



**OFFICE OF THE STAFF JUDGE ADVOCATE
101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL
CLIENT SERVICES OFFICE
2765 TENNESSEE AVENUE
FORT CAMPBELL, KENTUCKY**

Paternity Actions

Soldiers are required to manage their personal affairs in a manner that does not bring discredit upon themselves or the United States Army. This responsibility includes –

- Maintaining reasonable contact with family members so that their financial needs and welfare do not become official matters of concern for the Army;
- Providing adequate financial support to family members; and
- Complying with all court orders.

To ensure each soldier fulfills his or her responsibilities, the Army created Army Regulation (AR) 608-99 – Family Support, Child Custody and Paternity.

Steps taken in a paternity inquiry. The Company or Battalion Commander, as appropriate, will fully investigate every inquiry alleging paternity on the part of a Soldier and provide complete, accurate, and timely information to the individual making the inquiry. A Commander will inform the Soldier of his legal and moral obligations, if any, and refer him to an attorney at legal assistance if he has any questions regarding his rights.

If the soldier admits paternity, the Commander will urge the Soldier to provide financial support. The Commander will also assist the Soldier in obtaining either BAH-WITH or BAH-DIFF (if one is appropriate), filing for a voluntary allotment for the child, and obtaining a military identification card for the child.

If the Soldier denies paternity, refuses to answer questions about paternity, or admits paternity but refuses to provide financial support, the Commander's reply to the inquiry will notify the person making the inquiry that issues of paternity and financial support can only be resolved in a civil court having jurisdiction over the Soldier.

Soldiers' obligations regarding financial support. In the absence of a court order requiring financial support, a male soldier has no legal obligation under this regulation to provide financial support to a child alleged to have been born to him and the child's mother out of wedlock. If a soldier admits paternity and agrees to provide financial support, he may obtain BAH-DIFF (the difference between the BAH II-WITH and BAH II-WITHOUT for a soldier's pay grade). Even if a soldier admits paternity and agrees to provide financial support, he may terminate financial support at any time for any reason in the absence of a court order or financial support agreement. However, if the soldier is receiving BAH-DIFF solely to provide for the child, BAH-DIFF will cease.

If there is a court order establishing paternity but not directing financial support, or if there is no court order establishing paternity, but the soldier has agreed to provide financial support, support will be calculated with the following equation:

Pro-Rata Share (monthly support obligation) = $\frac{1}{\text{Total \# of supported family members}}$ x Applicable BAH II-WITH rate

Establishment of a court order. The policies of this regulation are solely intended as interim measures until pertinent issues are resolved in court or settled by financial agreement among the parties involved. If a court order regarding paternity or financial support is put into place, the parties must abide by the court order. Some states require back-payments of child support from the date of the child's birth if paternity is established. The soldier is also required to enter the child into DEERS. A blood test is usually required to establish paternity. These tests typically cannot be done until the child is at least six months old. Blood tests are normally charged to the father if they establish paternity.

Frequently Asked Questions.

What should I do if I'm served with papers claiming I fathered a child? The most important step you must take is to provide a written answer to the allegations within the time required by the court. Failure to answer the charges could result in the court ruling by default that you *are* the father.

Can I get a paternity order overturned? It is possible; however, it requires filing motions in court. You should contact a civilian attorney who handles family law matters.

What about visitation rights? If you consent to paternity or are found to be the father by a court, you may request visitation as well as custody of the child. You will need to consult a civilian attorney who handles family law matters.

Will the amount of support I owe under AR 608-99 ever increase? A support obligation under AR 608-99 may increase for two common reasons: (1) BAH II charts are updated each year. Just like regular BAH amounts, BAH II amounts often rise and adjust due to inflation; or (2) if promoted, the Soldier must increase support with the new pay grade.

When and how can I pay? Support for the previous month is due on the 1st of the following month, or, if mailed, must be mailed by first-class and post-marked by the 1st. Payment may be made by allotment, cash, check, money order, electronic fund transfer, voluntary allotment, involuntary allotment, or garnishment. Whichever form of payment is used, make sure you can document and track all payments.

Where can I get a blood test? If the court order does not tell you where to go, you should contact the court and ask if they have a preference. If the court does not have a preference, go to a private company that performs such tests. Blanchfield Army Community Hospital does not provide paternity testing, nor does it draw blood for testing by the courts or outside agencies. The legal paternity test costs approximately \$500.

More Information. If you have any questions concerning these matters, please come to the Client Services Office (Building 2765) 2765 Tennessee Avenue, Fort Campbell, KY 42223. Office hours are Monday, Tuesday, Wednesday from 0900 to 1600 hours, on Thursday from 1300-1600, or on Friday 0900 to 1500 (we close for lunch every day from 1145-1300).