From the Front Lines to the Home Front: Managing Child Support in Military Families

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Military Organization, Command Structure, and Legal Implications

The military operates within a structured hierarchy consisting of enlisted personnel, non-commissioned officers (NCOs), and commissioned officers, each fulfilling a critical role in maintaining mission readiness and operational effectiveness. The Department of Defense (DoD) oversees all branches, with the Joint Chiefs of Staff providing strategic guidance on military policy and operations. This structured chain of command ensures efficiency and discipline, with a primary focus on military readiness.

When addressing child support issues involving servicemembers, it is essential to consider them through the lens of military readiness—specifically, how these issues impact the servicemember's ability to perform their duties and their command's operational effectiveness. For instance, a paternity action, which is a civil matter, may have minimal direct impact on a unit's readiness. However, if a state court issues a criminal warrant due to the servicemember's failure to appear in court for a child support hearing, the situation escalates. At this point, it may affect the servicemember's deployability, security clearance, and overall effectiveness within their unit, thus becoming a readiness concern for their command. Understanding this distinction is critical for child support professionals working with military families.

Command Pressure, Military Readiness, and Recognition of Dependents

The military command's position regarding a child who has not been determined a dependent differs significantly from one who has. Before paternity is established, command authority does not exert pressure on the service member to provide support, as the military does not legally recognize the child. The command typically views the matter as a private civil issue until a legal determination is made.

Paternity and the Military

Establishing paternity in child support cases involving military members follows civilian legal procedures, as the military considers paternity determination a civil matter. Commanders cannot compel service members to undergo genetic testing, but they are required to respond to paternity inquiries and inform service members of their legal and moral obligations. Military members are encouraged to voluntarily acknowledge paternity or participate in genetic testing if paternity is disputed. If a service member refuses to cooperate, child support agencies may contact their commander to seek assistance in obtaining compliance. While coercion is not permitted, commanders recognize that unresolved legal issues, such as paternity disputes, can negatively impact a service member's focus and, ultimately, military readiness. Civil legal proceedings, particularly those related to child support, have the potential to interfere with a service member's ability to perform assigned duties effectively. Therefore, addressing paternity matters promptly and responsibly is in the best interest of both the service member and military operational readiness.

However, once paternity is confirmed and the child is classified as a dependent, command authority may intervene more actively. Under Army Regulation 608-99, as well as similar policies in other branches, a service member is expected to fulfill financial obligations for their dependent child. Commands may encourage compliance with support orders and even take administrative actions against service members who fail to meet their obligations, including counseling, reprimands, or other corrective actions.

Command involvement increases significantly in cases where failure to pay child support affects a service member's fitness for duty or creates legal issues that impact their operational readiness. Ensuring financial stability for dependent children is not only a legal matter but also a readiness issue for the military. Service members under financial strain due to unresolved support issues may experience stress, reduced focus, and disciplinary actions, all of which can negatively affect unit cohesion and mission effectiveness. A service member's ability to deploy or meet mission-critical tasks may be compromised if they are dealing with wage garnishments, legal proceedings, or administrative actions related to unpaid child support. Military leadership, therefore, views child support compliance as a factor in maintaining force readiness and ensuring service members can fully perform their duties without personal distractions. In such cases, commanders may use non-judicial punishments (NJP), performance evaluations, or career implications to ensure compliance. Therefore, once a child is legally recognized as a dependent, a service member faces both military and civil consequences for non-compliance with a support order.

Military Locate Procedures

Locating military personnel for child support enforcement requires accessing a combination of federal and military databases. Military personnel frequently relocate due to deployments and reassignments, making traditional address searches ineffective. The Federal Parent Locator Service (FPLS), authorized by 42 U.S.C. §653, serves as a vital tool in tracking service members. It interfaces with the Department of Defense (DOD) Manpower Data Center (DMDC) to provide updated duty station information. Military locator services for each branch further assist in verifying service member locations, for a multitude of child support requirements.

Each military branch operates its own locator service, which can provide limited personnel information to authorized requesters, including child support agencies. These services are governed by 5 U.S.C. §552a (Privacy Act), which restricts the release of personal information without proper legal authority. Requesting parties must demonstrate a legitimate need, typically through a court order or administrative request, ensuring compliance with federal privacy regulations.

State child support agencies must comply with 45 C.F.R. §303.3, which mandates diligent efforts in locating noncustodial parents. This includes utilizing all available federal and state databases, as well as military resources. The regulation underscores the importance of cross-agency collaboration, ensuring that child support cases involving military personnel are effectively managed. Obtaining service members' Social Security Numbers (SSNs) is a crucial step in the process, as it facilitates accurate record matching and prevents misidentification.

Addressing Locator Challenges in Military Child Support Cases Involving Family Violence Indicators

One of the primary challenges in obtaining locator information for a servicemember arises when a Family Violence Indicator (FVI) is placed on their file in the Federal Parent Locator Service (FPLS). This designation is applied in cases involving a history of domestic violence or child abuse and is intended to protect the safety and privacy of the affected parent and child. However, an FVI also restricts automatic data retrieval from the Department of Defense Manpower Data

Center (DMDC), which can complicate efforts to locate a servicemember and enforce child support orders.

When an FVI is present, caseworkers cannot access locator data through the Child Support Portal due to federal privacy restrictions. Instead, they must rely on alternative methods to obtain location information while maintaining necessary safeguards. Effective strategies include:

- Utilizing the Military Locator Service for the respective branch to verify the servicemember's current duty station.
- Coordinating with Military Legal Assistance Offices, which can assist in serving legal documents securely while ensuring compliance with military policies.
- Engaging Military Family Services programs, such as Navy Family Services, which provide advocacy, guidance, and referral support for both custodial and noncustodial parents dealing with child support matters.

Collaboration with Military Family Services offers mutual benefits for both the child support program and military command. While Military Family Services gets child support expertise, child support agency can obtain the assistance to move the case forward. Additionally, they can facilitate communication between the child support agency and military legal resources, helping to navigate complex cases. By leveraging these alternative locator methods and support networks, child support professionals can effectively accomplish their mission while upholding the safety and confidentiality needs of military families.

Appendix: Military Locator Services

Branch	**Locator Service**	**Address**
Army	U.S. Army Worldwide Locator	HQDA, U.S. Army Human Resources Command, 1600 Spearhead Division Ave, Fort Knox, KY 40122
Navy	Navy Personnel Command Locator	Navy Personnel Command (PERS-1), 5720 Integrity Drive, Millington, TN 38055-3120
Air Force	Air Force Worldwide Locator	HQ AFPC/DPSIR, 550 C Street West, Suite 50, JBSA-Randolph, TX 78150-4752
Marine Corps	Marine Corps Locator Service	Headquarters U.S. Marine Corps, Personnel Management Support Branch (MMSB-17), 2008 Elliot Road, Quantico, VA 22134

Branch	Locator Service	Address
Coast Guard	U.S. Coast Guard Locator	Commandant (CG-611), U.S. Coast Guard, 2703 Martin Luther King Jr Ave SE, Washington, DC 20593-7828

Service of Process on Military Personnel: A Two-Step Analysis

This section details the two-step process for serving process on military personnel. First, the court must determine whether it has jurisdiction over the individual. Second, proper service must be completed to ensure the individual has notice and an opportunity to be heard. Step 1:

Step One: Jurisdiction Over Military Personnel

A fundamental aspect of serving process on military personnel is first obtaining personal jurisdiction over the service member. Establishing personal jurisdiction is necessary for cases involving paternity or child support obligations, as a court must have the legal authority to issue orders affecting the service member. Jurisdictional issues are governed by the Uniform Interstate Family Support Act (UIFSA) §201 and §205, as well as state-specific long-arm statutes, which determine whether a court has the authority to exercise jurisdiction over a service member. If the service member is physically present in the state where the court is located, there is no issue regarding personal jurisdiction. However, complications arise when the service member is not physically present in the state, such as when they are stationed elsewhere, deployed overseas, or residing in a different jurisdiction. In such cases, UIFSA and long-arm statutes must be carefully applied to establish jurisdiction based on factors such as the service member’s residency, past conduct within the state, or the child's connection to the state. Ensuring proper jurisdiction is crucial before proceeding with service of process and enforcement of paternity or child support obligations.

Every state has adopted UIFSA, which includes a long-arm jurisdiction provision allowing a state to assert jurisdiction over a nonresident service member under specific circumstances. A state may establish jurisdiction if the service member previously lived in the state and provided prenatal expenses or support for the child, if the child resides in the state as a result of the service member’s actions, if the service member engaged in conduct within the state that may have led to the conception of the child, or if the service member has agreed to jurisdiction in the state. Since UIFSA is federally mandated, all states apply its long-arm jurisdiction provisions to ensure consistency in handling interstate child support and paternity cases, even when dealing with military personnel stationed in other states or overseas.

Step Two: Proper Service

Serving a Service Member on a Military Installation

When a service member is located on a military installation within the same state as the court, the process for service differs from cases involving out-of-state or overseas installations. One key consideration is Commanding Officer (CO) consent, as the CO must approve any service of process before it can occur on base. Without this consent, process servers cannot enter the installation to effectuate service. Additionally, military regulations and service member rights play a role, particularly when the service member is on an installation in another state, where military regulations may allow them to refuse service. This differs from in-state service, because military regulations may require the service member to accept service, ensuring that legal proceedings can move forward without the same obstacles encountered in out-of-state cases. Nonetheless, if the court is out of state and the service member fails to appear, a criminal contempt charge can have serious consequences that may impact the service member's military readiness to deploy. A contempt charge could lead to an arrest warrant, legal restrictions, or disciplinary actions that interfere with the service member's ability to fulfill their military duties. Commanding officers may also take administrative or punitive actions if legal issues affect a service member's availability for deployment, potentially impacting unit readiness and mission effectiveness.

Access to the installation is another significant factor, as civilian process servers cannot freely enter military bases. The CO's approval is required, and arrangements must be coordinated through the base legal office or the Provost Marshal's Office to facilitate service. The service of process on military installations is specifically governed by 32 C.F.R. §516.10 for the Army and 32 C.F.R. §720.20 for the Navy and Marine Corps, outlining the procedures and limitations for serving legal documents on service members within military jurisdiction.

Alternative Means of Service of Process

One way to avoid the complexities of serving a service member on a military installation is to serve them when they are off base, such as at their residence, during errands, or in any location where military regulations do not apply. This approach can streamline the service process and prevent delays caused by the requirement for commanding officer consent to serve process on a military installation.

Many states only require a service member to be notified by certified mail when they reside out of state, which alleviates many issues associated with personal service. However, when a service member is on deployment, military mail operates differently from standard civilian mail systems. The Military Postal System (MPS) delivers mail to deployed personnel through Fleet Post Offices (FPO), Army Post Offices (APO), or Diplomatic Post Offices (DPO), depending on the branch of service and deployment location.

Despite being able to mail notice to the servicemember, this may not comply with the Hague Service Convention, which governs international service of process. Some countries require formal service through a central authority, and failure to follow proper procedures could result in the court dismissing the case for improper notice or invalidating the order. Hague procedures will be covered in the next section.

