

MILITARY POLICY/PROCEDURES

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INTRODUCTION

GENERAL INFORMATION

When the noncustodial parent (NCP) is a member of the military, the CSS program uses the policies and procedures that appear in this chapter. This chapter contains the following topics:

1. [An overview of military-related policies and other information;](#)
2. [Military-related Locate policies and procedures;](#)
3. [Military-related Paternity Establishment policies and procedures;](#)
4. [Military-related Support Establishment policies and procedures;](#)
5. [Military-related Enforcement policies and procedures.](#)

MILITARY - OVERVIEW

GENERAL INFORMATION

This topic contains information on the following subjects:

1. [Recommendations for interacting with military personnel;](#)
2. [Servicemembers' Civil Relief Act;](#)
3. [Obtaining information from DFAS.](#)

RECOMMENDATIONS FOR INTERACTING WITH MILITARY PERSONNEL

In order to successfully manage the common difficulties involving interactions with military personnel, CSS caseworkers should adhere to the following recommendations:

1. Caseworkers should show respect for the military personnel and their mission at all times. Invoking civilian authority and making demands will often meet with resistance.
2. Valid limitations exist on the military's ability to respond to certain requests from CSS. Schedules and dates or locations of military exercises could be classified information.
3. Caseworkers should follow the chain of command when contacting military personnel and document all previous attempts to use other points of contact.

SERVICEMEMBERS' CIVIL RELIEF ACT (SCRA)

INTRODUCTION

The Servicemembers Civil Relief Act (SCRA), 50 USCS § 3901 et seq., strengthens the rights of servicemembers entering active duty by easing economic and legal burdens. Several of the SCRA provisions directly affect child support services. The SCRA applies to civil

court actions, state and federal administrative actions, but not criminal proceedings.

Effective October 1, 2019, the federal SCRA was incorporated into North Carolina law by codifying the provisions of the federal SCRA into NC statutes. The North Carolina Servicemembers Civil Relief Act is found in NCGS 127B, Article 4. As with the federal act, it similarly provides for consequences for violation of the NC SCRA by either private action or through the NC Attorney General.

WHO IS INCLUDED

The SCRA applies to active duty servicemembers. Armed forces reservists and National Guard members are also under protection of the SCRA when called to active service by the President or the Secretary of Defense for a period of thirty (30) consecutive days.

The North Carolina SCRA expands beyond the scope of the federal SCRA by extending the rights, benefits, and protections of the federal SCRA to members of the North Carolina National Guard who are serving on active duty and to members of other states' National Guards who are serving on state active duty and who reside in North Carolina per NCGS 127-28(a).

To determine if the noncustodial parent (NCP - coded "AP") is an active duty military servicemember, caseworkers can access this web site: "<https://scra-w.dmdc.osd.mil/scra/#/home>". If the NCP is currently on active duty, the site advises CSS workers that the Department of Defense (DOD) possesses information that the NCP is on active duty. It does not provide any other information about the servicemember or about retirees or non-active duty personnel.

WAIVER OF RIGHTS (SCRA)

Servicemembers can sign a waiver if they agree for Child Support Services (CSS) to establish paternity and/or support when the noncustodial parent (NCP) is unable to come to the CSS office or court. They must do this during or immediately after their period of military service, in a separate document that refers to the support order to which the waiver applies. CSS must attach the waiver to the support order.

A servicemember's legal representative has the authority to sign a waiver on his/her behalf. The SCRA defines the legal representative as an attorney working on behalf of the servicemember or an individual who possesses a power of attorney from the servicemember.

If the legal representative signs a waiver on behalf of the servicemember, CSS must attach a copy of the power of attorney to the waiver form. If the case is before the court, these documents should be submitted to the court as evidence.

STAY OF PROCEEDINGS WHEN THE SERVICEMEMBER HAS NOTICE (SCRA)

When a court hearing has been initiated, the SCRA provides the servicemember with at least a 90-day automatic stay of proceedings if

he/she supplies the court with a letter or other communication that includes:

1. The facts stating why current military duty prevents the servicemember from coming to court;
2. A date when the servicemember will be available to appear in court;
3. An additional letter or other communication from the servicemember's commanding officer, stating that the servicemember's current military duty prevents the NCP from appearing in court and that military leave is not authorized at the time of the letter.

