

# **MILITARY FAMILY LAW**

1. How Do I Make Someone A Dependent
2. Family Care Plans
3. Army Family Support Guidelines
4. Adoption Reimbursement
5. Deployment and Custody Protection
6. Uniformed Services Former Spouses' Protection Act

## HOW DO I MAKE SOMEONE A DEPENDENT?



Army Regulation (AR) 600-8-14 governs the establishment of military dependency for the purpose of DEERS and other benefits.

### 1. Who can be my dependent?

- ❖ Your current spouse
- ❖ Children born during your marriage
- ❖ Children who were born out of wedlock
- ❖ Children over whom the court has awarded you the legal custody
- ❖ A parent (or in some cases person in "loco parentis") who you provide more than 50% of their support
- ❖ An incapacitated child over 21 who you provide more than 50% of their support.

### 2. What qualifies someone to be my dependent?

You must be providing more than 50% of the qualifying person's support. This includes medical expenses, costs for clothing, housing, etc.

### 3. What documents are required to make someone a dependent?

It depends on who they are:

#### (a) Current Spouse:

1. Marriage Certificate

#### (b) Children that were born during marriage:

1. Birth Certificate
2. Marriage Certificate

#### (c) Children born out of wedlock under the age of 21:

1. Birth Certificate

2. Court Order Establishing Paternity or Voluntary Acknowledgement of Paternity
3. DD Form 137-4
4. DD Form 137
5. Proof of Support

(d) Children that the court has awarded you legal custody

1. Court Order
2. Birth Certificate
3. DD Form 137-7
4. Proof of Support

(e) Parent of Korean Descent:

1. Family Register from Korean Embassy
2. Sponsor's or Spouse's birth certificate reflecting parent's name
3. DD Form 137-3
4. DD Form 137
5. Proof of Support

(f) Parent of U.S. Citizens:

1. Birth Certificate of Parent
2. Sponsor's or Spouse's birth certificate reflecting parent's name
3. DD Form 137-3;
4. DD Form 137
5. Proof of Support

#### 4. What happens after I have the appropriate paperwork?

In the case of a spouse or child born during the marriage, you can take the required information directly to the DEERS ID card office in the Soldier Support Center here at Fort Lee for issuance of an ID. In all other cases, take the completed DD Forms to the Local Military Pay Office in the Soldier Support Center here at Fort Lee. They will forward the paperwork to DFAS-Indianapolis. DFAS will make a formal determination of whether the person qualifies as a dependent and will return DD Form 1173 with their approval or disapproval determination.

#### 5. How long does this take?

This process can take anywhere from 3-6 weeks. If DFAS determines that the person cannot be a dependent, you may at a later time, reapply for dependency.

To obtain the required DD Forms you need, you can download them from [www.usapa.army.mil](http://www.usapa.army.mil) or use the links provided below:

Dependency - DD Form 137

<http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd0137.pdf>

Dependency for Parent - DD Form 137-3

<http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd0137-3.pdf>

Dependency for Children born out of wedlock - DD Form 137-4

<http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd0137-4.pdf>

Dependency for Full-time Student - DD Form 137-6

<http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd0137-6.pdf>

Dependency for Ward of the Court - DD Form 137-7

<http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd0137-7.pdf>



## **FAMILY CARE PLANS**

### **Are You Mission Ready?**

#### **Who Needs Family Care Plan?**

1. Single Parents or Geographically Single Parents;
2. Soldiers with joint legal or full legal custody who reside separately from the joint custodian;
3. Soldiers who are primarily responsible for any dependant family member including an adult family member who is incapable of self care, **regardless of age;**
4. Dual military couples with dependants must have plan approved by both commands;
  - One plan for both military personnel is authorized.
  - The Commander whose soldier is most likely to deploy should retain the original plan and forward a copy to the other commander.
5. Pregnant Soldiers
  - Complete Counseling Form 5304 as soon as pregnancy identified no later than 90 days prior to child's expected birth.
  - Complete Family Care Plan showing intentions for family care not later than 60 days prior to child's expected birth .
  - Recertify the Family Care Plain along with any necessary guardianship forms no later than 45 days following child's birth.
6. While it is not required, **all** married Soldiers who have family members **are encouraged** to complete and maintain a Family care plan.

