



CYBER LEGAL ADVOCACY BRIEF

A Preventive Law Series
Cyber Center of Excellence Office of the Staff Judge Advocate
Legal Assistance Division, Fort Gordon



AR 608-99 Dependent Support

THE AMOUNT OF FAMILY SUPPORT REQUIRED IS NOT RELATED TO THE AMOUNT OF BAH A SOLDIER RECEIVES. PLEASE READ THIS HANDOUT IN ITS ENTIRETY.

WHAT IS A SOLDIER'S RESPONSIBILITY TO THEIR FAMILY?

Soldiers are required to manage their personal affairs in a manner that does not bring discredit upon themselves or the U.S. Army. This responsibility includes: (1) maintaining reasonable contact with family members so that their financial needs and welfare do not become official matters of concern for the Army; (2) conducting themselves in an honorable manner with regard to parental commitments and responsibilities; (3) providing adequate financial support to family members; and (4) complying with all court orders.

WHAT IS INTERIM FINANCIAL SUPPORT?

When a Soldier and their dependents are no longer physically residing together and the dependents are not living in government housing, the Soldier must provide financial support to those dependents. This requirement typically terminates upon divorce. If a court order regarding financial support exists, the Soldier must follow the order. If there is an oral agreement or written agreement, the Soldier complies with that agreement. If no oral or written financial agreement exists, a Soldier is required by AR 608-99 to provide monthly financial support in an amount equal to the **Non-Locality BAH-With Dependent** rate for the Soldier's rank. This BAH is a standardized across the DoD and does not change based on time in service or geographic location. Interim financial support can be provided by directly paying rent or mortgage and by paying essential utilities such as water, gas, and electricity. This financial support requirement continues until either: (1) a written financial support agreement is signed; (2) a court order containing a financial support provision is issued; or (3) the Soldier is relieved from the obligations of AR 608-99 by a battalion-level commander or higher.

WHAT IS ENHANCED INTERIM FINANCIAL SUPPORT (EIFS)?

Soldiers are also required to make an initial one-time support payment (in CONUS locations). The EIFS payment is made in an amount equal to 25% of the Non-Locality BAH-With Dependent rate for the Soldier's rank and is provided within the first 30 days from the date of separation. The spouse may elect to receive this payment in a lump sum on the first day of the following month or in two separate proportional payments. Unlike monthly interim support, if a Soldier does not make the EIFS payment a commander can order the payment be made retroactively. An EIFS payment may not be satisfied by directly paying housing expenses or by any other in-kind financial support without the written approval of the supported spouse.

HOW DOES THE ARMY DETERMINE ADEQUATE SUPPORT FOR FAMILY MEMBERS?

Where an oral agreement exists and is being followed, the Army will not interfere. If a signed, written, financial-support agreement exists, the agreement can be enforced by the command. In the absence of court orders or agreements, then the amount of support is based on the Non-Locality BAH-With Dependent rate for the Soldier's rank (see the back side of this info paper for how the support is calculated). A valid court order containing a financial support provision prevails over any prior agreements and the amount dictated by AR 608-99.

IF A SOLDIER FAILS TO MEET THE REGULATION'S REQUIREMENTS, WHAT CAN THE COMMANDER DO?

Soldiers are presumed to be meeting their obligations under AR 608-99. However, commanders are responsible for ensuring that Soldiers comply. Once a commander is made aware one of their Soldiers is not abiding by the regulation, that commander must issue a lawful order to the Soldier to follow AR 608-99. Not abiding by the regulation then becomes a violation of Article 92 of the Uniform Code of Military Justice, and the Soldier can face disciplinary action.

DO I STILL HAVE TO PAY IF I AM NOT RECEIVING BAH?

Yes. A Soldier's obligation to provide financial support to family members under the regulation is not contingent upon whether the Soldier is entitled to or receiving any form of BAH. Soldiers in the barracks or on-post housing must still pay.

DO I STILL HAVE TO PAY IF MY SPOUSE CHOOSES TO MOVE OUT?

Yes. Physical separation is the trigger for family support, regardless of who moved out or why.

IF A SOLDIER FAILS TO PROVIDE SUPPORT, CAN THE SPOUSE GET BACK-PAY?

No. Except for EIFS, commanders have no authority to order a Soldier to pay arrearages (back-pay).

Furthermore, the Army has no legal authority to garnish money from a Soldier's pay without their consent unless a civilian court has ordered garnishment and DFAS has initiated an involuntary allotment.

WHAT PAYMENT METHOD IS REQUIRED?

There is no required payment method. However, methods for which *receipt* of payment can be proven is strongly encouraged.

IF I AM A CIVILIAN SPOUSE AND I LIVE OFF POST, WHAT IS THE SUPPORT AMOUNT I CAN RECEIVE?

If you are the Soldier's sole dependent, you will receive the amount of the Non-Locality BAH-With Dependent rate for the Soldier's rank, unless there is a written financial support agreement/court order. See below for multiple dependents.

IF I AM A CIVILIAN SPOUSE AND I LIVE ON POST, WHAT IS THE SUPPORT AMOUNT I CAN RECEIVE?

If a Soldier moves out of government housing but their dependents remain, the Soldier is not required to provide any additional financial support aside from the initial EIFS payment. While this outcome may seem unfair, the purpose of the regulation is to ensure Soldiers provide adequate housing for their dependents. In this situation, that purpose is met.

IF MY SPOUSE AND I ARE BOTH SERVICEMEMBERS, AM I REQUIRED TO PAY SUPPORT?

No. A Soldier is not required to provide any financial support to a spouse on active duty in one of the military services.

IF MY SPOUSE AND I ARE BOTH SERVICEMEMBERS, MY SPOUSE HAS CUSTODY, AND LIVES ON POST, AM I REQUIRED TO PAY SUPPORT?