Servicemembers can apply for an additional stay of proceedings based on their continuing inability to appear due to military duty. The same information that is required for the initial stay must be included in the later request.

Before the subsequent court hearing date, CSS should communicate with the servicemember and his/her commanding officer to make sure that the servicemember will be available at the next hearing. If necessary, the commanding officer should be reminded about DOD Directive 1327.5, which states that when a servicemember requests leave due to the need to attend hearings to determine paternity and/or establish child support, leave will be granted, unless the servicemember is currently deployed or in a situation that requires a denial of the request.

A servicemember can request an additional stay if their military duty has a continuing material effect on his/her ability to appear. If the court refuses to grant the stay, then the court must appoint an attorney to represent the servicemember.

If the court denies the initial request for a stay of proceedings or any later request for a stay because the NCP did not meet the criteria to make a request, then the court does not have to appoint an attorney to represent the servicemember. If this is the case, then the court can enter a final order.

The servicemember cannot request a stay of proceeding if he/she makes the request later than ninety (90) days after termination or release from the military service.

PRIOR TO DEFAULT JUDGMENTS (SCRA)

Affidavit Regarding Military Service -

Prior to the entry of a default judgment or order against an NCP, if the NCP has not made an appearance in the case, CSS must file an affidavit with the court that indicates whether or not the NCP is in the military or that CSS does not know whether or not the NCP is in the military. CSS should use the Servicemembers Civil Relief Act Affidavit (AOC-G-250) for this purpose. This Affidavit provides the definition of "military service" and includes members of the National Guard.

CSS workers should use the Department of Defense (DOD) web site (<https://scra-w.dmdc.osd.mil/scra/#/home>) to obtain a certificate stating whether or not an NCP is a servicemember. Workers should attach this certificate to the Affidavit as proof of the NCP's military service status. If no information is found on the web site is not used, workers must enter a statement of any available information regarding the NCP's military status on the AOC-G-250 document.

A copy of the Affidavit and any additional supporting documentation that is presented to the court must be retained in the case record.

If it appears that the NCP is a servicemember, then the court cannot enter a judgment until after the court appoints an attorney to represent the defendant.

In addition, it is mandatory for the court to grant a stay of proceedings for a minimum of ninety (90) days if:

1. A defense to the action might exist that cannot be presented without the presence of the defendant;
2. The court-appointed attorney has been unable to contact the defendant; or
3. The court-appointed attorney certifies that a valid defense exists.

If the court-appointed attorney cannot contact the servicemember, actions by the attorney in the case do not bind the servicemember or waive any defense that he/she might have in the case.

AFTER AN ENTRY OF DEFAULT JUDGMENT (SCRA)

If the servicemember later wants to reopen the default judgment, these conditions must be met:

1. CSS failed to file the prerequisite affidavit at the time of entry of default judgment;
2. The default judgment was taken against the servicemember during his/her period of military duty or within sixty (60) days of termination of active duty;
3. The motion to reopen the judgment was filed within at least ninety (90) days of the servicemember's termination from active duty;
4. The servicemember's defense to the action was affected by reason of his/ her military service; and
5. The servicemember had a valid defense to the action.

STAYING OR VACATING EXECUTION OF JUDGMENTS

If the court determines that a servicemember is materially affected by his/her military service in complying with a court judgment or order, then the court can, on its own motion:

1. Stay the execution of the judgment or order; and
2. Vacate or stay an attachment or garnishment of property, money, or debts in the possession of the servicemember or a third party.

If the servicemember seeks this relief him/herself, the court must grant it. This relief is available in any action or proceeding commenced against a servicemember before or during his/her military service, or within ninety (90) days after such service terminates.

GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL (SCRA)

A servicemember who is absent from a state in compliance with military orders is not considered to have lost residency in that state for tax or voting purposes, whether or not he/she intends to return to that state. The servicemember shall not be considered to have become a resident of any other state.

HEALTH INSURANCE REINSTATEMENT (SCRA)

SCRA includes a provision guaranteeing that an individual's personal health insurance which was terminated because of entry into military service must be reinstated upon release from military service without any exclusions or waiting periods. The servicemember must apply for the reinstatement of the health insurance within one hundred-twenty (120) days after termination or release from military service.

