



# U.S. ARMY OKINAWA

## ★ TORII STATION ★



### LEGAL ASSISTANCE

• 652-4332 / 4742 • BUILDING 218, ROOM 220 •

## FAMILY SUPPORT DURING PHYSICAL SEPARATION

### Army Regulation 608-99

#### *Frequently Asked Questions*

**Introduction.** This document provides general information for Army Soldiers and their Families and should not be considered legal advice. For specific questions pertaining to your situation, please contact your local military legal assistance office. Commanders and leaders with support questions about their Soldiers obligations should contact their trial counsel.

#### **Q1. Does a Soldier owe financial support when a separation occurs?**

A1. Yes. Army Regulation (AR) 608-99, ch. 2-1 and 2-7(a)(3) requires Soldiers to provide financial support to their family when geographically they are separated or if one spouse leaves the residence.

#### **Q2. How much financial support does a Soldier owe?**

A2. In the absence of a court order or an agreement between spouses, a Soldier must pay a “pro-rata share” of BAH RC/T – WITH to each family member. The total support amount is based on rank and is found at the intersection of the rank row and the “With Dependents” column on the [Non-Locality BAH Rates chart](#), called “BAH RC/T – WITH” in AR 608-99, ch. 2-6. Example for 2025, a Staff Sergeant (E-6) BAH RC/T – WITH rate is \$1,496.40. The chart changes each year and is *different* than the BAH for a specific duty station. The total support amount is then divided by the number of supported family members to determine the amount each person receives. It is common for the total support amount, i.e. spouse’s and child(ren)’s pro-rata shares, to go to the non-military spouse if the child(ren) are residing with the non-military spouse.

**Note:** When a Soldier is stationed in Japan (or other overseas location) and receives BAH solely on behalf of unaccompanied Family members who reside in the United States, the actual amount of BAH paid to the Soldier will be used to calculate the support required for those dependents if it is greater than the BAH RC/T-With rate. See AR 608-99, ch. 2-6(d)(1)(a) and ch. 2-6(1)(d).

#### **Q3. What is Enhanced Interim Financial Support (EIFS) for spouses?**

A3. Per AR 608-99, ch. 2-6(f)(1), Enhanced Interim Financial Support (EIFS) is meant to address expenses that arise at separation (e.g. moving costs) or when the time to obtain a court order is prolonged due to lack of access to courts with jurisdiction over the marriage (e.g. stationed OCONUS). EIFS belongs to the civilian spouse and is in addition to their pro-rata share. EIFS is 25% of the BAH RC/T – WITH amount. If either spouse has access to a court with jurisdiction over the marriage, i.e. if they can file for divorce in a state, the civilian spouse receives a **one-time** EIFS payment. If no court has jurisdiction over the marriage or no one has access to a court that does have jurisdiction, a spouse receives monthly EIFS until filing is possible. See AR 608-99, ch. 2-6(f)(2).

#### **Q4. What if we live on post/base?**

A4. Those residing in installation housing do not receive BAH RC/T – WITH support, but civilian spouses may receive EIFS. See AR 608-99, ch. 2-6(d)(2).

**Q5. What if we are dual military?**

A5. Under AR 608-99, ch. 2-6(d)(4), active duty spouses do not receive support payments. If a Soldier does not have custody of any children and the family resides off-post/base, the non-custodial parent owes the custodial parent BAH-DIFF. If the situation is the same, but their family lives on-post/base, the Soldier does not owe support. If a Soldier has custody of some of the children, they do not owe payments to the spouse who has the other child(ren).

**Q6. What if a court order is in place?**

A6. A Soldier pays the court-ordered spousal or child support amount(s).

**Q7. What if we have our own agreement?**

A7. AR 608-99, ch. 1-7(d), says regulatory support is intended to be a temporary measure until a court order is issued or an agreement is reached. An agreement may be either oral or written, but *we strongly recommend a written agreement signed by both spouses* so there is no ambiguity about the amount or frequency of payments, etc. Informal writings like text messages may not be sufficient.

**Q8. I am paying for the bills. Do I still owe the full BAH RC/T – WITH amount?**

A8. It depends. If a Soldier is paying their family's rent, mortgage, rental or home insurance, or utilities, these "in-kind" payments may be deducted from the monthly support obligation but cannot be deducted from EIFS without the spouse's written approval. In-kind payments do not include things like mobile phones, internet, groceries, or car payments without a family members' written approval. See AR 608-99, ch. 2-9(d) and (e). As such, absent that approval, a Soldier does not have to continue paying those expenses to comply with AR 608-99.

**Q9. When do payments start?**

A9. Under AR 608-99, ch. 2-8 and 2-9(b), payment must be made not later than the first of the month following the month to which the financial support pertains, including partial months. Example: an O2 Soldier lives in town with a spouse and leaves their home on 20 April, 2025. Her BAH RC/T – WITH amount is \$1,572.30/month; EIFS is \$393.07. She must pay 10 days of support\* and \$393.07 no later than 1 May 2025  $*(1,572.30 \div 30 \text{ days} = \$52.41. \$52.41 \times 10 \text{ days} = \$524.10)$ . She must pay her spouse \$917.17  $(524.10 + 393.07)$  by 1 May.

**Q10. Are there exceptions?**

A10. Excluding court orders or spousal agreements, there are no exceptions for child(ren)'s share(s). There are exceptions for spousal support, but a Soldier must request release from a Battalion-level Commander and the Commander must approve the request. Instances where a Commander may release a Soldier include a spouse's income exceeding the base pay of a Soldier, the Soldier was the victim of substantial abuse by the spouse, the Soldier provided spousal support for at least 18 months, or fundamental fairness requires release. See AR 608-99, ch. 2-13(d) for a comprehensive list. Adultery, desertion, or other marital misconduct by a spouse does not on its own excuse the Soldier from financial support. See AR 608-99, ch. 2-6(a).

**Q11. What if a Soldier is not making support payments?**

A11. Try resolving things directly with the Soldier. Family members may contact the Soldier's Commander. Commanders are then obligated to look into the matter and respond in a reasonable amount of time. A preliminary inquiry or administrative investigation may occur. See AR 608-99, ch. 3.

**Q12. Can a Commander order payments?**

A12. Yes, and must if they determine a Soldier is not complying with AR 608-99. See ch. 3-4(a)(3).

The complete version of AR 608-99:

[https://armypubs.army.mil/epubs/DR\\_pubs/DR\\_a/ARN30639-AR\\_608-99-000-WEB-1.pdf](https://armypubs.army.mil/epubs/DR_pubs/DR_a/ARN30639-AR_608-99-000-WEB-1.pdf)