



OFFICE OF THE STAFF JUDGE ADVOCATE  
101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL  
CLIENT SERVICES  
(270) 798-0910/0918

## FAMILY SUPPORT

### Support obligation

IAW AR 608-99, Family Support, Child Custody, and Parentage, Soldiers must support their families. Failure to provide support may result in adverse administrative action or punishment under UCMJ.

### Support based on Court Orders and Agreements

If there is a court order or written agreement, and the order or agreement has a provision regarding financial support, the Soldier must provide financial support according to the terms of the order or agreement.

### Support based on Army Regulation

In the absence of a court order or agreement containing a support requirement, Soldiers must provide financial support to family members as follows:

- *All Dependents living in private housing* - the Soldier must pay an amount equal to the BAH Reserve Component/Transit<sup>1</sup> (BAH RC/T) WITH DEPENDENT rate (formerly known as BAH II).
- *All Dependents living in government housing* - the Soldier is NOT required to provide financial support. Note that on most installations, on-post housing is considered private housing, where service members pay rent to a private company (such as Campbell Crossing).
- *All Dependents residing in different locations* - the Soldier must divide the amount of BAH RC/T WITH DEPENDENT rate equally between the family members.

EXAMPLE – a Soldier has 2 children from a previous relationship. The Soldier is now married with 1 child and lives with his wife and child in non-government housing. The Soldier is responsible for supporting 4 people: 2 children from his previous relationship, his wife and their child. If there is no court order in place mandating support for the 2 children from the previous relationship, an amount equal to the Soldier's BAH RC/T must be divided into fourths. One-quarter would go to each child from the previous relationship; the remaining two-quarters will go to his wife and their child.

### Payment In-Kind

A Soldier may satisfy their support obligation by "payment in-kind." This means a Soldier may satisfy their financial support obligation by a Family members paying housing costs, limited to rent, mortgage payments, or essential utilities. As long as a Family member resides in non-government housing and the Soldier pays these expenses, there is no requirement to pay additional financial support to the Family member by cash, check, or otherwise. This does not apply to the enhanced interim financial support requirement, discussed later in this info paper.

### Release from support obligation

Absent an agreement or court order to the contrary, the Soldier's battalion commander **MAY** release the Soldier from providing support to his/her family member **IF** the underlying intent of the regulation would be furthered and fundamental fairness requires waiver of the obligation by the commander. Some examples of this may include:

- The spouse has a higher income than the Soldier;

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<sup>1</sup> This term is still used even though as of January 1998, all housing allowances have been combined into a new term, Basic Allowance for Housing (BAH), which includes BAH and other allowances. Check [http://www.defensetravel.dod.mil/site/pdcFiles.cfm?dir=/Allowances/Non-Locality\\_BAH/](http://www.defensetravel.dod.mil/site/pdcFiles.cfm?dir=/Allowances/Non-Locality_BAH/) for the BAH RC/T rates.

- The Soldier has been the victim of substantial abuse by the spouse;
- The supported Family member is in jail;
- Support has already been provided to the spouse for 18 months;
- A court has issued an order that does not include any financial support provisions; or
- The spouse has acted in a manner to unreasonably prolong divorce proceedings.

When it comes to support obligations to children, a battalion commander may release a Soldier from the obligation if the Soldier is the lawful custodian of the child, the child is in the custody of another person without the Soldier's consent, and the Soldier is diligently pursuing legal means to obtain physical custody of the child.

In any situation where a Soldier requests relief from their obligation, they must come forward with sufficient information and documents to establish a basis for commander's action. You may book an appointment for a legal assistance attorney for assistance with such a request.

### **No release from support obligation**

The Soldier is NOT excused from providing financial support under AR 608-99 to his family member simply because:

- The Soldier does not receive BAH
- The Soldier's spouse engaged in adultery, abandoned the Soldier, or engaged in other improper or immoral behavior.
- The Soldier "cannot afford" the payment
- The Soldier paid other expenses on the family members' behalf – payment of other expenses (excluding rent or mortgage payments) does not lessen the Soldier's support obligation UNLESS the family member has agreed, IN WRITING, to accept the payments in lieu of the normal support obligation.

### **Method of payment**

Cash, check, money order, electronic fund transfer, voluntary allotment, or garnishment will satisfy the support obligation. The Soldier should keep records of all payments. The best method of payment is by voluntary allotment; cash payments are HIGHLY discouraged due to the absence of proof.

### **Timing of payment**

If there is a court order or agreement, support is due on the date indicated in the order or agreement. If there is no such order or agreement, payment must be made by the first day of the month following the month for which the support payment is designated. For example, the support payment for the month of June must be personally delivered or mailed by the first of July.