INTEREST RATES (SCRA)

The SCRA states that no interest rates above six percent (6%) can accrue while a servicemember is on active duty, nor can that excess interest become due once the servicemember leaves active duty. This affects child support obligations established in states that charge interest on arrearages. This provision forgives the payment on interest in excess of six percent (6%) a year on child support arrearages incurred prior to entering active duty. The state with the controlling order should be contacted if questions arise regarding arrearage computation.

OBTAINING INFORMATION FROM DFAS

Except in certain circumstances, the Department of Defense (DOD) does not respond to employment/payroll verification requests; however, the Defense Finance and Accounting Service (DFAS) will respond to written Freedom Of Information Act (FOIA) requests for the following types of information regarding active duty and reserve military personnel and DOD civilian employees:

- Physical address for service of process; and/or
- Past pay history exceeding one (1) year (for military personnel and DOD civilian personnel); and/or
- A military NCP's Leave and Earnings Statement (LES) and other financial records, if a subpoena or order is submitted to DFAS.

The subpoena must be signed by a state or federal judge before it can be accepted for processing.

MILITARY - LOCATE POLICY/PROCEDURES

GENERAL INFORMATION

This topic contains information on the following subjects:

1. [An overview of the Locate process for military personnel;](#)
2. [Requesting Locate information from FPLS;](#)
3. [Using the Military Locate/Income Letter \(DSS-4542\).](#)

MILITARY LOCATE OVERVIEW

If the CSS agency cannot determine location information for an active duty or retired member of the military services, that service member's military address can be obtained by sending a request through the Federal Parent Locator Service (FPLS).

The Department of Defense (DOD) provides employment/payroll data to FPLS through quarterly wage reporting to the National Directory of New Hires (NDNH).

DOD does not respond directly to requests for verification of employment/payroll data for active, reserve, or retired military personnel or for federal civilian personnel, except in certain special circumstances. For more information on these exceptions, see ["Obtaining Information from DFAS"](#).

REQUESTING LOCATE INFORMATION FROM FPLS

The Department of Defense (DOD) has established a centralized personnel locator service to work in conjunction with FPLS to locate active duty or retired noncustodial parents (NCPs) in the military.

FPLS provides the military member/NCP's residential address, unless the military has determined that disclosure of the residential address could compromise national security. If the military member/NCP is permanently assigned overseas to a vessel or is part of a routinely deployed unit, FPLS provides a "DUTY" address.

DOD provides the FPLS with new hire and quarterly wage information for military personnel and DOD civilian NCPs. (EXCEPTION: DOD does not submit a new hire report for reservist NCPs who are called to active duty.)

USING THE MILITARY LOCATE/INCOME LETTER

If CSS caseworkers need a past income history exceeding one (1) year or a mailing address for service of process, they can generate the Military Locate/Income Letter (DSS-4542). This document requests the

noncustodial parent's (NCP's) rank, years in service, base pay, Basic Allowance for Housing (if any), number of dependents, and current duty station address. The responsible caseworker should sign this document, since the military usually does not respond to an unsigned request.

Caseworkers should address this document to the designated official for the NCP's branch of the military, if a name is provided. The designated military official should return this document to the responsible caseworker with the requested information.

MILITARY - PATERNITY ESTABLISHMENT POLICY/PROCEDURES

GENERAL INFORMATION

This topic contains information on the following subjects:

1. [The Paternity establishment process for military personnel;](#)
2. [The granting of leave to attend a paternity/support hearing.](#)

PATERNITY ESTABLISHMENT PROCESS FOR MILITARY PERSONNEL

The paternity establishment process for military personnel begins in the same way as in civilian CSS cases. During the initial interview with the custodial parent (CP), local CSS should secure the Affidavit Of Parentage (DSS-4697) and any sworn statements of past support. If a demand for child support has not previously been made, CSS should make a demand at this time.

If the defendant's location is known (or when determined later), the responsible CSS caseworker should generate and mail the Demand Letter To AP (NCP) For Support (DSS-4515). Three (3) copies of the sworn Affidavit of Parentage signed by the mother should be included with the Demand Letter for the military member/noncustodial parent (NCP) to sign.

The military member/NCP should be given the opportunity to respond to the demand before the local CSS agency requests assistance from the base commander. If the assistance of the base commander becomes necessary, a letter should be sent to the commander.