Service of Process – Out-Of-Country: Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, Nov. 15, 1965, 658 U.N.T.S. 163 (Hague Service Convention).

Overview

The Hague Service Convention establishes key provisions for the service of legal documents across international borders. One of its primary requirements is that each signatory country designates a Central Authority responsible for receiving service requests from foreign entities. The Central Authority reviews the documents to ensure they meet the necessary requirements before forwarding them to the intended recipient within its jurisdiction.

The Convention also outlines multiple acceptable methods of service. Formal service involves transmitting documents through the Central Authority in accordance with local service rules. Informal service allows direct service via local judicial officers, but only if permitted by the receiving country. Additionally, postal service is an option, provided that the destination country does not object to this method.

Translation requirements are another critical aspect of the Convention. If a recipient country mandates it, documents must be translated into the country's official language. Failure to comply with these requirements may result in service being rejected.

Each signatory country may also issue declarations and objections regarding specific treaty provisions. Some countries prohibit service via postal channels, while others restrict acceptable service methods to formal transmission through their Central Authority. Reviewing a country's declarations and objections ensures compliance with its legal framework, preventing rejected or invalid service attempts.

The Convention allows the receiving state up to six months to execute service. However, service may be refused if it violates the sovereignty or public policy of the receiving country.

Case Law

The U.S. Supreme Court has interpreted the Hague Service Convention in several cases. In Volkswagenwerk Aktiengesellschaft v. Schlunk, 486 U.S. 694 (1988), the Court ruled that the Convention applies only when service of process is transmitted abroad. If service can be completed within the U.S. under state law, the Hague Convention does not apply. This decision underscores the importance of determining whether international service is necessary before invoking Hague Convention procedures.

Typically, the issue is whether the servicemember has a usual place of abode in the United States. The usual place of abode is more restrictive than residence. Usual place of abode references the location where the parent is actually living. Temporary absences from the usual place of adode complicate the service of process analysis. The usual place of abode analysis is very fact-specific. In Whetsel v. Gosnell, 54 Del. 519, 181 A.2d 91 (1962), the Delaware Supreme Court ruled that a military academy cadet's usual place of abode was his school, not his grandparents' home, illustrating how prolonged relocations for education impact service validity.

Case	Citation	Court Decision
National Development Co. v. Triad Holding Corp.	922 F.2d 1122 (2d Cir. 1992)	The U.S. Court of Appeals for the Second Circuit held that a defendant's multiple residences did not prevent proper service at one of his established abodes.
United States v. Whitfield	764 F. Supp. 100 (D.D.C. 1991)	A federal district court found that service on a defendant's mother's house was valid, despite his frequent absences, because he regularly returned and used the residence as his primary mailing address.
Karlin v. Avis	326 N.Y.S.2d 1013 (N.Y. Sup. Ct. 1977)	A New York court held that a party who had moved out of their former home and established residence elsewhere could not be served at the prior address, emphasizing the importance of intent to return.
Whetsel v. Gosnell	54 Del. 519, 181 A.2d 91 (Del. 1962)	The Delaware Supreme Court ruled that a military academy cadet's usual place of abode was his school, not his grandparents' home, illustrating how prolonged relocations for education impact service validity.

These cases demonstrate that courts will consider physical presence, intention to return, and evidence of continued ties when determining whether an absence is temporary or permanent for service of process purposes.

In Water Splash, Inc. v. Menon, 581 U.S. 271 (2017), the Supreme Court clarified that the Convention permits service via postal channels, provided the receiving country does not object. This ruling reinforced the validity of mail service as a method under the Hague Convention and has influenced strategies for serving individuals, including military personnel, overseas.

Inter-American Convention on Letters Rogatory

In addition to the Hague Service Convention, the Inter-American Convention on Letters Rogatory and Additional Protocol provides an alternative method for serving legal documents in certain Latin American countries.

Legal practitioners handling cases involving military personnel stationed in Latin America must determine whether the Inter-American Convention or the Hague Service Convention applies and ensure compliance with local requirements.

Best Practices for Service of Process Under the Hague Convention and Inter-American Convention

Due to the complexities of international service of process, the best advice is to avoid using international service of process if possible; if international service of process is unavoidable, hire a professional service with experience in Hague Convention procedures to reduce errors and delays. Professional process servers are familiar with country-specific declarations and objections, ensuring compliance with local legal requirements.

Before proceeding, it is essential to determine treaty applicability by confirming whether the destination country is a Hague Convention signatory and reviewing that country's declarations, reservations, and objections in the official treaty tables. These can be accessed through the Hague Conference on Private International Law (HCCH) website at https://www.hcch.net/en/instruments/conventions/status-table/?cid=17 for the Hague Service Convention and at https://www.oas.org/juridico/english/Sigs/b-52.html for the Inter-American Convention. If in doubt, call the central authority of the country service is going to be effectuated. You may want to utilize a interpreter to assist you in the phone call. Also, email the central authority, using online computer language translators to assist in the communications, such as google interpreter.

If the treaty applies, the correct service method must be used, whether direct service, postal service, or formal service through the Central Authority, depending on the country's specific requirements. Ensuring proper documentation, such as providing accurate translations and meeting the receiving country's procedural guidelines, is critical to avoid rejections or delays. Additionally, caseworkers should allow for extended timeframes, as bureaucratic and judicial processes in foreign jurisdictions can significantly slow the service process. If serving a military member stationed abroad, it is advisable to engage Military Legal Assistance Offices and coordinate with their Judge Advocate General (JAG) office to facilitate service in compliance with military regulations and host country requirements.

Legal Protections for Military Personnel in Child Support Proceedings: Servicemember Civil Relief Act

Active-duty military personnel often face legal challenges due to their service commitments, which can affect their ability to participate in child support proceedings. The Servicemembers Civil Relief Act (SCRA) provides protections to ensure that servicemembers receive due process while fulfilling their military duties. These protections apply to both judicial and administrative proceedings, preventing servicemembers from being unfairly disadvantaged due to their service obligations.

In the context of child support, the SCRA safeguards servicemembers by addressing issues such as default judgments, stay provisions (continuances), and the establishment of interest on child support arrears. In accordance with 50 U.S.C. § 3911 (5), the SCRA defines a court to include an "administrative agency", meaning that administrative child support orders are also subject to its protections. *As a result, state child support agencies must ensure that their administrative procedures comply with the SCRA.*

For example, Virginia's Division of Child Support Enforcement (DCSE) will not establish an administrative child support order unless the servicemember either waives their SCRA rights in writing or confirms their participation in the administrative proceeding. This approach ensures compliance with the SCRA and prevents violations of its default judgment protections, maintaining fairness in the child support process for servicemembers.

The Stay Provision (Continuance) Under the SCRA

A key protection under 50 U.S.C. § 3932 is a stay, or postponement, of legal proceedings for servicemembers whose military duties prevent them from appearing in court or participating in administrative child support actions. Under the Servicemembers Civil Relief Act (SCRA), a servicemember may request a stay, and the court must grant it if the request meets three specific requirements:

1. The request must explain how military service materially affects the servicemember's ability to appear.
2. The request must include a specific date when the servicemember will be available to attend.
3. The request must include a statement from the servicemember's commander, confirming that military duties prevent their appearance and that leave is not authorized at the time.

In most cases, the servicemember's command submits the request on their behalf. If the request does not meet these three criteria, the court may proceed with issuing a child support order without violating the SCRA's stay protections (50 U.S.C. § 3932(e)). However, if the request is valid, the court must grant a continuance of at least 90 days. If the servicemember requests a longer delay, such as six months, the court still retains the discretion to limit the stay to 90 days at a time.

While the first valid stay request must be granted, any subsequent requests are optional and may be denied at the court's discretion. If a servicemember requires additional time and their request is denied, the SCRA requires that the court or child support agency appoint an attorney to represent their interests before the case proceeds.

To help servicemembers participate in paternity and child support proceedings, the Department of Defense (DoD) has established policies that allow them to request ordinary leave for court appearances. According to DoD Instruction 1327.06, "Leave and Liberty Policies and Procedures," leave should be granted unless:

- The servicemember is engaged in a contingency operation.
- Military mission-critical needs prevent leave approval.

These protections ensure that servicemembers are not unfairly disadvantaged in child support proceedings while also allowing them to meet their family and legal obligations whenever operational circumstances permit.

Finally, since the COVID-19 pandemic, many courts have adopted remote hearing options, which may reduce the need for continuances. If a servicemember is stationed overseas or on deployment, participating in a remote hearing could be a practical alternative to postponing the matter.

Protection against Default Judgments under the SCRA

A key protection under 50 U.S.C. § 3931 is the safeguard against default judgments in civil cases, including child support matters. Courts and child support agencies cannot enter a default judgment against a servicemember without first following specific legal requirements. Before issuing a default judgment, the court must appoint an attorney to represent the absent servicemember's interests.

If a default judgment is improperly entered, the servicemember has the right to request that it be set aside within 90 days after leaving active duty. To do so, they must demonstrate that their military service materially affected their ability to respond to the case.

The Servicemembers Civil Relief Act (SCRA) also requires that plaintiffs file an SCRA affidavit stating whether or not the opposing party is on active military duty. To assist with this verification, the Defense Manpower Data Center (DMDC) provides an online tool to confirm a person's military status.

It is important to note that the SCRA applies only to civil proceedings. If a servicemember willfully ignores a summons to appear in a civil case, the court may still take criminal contempt actions against them without violating the SCRA.

For more information or to verify military status, visit:
SCRA Verification Portal

Calculating Child Support Interest Under the SCRA

The Servicemembers Civil Relief Act (SCRA) places a 6% cap on interest rates for debts incurred before a servicemember entered active duty, under 50 U.S.C. § 3937. This protection applies when military service materially affects the servicemember's ability to pay. In child support cases, this means that if a servicemember had unpaid child support arrears before being called to active duty, the interest charged on those arrears cannot exceed 6% per year (or 0.5% per month).

Example:

John was ordered to pay $500 per month in child support. Before being deployed, he fell behind and owed $5,000 in arrears. Normally, the state charges 10% annual interest on overdue child support, meaning John would owe $500 per year in interest. However, once he is activated for military service, the SCRA limits the interest to 6%, reducing his annual interest charge to $300 per year instead of $500.

This protection ensures that servicemembers are not burdened by excessive interest charges while serving, but it does not eliminate the arrears themselves. The servicemember must request this interest rate reduction in writing and show that active duty has impacted their ability to pay. If approved, the reduced interest rate applies for the duration of military service.

Consequences of Violating SCRA Protections in Child Support Cases

The Servicemembers Civil Relief Act (SCRA) provides important legal protections for servicemembers involved in child support cases, including the right to a stay (postponement) of proceedings, protection against default judgments, and a cap on interest rates for pre-service debts. Failing to follow these protections can lead to serious consequences for courts, child support agencies, and other entities responsible for enforcing support orders.

