

ARMY FAMILY SUPPORT REQUIREMENTS PER AR 608-99

Overview: AR 608-99 (available at http://www.apd.army.mil/pdffiles/r608_99.pdf) is a regulation dealing with the amount of support that the Army requires a Soldier to pay to his family members from whom he is geographically separated, in the absence of a court order. The requirement typically terminates upon divorce. AR 608-99 deals with the situation when there is no court order or established written agreement in place. AR 608-99 is not itself a court order, and should not be considered by courts to be an alternative to them exercising their own jurisdiction to determine child support or spousal support. Therefore, if your spouse has been ordered by a court to provide a set amount of support, or the two of you have already agreed in writing to a support plan, the Army's support guidelines do not apply. AR 608-99 also does not apply in other limited situations, to include a situation where both husband and wife are in the military and there are no children.

Support to Family Members: AR 608-99 requires that soldiers provide support to their family members. Those individuals are defined as 1) a Soldier's current spouse; 2) minor children of the current marriage and of past marriages; 3) minor child born out of wedlock to a female Soldier, a male Soldier, if there is a court order establishing paternity, or the functional equivalent of a court order under the relevant state's law, or 4) any other person (for example, parent, stepchild) for whom the Soldier has a legal obligation to provide financial support under the applicable law.

Amount of Support Required: AR 608-99 states that a married soldier who has a family living off post must generally provide his dependents with a financial amount equivalent to his **unadjusted** Basic Allowance for Housing at the Dependent Rate for the soldier's pay grade. There are exceptions to this policy in limited situations. To be clear, you DO NOT owe your actual BAH rate, you only owe the amount of BAH-II. BAH-II rates vary according to the rank of the soldier and the rates change yearly. A complete listing of BAH-II rates for all ranks can be found at <http://www.defensetravel.dod.mil/Docs/perdiem/browse/Allowances/Non-LocalityBAH/2013-Non-Locality-BAH-Rates.pdf>.

Miscellaneous Provisions: Housing costs (rent and mortgage) and essential utilities (e.g. water and electric, not cable or Xbox Live) for the family members' residence can often count towards the financial support amount. Additionally, if some family members live in government housing that you pay for, you should owe nothing additional to those family members.

Enforcement of AR 608-99: Commanders are required to enforce AR 608-99 by ordering the soldier-spouse to provide the amount of support required under Army guidelines. If a commander orders the soldier-spouse to start paying the amount he or she is required, and the soldier does not comply, disciplinary actions may be initiated for failure to obey a lawful order or regulation. Commanders can only order the soldier to start paying from the date of the order and cannot order the soldier to pay back support for any previous months that the spouses were living apart. Nonsupport: When support is not being provided to a family member, the family member should contact the Soldier's chain of command to inform them that the support requirement is not being met. If the chain of command is unable to resolve the issue, family members are encouraged to contact the Inspector General. The Inspector General's role in

resolving cases relating to the nonsupport of dependents is sometimes misunderstood by members of the chain of command and family members requesting assistance. Resolution of cases involving nonsupport and indebtedness is a command responsibility. The Inspector's General process requests for assistance in matters of nonsupport as follows: A family member contacts the Inspector General and requests assistance. The Inspector General confirms that the family member has attempted to contact the sponsor's commander. If the family member has not contacted the commander, the Inspector General will provide the commander's address and phone number. The Inspector General may also assist the family member in drafting a memorandum to the commander, or direct them to legal assistance, which will also assist in drafting a memorandum. If the spouse has contacted the commander and has not received a response (14 days after receipt), or the response is not in accordance with AR 608-99, the appropriate Inspector General Office will open an Inspector General Action Request. A commander's inquiry will be requested to determine why the requirements of AR 608-99 have not been met. While conducting any inquiries regarding nonsupport issues, commanders are reminded that paragraphs 2-5 and 2-11 are punitive.

The Fort Bliss Legal Assistance Office STRONGLY recommends that you make an appointment to sit down with an attorney before making any spousal support payments. Although this information paper covers the basics of family support, AR 608-99 is a complicated and detailed regulation. Accordingly, you should meet with an attorney to discuss your specific situation.

If you have questions, contact the Fort Bliss Legal Assistance Office at (915) 568-7141/7150 for an appointment to speak with an attorney.