When the Affidavit of Parentage is completed, caseworkers forward the original signed Affidavit to North Carolina Vital Records (if the child was born in NC) or to the vital statistics agency in the state where the child was born. Also they send a copy to the CP and to the military member/NCP.

If the military member/NCP wants to establish a [voluntary allotment](#), CSS can send a Voluntary Support Agreement (DSS-4517) to the military member/NCP to complete and present to a finance officer. If paternity was settled by an Affidavit Of Parentage, the NCP must also present his copy of the Affidavit to the finance officer. (However, local CSS agencies should always attempt to obtain a support agreement or order that includes a provision for income withholding.)

The military member/NCP can also use the documents discussed previously to apply for a military dependents' ID card. This ID card qualifies the child (or the entire family) for [TRICARE medical assistance](#), Post Exchange, and Commissary privileges. With the proper documentation, CPs also can enroll a child in the Defense Enrollment Eligibility Reporting System (DEERS).

GRANTING OF LEAVE

Military personnel from all branches of service earn thirty (30) days of leave annually, accruing at the rate of two and a half (2.5) days per month. A military member/noncustodial parent (NCP) can be granted leave to attend a hearing in connection with a civil action for paternity and/or support. However, circumstances can exist that prevent a commanding officer from approving leave (as defined in Section 101, Title 10 of the United States Code.)

EX: A commanding officer could be prevented from granting leave because the military member/NCP is part of a routinely deployable unit.

Military personnel who are going through basic or advanced training might be unable to appear in court due to the training schedule. No extra days are built into a military trainee's schedule to accommodate court dates, depositions, or family emergencies. A military member who is absent from portions of training would have to repeat the same training program in its entirety.

The commander's roles are:

1. To advise the member of the paternity claim and to refer him to counsel;
2. To assist those members who wish to acknowledge paternity; and
3. To respond to the complaint.

The commander has no authority to order the member to comply with paternity testing or to enforce compliance with a court order to submit a paternity test sample.

MILITARY - SUPPORT ESTABLISHMENT POLICY/PROCEDURES

GENERAL INFORMATION

This topic contains information on the following subjects:

1. [The support establishment process for military personnel](#);
2. [An overview of military pay information](#);
3. [The use of Basic Allowance for Housing \(BAH\)](#);
4. [Basic Allowance for Subsistence or Separate Rations \(BAS\)](#);
5. [Special skills pay and allowances](#);
6. [Interim support measures for various branches of the military](#);
7. [Voluntary military allotment](#);
8. [Military insurance coverage by TRICARE/CHAMPUS](#).

SUPPORT ESTABLISHMENT PROCESS

The various branches of the military require their members to provide support for family members. Federal regulations require military personnel to provide:

1. Financial support under the terms of a court order;
2. Financial support as specified in a written support agreement in the absence of a court order; or
3. Financial support through interim support measures until such time that a court order or a written support agreement is established.

Local CSS agencies should always attempt to obtain a voluntary support agreement for the establishment of support. If this attempt is unsuccessful, agencies should request that interim support measures be applied until a legal obligation can be established. When military regulations indicate a specific amount of interim support, that amount is generally less than the amount which the state's child support guidelines would mandate.

In addition to standard voluntary procedures and court procedures, a number of tactics for procuring child support exist that are unique to military personnel:

1. The use of [Basic Allowance for Housing \(BAH\)](#);
2. [Interim support measures](#) - All branches of the military maintain regulations that require a duty of support by the service members to their family/dependents. Most branches of the military have established support requirements that can be used when a court order or written support agreement has not been effected. When specified, these amounts are generally less than what the state's guidelines for child support would mandate;
3. [Voluntary military allotments](#) - A military allotment is the portion of a military member's pay that is allotted directly to another person or to an institution. Voluntary allotments are initiated, amended, and/or terminated at the discretion of the military member.

MILITARY PAY - OVERVIEW

Military pay consists of basic pay and can also include a Basic Allowance for Housing (BAH), a Basic Allowance for Subsistence or Separate Rations (BAS or Sep Rats) and/or Special Skills Pay (EX: flight pay, jump pay, etc.) and bonuses (EX: re-enlistment bonuses). To view military pay tables, access this website: "<https://www.dfas.mil/MilitaryMembers/payentitlements/Pay-Tables/>" and click on the current year's "Military Pay Tables" link.

