

Guidelines for Army Regulation 608-99

(AR 608-99, Family Support, Child Custody, and Parentage)

Q: What is AR 608-99?

A: Army Regulation 608-99, effective 13 November 2020, explains the Department of the Army's policy, guidance and procedures concerning nonsupport of family members, paternity claims, and paternity related adoption proceedings. A summary of this regulation is provided in this handout.

Q: What is a Service Member's obligation under the regulation?

A: A Service Member's obligation includes:

- Providing adequate and continuous support for family members.
- Complying with separation agreements, court orders and judicial orders or decrees.
- Meeting financial obligations promptly.

Q: Who is responsible for ensuring that Service Members are informed of the Army policy on support of family members and enforcing it?

A: Commanders are responsible for ensuring Service Members know about the policy and comply with it.

Q: If a Service Member fails to meet the requirements above, what can the commander do?

A: The commander can consider:

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

Q: If the Service Member fails to meet the requirements, can the Army deduct money from their pay?

A: No. The Army has no legal authority to deduct money from a Service Member's pay without their consent, unless garnishment or involuntary allotment has been ordered by a civilian court.

Q: How does the command determine adequate support for family members?

A: The Army will require Service Members comply with any court-ordered support. In the absence of a court-order, the Army prefers a separated Service Member and spouse enter into a written separation agreement specifying an agreed-upon level of support. The Army has established minimum interim support measures for single and multiple family units. The Service Members will provide support of an amount equal to their Non-Locality BAH-II rate. The Service Member would find the applicable BAH-II amount on the current years Non-Locality BAH chart "with dependents" rate column, based on their current pay grade. This support is payable on the 1st of every month for the previous month. It is preferred that the payment be pro-rated to the date of separation if the Service Member is required to pay support for a partial month. The payment should be made

by allotment or direct deposit to ensure it is paid in a timely manner, but it may also be paid by money order or check. Any such money order or check that is mailed must, be mailed directly to the recipient, and must be post-marked no later than the 1st of the month.

Q: What is the minimum amount of support that I can receive if we live on post in government housing?

A: In the absence of a court-order, AR 608-99 does not require support to be paid if the family is still living in on-post government quarters. However, if the Service Member has debts, or other financial obligations for which he is responsible, the Army expects the Service Member to uphold those obligations.

Q: What happens if the supported family members move off post?

A: When the supported family members move off post, support will be provided in an amount equal to Non-Locality BAH-II amount from the current year Non-Locality BAH chart “with dependents” rate column, based on their current pay grade. This is true even if the quarters were not physically cleared, and even if the Service Member is not receiving BAH from finance.

Q: If a Service Member has to support multiple family units (Court-ordered support from previous relationships) how is the amount of support determined?

A: In multiple support situations, the amount of support due to each supported family member is determined as follows: The amount of support the Service Member is required to give equals the number of supported family members divided by the applicable BAH-II amount (found on the current year Non-Locality BAH chart “with dependents”) times the number of dependents receiving support. Absent a court order, supported family members do not include non-biological dependents, such as stepchildren, unless they are adopted.

Example One: The Service Member has a dependent child they pay child support on from a previous relationship. The Service Member has two children from their current marriage. Their spouse, whom they are separated from, and their two children do not live in military quarters. The service member would find the applicable BAH-II amount from the current year Non-Locality BAH rate chart; for this example we will say the Service Member is an E-6, and use that amount in this calculation. They would take \$1080.00 and divide it by 4 (1 for the dependent child from previous relationship, 2 for the two current children, and 1 for the spouse) they would then times that amount by 3 (2 for the two children, and 1 for their spouse). This calculation gives the minimum amount of support to be paid to the current spouse (with physical custody of the 2 dependent children.) This calculation does not exempt or change the Service Member’s financial obligation previously determined by court order or judicial decree for the other dependent child.

$$(\$1080.00/4) \times 3 = \$810.00$$

Example Two: The service member is married with 3 children. Their spouse, whom they are separated from and does not live in military quarters, has custody of 1 of the dependent children. The Service Member has custody of 2 of the dependent children. The Service Member would find the applicable BAH-II amount from the current year Non-Locality BAH rates chart; for this example we will say the Service Member is an E-4, and use that amount in this calculation. They would take \$844.80 and divide it by 4 (3 for the three children, and 1 for their spouse) they would then times that amount by 2 (1 for the one children the spouse has physical custody of and 1 for their spouse.) This calculation gives the minimum amount of support to be paid to the current spouse (with physical custody of the 1 dependent children.)

$$(\$844.80/4) \times 2 = \$422.40$$

Q: If I am the spouse of a Service Member in a single family unit, and living off post, what is the minimum support I can receive?

