Army Alimony and Child Support Rules

Separating from your spouse can be a very stressful and complicated time, especially for military families who are living abroad. This newsletter addresses one of the many factors that you will have to consider when you separate. Let's take a look at how a family can qualify for monetary support from the Soldier, once the family leaves military housing.

What is AR 608-99? Army Regulation (AR) 608-99 explains when a Soldier is required to provide financial support to family members. Absent a court order, separation agreement, or oral agreement between the spouses, AR 608-99 directs the Soldier to make family support payments based on BAH-II at the "with dependents" rate.

What is BAH-II? BAH-II is basic housing allowance that is based on the ***average housing price for the entire United States*** and the Soldier's rank. BAH-II differs from the housing allowance that most military families are familiar with, which is based on the ***local*** cost of living.

*NOTE: If the Soldier is already providing alimony to a former spouse or child support for children from another relationship, **all** of the supported family members will have to share a portion of the BAH-II-rate payments.*

When Must A Commander Get Involved? A commander must become involved in support matters for a number of reasons. The most common cause occurs when the couple is unable to agree on a proper amount of financial support and the affected party complains to the command. Additionally, a commander must take action when notified that a court order or separation agreement-mandated payment is not being received or is not being provided in a timely manner. Typically, commanders will counsel the Soldier who is the subject of the inquiry in writing, but if the Soldier continues to fail to meet the support requirements, he or she could face harsher penalties, including punishment under the UCMJ.

May a Soldier Ever be Excused from AR 608-99 Obligations? After getting approval from a legal advisor, a commander may decide to assist a soldier in being *excused* from support payments. AR 608-99 accepts numerous reasons for excusal, such as: 1) The spouse earns more income than the Soldier; 2) The Soldier was a victim of domestic abuse; or 3) The Soldier has provided alimony to the spouse for eighteen months or more (note that this exception pertains to spousal support and **not** child support).

When to visit the Legal Assistance Office? Calculating family support can be complicated. The V Corps Legal Assistance Office can provide guidance on AR 608-99 family support in several situations, including if: 1) You and your spouse disagree on a written agreement or how much money is owed; 2) You receive a notice for a child support hearing, a divorce hearing, or a new court order; 3) When your divorce is official, Army regulation support usually ends, and only the court order matters, you may need a lawyer to make sure your paperwork is correct; 4) If the government is taking money from your paycheck and you think the amount is wrong.

TIPS

- AR 608-99 requires support payments to increase after the Soldier who is providing the support gets a promotion to a higher pay grade.
- Payment amounts set by the courts cannot be changed by AR 608-99, because a judge's ruling controls the final support payment amount, not the military.
- Keep a record of every support payment made, in case there is a dispute later.

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