CSS must consider basic pay, all allowances, and Special Skills Pay when setting the support obligation. BAH, BAS/Sep Rats, and Special

Skills Pay should be added to the military member/noncustodial parent's (NCP's) pay when determining the gross pay. These amounts can be obtained from the military NCP's Leave And Earnings Statement (LES).

A complete description of the LES can be found online by accessing this web site: "<https://www.military.com/spouse/military-benefits/money-management/how-to-read-a-military-les-leave-and-earnings-statement.html>". Then click on the appropriate branch of the service.

NOTE: A complete description of the Federal CIVIL Service LES can be found online by accessing this web site:
["https://www.dfas.mil/civilianemployees/understandingyourcivilianpay/LES.html"](https://www.dfas.mil/civilianemployees/understandingyourcivilianpay/LES.html).

If the military NCP is not receiving BAH and BAS/Sep Rats, it is likely that the NCP is living on base and not paying for housing or food. In these instances, it is important for CSS caseworkers to include this "in kind" income when determining the NCP's true income.

BASIC ALLOWANCE FOR HOUSING (BAH)

The purpose of BAH is to provide active duty military personnel with accurate and equitable housing compensation based on housing costs in local civilian housing markets when government housing is not provided. The BAH rates are based on geographic duty location, pay grade, and dependency status.

Military personnel who are living in government quarters and who have no dependents are entitled to "Partial BAH".

Military personnel who are not living in government quarters and who have no dependents are entitled to "BAH" at the "without dependents" rate.

Military personnel who are eligible for BAH and who have dependent family members are entitled to a greater amount of BAH, referred to as "BAH at the 'with dependents' rate". To be eligible for BAH at the "with dependents" rate, military members/noncustodial parents (NCPs) must pay toward the support of his/her dependents an amount that is AT LEAST equal to the difference between BAH at the "with dependents" and "without dependents" rates each month.

If two (2) military parents are supporting the same child, only one of the military parents is entitled to BAH at the "with dependents" rate. Forfeiture of the "with dependents" portion of BAH does not relieve a military member/NCP of his/her obligation to support family members.

To procure BAH, military members/NCPs must go to their local finance officer, establish that they do not live on the military base in assigned family quarters, submit proof that they have legal dependents, and request BAH. If the military member is the father of a child born out of wedlock, paternity must be legally established before BAH can be awarded. A female service member who has a child born out of wedlock is awarded BAH automatically if she is the

principal caretaker of the child or if the child has another principal caretaker who is receiving WFFA/TANF.

BAH is a temporary remedy for support. CSS caseworkers should continue to pursue the establishment of an order for support and initiate income withholding.

BAH II is the equivalent to what used to be BAQ (Basic Allowance for Quarters) and does not vary by geographic location. It is the housing allowance, or is used to calculate the housing allowance, for military personnel in particular circumstances, such as reservists on active duty for less than twenty (20) weeks, military personnel in confinement, etc.

BAH-DIFF (Differential) is the housing allowance amount for military personnel who are assigned to single-type quarters and who are authorized to receive BAH solely by reason of their payment of child support. Military personnel are not entitled to BAH-DIFF if the monthly amount of child support that they owe is less than the BAH-DIFF amount.

BAH RATES

To access BAH rate listings, visit the following web site: "<https://www.defensetravel.dod.mil/site/bah.cfm>". Visitors to this site can search for BAH rates by clicking on the current year's "Pay Table" link and scrolling down to the "Allowances" section. See the NCP's pay grade to determine the type and amount of BAH that is available.

BASIC ALLOWANCE FOR SUBSISTENCE (BAS)

The purpose of BAS is to offset the costs of a military member's meals. This allowance is not intended to offset the costs of meals for the family of the military member. Since January 1, 2002, most enlisted members get full BAS, but they must pay for their own meals, including those provided by the government. This allowance should be included in the guideline calculation for support.

BAS rates are available on the following web site: "<https://www.dfas.mil/MilitaryMembers/payentitlements/Pay-Tables/bas/>". Select the current year's "Pay Table" and scroll to the "Allowances" section. Use the information that is listed under "Basic Allowance for Subsistence" to obtain the current BAS rates.

SPECIAL SKILLS PAY AND ALLOWANCES

Special Skills Pay is used as additional compensation and incentive pay for servicemembers who possess specialized training, have a specialty qualification, and/or perform hazardous duty. This compensation also applies to military members who are serving in locations where living conditions create undue hardship or are performing designated hardship missions.