A: The Service Member will provide support of an amount equal to their Non-Locality BAH-II rate. The Service Member would find the applicable BAH-II amount from the current year Non-Locality BAH chart “with dependents” rate. Similar calculations may need to be taken into consideration, from “Example Two” listed above, if the physical custody of the dependent children is being split between the spouse and service member.

Q: How would we determine the minimum support to be given in a dual military couple situation?

A: If the Service Member’s do not have children together, and there is no court order or separation agreement, there is no requirement for support. If they do have children, a minimum amount of support for the child will be required. Whether or not receiving BAH based on the marriage to another Service Member, a Service Member will pay a prorated share of the BAH-II at the “with dependents” rate to the Service Member having custody of the biological or adopted child(ren) of that marriage; if the family is residing off post. The Service Member would find the applicable BAH-II amount from the current year Non-Locality BAH rates chart under “differential.”

Q: Are in-kind payments acceptable for support under AR 608-99

A: The regulation does allow the Service Member to directly pay non-government housing expenses on behalf of family members if the family members are living in that home. The limits to this are:

- Rent
- Mortgage (principal and interest payments due on any outstanding loan secured on the non-government housing and the real property taxes and property insurance due under an escrow agreement covering the same property)
- Essential utilities such as gas, electricity, and water

Non-government housing expenses do not include telephone and cable television charges, or any other charges for which the Service Member is not legally responsible by reason of contract, lease, or loan agreement. Absent a court order or written agreement to the contrary, the Service Member cannot use any bills or financial obligations, such as a car and insurance, to reduce their support obligation under this regulation.

Q: As a Service Member, can I be excused from my regulatory obligation under AR 608-99?

A: Yes, a battalion commander or Special Court-Martial Convening Authority (usually a brigade level commander) can excuse a Service Member from his requirement under extremely limited circumstances. Before excusing a Service Member from their requirements, the commander’s Military Justice Advisor must first review and advise the commander on the action. Some bases for excusal of a soldier’s support requirement are:

- The Service Member has supported the spouse for 18 months after separation. Please note that this provision for excusal does not apply to child support.
- The income of the spouse exceeds the income of the soldier.
- The Service Member is a victim of substantiated spouse abuse
- The spouse is incarcerated

- A court issued an order without jurisdiction to do so
- A court order does not require financial support

Any excusal from support requirements under AR 608-99 does not excuse a soldier from following valid court orders.

Q: What if I have other questions or specific problems I want help in solving?

A: Please consult a legal assistance attorney, or private attorney of your choice as soon as possible. Your lawyer can answer the many questions, and help you to make a fair and intelligent decision about your choices, options, and alternatives. Only one of the parties may be seen by our office. The other spouse must be seen by an attorney at another installation or a civilian attorney. The Fort Moore Legal Assistance Office stands by to help you in these matters. Our legal assistance office numbers are (706) 545-3282/3281.

Added Clarity

(Acronyms & Explanations)

BAH: Basic Allowance for Housing is a military allowance based on geographical duty location, pay grade, and dependency status.

BAH-II: The BAH allowance without consideration of the geographical duty location.

BAH-II is based off of the current year Non-Locality BAH chart rate, based on current pay grade.

Oral Agreement: Couples can enter into an oral agreement for financial support, but once there is a dispute, the oral agreement cannot be enforced.

Written Financial Support Agreement: If a written financial agreement is signed and specifies an amount of support, that amount will be enforced. If the agreement does not specify an amount then the normal BAH-II financial support guidelines apply.

Court Order: If a court order exists it MUST be complied with and if it is not then the Soldier's commander can order compliance.

When does support start?

