

## INFORMATION PAPER

SUBJECT: Frequently Asked Questions about the Army's Family Support Regulation

1. Purpose: To answer frequently asked questions about the Army's Family Support Regulation

2. What is Army Regulation 608-99?

- AR 608-99 requires Soldiers separated from family members to provide financial support each month when certain circumstances apply.

3. Why does the Army have such a regulation?

- To prohibit the use of a Soldier's military status or assignment to deny financial support to family members or to evade court orders on financial support, child custody and visitation, and paternity.
- To encourage Soldiers manage their personal affairs in a manner that does not discredit themselves or the Army.

4. Who is bound by the regulation?

- Active Army
- Cadets at U.S. Military Academy
- USAR on active duty more than 30 days
- ANG on active duty more than 30 days
- ANG on active duty more than 30 days under Title 32 U.S.C.
- Family members who are command-sponsored residing overseas

5. When does the regulation apply?

- The policies of AR 608-99 are intended solely as an interim measure until a civilian court can get involved with child support or spousal support
- When a Soldier has separated from his spouse and there is no written separation agreement or court order regarding support.
- The date the parties cease living together in the same dwelling the obligation to provide financial support begins.
- If a Soldier's family resides in government family housing, the Soldier is NOT required to provide additional financial support.
- Once a Soldier's family vacates government family housing, a Soldier's obligation to pay support begins.
- Dual military couples are not required to pay the other spouse support upon separation.

- An oral agreement regarding child support or spousal support is insufficient to negate the requirements of the regulation.

6. What amount of support is a Soldier required to pay?

- A Soldier is required to pay a pro-rata share of the Non-Locality BAH Rate based upon his or her rank. This is also known as the BAH/RC/T rate. For example, in 2011, an E-5 separated from his spouse would be required to pay her \$799.20 a month, assuming he had no other dependents.
- When a Soldier's support obligation begins on any day other than the first or last day of the month, the amount of support due is based upon a pro-rata daily share.
- A Soldier's obligation to provide support to family members is not contingent upon whether the Soldier is entitled to or receiving any form of BAH
- When two Soldier parents are providing support to the same child, only one Soldier may receive the BAH-WITH DEPENDENTS rate.

7. How is a pro rate share calculated?

- A pro-rata share of BAH-II is calculated by dividing one over the total number of supported family members and multiplying by the applicable BAH-II rate.
  - For example, an E4 is required to pay \$694.80 under the 2011 Non-Locality BAH Rates. If the Soldier has a wife and two children, he has three dependents total. Each family member's pro-rata share is  $1/3 \times \$694.80$  or \$231.60.
- Family Members do not include: A Soldier's ex-spouse or a Soldier's present spouse who is on active duty.
- A support order covering one or more family units or members does not affect the calculation of the pro-rata financial support required.

8. What type of support counts towards the amount?

- A Soldier may comply with the regulation by directly paying non-Government housing expenses on behalf of family members if the family members are residing in non-Government housing. Non-Government housing expenses include:
  - Rent
  - Mortgage payment
  - Property taxes on home
  - Essential Utilities like gas, electricity, and water
- If there is a shortfall between the amount due under 608-99 and the amount of non-Government housing expenses paid, the Soldier will pay the difference in accordance with the regulation.
- If non-Government housing expenses exceed the amount required by 608-99, a Soldier will not be given a credit toward the next month.

9. What type of support will NOT count towards the amount?

- Non-Government housing expenses do NOT include: telephone bills, cable bills, or internet bills.
- Credit card payments and car payments will NOT be counted toward an AR 608-99 obligation unless the supported family member agrees in writing to allow the Soldier to be credited from such payments.

10. Common misconceptions about 608-99.

- “The regulation says I get \$800 dollars a month, but I was never given any cash from my spouse.”
  - Financial support does not necessarily entail cash-in-hand. A Soldier may pay a mortgage or rent to reach the required support amount.
- “But my spouse **said** he would pay me \$1000 each month and I have not gotten anything yet.”
  - A previous oral agreement in which a spouse pays and then stops payment does not suffice as an “agreement” under the regulation.
- “But my spouse was unfaithful. I’m not supporting him/her!”
  - Adultery of a spouse will not excuse a Soldier’s obligation to comply with AR 608-99 unless the proper Commander has released the Soldier under certain provisions of the regulation.

11. How is Army Regulation 608-99 enforced?

- Until a family member or their legal representative makes a complaint to a Soldier’s command, it is presumed that the Soldier is in compliance with the regulation.

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