If a court denies a valid stay request under 50 U.S.C. § 3932 when a servicemember's military duties prevent them from appearing, it may violate federal law by denying due process. Similarly, if a child support agency enters a default judgment without verifying military status or appointing legal counsel, it may also be in violation of the SCRA's default judgment protections under 50 U.S.C. § 3931. Additionally, if a state fails to reduce the interest rate on pre-service child support arrears to 6% as required by 50 U.S.C. § 3937, the servicemember may be unfairly overcharged.

Violating any of these SCRA provisions can result in legal penalties, including fines and damages, under 50 U.S.C. § 4041. The Department of Justice (DOJ) has the authority to investigate and enforce compliance, particularly in cases where courts, child support agencies, or creditors fail to honor these federal protections. If a servicemember believes their rights under the SCRA have been violated, they can file a complaint with the DOJ, which may pursue legal action against the responsible entity.

By ensuring compliance with the SCRA's protections, courts and child support agencies can avoid legal repercussions while ensuring that servicemembers receive fair treatment in child support proceedings, even while fulfilling their military obligations.

Obtaining Military Records and Financial Information

Obtaining precise financial and personal records of service members is crucial for determining the child support amount as well as enforcing child support obligations. The Defense Finance and Accounting Service (DFAS) provides essential payroll and earnings information. There are three primary methods to procure this information: (1) Accessing the pay information through the Federal Parent Locator Service (FPLS); (2) Submitting a request via the OCSS Child Support Portal; (3) Accessing DFAS pay charts, BAH Calculator, and Special Pay Charts.

FPLS

The Department of Defense (DoD) provides the FPLS with new hire and quarterly wage information for military personnel and DoD civilian employees. However, it is important to note that the DoD does not submit new hire reports for reservists called to active duty, but only provides their quarterly wage information. This lack of new hire reporting creates challenges for IVD agencies attempting to issue wage withholdings on active-duty reservist pay. The quarterly wage information includes all pay and allowance details found in a service member's Leave and Earning Statement (LES).

Child Support Portal

The Privacy Act (5 U.S.C. § 552a) restricts access to military personnel records, ensuring that personal information is disclosed only under specific legal circumstances. Agencies must follow strict protocols to obtain records, often requiring court orders or consent from the service member. The Freedom of Information Act (FOIA, 5 U.S.C. § 552) allows limited access to certain non-sensitive information, but requests must comply with military policies and national security considerations.

Caseworkers who use the Child Support Portal adhere to these statutory requirements by accessing necessary financial and personal records through a secure and compliant system. The portal facilitates efficient retrieval of information, ensuring that all legal and privacy protocols are maintained while supporting the needs of the child support agency. Because of this new system, DFAS has changed its policy on subpoena duces tecum, now only complying with federal court subpoena duces tecum and not with state court subpoena duces tecum.

Guide to Accessing DFAS Pay Charts, Special Pays & Incentives, Allowances, and TRICARE Information

When calculating a service member's monthly gross income for child support purposes, case workers must include all sources of military compensation, not just base pay. The Base Pay, determined by rank and years of service, is the primary component of income. However, case workers should also factor in Special Pays and Incentives, such as Hazardous Duty Pay, Flight Pay, Sea Pay, and Retention Bonuses, which compensate for specific skills, duties, or deployments. Additionally, Allowances like Basic Allowance for Housing (BAH), Basic Allowance for Subsistence (BAS), and Cost of Living Allowance (COLA) should be included, as they directly contribute to the service member's financial resources, even though some are non-taxable. The Leave and Earnings Statement (LES) is the most reliable source for verifying a service member's total compensation, the next reliable source is the new hire data DFAS provides the FPLS. When neither of these options are available, case workers can use official pay tables, BAH and BAS rates, and compensation schedules provided by the Defense Finance and Accounting Service (DFAS) and the Department of Defense (DOD) to estimate gross income. By considering all components of military income and using alternative sources when necessary, case workers can ensure a fair and accurate child support calculation in accordance with state guidelines.

Special Pays and Incentives are additional forms of compensation provided to service members to address specific duties, skills, or hardships that go beyond standard military service. The "why" behind these payments is to attract and retain personnel in critical roles, compensate for hazardous or demanding conditions, and incentivize service members to develop specialized skills essential for military operations. The "what" includes various types of special pays, such as Hazardous Duty Pay, for those performing high-risk tasks like parachuting or diving; Flight Pay, for pilots and aircrew; Sea Pay, for extended maritime assignments; and Retention Bonuses, for those in specialized fields like cybersecurity or medicine. The "when" depends on the type of pay and a service member's assignment or qualifications—some special pays are earned monthly while serving in a designated role, such as Imminent Danger Pay in combat zones, whereas others, like reenlistment bonuses, are paid in lump sums or installments to encourage continued service. Special Pays and Incentives play a vital role in military compensation by ensuring that critical positions are filled, risks are compensated, and military readiness is maintained.

Military allowances are essential for maintaining military readiness by ensuring financial stability, boosting retention, and supporting effective deployments. They help service members cover housing, food, and relocation costs, reducing financial stress and allowing them to focus on their duties. Special duty and hardship allowances incentivize service members to take on high-risk assignments, while family-related allowances like Family Separation Allowance (FSA) and Cost of Living Allowance (COLA) ensure dependents remain financially secure. Retention-focused incentives help retain experienced personnel, reducing costly turnover and training gaps. These allowances also make military service competitive with civilian jobs, ensuring the military can recruit and retain skilled professionals. By supporting service members and their families, allowances directly contribute to a combat-ready force, making them a key factor in sustaining military effectiveness. Understanding these allowances is important in child support cases, as they supplement a service member's income and impact support calculations.

Several financial assistance programs are available to help servicemembers meet their child support obligations, including the Basic Needs Allowance (BNA). BNA eligibility is determined by a servicemember's gross household income, household size, and assigned duty station. A servicemember may qualify for BNA if their gross household income from the preceding calendar year falls below 150 percent of the federal poverty guidelines for their duty location and household size. Those with larger households and lower incomes are the most likely to be eligible for monthly BNA entitlements, which can provide additional financial stability and help servicemembers fulfill their child support responsibilities.

Base Pay

The first step is to identify the servicemember's base pay, which can be found in the annual DFAS Military Pay Chart. This amount is determined by the servicemember's rank (pay grade) and years of service. For example, in 2025, an E-5 with six years of service earns $3,763.80 per month. The full pay chart is available at:

➞ DFAS Military Pay Tables: https://www.dfas.mil/MilitaryMembers/payentitlements/Pay-Tables/

Basic Allowance for Housing (BAH)

BAH varies based on the servicemember's duty station ZIP code and dependent status (with or without dependents). The Defense Tr avel Management Office (DTMO) provides an official BAH Calculator to determine the correct rate. For example, in Norfolk, VA (ZIP 23505), an E-5 with dependents receives $ 2325.00per month, whereas the same rank without dependents receives $1,869 per month.

➞ BAH Calculator: https://www.defensetravel.dod.mil/site/bahCalc.cfm

BAH Differential (BAH-DIFF)

BAH-DIFF is a special housing allowance provided to servicemembers who pay child support but are not authorized full BAH for dependents. This amount is not location-based and is instead set annually. To qualify, the servicemember must provide adequate proof of child support payments. In 2025, BAH-DIFF for an E-5 is $343.20 per month.

➞ BAH-DIFF Rates: https://www.defensetravel.dod.mil/site/bah.cfm

Basic Allowance for Subsistence (BAS)

BAS is a fixed rate designed to offset meal costs. The rate is the same across all locations but differs between enlisted members and officers. As of 2025:

- Enlisted members receive $465.77/month
- Officers receive $320.78/month

➞ BAS Rates: https://www.dfas.mil/MilitaryMembers/payentitlements/Pay-Tables/

Special and Incentive Pay

Some servicemembers may qualify for special pay or incentive pay depending on their job, deployment status, or duty conditions. Common types include:

- Flight Pay (Aviation Career Incentive Pay)
- Sea Pay (For extended time at sea)
- Hazardous Duty Pay (Parachuting, Demolition, etc.)
- Hardship Duty Pay (Assigned to locations with difficult living conditions)
- Family Separation Allowance (FSA) (If stationed away from dependents for 30+ days)

For instance, an E-5 on sea duty for over two years of cumulative sea duty would receive $160 per month in Sea Pay, while a servicemember deployed away from their family could receive $250 in Family Separation Allowance.

➞ Special & Incentive Pay Tables:
https://www.dfas.mil/MilitaryMembers/payentitlements/Pay-Tables/

Total Monthly Income Calculation

Summing up, these components provide a servicemember’s total monthly income. For example, an E-5 with six years of service stationed on board ship in Norfolk, VA, with dependents, having over two years of cumulative sea duty could have the following:

Component	Amount (E-5, 6 YOS, Norfolk, VA, With Dependents)
Base Pay	$3,763.80
BAH (with dependents)	$ 2325.00
BAS (enlisted rate)	$465.77
Career Sea Duty Pay	$160.00

Family Separation Allowance (if applicable)	$250.00
Total Monthly Income	$6,964.57

For an E-5 without dependents, the total income would be lower due to reduced BAH. If the servicemember is paying child support but does not qualify for dependent BAH, they may receive BAH-DIFF instead.

By using the DFAS Pay Tables, BAH Calculator, and Special Pay Charts, you can accurately determine a servicemember's total compensation. These tools ensure precision for budgeting, child support determinations, or financial planning.

Military Health Insurance: Tricare

To determine whether a dependent has been enrolled in TRICARE and is eligible for military medical benefits, child support case workers can utilize the electronic match between the Federal Case Registry (FCR) and the Defense Manpower Data Center (DMDC). This match allows child support agencies to identify whether a child is eligible for TRICARE and already enrolled in the Defense Enrollment Eligibility Reporting System (DEERS). DMDC provides this eligibility data to the FCR, which then transmits the information to states on a quarterly basis. If a child is shown as eligible but not yet enrolled in DEERS, the custodial parent (CP) must take the necessary steps to complete the enrollment process. Caseworkers should not send a National Medical Support Notice (NMSN) to enroll a child in TRICARE, as it is completely ineffective and will simply be discarded. TRICARE enrollment is a personal responsibility of the CP, and they must follow the proper procedures to ensure their child is covered.

Additionally, it is important to note that only the CP—not the child support caseworker—can contact the DMDC Support Office (DSO) at 800-538-9552 to verify a child's TRICARE eligibility. If the CP was previously enrolled in DEERS, they may obtain eligibility information after verifying their relationship to the child. If the CP was never married to the military member or never enrolled in DEERS, they must first provide proof of parentage, such as a birth certificate or custody order, before the DMDC can release specific eligibility details. While enrollment in DEERS grants TRICARE medical benefits, it does not include dental care, which requires separate enrollment at an additional cost, and vision benefits vary based on the TRICARE program. Caseworkers should ensure that CPs understand the correct process for enrolling their child in TRICARE, rather than relying on ineffective administrative actions like sending an NMSN, which will not result in coverage.

Special Note regarding obtaining evidence from the Army:

Department of the Army Form 5459 (Authorization to Release Information from Army Records on Nonsupport/Child Custody/Parentage Inquiries) is a document that allows child support caseworkers or other authorized individuals to request relevant Army records related to paternity, child support, and custody matters.