#### **What If I Fail to Make or Update A Plan?**

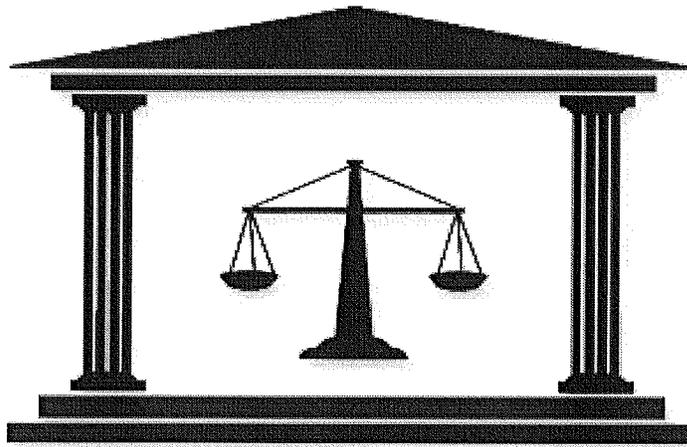
Your loved ones could be at risks, and you may be subject to administrative actions including:

1. Mandatory counseling concerning both voluntary and involuntary separation. ***AR 600-20***
2. Possible Involuntary Separation ***AR 600-20***
3. Possible Bar to Reenlistment ***AR 600-20***
4. Mandatory Bar to Reenlistment - Commanders **will initiate** a Bar to Reenlistment against soldiers who have been counseled per AR 600-20, chapter 5, and who do not have on file within 2 months after counseling, an approved family member care plan as described in AR 600-20, chapter 5. ***AR 601-280***

## **What forms do I need?**

- DA Form 7667 (Preliminary Screening)
- DA Form 5304 (Counseling Checklist)
- DA Form 5305 (Family Care Plan)
- DA Form 5841 (Power of Attorney)
- DA Form 5840 (Acceptance)
- DD Form 1172 (DEERS enrollment)
- DD Form 2558 (Allotment)
- Letter of Instruction to the guardian/escort
- DA Form 7666 (Parental Consent)

## **Where Can I Go For Help?**



### **Fort Lee Legal Assistance Office**

441 First Street  
Fort Lee, VA 23801  
(804) 765-1500

Walk-ins: Monday – Friday 1:00 p.m. – 4:00 p.m.

# **GUIDELINES FOR ARMY REGULATION 608-99**

*(The Soldiers' Family Support Obligation)*

## **WHAT IS AR 608-99?**

Army Regulation 608-99 sets forth Army's policy on financial support of family members, paternity, and child custody. This recently revised regulation includes changes, which became effective on 17 December 2003.

## **WHAT IS A SOLDIER'S OBLIGATION UNDER THE REGULATION?**

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 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.

## **WHO IS RESPONSIBLE FOR ENSURING THAT SOLDIERS ARE INFORMED OF THE ARMY POLICY ON SUPPORT OF FAMILY MEMBERS AND ENFORCING IT?**

Commanders are responsible for ensuring that soldiers know about the policy and comply with it.

## **IF A SOLDIER FAILS TO MEET THE REQUIREMENTS ABOVE, WHAT CAN THE COMMANDER DO?**

The commander can consider:

- a) Making it a part of the soldier's permanent record.
- b) Denial of reenlistment.
- c) Punitive or other administrative action including elimination from the service.
- d) A criminal charge under the Uniform Code of Military Justice (UCMJ).

## **IF THE SOLDIER FAILS TO MEET THE REQUIREMENTS, CAN THE ARMY DEDUCT MONEY FROM THE SOLDIER'S PAY?**

No. The Army has no legal authority to deduct money from a soldier's pay without his consent unless garnishment or involuntary allotment has been ordered by a civilian court.

## **HOW DOES THE COMMANDER 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 amount of financial support specified in such an agreement controls. Finally a valid court order containing a financial support provision prevails over either an oral or written agreement.

