When the voice mail starts, immediately press "0" and ask for help.

* 4. Certified copy of any written support agreement that is not a court order you have made with your spouse

* 5. Bank routing ID number and account number of where you want the money deposited (ask the bank)

* 6. Any letters, email or other relevant communications you have had with the command or your spouse related to support payments.

* 7. Your spouse's full name, rank and social security number. If you know where he or she is assigned, provide any information about the unit.

* 8. Provide the name(s) of the children (and spouse if you are not the spouse and are seeking help in someone else's behalf) For example, an authorized third party is a former spouse with children remarried to another service member.

It will speed the response if you enclose a copy of all of the items listed above when you write the commander. You will need to have all of these items with you on the second visit to the IG office.

Step 3: Let the Commander know there is a problem.

We do not recommend phone calls to commanders as a first contact! They are not as reliable as a letter, and commanders are often difficult to reach by phone.

* 1. If you do not have a mailing address for your spouse's unit, use the mailing address and phone number for the commander provided by the IG or SJA. No matter who communicates with you, route ALL answers or any additional communications through the commander. It is your only way to be certain he or she knows what is being done.

Your spouse's commander may be reached at:

Rank & Name: _____

Military Unit: _____

Mail address #1: _____

Mail address #2: _____

Commercial phone: _____

Fax (if available): _____

* 2. Write a letter to the commander that you are not receiving correct support. Be as detailed as possible. Include at least the following:

a. Your spouse's full name and social security number

b. Your name and social security number

c. State clearly what you are seeking: current child support, past child support, spousal support, an ID card or whatever combination you require.

d. Amount of payment you should be getting (if you know)

e. Amount you are getting, when last payment was and how payment was received (mail, money order, direct deposit, etc.)

f. Identify bank account that should be getting the payment, along with its bank routing ID, mailing address, and your account number. We recommend payments be mailed or

transferred to a bank, not your home. This makes it easier to determine if or when a payment arrives.

g. You should request that you be notified by phone (or email or fax) when the commander receives your letter. This will help you verify who to call for follow-up.

h. Any other information you think is important

* 3. Address the letter to "Captain Jones, Commander" instead of "Commander", and mark the envelope with the words "OFFICIAL MAIL". This will help insure the commander personally gets your mail.

* 4. Make a personal copy of everything before you send it!

* 5. Mail the letter by return receipt or registered mail and make sure you get the proof.

* 6. Wait three weeks for a reply. A commander has 14 days from the day he or she receives an inquiry to provide a response.

Step 4: Follow-up!

* 1. If you have not heard any response after three weeks, call the commander and ask the status. If you are not allowed to speak to the commander, or if the personnel you talk to are unhelpful, contact the IG. Set up an appointment and bring in your records.

* 2. ONLY IF YOU HAVE A COURT ORDER FOR SUPPORT: You may be able to initiate an involuntary (non-cancelable) allotment if your spouse has been late with a payment for two or more months. Any court or child support enforcement agent (the district attorney in Monterey County) must send the notice and documentation to the Defense Finance and Accounting Service Center. After verification, the finance center begins an involuntary allotment to your bank or Credit Union for the amount in the court order so long as your spouse is on active duty.

You were helped by _____
of the Presidio of Monterey IG office.
ph (831)-242-5205 fax: (831)-242-5372

For military legal assistance call
POM SJA Legal Assistance
ph (831)-242-5083 fax: (831)-242-6392