First and foremost any court order of financial support must be complied with. If there are none, support begins on the date the couple ceases living together in the same dwelling, if either party voluntarily leaves the residence, or if the soldier is ordered out of the residence. It will be presumed that the soldier is complying with support obligation until a family member or a family member's legal representative makes a complaint to the command, or authorized representative of the command, that the Service Member is not complying with the support obligation. A Service Member's obligation to pay financial support to the family members will begin on the date that the family members vacate the Government quarters. The obligation to make this support payment begins even if the Service Member has not cleared Government quarters and is entitled to draw BAH.

When does support stop?

Any obligation to pay court-ordered support will terminate only in accordance with the terms of the court order. Any obligation to pay support pursuant to the terms of a written financial support agreement will terminate only in either of the following events:

- Pursuant to terms of the agreement.
- Upon the effective date of a court order terminating the marriage or establishing a financial support obligation.

In the absence of a financial support agreement or court order, any support provided will terminate upon any of the following events:

- Upon the effective date of a court order terminating the marriage or establishing a financial support obligation.
- By the action of a commander relieving the soldier of a support obligation. Such termination will be effective upon the date release is granted.

2025 Non-Locality BAH Rates

Effective 1 January 2025

Pay Grade	Partial	BAH RC/T*		Differential*
		Without Dependents	With Dependents	
O-10	\$ 50.70	\$ 2,367.00	\$ 2,912.70	\$ 448.50
O-9	\$ 50.70	\$ 2,367.00	\$ 2,912.70	\$ 448.50
O-8	\$ 50.70	\$ 2,367.00	\$ 2,912.70	\$ 448.50
O-7	\$ 50.70	\$ 2,367.00	\$ 2,912.70	\$ 448.50
O-6	\$ 39.60	\$ 2,170.50	\$ 2,621.70	\$ 381.30
O-5	\$ 33.00	\$ 2,090.10	\$ 2,527.20	\$ 368.40
O-4	\$ 26.70	\$ 1,936.50	\$ 2,227.20	\$ 245.70
O-3	\$ 22.20	\$ 1,553.10	\$ 1,842.90	\$ 245.40
O-2	\$ 17.70	\$ 1,230.30	\$ 1,572.30	\$ 289.50
O-1	\$ 13.20	\$ 1,056.30	\$ 1,407.60	\$ 312.60
O3E	\$ 22.20	\$ 1,676.10	\$ 1,980.60	\$ 256.50
O2E	\$ 17.70	\$ 1,425.30	\$ 1,787.40	\$ 306.90
O1E	\$ 13.20	\$ 1,239.60	\$ 1,652.10	\$ 360.30
W-5	\$ 25.20	\$ 1,968.60	\$ 2,151.00	\$ 153.30
W-4	\$ 25.20	\$ 1,747.80	\$ 1,971.90	\$ 189.00
W-3	\$ 20.70	\$ 1,469.40	\$ 1,807.50	\$ 284.70
W-2	\$ 15.90	\$ 1,304.10	\$ 1,660.80	\$ 300.90
W-1	\$ 13.80	\$ 1,093.50	\$ 1,437.60	\$ 291.60
E-9	\$ 18.60	\$ 1,434.60	\$ 1,892.10	\$ 384.60
E-8	\$ 15.30	\$ 1,318.80	\$ 1,745.10	\$ 360.60
E-7	\$ 12.00	\$ 1,214.70	\$ 1,619.10	\$ 417.30
E-6	\$ 9.90	\$ 1,122.60	\$ 1,496.40	\$ 403.80
E-5	\$ 8.70	\$ 1,010.40	\$ 1,347.00	\$ 343.20
E-4	\$ 8.10	\$ 878.70	\$ 1,170.30	\$ 296.70
E-3	\$ 7.80	\$ 816.30	\$ 1,088.10	\$ 243.30
E-2	\$ 7.20	\$ 778.80	\$ 1,037.10	\$ 325.20
E-1	\$ 6.90	\$ 778.80	\$ 1,037.10	\$ 384.60

*BAH RC/Transit rates are adjusted by the average change in housing costs; BAH-DIFF rates are adjusted by the amount of the basic pay raise. BAH Partial rates are constant.