This form is particularly useful when establishing paternity or enforcing child support orders involving an Army service member. If the service member's cooperation is needed, a commander can ask the soldier if they are willing to complete and sign DA Form 5459. By signing the form, the service member authorizes the release of certain Army records that may contain information critical to a paternity or child support case, such as proof of dependents, financial records, or duty assignments.

Enrolling a Child in DEERS: A Guide for Child Support Professionals

Enrolling a child in the Defense Enrollment Eligibility Reporting System (DEERS) is essential to ensure they receive military medical benefits, including TRICARE coverage. DEERS serves as the official Department of Defense (DoD) system for tracking military dependents and their eligibility for healthcare. To complete enrollment, the service member, also known as the sponsor, must visit a Real-Time Automated Personnel Identification System (RAPIDS) office with the necessary documentation.

To establish a child's eligibility, the sponsor must provide a certified birth certificate, court order, or voluntary acknowledgment of paternity (VAP) if the parents were not married at the time of the child's birth. If the sponsor is unavailable, the custodial parent (CP) may complete the process with a valid power of attorney. A child can be enrolled at any time before their 21st birthday, or up to 23 years old if they are a full-time student. After DEERS enrollment, the CP must contact TRICARE to finalize medical coverage.

If the service member is uncooperative or unwilling to enroll the child, child support professionals can assist by contacting the sponsor's commanding officer or personnel office. The CP can also seek assistance from DEERS Special Project Offices designated for each branch of the military. If all efforts to obtain the sponsor's cooperation fail, an official at the Special Project Office may authorize enrollment on behalf of the service member.

Caseworkers must emphasize that sending a National Medical Support Notice (NMSN) to DEERS is ineffective and will not result in enrollment. Instead, child support professionals should guide the CP in following the proper procedures through military personnel offices or RAPIDS sites. The Defense Manpower Data Center (DMDC) Support Office can also verify whether a child is already enrolled. If necessary, caseworkers should document all attempts to enroll the child, ensuring compliance with military regulations and court orders.

DEERS Special Project Office Contact Information

Branch	**Special Project Office Contact Information**
Army	Army Human Resources Command DEERS Support Office: (888) 276-9472
Navy	Navy Personnel Command DEERS Support Office: (866) 827-5672
Marine Corps	Marine Corps Manpower & Reserve Affairs DEERS Support: (703) 784-9529
Air Force	Air Force Personnel Center DEERS Support: (800) 525-0102
Coast Guard	Coast Guard Personnel Service Center: (866) 772-8724
DMDC Support Office	(800) 538-9552 (Verifies DEERS enrollment)

Find a RAPIDS ID Card Office Near You: https://idco.dmdc.osd.mil/idco/

Defense Manpower Data Center (DMDC) Support Office: https://www.dmdc.osd.mil

Child support professionals should encourage CPs to contact the appropriate Special Project Office if the service member does not voluntarily enroll the child. Proper documentation and coordination with these offices help ensure that eligible children of service members receive the medical benefits they are entitled to under military regulations and federal law.

TRICARE Plans Overview for Child Support Professionals

Understanding the various TRICARE healthcare options available to service members is essential for child support professionals handling medical support obligations. TRICARE is the Department of Defense's health insurance program for uniformed service members, retirees, and their families, offering several plans with varying costs and coverage. Whether a service member is on active duty, in the Selected Reserve, retired, or transitioning out of the military, their healthcare plan affects their financial obligations, including the ability to provide medical support for dependents. Since some TRICARE plans require premium payments and cost-sharing, these expenses may need to be considered when calculating child support obligations, depending on state child support guidelines.

TRICARE Prime: Comprehensive Managed Care

TRICARE Prime is a managed care option that provides the lowest out-of-pocket costs for eligible beneficiaries, but it requires enrollment and adherence to a managed care system. Active-duty service members (ADSMs) are required to enroll in TRICARE Prime and do not pay enrollment fees or copayments. Their family members, retirees, and certain other beneficiaries may choose to enroll, but retirees and their families must pay annual enrollment fees and cost-shares for certain services. In some cases, a service member may also be enrolled in TRICARE Prime Remote if they are stationed far from military treatment facilities. For those overseas, TRICARE Prime Overseas and TRICARE Prime Remote Overseas provide similar coverage for ADSMs and their command-sponsored family members. Additionally, the U.S. Family Health Plan (USFHP) offers TRICARE Prime benefits through private healthcare systems in designated service areas but prevents enrollees from using military treatment facilities.

For child support professionals, it is important to recognize that TRICARE Prime coverage comes at little or no cost to active-duty service members, meaning it does not typically impact child support calculations. However, for retirees enrolled in TRICARE Prime, enrollment fees and out-of-pocket expenses may factor into the member’s financial situation and could be relevant when assessing a parent's ability to provide support.

TRICARE Select: Flexibility at Higher Costs

TRICARE Select is a self-managed, preferred provider option (PPO) that allows beneficiaries to choose their own TRICARE-authorized provider without requiring referrals. This plan is available to most eligible beneficiaries except ADSMs, who must enroll in TRICARE Prime. While TRICARE Select offers greater flexibility, the costs are higher than TRICARE Prime. Beneficiaries pay annual enrollment fees, copayments, and cost-shares when receiving care from both network and non-network providers. A similar program, TRICARE Select Overseas, provides coverage to eligible beneficiaries outside the U.S., but members must pay for services upfront and submit claims for reimbursement.

From a child support perspective, TRICARE Select requires members to pay premiums and higher out-of-pocket costs, which may impact their financial ability to pay child support or provide additional health coverage for dependents. If a court-ordered medical support obligation requires a service member to enroll a child in TRICARE Select, the cost of premiums and cost-sharing may be relevant in determining financial responsibility.

Premium-Based TRICARE Plans: Costs for Reserve and Retired Members

Certain TRICARE plans are premium-based, meaning service members must pay monthly premiums for coverage, making these plans particularly relevant in child support cases.

- TRICARE Reserve Select (TRS): Available for purchase by eligible Selected Reserve members who are not on active duty, TRS provides TRICARE Select-like coverage at a monthly premium. For 2025, member-only coverage costs $53.80 per month, while member and family coverage costs $274.48 per month. Since TRS is not automatic, child support professionals must verify whether a parent has enrolled and is maintaining coverage for a dependent child if required by a support order.
- TRICARE Retired Reserve (TRR): Similar to TRS, but available for qualified Retired Reserve members who are not yet eligible for TRICARE for Life. TRR has higher monthly premiums, meaning these costs could impact child support obligations.
- TRICARE Young Adult (TYA): This plan extends TRICARE coverage to dependent children over age 21 (or 23 if a full-time student). The servicemember must pay a monthly premium, with TYA Prime and TYA Select options available. If a child support order requires continued medical support for an adult dependent, TYA may be a viable option.

Since these premium-based plans require out-of-pocket payments, the costs may be factored into a service member's child support obligation or ability to provide additional support based on state guidelines.

TRICARE for Life: Coverage for Retirees with Medicare

TRICARE for Life (TFL) is a Medicare-wraparound plan available to TRICARE beneficiaries who are enrolled in Medicare Part A and Part B, regardless of age. There is no enrollment fee, but Medicare Part B premiums must be paid, and TRICARE covers remaining out-of-pocket costs for services covered by both Medicare and TRICARE. Outside of the U.S., TFL serves as the primary payer, requiring members to pay upfront and seek reimbursement.

For child support professionals, it is important to note that TFL is not available for dependent children, meaning an alternative TRICARE plan must be used to provide coverage for a child when a retiree is responsible for medical support. Additionally, since Medicare Part B premiums are required, these costs could impact a retiree's available income for child support.

Transitional and Temporary TRICARE Coverage

Service members transitioning from active duty to civilian life or the reserves may have access to temporary TRICARE coverage, which affects their financial situation and medical support obligations.

The Transitional Assistance Management Program (TAMP) provides 180 days of premium-free TRICARE coverage to certain separating service members and their families. Since TAMP offers the same coverage as TRICARE Prime or TRICARE Select at no cost, service members do not need to purchase TRICARE Reserve Select (TRS) or another plan until TAMP expires. Child support professionals should verify whether a service member is covered under TAMP before factoring TRS premiums into a child support calculation.

The Continued Health Care Benefit Program (CHCBP) is another temporary option, allowing former TRICARE beneficiaries to extend their health coverage for 18 to 36 months after losing TRICARE eligibility. CHCBP is premium-based, meaning the service member must pay for coverage, which could impact financial obligations.

Impact of TRICARE on Child Support Cases

Since all TRICARE plans include prescription drug coverage through the TRICARE Pharmacy Program, child support professionals must also consider the availability and cost of medications when addressing medical support orders. While active-duty service members and some retirees pay little to nothing for TRICARE coverage, others—particularly those enrolled in premium-based plans—must pay monthly premiums and cost-shares, which can impact their ability to meet child support obligations.

Depending on state child support guidelines, TRICARE costs may be included in child support calculations as a deduction from income or an additional support obligation. Ensuring that service members comply with court-ordered medical support is essential, and verifying TRICARE enrollment through DEERS and military personnel offices can help enforce these requirements. By understanding TRICARE's different plans, their costs, and their effects on financial obligations, child support professionals can make informed decisions that ensure children of military members receive the healthcare coverage they need.

Military Branch Policies on Requiring Child and Dependent Support Without a Court Order or Agreement

Each branch of the U.S. military has administrative regulations requiring service members to provide financial support to their children and other dependents, even in the absence of a formal court order. These policies ensure that dependents receive basic financial assistance until a legally binding agreement or order is established. The specific amount of support varies by branch and is generally determined based on a percentage of the service member's pay or applicable military allowances. Commanders in all branches have the authority to enforce these requirements and ensure compliance.

Branch	Support Calculation
Army (AR 608-99)	Pro-rata share of BAH RC/T – WITH divided by number of dependents
Air Force (AFI 36-2906)	Pro-rata share of Non-Locality BAH With Dependents
Navy & Marine Corps (MILPERSMAN 1754-030)	Pro-rata share of BAH or OHA
Coast Guard (COMDTINST M1600.2)	Fixed percentage of basic pay + BAH difference

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Army

The Army enforces financial support obligations for soldiers through Army Regulation 608-99, which establishes guidelines for providing support to family members when there is no existing court order or written financial agreement. In such cases, the regulation requires soldiers to provide interim financial support based on a pro-rata share of their Basic Allowance for Housing (BAH) at the Reserve Component/Transit With Dependents (BAH RC/T – WITH) rate. It is important to note that this calculation does not use the soldier's full BAH, which may vary based on duty location. Instead, it uses the non-locality BAH rate, which is standard regardless of where the soldier is stationed. This ensures that a fair and consistent amount is used when determining financial support.

The amount a soldier must provide is determined by dividing their BAH RC/T – WITH rate by the total number of supported family members, ensuring that each dependent receives an equal portion. Certain individuals, such as a former spouse or a current spouse on active duty, are excluded from the calculation. For example, Sergeant Smith, an E-5, has a BAH With Dependents rate of $2,000 per month while stationed in an area with a high cost of living. However, for financial support purposes, the Army uses the BAH RC/T – WITH rate, which is set at $1,500 per month for an E-5. Since there is no court order specifying a support amount, the pro-rata share formula applies. With two children to support, the calculation would be $1,500 divided by two, meaning each child must receive $750 per month. If he also had a spouse to support, the denominator would change to three (spouse + two children), and the required support per dependent would be $500 each.