This allowance should be included in the guideline calculation for support.

NOTE: Some Special Skills Pay is only paid for a limited time.

Information on Special Pay and Allowances (EX: flight pay, medical officer pay, hazardous duty pay, etc.) appears on the Military NCP's Leave and Earnings Statement (LES). It can also be obtained by visiting this web site:

["https://www.dfas.mil/MilitaryMembers/payentitlements/Pay-Tables/"](https://www.dfas.mil/MilitaryMembers/payentitlements/Pay-Tables/).

Visitors to this site can search for Incentive and Special Pays by clicking on the current year's "Pay Table" link and scrolling to the "INCENTIVES AND SPECIAL PAYS" and/or the "SPECIAL PAYS FOR HEALTH PROFESSIONAL OFFICERS" section. Visitors can then review the appropriate type of special pay, if known.

INTERIM FINANCIAL SUPPORT MEASURES

OVERVIEW

Each branch of the military has regulations requiring a duty of support by a servicemember to his/her dependents. Temporary financial support (known as "interim support") might be available in cases where:

- No support order exists;
- Paternity is not an issue; and
- The military noncustodial parent (NCP) is not providing adequate support for his/her family.

CSS caseworkers should pursue the establishment of a child support order rather than attempt to get interim support, unless interim support is the ONLY option available for getting support. Usually, interim support can only be obtained through an administrative or court tribunal, based on the circumstances where it is permitted under local jurisdictional law or statute. Generally, a child support order can be established before interim support can be obtained.

NOTE: The Defense Finance and Accounting Service (DFAS) does not withhold income for this type of order.

When military regulations indicate a specific amount of interim support, these amounts vary depending on the branch of service. It is usually more than \$100 - \$150/month, but it is generally less than the amount that is calculated by state child support guidelines.

INTERIM SUPPORT MEASURES - ARMY

The Department of the Army has very specific provisions regarding interim support of dependents. The Army's interim support requirements are tied to its Basic Allowance for Housing II (BAH II). The specific amount of interim support also depends on a variety of factors, including number of dependents, other child support orders, etc.

INTERIM SUPPORT MEASURES - NAVY

The Navy's "interim support" requirements use a percentage of gross pay.

EX: The amount for a spouse and minor child is one-half (1/2) of gross pay; the amount for one minor child is one-sixth (1/6) of gross pay.

INTERIM SUPPORT MEASURES - MARINE CORPS

The Marine Corps does not have established interim support measures. However, it has established minimum support at the greater of either a set dollar amount (\$350/month) for one child OR one half (1/2) of the monthly BAH/OHA (Overseas Housing Allowance), up to one third (1/3) of the member's gross pay.

INTERIM SUPPORT MEASURES - AIR FORCE

The Department of the Air Force has no interim support measures or guidelines in effect for its personnel. The Air Force simply requires its members to "provide adequate financial support" and to "comply with the financial support provisions of a court order or written support agreement."

INTERIM SUPPORT MEASURES - COAST GUARD

The Coast Guard's requirements set its interim support for one child at one-sixth (1/6) of the member's basic pay. If the interim support is for a spouse and one child, the requirements are the BAH-DIFFERENTIAL plus twenty-five percent (25%) of the member's basic pay.

VOLUNTARY MILITARY ALLOTMENT

A military allotment is the portion of a military member's pay that is allotted directly to another person (such as a dependent) or to an institution. A military member/noncustodial parent (NCP) can initiate a voluntary allotment for the support of his/her child(ren). Since a voluntary allotment is completely under the military member's control and can be started, stopped, or amended at will by the member, it is strongly recommended that the CSS caseworker pursue a support order through judicial procedures of the court.

However, if a military member/NCP wants to establish a voluntary allotment, caseworkers should use the following procedures:

1. If paternity is not established, proceed with efforts to establish paternity.
2. Explain that the children are in need of financial support and that the NCP is responsible for providing child support. Advise the NCP of the amount of support that the child support guidelines prescribe.
3. Advise the NCP to have DFAS send his/her military allotment directly to the client until such time as a court order for child support is entered. This procedure is particularly

important if a military allotment is already in place and/or if the military member/NCP is out of the country.

