

# FORT CARSON LEGAL INFO PAPER

## SECONDARY DEPENDENCY

### DEFENSE FINANCE AND ACCOUNTING SERVICE (DFAS)



The Defense Finance and Accounting Service (DFAS) is the proponent agency for secondary dependency. General Information, including forms, instructions, helpful hints, and FAQs, can be found at their website: <https://www.dfas.mil>. Packets are submitted directly to DFAS by mail or online through their website. Also, please keep in mind that your personnel or finance office can assist you with secondary dependency.

#### WHAT IS SECONDARY DEPENDENCY?

There are times when a Servicemember's (SM) dependents may include more than a spouse and children. These added dependents can increase a SM's financial responsibilities. If an SM is responsible for the financial support of other family members, they may be eligible to add them as their secondary dependents.

#### WHO IS ELIGIBLE TO BECOME A DEPENDENT USING SECONDARY DEPENDENCY?

Secondary Dependent Status can be given to the following people, as long as they also meet the dependency status outlined in the next question:

- **Parent, parent-in-law, step-parent, parent by adoption**, or any person who stood 'in-loco parentis' (in the place of a parent) to you for at least five years prior to the SM's emancipation.
- **Unmarried children ages 21 and 22** who are enrolled in an accredited institution of higher education on a full-time basis.
- **Ward of the court**, unmarried, and placed in the permanent legal physical custody of the SM, or temporary custody for a period of at least 12 consecutive months. Note: This does require Court documentation and cannot be achieved through a Power of Attorney.
- **Unmarried child over age 21 incapable of self-support** because of mental or physical incapacity that occurred while the child was considered a dependent of the SM or retired SM, or is considered the dependent of a deceased member (while under age 21 or under age 23 and a full-time student).

#### WHAT ARE THE OTHER REQUIREMENTS TO ESTABLISH SECONDARY DEPENDENCY?

The individuals' income, not including the SM's contribution, must be less than one-half of the individual's actual living expenses. The law requires the individual to be 'in fact' dependent on a SM. A SM's contribution must be more than one-half of the dependent's actual monthly living expenses. This means an SM cannot be just providing over 50% of the dependent's income, they have to be paying for 50% of their living expenses each month.

#### WHAT ARE THE BENEFITS SECONDARY DEPENDANTS RECEIVE?

Secondary dependents will receive I.D. cards and are eligible to enroll in Tricare. The SM will also be eligible for BAH at the with-dependent rate.

#### WHAT INFORMATION WILL I NEED TO FILE FOR SECONDARY DEPENDENCY?

A SM will need to compile the necessary paperwork to support their claim of dependency. This includes proof of income as well as proof of household or personal expenses:

- Income will include ALL income and monetary support received by the dependent from ANY source other than yourself. This includes alimony, spousal support, grants, scholarships, wages, settlement payments, etc.
- Personal Expenses include services such as cell phones, tuition payments, car payments, insurance, etc.
- Household Expenses include ALL expenses related to the home for **all** persons in the home regardless of who pays for them. Expenses can include: Full rent/mortgage or the fair rental value; Tax & Insurance; Food; Utilities; Furniture/Appliance; Repairs; and Other.

- Please refer to this website for more info on expenses:  
[https://www.dfas.mil/militarymembers/SecondaryDependency/SDC/SDC\\_FAQ.html](https://www.dfas.mil/militarymembers/SecondaryDependency/SDC/SDC_FAQ.html)

#### **WHAT PAPERWORK DO I NEED TO FILE WITH DFAS AND THE ARMY TO CLAIM A SECONDARY DEPENDENT?**

The paperwork necessary to claim a secondary dependent is based on the type of secondary dependent a SM is trying to claim. The list for each type can be found at the following website with links to the forms themselves:  
[https://www.dfas.mil/militarymembers/SecondaryDependency/secondarydependency\\_Army/claims\\_packages\\_Army.html](https://www.dfas.mil/militarymembers/SecondaryDependency/secondarydependency_Army/claims_packages_Army.html)

#### **HOW OFTEN DO I NEED TO RENEW THE SECONDARY DEPENDENT'S STATUS?**

Once a secondary dependency claim for BAH support has been approved, a SM will be required to submit forms and documents to maintain dependent status and eligibility. This **MUST** be done **annually** in order to continue receiving BAH payments uninterrupted. Should a secondary dependents' status lapse and a SM's BAH is stopped or reduced, they will **not** be authorized back payment of BAH for the period during which the individual(s) were not officially recognized as in a dependent status.

#### **IF MY REQUEST IS DENIED, WHAT DO I NEED TO DO FOR IT TO BE RECONSIDERED?**

If a claim is denied, a SM will receive a letter including the reason for denial and the action(s) needed for correction. Upon completing the correction(s), a SM should resubmit their claim and supporting documentation on a new ticket. There is no waiting period to submit a new claim.

**Consultation with Army attorneys is free to eligible clients. If you have questions or need help with legal problems, call the Fort Carson Legal Assistance Office at (719) 526-5572/5573 or come by the office (Building 6222) Monday through Thursday from 0900-1600 and Friday 0900-1500. Appointments are made on the last duty day of every week and you can call or walk in to schedule an appointment.**

*This is an informative handout from the Fort Carson Legal Assistance Office containing general information on a topic that legal assistance attorneys frequently advise on. Information provided is general in nature and does not constitute legal advice. Consult an attorney for specific legal advice for your particular situation.*