## **IN THE ABSENCE OF A COURT ORDER OR AGREEMENT, HOW IS ADEQUATE SUPPORT FOR FAMILY MEMBERS DETERMINED?**

In the absence of a court order or written agreement, and until such an order or agreement is obtained, the Army has established minimum interim support measures for single and multiple family units. This support is payable on the 1st of every month for the previous month. This support must also be pro-rated if the soldier is required to pay support for a partial month. The payment should be made by allotment or direct deposit to ensure it is paid in a timely manner, but it may also be paid by money order or check.

**IF I AM THE SPOUSE OF A SOLDIER IN A SINGLE FAMILY UNIT [HUSBAND AND WIFE/HUSBAND, WIFE, AND CHILD(REN)] AND LIVING OFF POST, WHAT IS THE MINIMUM SUPPORT THAT I CAN RECEIVE?**

The soldier will provide support of an amount equal to his/her Basic Allowance for Housing (BAH) entitlements at the "with dependents" rate. This rate is the BAH-II rate, which is a standard rate the Army determines regardless of where the soldier resides. A current BAH-II rate list is attached to this information paper.

**WHAT IS THE MINIMUM AMOUNT OF SUPPORT THAT I CAN RECEIVE IF WE LIVE ON POST IN GOVERNMENT HOUSING?**

In the absence of a court order, AR 608-99 does not require support to be paid if the family is still in on-post government quarters. This is a change from the prior regulation. Outside of the family support arena, however, if the soldier has debts or other financial obligations for which he is responsible, the Army expects him to uphold those obligations.

**WHAT HAPPENS IF THE SUPPORTED FAMILY MEMBERS MOVE OFF POST?**

When the supported family members move off post, support will be provided in an amount equal to BAH-II at the "with dependents" rate. This is true even if the quarters were not properly cleared and even if the soldier is not receiving BAH from finance.

**IF THE SOLDIER'S RANK INCREASES AND IT RESULTS IN AN INCREASED AMOUNT FOR BAH, WILL I RECEIVE AN INCREASE IN SUPPORT?**

Yes. If the BAH entitlements increase so should your payments as long as the soldier has not remarried or become duly obligated to support another family member.

**WHEN A SOLDIER HAS SEPARATED AND REMARRIED AND HAS TO SUPPORT MULTIPLE FAMILY UNITS (2 FAMILIES OR SETS OF DEPENDENTS) THAT LIVE OFF POST, HOW IS THE AMOUNT OF SUPPORT DETERMINED?**

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

$$\text{Amount of Support} = \frac{\# \text{ of Support Family members} \times \text{Applicable BAH II-WITH Rate}}{\text{Total Number of Supported Family Members}}$$

However, the following conditions apply: First, any court-ordered support will be paid as stated. No support is required to be paid for family members currently living in government housing. However, they will be calculated in determining total number of supported family members. Lastly, any remaining family members will receive a pro rata share of the BAH-II amount regardless of the amount of support paid to other family members. Absent a court order, supported family members do not include non-biological dependents, such as stepchildren, unless they are adopted.

**IF MY SPOUSE AND I ARE SERVICEMEMBERS, WE HAVE NO CHILDREN TOGETHER, AND THERE IS NOT A COURT ORDER OR SEPARATION AGREEMENT, CAN I GET MINIMUM SUPPORT UNDER THE NEW GUIDELINES?**

No. A Soldier is not required to provide financial support to a spouse on active duty in one of the military services. With regard to a Soldier's child or children (from that marriage or a prior marriage), a Soldier will provide financial support in the absence of a written financial support agreement or a court order containing a financial support provision.

**IF MY SPOUSE AND I ARE SERVICE MEMBERS, AND MY SPOUSE HAS CUSTODY AND LIVES OFF POST, DOES THE REGULATION REQUIRE ME TO PAY SUPPORT?**

Yes. If the Soldier does not have custody of any children, and the children do not reside in government quarters, the Soldier will provide BAH-DIFF to the military member having custody of the child or children.

**IF MY SPOUSE AND I ARE SERVICE MEMBERS, AND MY SPOUSE HAS CUSTODY AND LIVE IN GOVERNMENT HOUSING (ON-POST), DOES THE REGULATION REQUIRE ME TO PAY SUPPORT?**

No. If the Soldier does not have custody of any children, and the children reside in Government quarters, the Soldier is not required to provide financial support to the military member having custody of the child or children.