No. If the spouse and children reside in government housing, the Soldier is not required to provide any financial support.

IF MY SPOUSE AND I ARE BOTH SERVICEMEMBERS, MY SPOUSE HAS CUSTODY, AND LIVES OFF POST, AM I REQUIRED TO PAY SUPPORT?

Yes. If the Soldier does not have custody of any children, and spouse and children do not reside in government housing, the Soldier will provide the servicemember who has custody support equal to the Non-Locality BAH-Differential rate.

DOES IT MATTER HOW MANY DEPENDENTS A SOLDIER HAS?

No. Regardless of how many dependents, a Soldier's maximum monthly payment is the Non-Locality BAH-With rate (unless there is a court order or written financial support agreement).

HOW IS SUPPORT DIVIDED WHEN A SOLDIER HAS MULTIPLE DEPENDANTS?

In multiple dependent family support situations, the amount of support due to each family member is as follows:

$$\text{Amount of support per dependent} = \frac{\text{Non-Locality BAH-With Dependent Rate for the Soldier's Rank}}{\text{Total Number of Supported Family Members}}$$

Each family member not residing in government family housing, and who is not covered by a court order or a financial support agreement, will be provided proportional support in accordance with the formula above. Supported family members includes the Soldier's current spouse, biological/adopted minor children (unless parental rights have been terminated), and any adult for whom the Soldier is a court-appointed guardian. *Step-children are not included.*

EXAMPLE: SSG Snuffy and his civilian spouse have two children, and they live off-post. SSG Snuffy and his spouse decide to divorce and he moves out. His non-locality BAH is \$1,419.30. Since he has a total of 3 dependents (wife and two kids) the formula would be \$1,419.30 divided by 3, which equals \$473.10 per dependent. If both children are living with the spouse, then SSG Snuffy owes the spouse \$1,419.30. If both children live with him, he only owes her share, which is \$473.10. SSG Snuffy would also owe his wife an initial EIFS payment of \$354.83 when she moves out, regardless of whether she has the children or not.

CAN THE AMOUNT OF SUPPORT REQUIRED BY AR 608-99 CHANGE?

Yes. BAH rates are changed at the beginning of each year. Additionally, if a Soldier making payments pursuant to the regulation gets promoted or demoted, the financial support requirements change accordingly. Also, a battalion-level commander, or higher, has the authority to release a Soldier from making payments or reduce the required payments in various situations. See AR 608-99, Par. 2-13.

This Information Paper from the Ft Gordon Legal Assistance Office contains general legal information on a topic upon which Legal Assistance Attorneys typically advise. The information provided is general in nature and does not constitute formal, specific legal advice. If you wish to receive legal advice specific to your situation, please consult an attorney. You may schedule a legal assistance appointment by calling the Ft Gordon Legal Assistance Office at 709-791-7812/7813.

2025 Non-Locality BAH Rates

Effective 1 January 2025

Pay Grade	Partial	BAH RC/T*		Differential*
		Without Dependents	With Dependents	
O-10	\$ 50.70	\$ 2,367.00	\$ 2,912.70	\$ 448.50
O-9	\$ 50.70	\$ 2,367.00	\$ 2,912.70	\$ 448.50
O-8	\$ 50.70	\$ 2,367.00	\$ 2,912.70	\$ 448.50
O-7	\$ 50.70	\$ 2,367.00	\$ 2,912.70	\$ 448.50
O-6	\$ 39.60	\$ 2,170.50	\$ 2,621.70	\$ 381.30
O-5	\$ 33.00	\$ 2,090.10	\$ 2,527.20	\$ 368.40
O-4	\$ 26.70	\$ 1,936.50	\$ 2,227.20	\$ 245.70
O-3	\$ 22.20	\$ 1,553.10	\$ 1,842.90	\$ 245.40
O-2	\$ 17.70	\$ 1,230.30	\$ 1,572.30	\$ 289.50
O-1	\$ 13.20	\$ 1,056.30	\$ 1,407.60	\$ 312.60
O3E	\$ 22.20	\$ 1,676.10	\$ 1,980.60	\$ 256.50
O2E	\$ 17.70	\$ 1,425.30	\$ 1,787.40	\$ 306.90
O1E	\$ 13.20	\$ 1,239.60	\$ 1,652.10	\$ 360.30
W-5	\$ 25.20	\$ 1,968.60	\$ 2,151.00	\$ 153.30
W-4	\$ 25.20	\$ 1,747.80	\$ 1,971.90	\$ 189.00
W-3	\$ 20.70	\$ 1,469.40	\$ 1,807.50	\$ 284.70
W-2	\$ 15.90	\$ 1,304.10	\$ 1,660.80	\$ 300.90
W-1	\$ 13.80	\$ 1,093.50	\$ 1,437.60	\$ 291.60
E-9	\$ 18.60	\$ 1,434.60	\$ 1,892.10	\$ 384.60
E-8	\$ 15.30	\$ 1,318.80	\$ 1,745.10	\$ 360.60
E-7	\$ 12.00	\$ 1,214.70	\$ 1,619.10	\$ 417.30
E-6	\$ 9.90	\$ 1,122.60	\$ 1,496.40	\$ 403.80
E-5	\$ 8.70	\$ 1,010.40	\$ 1,347.00	\$ 343.20
E-4	\$ 8.10	\$ 878.70	\$ 1,170.30	\$ 296.70
E-3	\$ 7.80	\$ 816.30	\$ 1,088.10	\$ 243.30
E-2	\$ 7.20	\$ 778.80	\$ 1,037.10	\$ 325.20
E-1	\$ 6.90	\$ 778.80	\$ 1,037.10	\$ 384.60

*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. BAH Partial rates are constant.