

Marine Corps Family Support

Commanders follow, LEGALADMIN, Chapter 15, in processing complaints of non-support of a service member's family.

In the ABSENCE of either a marital Separation Agreement detailing the amount of support which will be paid or a court order for support, the Commander should use the guidelines provided in Chapter 15 in determining the amount of support the service member must provide to family members.

These guidelines are meant to be considered along with the particular service member's situation. For example, the Commander may determine that because the service member is paying all of the couple's joint marital debts, he/she should not have to pay the guideline amount in case to the other party.

If there has been court ordered support (alimony and/or child support), then failure to pay may result in:

- "Mandatory" (or involuntary) allotments from the pay and allowances of active duty Marines to satisfy child support or child and spousal support obligations if the member is delinquent in an amount equal to or more than the sum of two months periodic payments, as required by a support order.
- "Legal process" including garnishments, wage assignments, and income deduction orders.

The Marine Corps Policy. LEGALADMINMAN, ch. 15

1. Support Standards: § 15002.1

a. Single Family: §15002.2

- (1) SINGLE FAMILY IN GOVERNMENT HOUSING: Support will be \$200.00 per supported person up to a maximum of 1/3 gross pay, per month.
- (2) SINGLE FAMILY NOT IN GOVERNMENT HOUSING: Support will be either \$200 per supported family member, or BAH at the "with dependents" rate, whichever is greater up to a maximum of 1/3 gross pay, per month.

b. Multiple Families: § 15002.3

- (1) Support for each family member shall be either \$200 per supported family member, or the pro-rata share of BAH at the "with dependents" rate, whichever is greater up to a maximum of 1/3 gross pay, per month.
- (2) Military spouses are not included.

c. Both Spouses in the Armed Forces: § 15002.4

- (1) NO CHILDREN OF THE MARRIAGE: No support obligation regardless of pay grade disparities.
- (2) ALL CHILDREN OF THE MARRIAGE IN CUSTODY OF ONE SPOUSE: Support shall be either \$200 per supported child, or BAH at the "with dependent" rate, whichever is greater up to a maximum of 1/3 gross pay, per month.

- (3) SPLIT CUSTODY: Support shall be \$200 per supported family member, or the pro rata share of BAH at the “with dependents” rate, whichever is greater, up to a maximum of 1/3 gross pay.
 - d. Gross pay includes basic pay and BAH but does not include basic allowance for subsistence (BAS), hazardous duty pay, sea or foreign duty pay, or incentive pay.
2. Punitive Regulation: § 15001.7-9
 - a. Marines who fail to comply with any of the three requirements below violate a punitive lawful general order:
 - (1) A financial support order.
 - (2) A related provision of a court order.
 - (3) The interim support obligations of the regulation.
 - b. Commanders are encouraged to sparingly resort to UCMJ.
3. In-kind Payments: §15002.6b
 - a. In-kind payment is authorized.
 - b. In-kind payment not limited to non-governmental housing costs and may include charge accounts, car payments, etc.
 - c. Commander must authorize the in-kind payment as complying with the regulation requirements.
4. Release and Waiver of Support: §§ 15003.5 and 15004.4-6
 - a. A commanding officer can **release** a marine under his or her command from the support requirements under four circumstances:
 - (1) Marine cannot determine the whereabouts and welfare of the child concerned.
 - (2) Person requesting support for the child does not have physical custody of the child.
 - (3) Marine has been the victim of a substantiated physical abuse by the spouse requesting support (only releases spousal support, not child support).
 - (4) The dependent is in jail.
 - b. A commanding officer can request the General Court Martial Authority (GCMA) to **waive** the support for a spouse (not child) under the following two circumstances:
 - (1) Desertion by the spouse without cause.
 - (2) Infidelity on the part of the spouse.
 - (3) Standard of Proof: Preponderance of Evidence