**CAN THE AMOUNTS OF SUPPORT PROVIDED BY AR 608-99 BE INCREASED?**

Yes. Remember these guidelines were established to ensure that some support is received for the family members while you and your spouse obtain separation agreement, court order, or judicial decree stating the proper amount of support to be paid by the soldier. Once an agreement, court order or decree is obtained, it is the controlling document.

**ARE IN-KIND PAYMENTS ACCEPTABLE FOR SUPPORT UNDER AR 608-99?**

AR 608-99, paragraph 2-9, allows for the soldier to directly pay non-government housing expenses on behalf of family members if the family members are living in that home. Non-Government housing expenses are limited to (1) rent, (2) principal and interest payments due on any outstanding loan secured on the non-Government housing and the real property taxes and property insurance due under an escrow agreement covering the same property, and (3) essential utilities such as gas, electricity, and water. Non-Government housing expenses do NOT include telephone and cable television charges, or any other charges for which the soldier is not legally responsible by reason of contract, lease, or loan agreement. Absent a court order or written agreement to the contrary, the soldier cannot use any other bills or financial obligations, such as a car and insurance, to reduce his support obligation under AR 608-99.

**AS A SOLDIER, CAN I BE EXCUSED FROM MY REGULATORY OBLIGATIONS UNDER AR 608-99?**

Yes, a battalion commander or a Special Court-Martial Convening Authority (usually your brigade level commander) can excuse a soldier from this support requirement under extremely limited circumstances. Before excusing a soldier from his requirement, the commander's legal advisor must first review the action. Some bases for excusal of a soldier's support requirement may be that (1) the soldier has supported the spouse for 18 months after separation (but note that this provision for excusal does not apply to child support), (2) the income of the spouse exceeds the income of the soldier, (3) the soldier is a victim of substantiated spouse abuse, (4) the spouse is incarcerated, (5) a court issued an order without jurisdiction to do so, (6) a court order does not require financial support, or (7) the child(ren) resides with someone who is not the lawful custodian. Any excusal from support requirements under AR 608-99 does not excuse a soldier from following valid court orders.

**WHAT IF I HAVE OTHER QUESTIONS OR SPECIFIC PROBLEMS I WANT HELP IN SOLVING?**

Please consult a JAG legal assistance attorney. Your attorney can answer the many questions and help you to make a fair and intelligent decision about your choices, options and alternatives. The Fort Lee Legal Assistance Office stands by to help you in these matters. Our legal assistance office number is (804) 765-1500. Family law matters such as support under AR 608-99 may be seen by appointment or on a walk-in basis. *Only one of the parties may be seen by our office.*

$$\text{pro-rata share} = \frac{1}{\text{total number of supported family members}} \times \text{Applicable BAH II-WITH rate}$$

**2-6. Financial support required in the absence of a financial support agreement or court order**

*a. Application.* This paragraph applies in the absence of a financial support agreement or a court order containing a financial support provision and until such an agreement is signed or such an order is issued. Allegations or even proof

of desertion, adultery, or other marital misconduct, or criminal acts on the part of a spouse will not excuse a soldier's obligation to comply with the provisions of this regulation unless a battalion commander or a SPCMCA has released the soldier under the provisions of paragraphs 2-14b(4) and (5) or 2-15.

*b. Pro-rata share.* Under this paragraph, when the term "pro-rata share" is used with regard to BAH II-WITH, the amount of each such share of BAH II-WITH is calculated using the equation in figure 2-1.

Figure 2-1. Pro-rata share equation

*c. Calculation.* The "total number of supported family members" in the denominator of the fraction in figure 2-1 includes all family members (regardless of residence) except the following:

- (1) A soldier's former spouse, regardless of whether the soldier is providing financial support to the former spouse.
- (2) A soldier's present spouse who is on active duty in one of the military services, unless financial support is required by a court order or written financial support agreement (see para 2-6d(4)).
- (3) A family member for whom the soldier is not required to provide financial support under this regulation or for whom the soldier has been released by his or her commander from the regulatory requirement to provide financial support pursuant to paragraph 2-13 or 2-15.

*d. Single-family units.* (See app B, para B-4.)