Navy

If a Navy servicemember does not have a court order or written support agreement, they are still required to provide financial support to their dependents based on Navy policy. The required support amount is calculated as a portion of the servicemember's gross pay, which includes basic pay, Basic Allowance for Housing (BAH), and Basic Allowance for Subsistence (BAS). However, it does not include special pays, bonuses, or allowances for clothing or hazardous duty - Navy Military Personnel Manual (MILPERSMAN) art. 1754-030, Support of Family Members (2006).

The amount of support a servicemember must provide depends on their family situation, as outlined in the table below:

Family Situation	Required Support (Percentage of Gross Pay)
Spouse Only (No Children)	1/3 (33%) of gross pay
Spouse and One Child	1/2 (50%) of gross pay
Spouse and Two or More Children	3/5 (60%) of gross pay
Children Only (No Spouse)	1/2 (50%) of gross pay

For example, a Petty Officer First Class (E-6) earning a basic pay of $3,500/month, BAH (With Dependents) of $2,000/month, and BAS of $460/month would have a total gross pay of $5,960/month. If they have a spouse and one child, they must provide one-half (1/2) of their gross pay, or $2,980 per month. If they have only children (no spouse), they must also provide half of their gross pay, or $2,980 per month, which would be split equally among the children.

Marine Corps

The Marine Corps requires servicemembers to provide financial support to their dependents based on a pro-rata share of their Basic Allowance for Housing (BAH) or Overseas Housing Allowance (OHA). If there is no court order or written agreement, the servicemember must divide their BAH (With Dependents) allowance equally among all eligible dependents, ensuring that each family member receives fair financial support.

The required support amount is determined based on the total number of dependents entitled to support (excluding the Marine) using the following formula:

Total Number of Family Members Entitled to Support (excluding the Marine)	Share of Monthly BAH/OHA per Family Member
1	1/2
2	1/3
3	1/4
4	1/5
5	1/6
6 or more	1/7 or etc.

Example Calculation:

Staff Sergeant Ramirez, an E-6 in the Marine Corps, has a spouse and two children but no court order. His BAH With Dependents rate is $1,800 per month. Based on Marine Corps policy, he must divide his BAH among his dependents according to the 1/4 share rule (since the number of dependents is three, excluding himself).

- Total BAH With Dependents: $1,800
- Number of Family Members Entitled to Support: 3
- Each dependent's share: $1,800 ÷ 4 = $450 per month

Total BAH With Dependents	Number of Family Members (Excluding Marine)	Amount per Family Member
$1,800	3	$450 per dependent

Each dependent (spouse and two children) is entitled to $450 per month in support.

Air Force

Air Force members are required to meet their financial obligations in a proper and timely manner, which includes providing financial support to family members. Airmen must comply with court orders and written financial support agreements. However, if there is no such order or agreement, Airmen are still required to provide adequate financial support, as outlined in Air Force Instruction (AFI) 36-2906, Personal Financial Responsibility. Failure to meet this obligation can result in administrative action, recoupment of allowances, or even criminal charges for Failure to Obey a Regulation.

Prior to July 30, 2018, the Air Force had no clear definition of what constituted adequate family support. However, with the updated AFI 36-2906, Airmen are now required to follow a pro-rata share formula to determine financial support in the absence of a court order or written agreement. The pro-rata share is calculated using the following formula:

$$\text{Pro-Rata Share} = \frac{1}{\text{Total Number of Supported Family Members}} \times \text{Applicable Non-Locality BAH With Dependents}$$

It is important to note that the full BAH is not used in this calculation. Instead, the Air Force uses the non-locality BAH With Dependents rate, which remains the same regardless of duty station.

For example, a staff sergeant stationed at Hill Air Force Base may receive $1,317 per month in BAH With Dependents due to the higher cost of living in the area. However, the non-locality BAH rate for an E-5 is only $972 per month, which is the amount used for support calculations. If the staff sergeant has three children, two from their current spouse and one from a previous relationship, and the ex-partner of the older child files a complaint with the Airman's commander about non-support, the non-locality BAH of $972 would be divided by four, as there are three dependents plus the current spouse. This means the Airman would be required to pay $243 per month in support for the child from the previous relationship.

If the Airman later separates from their spouse, and the two younger children move out, the three remaining dependents (spouse and two children) would still be entitled to support. Since there are now three supported family members, the Airman must provide $243 per dependent, totaling $729 per month to the separated spouse and children.

Understanding financial support obligations can be complex. Airmen or dependent family members who need assistance should contact their base legal assistance office to consult a legal assistance attorney for guidance on their specific situation.

Coast Guard

The Coast Guard enforces financial support obligations for its members based on fixed percentages of basic pay and the Basic Allowance for Housing (BAH) difference, as outlined in COMDTINST M1600.2. These provisions apply when a Coast Guard member is separated from their spouse but remains legally married without a court order or in the rare instance of a divorce decree that does not mention the existence of children from the marriage. The required level of financial support serves as an interim obligation until an official court order or agreement is established.

For members who are separated but legally married, the minimum support requirement includes the BAH difference (the difference between BAH With Dependents and BAH Without Dependents rates) plus a fixed percentage of basic pay. The required percentage varies based on the number of dependents. A member with only a spouse must provide the BAH difference plus 20% of their basic pay. A member with a spouse and one child must provide the BAH difference plus 25% of their basic pay, while a member with a spouse and two or more children must provide BAH difference plus 30% of their basic pay.

For members supporting only children, the required support is a fixed percentage of basic pay. A member with one child must provide one-sixth (16.7%) of their basic pay, while a member with two children must provide one-fourth (25%), and a member with three or more children must provide one-third (33%) of their basic pay.

Situation	Level of Support
Spouse only	BAH difference plus 20 percent of basic pay
Spouse and one minor or handicapped child	BAH difference plus 25 percent of basic pay
Spouse and two or more minor or handicapped children	BAH difference plus 30 percent of basic pay
One minor or handicapped child	16.7 percent (1/6) of basic pay
Two minor or handicapped children	25 percent (1/4) of basic pay
Three or more minor or handicapped children	33 percent (1/3) of basic pay

For example, Boatswain's Mate First Class Clark, an E-6 in the Coast Guard, has one child but no formal court order. His basic pay is $3,500 per month, and his BAH With Dependents rate is $2,000 per month. Since he has one child and no spouse, Coast Guard regulations require him to provide one-sixth of his basic pay, which equals $583 per month. If he had a spouse and one child, his obligation would increase to the BAH difference plus 25% of his basic pay. Assuming the BAH difference is $600, his total financial support obligation would be $1,375 per month ($600 + $875).

If a Coast Guard member fails to provide the required financial support, their commanding officer may direct payments and initiate administrative actions. These actions can include issuing a formal counseling, ordering direct payments to the dependent, or imposing disciplinary measures under the Uniform Code of Military Justice (UCMJ). A member cannot escape their obligation by choosing not to receive BAH, as the Coast Guard still enforces the equivalent support amount.

In some cases, a commanding officer may withhold enforcement if the member cannot locate their child or if the person requesting support does not have physical custody of the child. However, in all other cases, Coast Guard members remain obligated to provide the required level of child and spousal support until a court order or formal agreement is in place.

Enforcing Compliance Through Command and Child Support Agencies (CSA)

When a CSA initiates enforcement against a delinquent servicemember, they may contact the servicemember's command for assistance. Commanding officers have the authority to counsel the servicemember, order compliance, and, if necessary, impose administrative actions or nonjudicial punishment (NJP) under Article 15, UCMJ. In serious cases, a commanding officer may recommend separation from the military due to financial irresponsibility. Servicemembers cannot avoid support obligations by refusing to claim BAH, as the military enforces an equivalent support obligation regardless of whether the benefit is received.

If a servicemember fails to comply with support requirements, commanding officers may take progressive disciplinary actions, including counseling and issuing a written order to comply, recouping BAH or other allowances, denial of reenlistment or promotion, imposing NJP, or referring the member for administrative separation. A commander may withhold enforcement only in specific cases, such as if the member cannot locate their child or if the requesting party does not have physical custody of the dependent.

The Impact of Compliance on Family and Readiness

The coordination between child support agencies and military commands ensures that servicemembers meet their financial responsibilities, protecting both dependents and military readiness. Failure to provide financial support can have serious consequences for dependents, leading to financial hardship, loss of healthcare benefits, and instability. It can also negatively impact a servicemember's career, leading to administrative separation, financial penalties, and long-term legal consequences.

Each branch of the military is committed to protecting the financial well-being of dependents and holding servicemembers accountable for meeting their obligations. By ensuring compliance, the military promotes family stability, financial security, and overall readiness. Commanding officers and child support agencies must work together to enforce financial support obligations, ensuring that servicemembers fulfill their legal and moral responsibilities to their families.

Issuing Wage Withholdings and Alternative Military Child Support Collection Methods

Enforcing child support obligations for military personnel requires caseworkers to follow specific procedures when issuing wage withholdings and utilizing alternative military collection methods. The Defense Finance and Accounting Service (DFAS) processes income withholding orders (IWOs) for all military branches except the Coast Guard, which is handled separately under the Department of Homeland Security. While wage garnishment is the primary method of enforcement, it is important to note that military wage withholding applies to all types of pay, including base pay, incentive pay, and special pay, but does not include military allowances such as Basic Allowance for Housing (BAH) and Basic Allowance for Subsistence (BAS). This distinction is critical when determining how much can be withheld under federal guidelines. Because standard wage withholding does not capture allowances, alternative collection methods such as voluntary and involuntary allotments provide additional enforcement mechanisms, particularly when garnishments are insufficient to meet a servicemember's child support obligation.

Legal Basis for Military Pay Withholding

Under 42 U.S.C.S. § 659, military pay is subject to child support enforcement, allowing child support agencies to garnish the pay of military members to satisfy child support obligations. However, the statute explicitly excludes military allowances from garnishable income, specifying that allowances paid to uniformed service members under Chapter 7 of Title 37, United States Code, as prescribed by the Secretaries concerned, are necessary for the efficient performance of duty and are not included in disposable earnings for wage garnishment purposes. This means that while base pay, incentive pay, and special pay are subject to wage withholding, military allowances such as BAH and BAS are not included when calculating the maximum amount that can be withheld under the Consumer Credit Protection Act (CCPA).

Initiating Wage Withholding for Military Members

To initiate wage withholding, caseworkers must send the IWO directly to DFAS Cleveland for all military branches except the Coast Guard, which processes IWOs through the Pay and Personnel Center in Topeka, Kansas. Upon receipt, DFAS deducts the child support amount from the servicemember's disposable earnings, ensuring compliance with state and federal child support laws. However, because wage withholding does not apply to military allowances, there are instances where the servicemember's full child support obligation may not be met due to CCPA withholding limits. Caseworkers must verify the servicemember's status using the Federal Parent Locator Service (FPLS) or the Defense Manpower Data Center (DMDC) Military Verification tool to confirm duty status and proper pay sources. Proper documentation, including the servicemember's full name, Social Security Number (SSN), and military branch, must be included in the submission. Electronic IWOs (e-IWOs) are not available for the Coast Guard, so child support professionals must send these orders via mail or fax.

