SUPPORT OF DEPENDENTS

FREQUENTLY ASKED QUESTIONS

Q: What is Army Regulation (AR) 608-99?

A: AR 608-99 sets forth Army's policy on financial support of family members, paternity, and child custody.

Q: What is the Soldier's responsibility under the regulation?

A: Soldiers are required to manage their personal affairs in a manner that does not bring discredit on themselves or the U.S. Army. This responsibility includes: (1) maintaining reasonable contact with family members so that their financial needs and welfare do not become official matters of concern for the Army; (2) conducting themselves in an honorable manner with regard to parental commitments and responsibilities; (3) providing adequate financial support to family members; and (4) complying with all court orders.

Q: Who is responsible for enforcing the Army's policy on support of family members?

A: Commanders are responsible for making sure Soldiers understand the policy and are in compliance.

Q: If a Soldier fails to meet the regulation's requirements, what can the Commander do?

A: Personnel subject to the UCMJ who fail to comply with AR 608-99 are subject to UCMJ punishment as well as adverse administrative action, or other authorized adverse actions.

Q: Under what conditions does AR 608-99 require a Soldier to make financial support payments?

A: Soldiers must comply with valid court orders containing a financial support provisions, and such a court order prevails over all other agreements and regulations. If there is no court order, but there is a signed written financial support agreement, the Soldier must pay in accordance with such an agreement. If there is no court order and no written agreement, the amount of support is determined by AR 608-99.

Q: How much does a Soldier have to pay supported family members?

A: In the absence of a court order or written agreement, a Soldier must pay an amount equal to BAH RC/T. BAH RC/T is not based on the Soldier's or supported family member's location, and is not the same amount the Soldier may receive in BAH. There is a link to the BAH RC/T chart on the Legal Assistance website.

Q: I am a Soldier with dependents, but I am not receiving BAH. Can I withhold payments under the regulation?

A: No. A Soldier's obligation to provide financial support to family members is not contingent upon whether the Soldier is entitled to or receiving BAH. The actual receipt of BAH-WITH, BAH-WITHOUT, or BAH-DIFF has no relationship to the obligation.

Q: I am a spouse of a Soldier and am living off-post. What is the minimum support I can receive?

A: In the absence of a court order or written agreement, the Soldier will provide financial support equal to the BAH RC/T at the With Dependents rate (BAH RC/T-WITH).

Q: I live on post, and my Soldier spouse is not providing any support to our family. What is the minimum support I can receive?

A: When a Soldier's family members are residing in Government family housing (or in on post housing), the Soldier is not required to provide any additional financial support. When the supported family members move out of Government family housing, the Soldier will provide BAH RC/T-WITH.

Q: I am a Soldier who has dependents from one or more prior relationships, all of whom live off post. How do I determine how much support I owe?

A: In multiple support situations, the amount of support due to each family member is determined on a pro rata, or proportional, basis. You calculate this by dividing the amount of BAH RC/T-WITH the soldier must provide by the number of total family members supported. However, family members covered by court orders or written agreements will be provided for in accordance with those orders or agreements, and family members residing in Government family housing will not be provided any additional financial support.

Q: I am a Soldier, still married to my spouse and also paying court ordered child support for our child. Do I also have to pay additional support under the regulation?

A: Yes. A child support order is a court order that supersedes the regulation as to that child. However, you still owe the pro-rated amount of BAH RC/T-WITH to your spouse and any children not covered by the court order.

Q: My spouse and I are both Soldiers. We have no written support agreement and no court order regarding support. Can I get minimum support under the regulation?

A: No. A Soldier is not required to provide financial support to a spouse on active duty in one of the military services.

Q: **My spouse and I are both Soldiers, and my spouse has custody of our children and lives off post. Do I have to pay support under the regulation?**

A: Yes. If the Soldier does not have custody of any of the children, and the children do not reside in Government family housing, the Soldier will provide BAH-DIFF to the military member with custody of the children. If the military member with custody of the children lives in Government family housing, no additional support is required.

Q: When are support payments made under AR 608-99 due?

A: Support payments are due on the first of the month following the month in which the support obligation was incurred. For example, support for the full month of March is due no later than April 1. A soldier can elect to split up payments throughout the month, but the full amount of support must be paid by the first of the month.

Q: My Soldier isn't paying according to the regulation. Can the Army deduct my support from the Soldier's pay?

A: No. The Army has no legal authority to deduct money from a Soldier's pay <u>unless</u> there is a civilian court judgment against him, like a child support order.

Q: Under what conditions can a Soldier request not to pay support under the regulation?

A: A battalion commander may release a Soldier from payments per the regulation under limited circumstances. These circumstances include: the supported family member is in jail; the soldier has been the victim of substantiated abuse; the income of the supported spouse exceeds the military pay of the Soldier; or if support has been provided to the spouse under the regulation for 18 months.

How Legal Assistance can help

If you have any questions concerning these matters, please call the Fort Polk Legal Assistance Office at (337) 531-2580 for an appointment. Hours of operation are Monday through Friday, 0800 – 1130 and 1230 – 1630. We are located in Building 1454 on Alabama Avenue, next to the Showboat Theater.