- (1) *Family unit not residing in Government family housing.* The soldier will provide financial support in an amount equal to the soldier's BAH II-WITH to the family unit.
- (2) *Family unit residing in Government family housing.* While the soldier's family members are residing in Government family housing, the soldier is not required to provide additional financial support. When the supported family member(s) move(s) out of Government family housing, the soldier will provide BAH II-WITH.
- (3) *Family members within the family unit residing at different locations.* The soldier will provide a pro-rata share of BAH II-WITH to each family member not residing in Government family housing. The soldier is not required to provide additional support for family members residing in Government family housing.
- (4) *Soldier married to another person on active duty in one of the military services.* In the absence of a written financial support agreement or a court order containing a financial support provision, a soldier is not required to provide financial support to a spouse on active duty in one of the military services. With regard to a soldier's child or children (from that marriage or a prior marriage), a soldier will provide the following financial support in the absence

of a written financial support agreement or a court order containing a financial support provision:

AR 608-99 • 29 October 2003 7.

- (a) If the soldier does not have custody of any children, and the children do not reside in government quarters, the soldier will provide BAH-DIFF to the military member having custody of the child or children.
- (b) If the soldier does not have custody of any children, and the children reside in Government quarters, the soldier is not required to provide financial support to the military member having custody of the child or children.
- (c) If the soldier has custody of one or more children, the soldier is not required to provide financial support for a child or the children in the custody of the other military member.

*e. Multiple family units.* (See app B, para B-5.)

- (1) A soldier will provide financial support for each family unit and family member in the following manner:
  - (a) Family members covered by court orders will be provided financial support in accordance with those court orders.
  - (b) Family members covered by financial support agreements will be provided financial support according to those agreements.
  - (c) Family members residing in Government family housing who are not covered by either a court order or a financial support agreement will not be provided additional financial support.
  - (d) Each family member not residing in Government family housing and who is not covered by a court order or a

## 2014 Non-Locality BAH Rates

*Effective 1 January 2014*

Pay Grade	Partial	BAH RC/T*		Differential*
		Without Dependents	With Dependents	
O-10	\$ 50.70	\$ 1,555.80	\$ 1,913.70	\$ 333.60
O-9	\$ 50.70	\$ 1,555.80	\$ 1,913.70	\$ 333.60
O-8	\$ 50.70	\$ 1,555.80	\$ 1,913.70	\$ 333.60
O-7	\$ 50.70	\$ 1,555.80	\$ 1,913.70	\$ 333.60
O-6	\$ 39.60	\$ 1,426.50	\$ 1,722.60	\$ 276.30
O-5	\$ 33.00	\$ 1,373.70	\$ 1,660.80	\$ 267.00
O-4	\$ 26.70	\$ 1,272.60	\$ 1,463.70	\$ 177.60
O-3	\$ 22.20	\$ 1,020.60	\$ 1,211.10	\$ 177.30
O-2	\$ 17.70	\$ 808.80	\$ 1,033.50	\$ 209.40
O-1	\$ 13.20	\$ 693.90	\$ 925.20	\$ 226.20
O3E	\$ 22.20	\$ 1,101.60	\$ 1,302.00	\$ 186.00
O2E	\$ 17.70	\$ 936.60	\$ 1,174.50	\$ 222.30
O1E	\$ 13.20	\$ 814.50	\$ 1,085.70	\$ 261.00
W-5	\$ 25.20	\$ 1,293.30	\$ 1,413.60	\$ 111.00
W-4	\$ 25.20	\$ 1,148.10	\$ 1,295.70	\$ 136.80
W-3	\$ 20.70	\$ 965.70	\$ 1,188.00	\$ 206.40
W-2	\$ 15.90	\$ 856.80	\$ 1,091.40	\$ 218.10
W-1	\$ 13.80	\$ 718.50	\$ 944.70	\$ 211.20
E-9	\$ 18.60	\$ 942.90	\$ 1,243.20	\$ 278.70
E-8	\$ 15.30	\$ 866.40	\$ 1,146.90	\$ 261.30
E-7	\$ 12.00	\$ 798.60	\$ 1,064.40	\$ 302.40
E-6	\$ 9.90	\$ 738.00	\$ 983.40	\$ 292.20
E-5	\$ 8.70	\$ 663.60	\$ 884.70	\$ 248.70
E-4	\$ 8.10	\$ 577.20	\$ 768.90	\$ 215.10
E-3	\$ 7.80	\$ 536.70	\$ 715.20	\$ 176.10
E-2	\$ 7.20	\$ 511.50	\$ 681.60	\$ 235.50
E-1 >4	\$ 6.90	\$ 511.50	\$ 681.60	\$ 278.70
E-1 <4	\$ 6.90	\$ 511.50	\$ 681.60	\$ 278.70

