

FORT BLISS LEGAL ASSISTANCE OFFICE ARMY FAMILY SUPPORT REQUIREMENTS PER AR 608-99

Overview: Army Regulation AR 608-99, *Family Support, Child Custody, and Parentage*, found at https://armypubs.army.mil/epubs/DR_pubs/DR_a/ARN30639-AR_608-99-000-WEB-1.pdf, is a regulation requiring Soldiers to provide “interim” financial support and “enhanced” financial support to family members in the absence of a written agreement or court order for support. If a Soldier has been ordered by a court to provide a specific amount of support, or the parties have entered into a written support agreement regarding family support, the financial support requirements of AR 608-99 will have been met.

Who is a Family Member? A family member includes a Soldier’s current spouse, a minor child for whom the Soldier is a legal parent, and an adult for whom the Soldier is a court-appointed guardian. A family member is not a child whose parentage has not been established, unless a child is the presumed child of a Soldier as a result of a marriage to the birth parent.

Amount of “Interim” Family Support: In the absence of a court order or support agreement, the amount of “interim” family support required to be paid by a Soldier to his family members can be calculated by dividing the Soldier’s BAH RC/T-WITH rate by the number of family members the Soldier is required to support. Whether the Soldier must make payments according to AR 608-99 is dependent upon many factors: whether the family is residing in non-government housing; whether the other spouse is also a service member; which parent the child(ren) reside(s) with; and whether the Soldier has children outside of his or her marriage who require support. There are exceptions to the general rule, but the basic requirements for interim family support are listed in paragraphs 2-6d (single family unit) and 2-6e (multiple family units) of AR 608-99.

Additional “Enhanced” Financial Support for Spouses: *In addition to* the interim family support required by paragraph 2-6d and e, AR 608-99 requires that Soldiers make an “enhanced” payment to non-military spouses pursuant to paragraph 2-6f. This support is designed to compensate a spouse for necessary expenses that arise when the spouses first separate, or when there is a lack of access to appropriate courts. Regardless, the Soldier is required to pay his or her spouse an amount equal to 25% of the BAH RC/T-WITH rate:

- As a one-time “enhanced” support payment in conjunction with the interim family support payment, if the spouses reside in a location subject to the jurisdiction of a court that can make orders for support.
- As an additional support payment to be paid on a monthly basis, along with the interim family support, if the parties do not reside in a location where a state court could make orders for support.

BAH RC/T Chart: The relevant BAH chart can be found at: https://www.travel.dod.mil/Portals/119/Documents/BAH/PDF_Non-Locality-BAH-Rates/2023-Non-Locality-BAH-Rates.pdf.

In-Kind Payments: Housing costs (rent and mortgage) and essential utilities (water, gas and electric) for the family members' residence may count towards the "interim" financial support, but not the "enhanced" support payments, unless the parties agree otherwise.

Situations Warranting Release from AR 608-99: A battalion-level commander may release a Soldier from the "interim" family payments *and/or* the "enhanced" support payments required per AR 608-99. Situations which may warrant relief from the "interim" family support payments may include:

- The Soldier is the lawful custodian of the couple's child; and
- The child, without the Soldier's consent, is in the possession of a person who is not the lawful custodian of the child; and
- The Soldier is diligently pursuing legal means to obtain physical custody of the child.

Situations which may warrant relief from "enhanced" spousal support payment may include:

- The income of the spouse exceeds the military pay of the Soldier;
- The Soldier has been the victim of substantial abuse by the spouse;
- The supported family member is in jail;
- The regulatory support has been paid for 18 months;
- A court with jurisdiction to order financial support has issued one or more orders without a financial support provision; or
- The spouse has behaved in such a way to cause divorce proceedings to be unreasonably delayed.

Enforcement of AR 608-99: Commanders are required to enforce AR 608-99 by ordering the Soldier to provide the amount of support required under Army guidelines. If a commander orders the Soldier to start paying support pursuant to the regulation, and the Soldier does not comply, disciplinary actions may be initiated for failure to obey a lawful order or regulation. 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 requirements are not being met. If the chain of command is unable to resolve the issue, family members are encouraged to contact the Inspector General.

How can the Legal Assistance Office help? There are many exceptions to the general rules, so we strongly recommend that you make an appointment to sit down with a Legal Assistance Attorney before making any "interim" or "enhanced" support payments.

To request an appointment to speak with an attorney, call (915) 568-7141 during office hours, or send an e-mail anytime to: usarmy.bliss.hqda-otjag.mesg.bliss-legal-assistance-office@mail.mil.