### **Enhanced Interim Financial Support (EIFS)**

EIFS is a one-time payment designed to provide for sustenance and additional necessary expenses that initially arise when the Soldier and spouse separate, or when the time to obtain a court order is prolonged because of a lack of access to appropriate courts of competent jurisdiction. EIFS payments will not be made to spouses who are service members of any component while serving on active duty.

In most cases, when a Soldier who separates from their spouse, the Soldier is only required to make a one-time payment in the amount of 25% of their BAH RC/T WITH amount in addition to their pro-rated share of the BAH RC/T WITH amount for the first month of physical separation. In some cases, inability to gain access to a court may require a Soldier to pay additional EIFS payments.

EXAMPLE – A Soldier in the paygrade of E-1 and their spouse decide to seek a divorce. The spouse departs the marital residence in Campbell Crossings on the 15th of the month. At the time of departure, the Soldier is required to pay the spouse a one-time amount of \$188.02 (EIFS) **PLUS** the pro-rated amount of the monthly support obligation of \$752.10. Each subsequent month that the two are separated, the Soldier must only pay the BAH RC/T WITH amount.

If the Soldier fails to pay the EIFS amount at the time the spouse departs the marital home, their command can require them to pay once/if they are made aware of the deficiency (i.e. this payment **IS** retroactive whereas traditionally any missed monthly payments made IAW AR 608-99 are not). If the departed spouse is living abroad and unable to access a court with jurisdiction to order financial support, the EIFS payments must continue along with the traditionally monthly payment until such time as the spouse can access a court. Soldiers may not satisfy EIFS requirements by directly paying non-government housing expenses on behalf of spouses or by any other in-kind financial support without the written approval of the supported spouse.

The spouse may elect to receive two proportional payments over two months, or one lump sum payment on the first of the month for the previous month.

### **What to do if the Soldier fails to provide required support**

Complaints about a Soldier's failure to provide the required support should be referred to the Soldier's company commander. The Soldier's commander may order the Soldier to comply with his support obligation and may pursue punitive or adverse administrative actions against the Soldier. A Legal Assistance Attorney can answer additional questions and can contact the Soldier's commander. Complaints may also be directed to the Fort Campbell Inspector General (IG). You can reach the Fort Campbell IG at (270) 461-0754.

## **FREQUENTLY ASKED QUESTIONS**

### **What if my spouse makes more money than I do?**

If there is a court order or agreement, you must still pay support according to the order or agreement. Absent such an agreement, you may ask your Brigade or Battalion commander (in certain circumstances) to exempt you from the support obligation. However, you still have an obligation to provide support to your children.

### **What if I have other family members to support?**

If you have a legal obligation to provide support to other individuals, you are required to divide the applicable BAH RC/T rate equally among them. For example, if you have two family members living with you and one living apart from you, you must provide the family member living apart with one-third of the applicable BAH RC/T rate.

### **I live in Government Quarters (such as the barracks) and I don't receive full BAH; do I still have to pay?**

**Yes!** The applicable BAH RC/T rate is the minimum amount you must pay, regardless of whether you receive BAH or not if your family members reside off-post.

### **Do I still have to pay support after I'm divorced?**

Absent a continuing court order, you do not have to provide financial support to your ex-spouse. You do, however, still have an obligation to provide support to your children.

### **What if the Soldier pays bills equal to the amount of BAH instead?**

Soldiers get credit for payment of their spouse's non-governmental housing contractual expenses e.g. rent, real property taxes, property insurance, and mortgage payments. However, unless there is a written

agreement stating the Soldier may pay other bills instead of sending the applicable BAH RC/T amount, the Soldier must pay the applicable BAH RC/T amount directly to his spouse. (See "Payment in Kind" paragraph on first page).

**Do I still have to pay support if both my spouse and I are on active duty?**

If there is a court order or agreement, you must still pay support according to the order or agreement. Absent such an agreement, neither Soldier is required to provide financial support to the other. However, the Soldier still has an obligation to provide support to his/her children.

**What if I refuse to pay my spouse and/or family members the amount required by AR 608-99?**

AR 608-99 is a punitive regulation. Soldiers who fail to comply with the regulation are subject to punishment under the UCMJ (violation of a lawful general regulation under Article 92; violation of a lawful order from a commissioned officer or noncommissioned officer under Articles 90, 91, or 92), as well as to adverse administrative actions, including a discharge.

**WHO DO I CONTACT IF I NEED MORE INFORMATION?** Fort Campbell Client Services Office, Building 2765 Tennessee Ave, across from Military Courthouse, (270) 798-0910/0918.