\*BAH RC/Transit rates are adjusted by the average change in housing costs; BAH-DIFF rates increase by the increase in the basic pay raise.\*

**UNIFORMED SERVICES FORMER SPOUSES'  
PROTECTION ACT**

**ELIGIBILITY FOR BENEFITS**

If you divorce a military service member, you might still be entitled to retain some, or all, of your military benefits under the Uniformed Services Former Spouses' Protection Act (USFSPA).

**WHEN THE USFSPA APPLIES:**

Former spouses of military service members may be entitled to certain benefits under the USFSPA, assuming that the member has served long enough to retire from an active duty component or a reserve component of the Armed Forces (i.e., that(s) he has 20 years of service credible for retirement purposes).

**FORMER SPOUSE ELIGIBILITY FOR BENEFITS UNDER THE USFSPA:**

	Division of Retired Pay	Designation as an SBP Beneficiary <sup>2</sup>	Direct Payment of Child Support <sup>3</sup>	Direct Payment of Alimony <sup>3</sup>	Direct Payment of Property Division <sup>3</sup>	Transitional Health Care <sup>4</sup>	Full Health Care <sup>4</sup>	Health Care Insurance <sup>4</sup>	Commissary	PX <sup>7</sup>
0 years to less than 10 <sup>1</sup>	X	X	X	X				X		
10 years but less than 15	X	X	X	X	X			X		
15 years but less than 20	X	X	X	X	X	X		X		
20 or more years	X	X	X	X	X		X	X	X	X

1. Length of time that marriage overlaps with service credible for retirement purposes.
2. Federal law does not create any minimum length of overlap for this benefit; the parties' agreement or state law will control a former spouse's entitlement to designation as an SBP beneficiary.
3. The former spouse initiates the direct payment process by sending a written request to the appropriate finance center. Most likely this will be Defense Finance and Accounting Service, Cleveland Center, PO Box 998002, Cleveland, Ohio 44199-8802. (216) 522-5301 (Customer Service).
4. To qualify for any health care provided or paid for by the military, the former spouse must not be remarried and must not be covered by an employer-sponsored health care plan. Department of the Army interpretation of this provision holds that termination of a subsequent marriage by divorce or death does not revive this benefit, but an annulment does do so. These remarriage and employer-insurance restrictions do not limit eligibility to enroll in the civilian health care plan discussed in note 6.

5. Qualifying spouses for "transitional health care" are those who are not remarried, who have no employer-sponsored health insurance, and who meet the "20/20/25" requirement (i.e., married to the member for at least 20 years, and the member has at least 20 years of service that are creditable for retirement purposes and the marriage overlap at least 15 years of the creditable service). Transitional health care now includes full military health care for 1 year after the date of the divorce, and during this period the former spouse is eligible to enroll in the civilian group health care plan negotiated by DOD. A second year of military health care may be available for preexisting health problems that are not covered by the civilian health care plan.
6. The Department of Defense has negotiated a civilian group health insurance plan for any person who formerly was entitled to military health care but who subsequently has lost the entitlement (e.g., members who separate from the service at the end of their obligation and former spouses who do not qualify for health care from the military). The military does not pay for or subsidize the premiums for this insurance, but the plan includes a guaranteed insurability provision if the former spouse (or other eligible person) enrolls soon after losing the entitlement to military health care. For further information, contact the Mutual of Omaha Insurance Company and ask about the Uniformed Services Voluntary Insurance Program.
7. Pursuant to statute and service regulations, commissary and PX benefits are to be available "to the same extent and on the same basis as the surviving spouse of a retired member..." The date of divorce is no longer relevant for commissary and PX purposes. The former spouse must be "unmarried," and unlike the rules for health care, any termination of a subsequent marriage revives these benefits.

