



FROM COUNSEL

A Preventive Law Service of The Fort Riley Legal Assistance Office
Keeping You Informed On Personal Legal Affairs

Making Someone a Military Dependent



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1. **PURPOSE:** To provide Legal Assistance clients with basic information on making someone their military dependent.

2. **FACTS.** Certain family members, such as a spouse or child, are automatically entitled to dependency status. Other family members (such as a parent, brother, or sister, or a child over the age of twenty-first) require special review before they can be considered dependents.

a. To seek dependent status for a minor or other family member for whom you have legal custody or legal guardianship, you must bring the minor's birth certificate and original or certified copies of the court ordered guardianship or other relevant court documents to Finance. The court who issues the guardianship order must be associated with the United States or the order must be entered for enforcement by a court in the United States. A guardianship power of attorney is not sufficient to meet this requirement. Additionally, you will need to complete DD Forms 137. You will next be sent to your unit to complete DD Form 1172 to enroll the dependent in DEERS and obtain an ID card, if needed. In order to obtain an ID card, you will need to show that a court has granted you legal guardianship for at least 6 months.

b. To seek dependent status for a parent or family member without a court order, you must first send the following documents to DFAS, Indianapolis:

- (1) Completed DD Forms 137, which are available at Finance;
- (2) Proof (such as copies of cancelled checks) that you provide 51% or more of the individual's financial support.

Contact information on this issue for any specific questions about your situation can be found at:

<http://www.dfas.mil/militarypay/usefullink/armysecondarydependencydetermination.html>

DFAS will send the proposed dependent a questionnaire verifying your information and his/her desire to become your dependent. The dependent must sign the questionnaire and have his or her signature notarized. You will then receive notice that DFAS is processing your application. If the proposed dependent is approved, you must bring the approval document to your unit PAC and request a DD Form 1172.

c. To have a son or daughter who is born out of wedlock listed as a dependent, the male Servicemember must properly execute a voluntary acknowledgment of paternity from either the state which is the home of record of the Soldier or from the state where the mother and child reside. In addition to the voluntary acknowledgment of paternity, a

certified copy of the child's birth certificate, and a copy of the child's social security card must be presented to DEERS for the child to be listed as a dependent.

d. In addition to assisting with the DD Form 1172, your unit PAC should assist you with family travel, command sponsorship, and other personnel actions for your new dependent.

For additional specific information see the DFAS web site at https://www.dfas.mil/MilitaryMembers/SecondaryDependency/secondarydependency_Army/claims_packages_Army/.

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FROM COUNSEL is distributed by the Fort Riley Office of the Staff Judge Advocate, Legal Assistance Office, located in Building 200. **Consult an attorney for specific legal advice for your particular situation.** Our office hours are: Mon-Thur 0800 – 1600, Fri 0800-1500. Call 239-3117 for an appointment. See also <http://www.riley.army.mil/Units/Staff/StaffJudgeAdvocate/LegalAssistance.aspx>.