## 2021 Non-Locality BAH Rates

*Effective 1 January 2021*

Pay Grade	Partial	BAH RC/T*		Differential*
		Without Dependents	With Dependents	
O-10	\$ 50.70	\$ 1,758.90	\$ 2,111.10	\$ 379.80
O-9	\$ 50.70	\$ 1,758.90	\$ 2,111.10	\$ 379.80
O-8	\$ 50.70	\$ 1,758.90	\$ 2,111.10	\$ 379.80
O-7	\$ 50.70	\$ 1,758.90	\$ 2,111.10	\$ 379.80
O-6	\$ 39.60	\$ 1,612.80	\$ 1,900.20	\$ 322.80
O-5	\$ 33.00	\$ 1,553.10	\$ 1,831.80	\$ 312.00
O-4	\$ 26.70	\$ 1,439.10	\$ 1,614.60	\$ 207.90
O-3	\$ 22.20	\$ 1,153.80	\$ 1,335.90	\$ 207.60
O-2	\$ 17.70	\$ 914.10	\$ 1,140.30	\$ 244.80
O-1	\$ 13.20	\$ 784.80	\$ 1,020.30	\$ 264.60
O3E	\$ 22.20	\$ 1,245.30	\$ 1,436.10	\$ 217.20
O2E	\$ 17.70	\$ 1,059.30	\$ 1,295.70	\$ 260.10
O1E	\$ 13.20	\$ 921.30	\$ 1,197.60	\$ 305.10
W-5	\$ 25.20	\$ 1,462.50	\$ 1,559.40	\$ 129.90
W-4	\$ 25.20	\$ 1,298.40	\$ 1,429.50	\$ 160.20
W-3	\$ 20.70	\$ 1,091.70	\$ 1,310.40	\$ 240.90
W-2	\$ 15.90	\$ 968.70	\$ 1,203.90	\$ 255.00
W-1	\$ 13.80	\$ 812.40	\$ 1,042.20	\$ 246.90
E-9	\$ 18.60	\$ 1,065.60	\$ 1,371.60	\$ 325.80
E-8	\$ 15.30	\$ 979.50	\$ 1,264.80	\$ 305.40
E-7	\$ 12.00	\$ 902.70	\$ 1,173.90	\$ 353.10
E-6	\$ 9.90	\$ 834.00	\$ 1,084.50	\$ 341.70
E-5	\$ 8.70	\$ 750.30	\$ 976.20	\$ 290.70
E-4	\$ 8.10	\$ 652.80	\$ 848.40	\$ 250.80
E-3	\$ 7.80	\$ 606.90	\$ 788.70	\$ 206.10
E-2	\$ 7.20	\$ 578.70	\$ 752.10	\$ 275.40
E-1 >4	\$ 6.90	\$ 578.70	\$ 752.10	\$ 325.80
E-1 <4	\$ 6.90	\$ 578.70	\$ 752.10	\$ 325.80

\*BAH RC/Transit rates are adjusted by the average change in housing costs; BAH-DIFF rates are adjusted by the amount of the basic pay raise.

**2021 Non-Locality BAH Rates****Effective 1 January 2021**

<b>Pay Grade</b>	<b>BAH RC/T*</b>	
	<b>With Dependents</b>	<b>EIFS</b>
O-10	\$2,111.10	\$527.77
O-9	\$2,111.10	\$527.77
O-8	\$2,111.10	\$527.77
O-7	\$2,111.10	\$527.77
O-6	\$1,900.20	\$475.05
O-5	\$1,831.80	\$457.95
O-4	\$1,614.60	\$403.65
O-3	\$1,335.90	\$339.97
O-2	\$1,140.30	\$285.07
O-1	\$1,020.30	\$255.07
O3E	\$1,436.10	\$359.02
O2E	\$1,295.70	\$323.92
O1E	\$1,197.60	\$299.40
W-5	\$1,559.40	\$389.85
W-4	\$1,429.50	\$357.37
W-3	\$1,310.40	\$326.60
W-2	\$1,203.90	\$300.97
W-1	\$1,042.20	\$260.55
E-9	\$1,371.60	\$342.90
E-8	\$1,264.80	\$316.20
E-7	\$1,173.90	\$293.47
E-6	\$1,084.50	\$271.12
E-5	\$976.20	\$244.05
E-4	\$848.40	\$212.10
E-3	\$788.70	\$197.17
E-2	\$752.10	\$188.02
E-1 >4MOS	\$752.10	\$188.02
E-1 <4MOS	\$752.10	\$188.02