

Family Support in the Army

Army regulation 608-99 requires the provision of adequate temporary financial support to family members. The regulation is at http://www.usapa.army.mil/pdffiles/r608_99.pdf.

While the required support amount may be stated in terms of BAH or BAH II (now BAH RC/T – W/ Dep.), 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 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 (now BAH RC/T – W/ Dep.) amount to families not residing in government housing. You can find the precise dollar amount on the DFAS military pay Web site, <http://141.116.74.201/bah/bah2/2008-Non-Locality-BAH-Rates.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. 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 a 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".

All information compiled from materials provided by the Judge Advocate General's School of the Army and Legal Assistance website, as well as, information provided by other Army Legal Assistance Offices and by the North Carolina State Bar's Special Committee on Military Personnel, in conjunction with the American Bar Association's Standing Committee on Legal Assistance for Military Personnel.