### LEGAL ASSISTANCE APPOINTMENTS:

For an appointment to see a legal assistance attorney, please contact the Legal Assistance Office, located in Bldg 1108, Fort Lee, VA, by telephone at (804) 765-1500.

### RESOURCES:

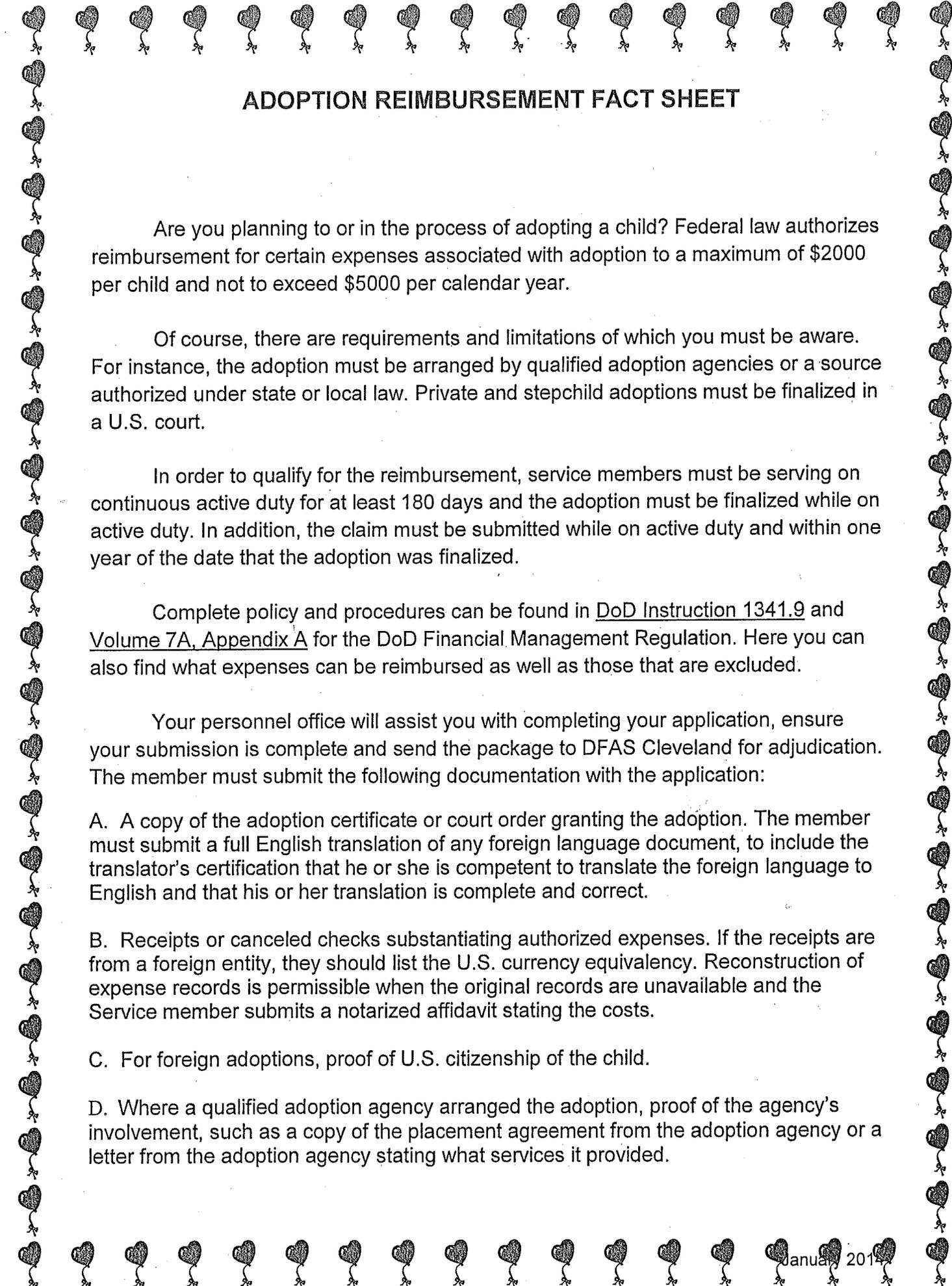
Pub. L. 97-252, Title X, 96 Stat. 730 (1982), as amended.  
National Defense Authorization Act, Fiscal Year 1991, Pub. L. 101-510 (1990).  
Defense Finance and Accounting Service: [www.dod.mil/dfas/](http://www.dod.mil/dfas/)