Timeline for Wage Withholding to Take Effect at DFAS

The processing timeline for wage withholdings at DFAS follows these steps:

- Day 1-3: DFAS receives the IWO and logs it into their system. If any required information is missing, such as an incorrect SSN or missing branch of service, the order is rejected and returned to the issuing state agency for correction.
- Day 4-10: Once validated, DFAS processes the IWO and notifies the servicemember and their payroll office.
- Day 11-30: The wage withholding order is implemented at the next available payroll cycle. Because military pay is processed on a bi-monthly basis (1st and 15th of each month), the actual deduction date depends on when the order was received and entered into the system.
- 30+ Days: The first child support deduction appears in the servicemember's paycheck and is disbursed to the appropriate state agency or recipient.

While DFAS prioritizes processing IWOs as quickly as possible, the time from receipt to first payment typically ranges from 30 to 60 days, depending on payroll cycles and administrative workload. However, because wage withholding does not include military allowances, many servicemembers may not have enough income available to meet their full child support obligation when subject to the CCPA withholding limits.

Alternative Military Child Support Enforcement Mechanisms

Because wage garnishment does not include military allowances, the military provides alternative collection mechanisms when standard withholding is unavailable or insufficient. These include voluntary and involuntary allotments, which allow for direct deductions from a servicemember's pay or allowances.

A voluntary allotment is a payment arrangement initiated by the servicemember, allowing automatic deductions from their pay to cover child support. However, because the servicemember controls the amount and duration, voluntary allotments lack enforceability and should not be relied upon as a primary enforcement tool.

An involuntary allotment, by contrast, is a military-enforced withholding mechanism that compels payments when a servicemember has missed two or more months of court-ordered child support payments. Unlike voluntary allotments, an involuntary allotment is mandatory and continues until arrears are paid in full. Involuntary allotments provide an enforcement advantage over wage garnishments because they include BAH and other military allowances in disposable income calculations, ensuring a larger amount is available for child support. Additionally, involuntary allotments allow for higher withholding amounts since the CCPA limits on wage garnishments apply only to pay, whereas involuntary allotments consider a broader pool of income.

To request an involuntary military allotment, a child support agency (CSA) must first verify that the service member is at least two months delinquent on their child support obligation. The CSA must obtain a court order or administrative determination confirming the arrears and provide written notice to the service member, allowing them an opportunity to contest the action. If no valid dispute is raised, the CSA submits a formal request to the Defense Finance and Accounting Service (DFAS) Cleveland for all military branches except the Coast Guard, which processes allotments through the Pay and Personnel Center in Topeka, Kansas. The request must include the service member's full name, Social Security Number (SSN), military branch, a copy of the court order or arrears determination, and the total amount owed. DFAS or the Coast Guard will review the request and, if valid, implement the involuntary allotment, deducting payments directly from the service member's pay and allowances. The allotment remains in effect until the arrears are fully paid, a modification order is issued, or the service member leaves active duty. Payments are then forwarded to the appropriate state disbursement unit (SDU) for distribution to the custodial parent or legal guardian.

Comparison of Child Support Collection Methods in the Military

Method	Process	Control	Income Source	Enforceability
Wage Withholding (Garnishment)	State-ordered deduction processed by DFAS	Court-enforced	All types of pay, but excludes allowances	High
Voluntary Allotment	Servicemember sets up recurring payments	Servicemember-controlled	All types of pay and allowances	Low
Involuntary Allotment	Enforced when two months of arrears exist	Military-enforced	All types of pay and allowances	High

For example, consider a servicemember earning $4,500 in base pay, $2,500 in BAH, and $400 in BAS, for a total military compensation of $7,400 per month. If this servicemember has two separate child support orders totaling $3,500 per month, standard wage garnishment may not be sufficient to cover the full obligation due to CCPA caps on withholding.

- Under wage garnishment, which applies only to pay but excludes allowances, if the servicemember supports another dependent, the CCPA withholding cap is 50% of $4,500, allowing only $2,250 per month to be withheld. If the servicemember does not support another dependent, the cap increases to 60% of $4,500, allowing for $2,700 per month to be withheld. This means the full child support obligation of $3,500 per month cannot be satisfied, leading to arrears accumulation.

- Under an involuntary allotment, which applies to all types of pay, BAH, and BAS, the disposable earnings increase to $7,400. If the servicemember supports another dependent, the cap remains 50% of $7,400, allowing $3,700 per month to be deducted. If the servicemember does not support another dependent, the cap is 60% of $7,400, allowing $4,440 per month to be deducted. This ensures that the full $3,500 per month obligation is met, preventing arrears from accumulating.

Ensuring Effective Child Support Collection for Military Personnel

For servicemembers with child support obligations, wage withholding is the standard enforcement method, but it is limited by the CCPA cap on pay only. Because wage garnishment does not include military allowances, some servicemembers do not have enough disposable income to meet their full support obligation. Involuntary allotments provide a stronger enforcement tool because they include BAH and other allowances, increasing the amount available for withholding. By understanding these statutory limits and enforcement mechanisms, child support professionals can ensure compliance and secure consistent financial support for children of military personnel.

Military Blended Retirement System (BRS) Overview for Child Support Professionals

The Military Blended Retirement System (BRS) is the modernized retirement plan for service members, replacing the traditional High-3 pension system for those who joined the military on or after January 1, 2018. The BRS combines elements of the traditional defined benefit pension with a defined contribution plan, making military retirement more similar to civilian retirement systems. Child support professionals must understand the structure of the BRS to properly assess retirement pay as income and determine how military retirement benefits impact child support obligations.

Under the BRS, service members receive a defined benefit pension if they complete at least 20 years of service. However, unlike the legacy retirement system, BRS also includes a Thrift Savings Plan (TSP) with government contributions, providing portable retirement savings for those who do not serve long enough to qualify for a pension. The defined benefit pension is calculated using 2% of the service member's highest 36 months of basic pay for each year of service. This differs from the High-3 system, which used a 2.5% multiplier, meaning BRS provides a smaller lifetime pension in exchange for the TSP component.

The Thrift Savings Plan (TSP) feature of BRS allows service members to contribute a percentage of their pay, with the government automatically contributing 1% of basic pay and matching up to 4% of voluntary contributions. This feature ensures that even service members who leave the military before 20 years can accumulate retirement savings, a key difference from the old system where only those who completed 20 years received benefits. The TSP-CS-1 form, the Thrift Savings Plan Income Withholding Order for State Agencies, is used to enforce child support obligations by garnishing funds directly from a service member's TSP account. This allows state agencies to collect arrears from the retirement savings of a service member or retiree who has failed to meet child support obligations.

For child support professionals, military retirement benefits under BRS can affect child support calculations. A retired service member's pension is considered income for support calculations, and TSP accounts may be subject to seizure. Additionally, lump-sum payout options under BRS allow retirees to receive 25% or 50% of their pension as a lump sum in exchange for reduced monthly payments, which may affect long-term financial stability and child support obligations. Understanding the BRS structure, the role of TSP in retirement planning, and the legal tools available for enforcement is essential for ensuring fair and accurate child support determinations.

Pension Calculation Example:

Assumptions:

- Highest 36 months of base pay: $7,000/month
- Years of service: 20 years
- Pension Formula:
    - High-3: 2.5% × Years of Service × Base Pay
    - BRS: 2.0% × Years of Service × Base Pay

Retirement Plan	Multiplier	Pension Percentage	Monthly Pension
High-3 (Legacy System)	2.5% per year	50% of base pay	$3,500/month
BRS (Blended Retirement System)	2.0% per year	40% of base pay	$2,800/month

Understanding Concurrent Retirement and Disability Pay (CRDP) and Combat-Related Special Compensation (CRSC) for Child Support Professionals

Military retirees who qualify for both military retired pay and VA Disability Compensation are generally subject to a dollar-for-dollar offset of their military retirement pay under Title 38 U.S.C. §§ 5304 and 5305. However, two programs—Concurrent Retirement and Disability Pay (CRDP) and Combat-Related Special Compensation (CRSC)—allow certain retirees to receive both forms of compensation without offset in specific circumstances. Child support professionals must understand these programs to properly assess income available for child support, garnishment eligibility, and the financial resources of a military retiree.

Concurrent Retirement and Disability Pay (CRDP)

CRDP allows qualified military retirees to receive both their full military retirement pay and VA Disability Compensation without offset. This benefit applies only to those who did not retire under Chapter 61 for disability unless they have at least 20 years of creditable service. The law providing CRDP went into effect on January 1, 2004, with a 10-year phase-in period that ended on December 31, 2013. As of January 1, 2014, eligible retirees can receive their full military retirement pay and VA disability benefits concurrently.

A military retiree qualifies for CRDP if they are entitled to both military retired pay and VA Disability Compensation, have a VA disability rating of at least 50%, and did not retire under Chapter 61 for disability. If they did retire under Chapter 61, they must have 20 or more years of creditable service under 10 U.S.C. § 1405 or 10 U.S.C. § 12732. For retirees who do not meet these criteria, their military retirement pay is still subject to a dollar-for-dollar offset when receiving VA Disability Compensation.

For child support professionals, CRDP is fully taxable income and subject to child support garnishment. Since CRDP restores full military retirement pay, the entire amount is available for wage withholding, ensuring that child support obligations are not reduced due to the VA waiver.

Example: A retiree who completed 20 years of active service and voluntarily retired in 2020 receives $800 per month in gross retired pay and $1,200 per month in VA Disability Compensation (50% rating). Under CRDP, this retiree will receive both amounts in full ($800 + $1,200 = $2,000 total income), and the $800 in retired pay is fully garnishable for child support purposes.

Combat-Related Special Compensation (CRSC)

CRSC is a tax-free entitlement for military retirees with combat-related disabilities. Unlike CRDP, which restores full military retirement pay, CRSC provides a separate compensation payment that is not considered disposable retired pay and is generally not subject to garnishment for child support.

To qualify for CRSC, a retiree must be entitled to and/or receiving military retired pay, have a VA disability rating of at least 10%, waive a portion of their military retired pay to receive VA Disability Compensation, and have a disability that is combat-related. A combat-related disability is one that was incurred due to armed conflict, hazardous duty, an instrumentality of war, or simulated war. CRSC payments are not automatic; retirees must submit an application to their Branch of Service for approval.

For child support professionals, CRSC is generally not subject to wage garnishment because it is not considered disposable retired pay under 10 U.S.C. § 1408. However, courts may still consider CRSC as income for child support calculations in some cases, depending on state laws.

Example: A retiree with a combat-related disability rating of 50% and a VA disability payment of $1,200 per month receives $800 in CRSC in addition to their VA compensation. Since CRSC is not disposable retired pay, it is exempt from military retirement pay garnishment, but it may still be included in income calculations for child support determinations depending on state law.

