



Military Support Obligation

AR 608-99



Your Obligation to Support Family Members:

The Army requires you to financially support your family members when you're geographically separated from them. It doesn't matter if things are going well or poorly; if you're not living in the same household as your spouse or children, you must support them. Army Regulation 608-99 establishes these obligations for Soldiers.

To Whom Do You Owe Money?

You are only required to support "family members". Under AR 608-99, a family member includes:

- a. A Soldier's current spouse;
- b. Minor children of the current marriage and of past marriages;
- c. Minor child born out of wedlock to:
 1. A female Soldier
 2. A male Soldier, if there is a court order establishing paternity, or the functional equivalent of a court order under the relevant state's law;
- d. Any other person (for example, parent, stepchild) for whom the Soldier has a legal obligation to provide financial support under the applicable law.

How Much Money Do I Owe to My Family Members?

- a. If there is a court order, you must pay any amount that is specified in the **court order**.
- b. If there is no court order, but there is a **written agreement** (for example a separation agreement), you must pay the amount specified in the written agreement.
- c. If there is no court order or written agreement, or if there is a written agreement but it does not state an amount, then you owe the amount equal to the "**BAH-II (Non-Locality Rate) With Dependents**" rate for your rank (see the attached chart, or go to <http://www.defensetravel.dod.mil> to find this year's rates).
 1. Contrary to popular belief, you **DO NOT** owe your full BAH. You owe the amount equivalent to "BAH-II (Non-Locality) With Dependents" for your rank (*even if you do not receive any BAH*). The term "BAH II" is also referred to as "BAH RC/T."
 2. Housing costs (rent and mortgage) and essential utilities (e.g. water and electric, not cable or Xbox Live) for the family members' residence can often count towards the financial support amount.
 3. If some family members live in government housing that you pay for, you should owe nothing additional to those family members.
 4. If you have a situation that's more complicated than one family living in one house (e.g. you have

multiple family members living in multiple places), you need to speak to an attorney.

Can You Give an Example of How This Works?

Yes. A Sergeant who is geographically separated from his wife and two children must provide them with at least \$812.10 a month (see 2012 Non-Locality BAH Rates chart). If his wife is living in one location, while his children are living in another, that amount will be prorated. This means that \$270.70 or one-third must go to his wife, while \$541.40, or two-thirds, must go to his two children. This is a simple case, and chances are that your situation is more detailed—consult with us to make sure you know what your obligations are.

How Can I Make Payments?

The best way to make payments is to set up an allotment. This ensures that the money is automatically paid each month. Additionally, it creates a record of payment so that family members cannot later claim that no money was sent. Checks are also acceptable because they too create a record of payment (but be wary of forgetfulness and overdrafting). Cash should generally be avoided because there is not always a record of such payments.

When Is The Money Due?

Each month’s support must be paid in full by the 1st of the next month (for instance, support for November must be paid by December 1).

What Happens If You Violate This Regulation?

AR 608-99 is punitive, so you can be punished for a violation of this regulation under UCMJ, Article 92.

What About A Failure to Pay For Past Months Under the Interim Support Requirement?

There is no legal means for the military to enforce collection of arrearages based on violations of the interim support requirement. While you can be encouraged to pay arrears, you cannot be ordered to pay them. Falling into arrears after being ordered to provide support is a violation of AR 608-99, however, and you will subject yourself to punishment for failing to obey that order. Additionally, if you owe arrearages and your spouse later obtains a court order, that court order can be used to initiate an involuntary allotment or garnishment of your wages.

If Your Situation Isn’t Covered Here...

There may be many factors to a family support question— speak to us to make sure you have the right advice. We will account for your specific case and see that your interests are protected. It is better to find out what your support obligation is from us than from your command.

Other Questions?

If you have any other questions or concerns regarding what you may owe under Army regulations or any other questions related to support obligation, please contact the Legal Assistance Office nearest you.

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