# DEPLOYING PARENTS

## The Virginia Military Parents Equal Protection Act

Parents and guardians who are deploying pursuant to military orders have special legal protections before, during and after their deployment, to ensure they can maintain relationships with their children:

- Any court order changing the limit of the deploying parent's custodial or visitation rights due to the deployment shall specify in the order that the change is *due to the deployment* and that *the order is temporary*.
- The non-deploying parent must provide the Court written notice of a change of address and/or telephone number *30 days in advance of such change*.
- Upon return from deployment, the deploying parent may amend the temporary order for custody or visitation by *filing a motion* with the Court. A hearing will be within *30 days of that filing*.
- In the absence of any court order for custody, visitation or support of a child of a deploying parents, any petition regarding those issues must include the fact that the parent is deploying to *expedite the proceedings*. Establishing the parent's deployment status in their petition helps to ensure that the parent will have *access to their child* and that reasonable support and other orders will be in place to protect the parent-child (or guardian-child) relationship.
- Court orders entered as a result of a temporary order under VMPEPA shall provide that the nondeploying parent shall ***reasonably accommodate the leave schedule of the deploying parent***, the nondeploying parent shall ***facilitate opportunities for telephonic and e-mail contact*** with the deploying parent during the deployment, and that the deploying parent must ***provide timely information regarding his or her leave schedule*** to the nondeploying parent.



## ADOPTION REIMBURSEMENT FACT SHEET

Are you planning to or in the process of adopting a child? Federal law authorizes reimbursement for certain expenses associated with adoption to a maximum of \$2000 per child and not to exceed \$5000 per calendar year.

Of course, there are requirements and limitations of which you must be aware. For instance, the adoption must be arranged by qualified adoption agencies or a source authorized under state or local law. Private and stepchild adoptions must be finalized in a U.S. court.

In order to qualify for the reimbursement, service members must be serving on continuous active duty for at least 180 days and the adoption must be finalized while on active duty. In addition, the claim must be submitted while on active duty and within one year of the date that the adoption was finalized.

Complete policy and procedures can be found in DoD Instruction 1341.9 and Volume 7A, Appendix A for the DoD Financial Management Regulation. Here you can also find what expenses can be reimbursed as well as those that are excluded.

Your personnel office will assist you with completing your application, ensure your submission is complete and send the package to DFAS Cleveland for adjudication. The member must submit the following documentation with the application:

- A. A copy of the adoption certificate or court order granting the adoption. The member must submit a full English translation of any foreign language document, to include the translator's certification that he or she is competent to translate the foreign language to English and that his or her translation is complete and correct.
- B. Receipts or canceled checks substantiating authorized expenses. If the receipts are from a foreign entity, they should list the U.S. currency equivalency. Reconstruction of expense records is permissible when the original records are unavailable and the Service member submits a notarized affidavit stating the costs.
- C. For foreign adoptions, proof of U.S. citizenship of the child.
- D. Where a qualified adoption agency arranged the adoption, proof of the agency's involvement, such as a copy of the placement agreement from the adoption agency or a letter from the adoption agency stating what services it provided.

Applications must be submitted to:

Defense Finance and Accounting Service  
Cleveland Center - Code JFLAGA  
1240 East Ninth Street  
Cleveland, OH 44199-2055

For questions concerning a claim, an e-mail can be sent to the DFAS Adoption Reimbursement mailbox at [CCL-ADOPTION-REIMBURSEMENT@dfas.mil](mailto:CCL-ADOPTION-REIMBURSEMENT@dfas.mil).

NOTE: It takes approximately 4-6 weeks for a determination to be made. For claims that are approved, payment will be issued via direct deposit. If a claim is denied or additional information is necessary, the service member will be notified in writing.



Office of the Staff Judge Advocate  
Legal Assistance Office  
441 First Street  
Fort Lee, Virginia