Permanent and Temporary Disability Retirement (PDR and TDR)

Service members who are found unfit for duty due to a service-connected disability may be placed on either the Temporary Disability Retirement List (TDRL) or the Permanent Disability Retirement List (PDRL).

Service members with a disability rating of at least 30% but whose condition is not yet stable may be placed on TDRL. TDRL members receive disability retirement pay and must undergo re-evaluations every 18 months. After re-evaluation, the member may be removed from the list, permanently retired, or returned to duty.

If a service member’s condition is stable and unlikely to improve, they may be placed on PDRL. PDRL retirees receive disability retirement pay for life, calculated as either (1) their disability rating percentage multiplied by their retired base pay or (2) their years of service multiplied by 2.5% of their high-3 average base pay, whichever is greater.

DoD disability retirement pay from PDRL is considered disposable retired pay and is subject to child support wage withholding. TDRL payments are also subject to garnishment, but if the service member is removed from TDRL, their financial situation may change. VA disability compensation remains protected from garnishment unless the retiree has waived military retirement pay in exchange for VA benefits.

Key Differences Between CRDP and CRSC for Child Support Enforcement

Feature	CRDP	CRSC
Restores full military retirement pay	✅ Yes	❌ No
Taxable income	✅ Yes	❌ No (tax-free)
Subject to child support garnishment	✅ Yes	❌ No (not considered disposable retired pay)
Requires VA waiver of retired pay	❌ No	✅ Yes
Applies to all service-connected disabilities	✅ Yes (if 50% or more)	❌ No (only combat-related disabilities)

Conclusion

For child support professionals, understanding **CRDP, CRSC, PDRL, and TDRL** is critical to accurately assessing a military retiree's income, disposable retired pay, and obligations for child support enforcement. CRDP is fully taxable and subject to wage withholding, while CRSC is tax-free and generally protected from garnishment. Military disability retirement pay from PDRL and TDRL is subject to garnishment, while VA disability compensation is generally exempt unless the service member has waived retirement pay to receive it.

Child support professionals should verify the type of retirement pay a military retiree is receiving, whether any VA offsets apply, and whether payments are subject to garnishment. By correctly identifying these distinctions, they can ensure fair and enforceable child support orders while accounting for a service member's or veteran's financial resources.

The Interplay Between VA Disability Compensation and Social Security Disability Insurance in Child Support Enforcement

VA Disability Compensation and Social Security Disability Insurance (SSDI) are separate federal programs designed to provide financial assistance to individuals with disabilities, but their interconnection can impact eligibility, benefits, and child support enforcement.

VA Disability Compensation is awarded to veterans with service-connected disabilities, while SSDI is available to individuals, including veterans, who have sufficient work history and meet the Social Security Administration's (SSA) definition of disability. A veteran who qualifies for one program does not automatically qualify for the other, as the VA uses a percentage-based disability rating system, whereas SSA requires a finding of total disability preventing substantial gainful activity. Receiving VA disability benefits can sometimes expedite an SSDI claim, especially for veterans with a 100% Permanent and Total (P&T) disability rating.

For child support professionals, it is important to understand that VA disability benefits are normally exempt from garnishment by the VA itself. However, once these benefits are deposited into the veteran's bank account, for child support purposes, they become subject to garnishment. In contrast, SSDI benefits are subject to garnishment for child support and arrears, and dependent benefits paid under SSDI can offset the obligor's responsibility. Understanding these distinctions ensures that child support professionals accurately assess available income and properly enforce child support obligations.

VA Disability Benefits and Child Support Garnishment: The Impact of Rose v. Rose

The U.S. Supreme Court case *Rose v. Rose*, 481 U.S. 619 (1987), established that VA disability benefits are not solely for the veteran's benefit but are also intended to support the veteran's dependents. The Supreme Court ruled that states have the authority to enforce child support obligations using VA disability benefits because these payments compensate for lost earning capacity while also ensuring that a veteran's dependents are financially supported. The Court rejected the argument that 38 U.S.C. § 5301, which generally protects VA benefits from creditors, prevents child support enforcement, reasoning that child support obligations are fundamentally different from creditor claims.

In *Rose*, a Tennessee court had held a disabled veteran in contempt for failing to pay child support, despite his argument that his only source of income was VA disability compensation. The Supreme Court upheld the state court's authority to enforce the child support order, emphasizing that Congress intended these benefits to be used, in part, for the support of veterans' families. The Court further explained that allowing enforcement does not interfere with the VA's administration of benefits, nor does it deprive the veteran of necessary support, since the benefits themselves include additional amounts designated for dependents. Thus, *Rose* firmly establishes that VA disability benefits may be considered as income for child support purposes and enforced through state courts.

Why VA Disability Benefits Are Subject to Bank Account Garnishment for Child Support but Not for Other Debts

While *Rose* confirmed that VA benefits can be used for child support enforcement, other federal courts have further clarified the distinction between general creditor claims, which are prohibited, and child support obligations, which take priority once VA benefits are deposited into a bank account.

In Case v. Dubaj, 2011 U.S. Dist. LEXIS 96808 (W.D. Pa. 2011), the court specifically addressed whether veterans' disability benefits deposited into a bank account were protected from garnishment for spousal and child support arrears. The plaintiff, a veteran, argued that freezing his bank account to satisfy support obligations violated 38 U.S.C. § 5301, which exempts VA benefits from garnishment. The court rejected this argument, ruling that *Rose* established a clear exception for family support obligations. The court noted that once benefits are deposited into a bank account, they lose their federal exemption and become subject to garnishment for support obligations.

This position was reaffirmed in Sayers v. Powell, 2015 U.S. Dist. LEXIS 77971 (W.D. Va. 2015), where the court emphasized that courts have consistently held that VA disability benefits may be garnished for child support once deposited, as they are intended to support both the veteran and their dependents. Similarly, in Paylor v. Allegheny County, 2015 U.S. Dist. LEXIS 16279 (W.D. Pa. 2015), the court applied *Rose* to uphold the freezing and seizure of a veteran's bank account for child support enforcement, rejecting the argument that § 5301 barred such actions. The court ruled that enforcing child support orders using these funds was consistent with the intent of federal law.

In Brown v. Brown, 2017 U.S. Dist. LEXIS 68106 (D.N.J. 2017), the court reiterated that while VA benefits are generally exempt from garnishment under § 5301, they may still be considered as income for calculating and enforcing child support. The ruling cited *Rose* and *Case v. Dubaj*, concluding that VA benefits do not enjoy absolute protection from enforcement actions when it comes to family obligations.

Key Cases Supporting Bank Account Garnishments of VA Benefits for Child Support

The following table summarizes key cases that reinforce the principle that VA disability benefits, while protected at the source, may be considered income for child support obligations and become subject to garnishment once deposited in a bank account:

Case Name	Citation	Key Holding
Rose v. Rose	481 U.S. 619 (1987)	Established that VA disability benefits are intended to support both the veteran and their dependents, and states have authority to enforce child support using these funds.
Case v. Dubaj	2011 U.S. Dist. LEXIS 96808 (W.D. Pa.)	Ruled that once VA benefits are deposited into a bank account, they lose their federal exemption and may be garnished for child support.
Sayers v. Powell	2015 U.S. Dist. LEXIS 77971 (W.D. Va.)	Confirmed that state courts can enforce child support obligations using deposited VA benefits.
Paylor v. Allegheny County	2015 U.S. Dist. LEXIS 16279 (W.D. Pa.)	Upheld the seizure of a veteran's bank account for child support enforcement, ruling that § 5301 does not protect deposited VA benefits from garnishment.
Brown v. Brown	2017 U.S. Dist. LEXIS 68106 (D.N.J.)	Reaffirmed that VA disability benefits may be considered as income for child support calculations and enforcement.
Warner v. Scotland Cnty. Soc. Servs.	2023 U.S. Dist. LEXIS 68359 (M.D.N.C.)	Reaffirmed that VA disability benefits may be subject to enforcement actions for child support once deposited into a bank account.
Leuthe v. Pa. Dep't of Human Servs.	2024 U.S. Dist. LEXIS 94695 (W.D. Pa.)	Stated that VA benefits lose their federal protection from garnishment once received by the veteran and may be used for child support enforcement.

The Rhone Exception: Direct Veteran Administration Wage withholdings

In *Rhone v. McDonough*, No. 20-2370, 2021 U.S. App. Vet. Claims LEXIS 1176, at *11-12 (Vet. App. June 30, 2021), the court clarified the interaction between 38 U.S.C.S. § 5301(a)(1) and 42 U.S.C.S. § 659, emphasizing that while VA disability benefits are generally exempt from garnishment, an express statutory exception allows withholding for child support and alimony obligations. Under 42 U.S.C.S. § 659(a), payments from the federal government, including VA disability compensation, may be withheld to satisfy these obligations in the same manner as if the United States were a private employer. The ruling highlighted 42 U.S.C.S. §

659(h)(1)(A)(ii)(V), which explicitly includes VA disability payments when a veteran waives a portion of their military retirement pay to receive them, classifying such payments as remuneration for employment for garnishment purposes. As a result, the VA is authorized to withhold and allocate a portion of a veteran's disability benefits for child support or alimony pursuant to valid legal process. *Rhone* reinforces the principle that when a veteran voluntarily elects to waive retired pay for disability compensation, those funds become subject to child support enforcement, ensuring that servicemembers uphold their family obligations while still receiving disability benefits.

Conclusion

Both Federal and State courts have consistently ruled that VA disability benefits, while protected from garnishment at the source, do not enjoy the same protection once deposited into a bank account. The Supreme Court's decision in *Rose v. Rose* established that these benefits serve not just the veteran, but also their dependents, allowing states to enforce child support obligations. Subsequent cases, including *Case v. Dubaj*, *Sayers v. Powell*, *Paylor v. Allegheny County*, and *Brown v. Brown*, have further clarified that once VA benefits are received and deposited, they are no longer immune from garnishment for child support obligations. Under the Rhone exception, the Veteran's administration will honor wage withholdings when the veteran waived a portion of his military retirement to receive VA disability payments.

CEJ Military Cases and Their Holdings

Case	**Citation**	**Holding**
Halterman v. Halterman	855 S.E. 2d 812 (2021)	North Carolina lacked jurisdiction to modify a Florida child support order due to the father's Virginia domicile and improper filing under UCCJEA instead of UIFSA.
Nordstrom v. Nordstrom	649 S.E. 2d 200 (2007)	Virginia lost CEJ to modify child support because neither parent nor the child resided in Virginia, leading to the vacating of the modified support order.
Berry v. Coulman	440 P.3d 264 (2019)	Alaska retained CEJ because the servicemember's domicile remained in Alaska, affirming UIFSA's rule that domicile, not residence, controls jurisdiction.
Lattimore v. Lattimore	991 So. 2d 239 (2008)	Alabama's CEJ depended on the military father's domicile, leading to remand for further fact-finding.

Ferguson v. Wallace-Ferguson	911 N.W. 2d 324 (2018)	North Dakota upheld CEJ despite all parties leaving the state, citing UIFSA exceptions for overseas residence and jurisdictional consistency.
Voegtle v. Richards	2015 IL App (5th) 140619-U	Illinois lacked jurisdiction to modify a Louisiana child support order because the servicemember no longer lived in Illinois, reinforcing the play-away principle.
In re Marriage of Amezquita & Archuleta	101 Cal. App. 4th 1415 (2002)	California lacked CEJ to modify a New Mexico child support order because the servicemember father's domicile remained in New Mexico despite his presence in California.
Lilly v. Lilly	250 P.3d 994 (2011)	Utah exercised CEJ to modify a California order, ruling that domicile, not physical residence, controls jurisdiction under UIFSA.
Wareham v. Wareham	791 N.W. 2d 562 (2010)	Minnesota retained CEJ despite all parties leaving the state, contradicting UIFSA's play-away rule.
CEJ & SCRA	50 U.S.C. § 4025 50 U.S.C. § 4001	SCRA preserves a servicemember's domicile for tax and voting purposes, preventing automatic jurisdictional shifts under UIFSA and ensuring stability in Continuing Exclusive Jurisdiction (CEJ) for child support.

Halterman v. Halterman, 855 S.E. 2d 812 (2021)

(North Carolina lacked jurisdiction to modify a Florida child support order due to the father's Virginia domicile and the mother's improper filing under UCCJEA instead of UIFSA.)

In *Halterman v. Halterman*, the North Carolina Court of Appeals ruled that the mother failed to properly register a Florida child support order under UIFSA, leading to dismissal for lack of subject matter jurisdiction. Instead of following N.C. Gen. Stat. § 52C-6-602, she incorrectly structured her filing under the UCCJEA, which governs custody, not child support. Her petition lacked required elements, including a sworn statement of arrears and proper notice to the obligor. The father, domiciled in Virginia, successfully argued that North Carolina had no jurisdiction to modify the Florida order because he had never resided in North Carolina. The trial court dismissed the case under Rules 12(b)(1) and (6), confirming North Carolina could not assume jurisdiction over child support. The ruling reinforced that UIFSA and UCCJEA serve different purposes, and procedural errors in filing can result in dismissal.

Nordstrom v. Nordstrom, 649 S.E. 2d 200 (2007)

(Virginia lost continuing exclusive jurisdiction (CEJ) to modify child support because neither parent nor the child resided in Virginia, leading to dismissal.)

In *Nordstrom v. Nordstrom*, the Virginia Court of Appeals ruled that Virginia lacked continuing exclusive jurisdiction (CEJ) to modify a child support order because neither parent nor the child resided in Virginia when the modification request was filed. At that time, the mother and child resided in West Virginia, and the father, an active-duty servicemember, was stationed in Germany and deployed to Iraq, with his legal residence (domicile) being in Texas. Although the father maintained Texas as his domicile, the key jurisdictional issue under Virginia's UIFSA statute (§ 20-88.39) was that none of the parties maintained residence or domicile in Virginia. Consequently, without written consent from both parties, Virginia lost CEJ to modify the order, resulting in the court vacating the modification order.

Berry v. Coulman, 440 P.3d 264 (2019)

(Alaska retained continuing exclusive jurisdiction (CEJ) because the servicemember's domicile remained in Alaska, affirming UIFSA's principle that domicile, not residence, controls jurisdiction, despite no one being physically present in Alaska.)

In Berry v. Coulman, the Alaska Supreme Court ruled that Alaska retained continuing exclusive jurisdiction (CEJ) to modify Berry's 2011 Alaska child support order, despite his military relocation to North Carolina. The court determined that under 50 U.S.C. § 4001(a)(1) (Servicemembers Civil Relief Act), Berry's domicile remained in Alaska because military service alone does not change a servicemember's legal residence if they intend to return. Since domicile, not mere residence, controls jurisdiction under UIFSA, Alaska had the authority to modify the support order, rejecting Berry's claim that only the Alaska Child Support Services Division (CSSD) could do so. Domicile controls under UIFSA because it reflects a person's long-term legal ties to a state, preventing jurisdiction from shifting based on temporary relocations. Allowing mere residence to dictate jurisdiction would create instability, potentially leading to multiple states claiming authority over the same child support order whenever a parent moves. This decision ensured Alaska remained the only state with modification authority, preventing conflicting orders from multiple states.

Lattimore v. Lattimore, 991 So. 2d 239 (2008)

(Alabama's continuing exclusive jurisdiction (CEJ) over a child support order depended on the military father's domicile status, leading the court to remand for further fact-finding despite all parties leaving the state.)

In *Lattimore v. Lattimore*, the Alabama Court of Civil Appeals addressed continuing exclusive jurisdiction (CEJ) under UIFSA in a case where the mother sought modification of an Alabama child support order. The court ruled that Alabama lost CEJ because neither the obligor (father), the obligee (mother), nor the children resided in Alabama at the time of the modification request. However, since the record was unclear about whether the father, who had been in the military, remained domiciled in Alabama, the court reversed and remanded the case for further fact-finding. This decision highlights that military service alone does not change domicile, and a state retains CEJ over child support orders only if at least one party or the child continues to reside there or the parties consent to a transfer of jurisdiction.

Ferguson v. Wallace-Ferguson, 911 N.W. 2d 324 (2018)

(The North Dakota Supreme Court upheld continuing exclusive jurisdiction (CEJ) over a servicemember's child support order despite all parties leaving the state, citing UIFSA exceptions for overseas residence and jurisdictional consistency.)

In *Ferguson v. Wallace-Ferguson*, the North Dakota Supreme Court upheld the state's continuing exclusive jurisdiction (CEJ) over a child support order despite both parents and the child no longer residing in North Dakota. The mother, stationed in Texas, and the father, reassigned to South Korea, argued that CEJ was lost under UIFSA § 205 and N.D.C.C. § 14-12.2-08, which generally requires one party to remain in the issuing state. However, North Dakota law (N.D.C.C. § 14-12.2-45(6)) allows the state to retain jurisdiction when one party resides outside the United States. The court cited UIFSA § 205 (2008) commentary, emphasizing that CEJ persists unless all parties consent to transfer jurisdiction, ensuring a single controlling order. The ruling also addressed the "play-away" principle, where modification typically must be filed in the other party's home state, but an exception applies when a party moves abroad. While the court did not consider this point, the case raises the broader question of whether domicile should play a role in UIFSA jurisdictional determinations, as the mother could have filed in the father's domiciliary state instead of relying on North Dakota's statutory exception.

Voegtle v. Richards, 2015 IL App (5th) 140619-U.

(Illinois lacked jurisdiction to modify a Louisiana child support order because the servicemember respondent no longer lived in Illinois, reinforcing UIFSA's play-away principle requiring modification in the respondent's state.)

In *Voegtle v. Richards*, the Illinois Appellate Court ruled that Illinois lacked continuing, exclusive jurisdiction (CEJ) to modify a Louisiana child support order because the respondent, a servicemember, no longer had sufficient ties to Illinois. Although he had previously resided in Illinois while in the military, he had since relocated multiple times due to military orders, and his only connection to Illinois was the petitioner's relocation there with the children. The court emphasized that under UIFSA, jurisdiction to modify a child support order requires either the consent of all parties or that the non-requesting party reside in the state, neither of which were present. The ruling aligns with the play-away principle, requiring the petitioner to seek modification in the respondent's state, ensuring fairness in jurisdictional determinations for military parents.

In re Marriage of Amezquita & Archuleta, 101 Cal. App. 4th 1415 (2002)

(California lacked continuing exclusive jurisdiction (CEJ) to modify a New Mexico child support order because the servicemember father's domicile remained in New Mexico despite his physical presence in California, reaffirming UIFSA's domicile-based jurisdiction rule.)

In In re Marriage of Amezquita & Archuleta, the California Court of Appeal ruled that California lacked continuing exclusive jurisdiction (CEJ) to modify a New Mexico child support order because the obligor, a servicemember stationed in California, remained domiciled in New Mexico, despite the mother and child residing in California. The court held that under UIFSA, "residence" means domicile, and a servicemember does not establish residency in a state solely by being stationed there if they intend to return to their home state. Because the servicemember retained a New Mexico driver's license, voted, and paid taxes there, New Mexico remained the issuing state with exclusive jurisdiction over the support order. This ruling reinforced UIFSA's purpose of ensuring that only one valid support order exists at a time, preventing jurisdiction from shifting based on a temporary military assignment.

Lilly v. Lilly, 250 P. 3d. 994 (2011)

(Utah exercised continuing exclusive jurisdiction (CEJ) to modify a California child support order, ruling that domicile, not physical residence, controls under UIFSA, aligning with *Amezquita* to prevent conflicting modifications.)

In *Lilly v. Lilly*, the Utah Court of Appeals ruled that Utah had jurisdiction to modify a California child support order, emphasizing that domicile, not physical residence, determines CEJ under UIFSA. The father, an active-duty Marine stationed in California, argued that Utah remained his domicile because he maintained Utah residency for tax, voting, and legal purposes and intended to return after service. The mother had moved back to Utah with the child, so at the time of the modification request, both the mother and child resided in Utah, while the father claimed Utah as his domicile. Relying on *Amezquita*, the court stressed that allowing multiple states to assert jurisdiction based on temporary residence could lead to conflicting modifications. The court concluded that a person may reside in multiple places but has only one domicile, which dictates CEJ. Since neither parent nor the child remained in California, Utah properly exercised jurisdiction, reinforcing that military service alone does not alter a servicemember's domicile and preventing UIFSA forum-shopping.

Wareham v. Wareham, 791 N.W. 2d 562 (2010)

(Minnesota retained continuing, exclusive jurisdiction over a child support order despite all parties leaving the state, contradicting UIFSA's play-away rule.)

In *Wareham v. Wareham*, the Minnesota Court of Appeals held that Minnesota retained continuing, exclusive jurisdiction (CEJ) over a child support order even after both parents and the children had permanently left the state, as long as neither party filed written consent allowing another state to assume jurisdiction. This decision is an outlier among UIFSA cases, as most courts apply the "play-away" rule, which dictates that when all parties have left the state that issued the support order, the party seeking modification must go to the other party's state to modify support—hence, "play-away." *Wareham* rigidly adheres to the statutory language without considering the practical jurisdictional ties. Consequently, this approach contrasts with the intent behind UIFSA to prevent conflicting orders by requiring the party seeking modification to play-away, filing in the state where the other party resides.

The SCRA and CEJ

The Servicemembers Civil Relief Act (SCRA) statutes on tax residency (50 U.S.C. § 4001) and voting residency (50 U.S.C. § 4025) impact Continuing Exclusive Jurisdiction (CEJ) under UIFSA by reinforcing that military service alone does not change a servicemember's domicile. Section 4001 ensures that a servicemember's tax domicile remains unchanged despite military orders, which affects CEJ determinations when states require domicile rather than physical presence for jurisdiction. Section 4025 similarly protects voting residency, preventing a state from deeming a servicemember to have changed domicile solely due to military relocation, further solidifying jurisdictional ties to the original state. These provisions ensure stability in child support cases by preventing frequent shifts in CEJ based on military transfers, requiring a formal intent or action to change domicile.