4. If the support order is payable directly to the client, have the NCP direct his/her allotment to the custodial parent (CP). When the CSS agency has intervened in the local court action, advise the NCP that his/her allotment should be sent to NC Child Support Centralized Collections (NCCSCC) until income withholding is ordered and in place.

MILITARY INSURANCE COVERAGE BY DEERS/TRICARE/CHAMPUS

The Defense Enrollment Eligibility Reporting System (DEERS) maintains the information on military personnel and their dependents who are enrolled in TRICARE or CHAMPUS (Civilian Health And Medical Program of the Uniformed Services).

TRICARE is a regionally managed health care program for active duty, activated Guard and Reserves, and retired members of the uniformed services AND their families and survivors. (TRICARE and CHAMPUS are often referred to interchangeably. The original CHAMPUS is now referred to as "TRICARE Standard".)

Military noncustodial parents (NCPs) can voluntarily enroll their legal dependent child(ren) in DEERS, which automatically gives the child(en) medical benefits and the use of TRICARE/CHAMPUS. These benefits do not include dental or vision care unless those TRICARE options are selected.

Reservists who are not on active duty and civilian employees of the Department of Defense (DOD) are covered by TRICARE.

Once the dependents are enrolled in DEERS, medical benefits are available through a military medical hospital or clinic or through TRICARE, which entitles the child(ren) to health coverage up to the age of twenty-one (21) or twenty-three (23), if still enrolled in school. TRICARE insurance is employment-related, whether the military member/NCP is on active duty or retired.

TRICARE has three (3) main coverage choices for health care:

- TRICARE Prime - Military Treatment Facilities (MTFs) are the principal source of health care.
- TRICARE Extra - This is a preferred provider option.
- TRICARE Standard - This a fee-for-service option (the original CHAMPUS program).

Active duty service members and members of the reserves activated for more than thirty (30) consecutive days are automatically enrolled in TRICARE Prime and must complete an enrollment form. Family members of active duty personnel and retired service members and their eligible family members can choose the TRICARE option that best suits their needs. TRICARE "Prime", "Extra", and "Standard" coverage for active duty service members and their families has no enrollment fee, but "Extra" and "Standard" coverage has a deductible.

Retired military members/NCPs can choose "Standard" or "Extra" coverage with a deductible or "Prime" coverage with an annual enrollment fee. The fee is \$230/year for one (1) dependent or \$460/year for two (2) or more dependents. If a military member/NCP has another health insurance policy in addition to TRICARE, the other insurance is considered the primary carrier and TRICARE is the secondary carrier

Custodial parents (CPs) can obtain general information about TRICARE coverage options, co-pays, deductibles, and providers in their area by accessing these web sites: "<http://www.military.com/benefits/tricare/>" or "<http://www.tricare.mil>". CPs who use unauthorized providers are required to pay out-of-pocket for services rendered.

THE "DEERS" ENROLLMENT PROCESS

CSS cannot enroll a child in DEERS or TRICARE. Military members/NCPs or CPs can enroll their child(ren) in DEERS and TRICARE by providing any Real-Time Automated Personnel Identification Center (RAPIDS, also known as the "Pass and ID" office) at a military installation with the following:

- The child(ren)'s name and Social Security number (SSN);
- A copy of the child(ren)'s birth certificate;
- An Affidavit of Parentage (DSS-4697) or other legal determination of paternity; AND
- A copy of the support order (if one has been established).

If the military member/NCP is the party who enrolls the child, he/she should complete a DOD Form 1172 (Application for Uniformed Services Identification Card/DEERS Enrollment) to accompany the documentation.

If a legal determination of paternity for the child(ren) has not been made, the child(ren) can be enrolled in DEERS for health coverage at the time the military member/NCP or CP provides specific documents to the military. The Department of Defense considers children who are born out-of-wedlock to be dependents of a military member/NCP when the military member/NCP or CP presents the following documents to any RAPIDS/Pass and ID office at a military installation:

- A notarized, state-authorized acknowledgement of paternity form that is signed by the military member/NCP; and
- A birth certificate for the child(ren).

When the military member/NCP fails to enroll the child(ren), the CP must provide the RAPIDS/Pass and ID office with the military member/NCP's full name and SSN along with the required documentation to effect enrollment. The CP can provide the documents in person or by mail.

Once the CP supplies the Verifying Officer at the military installation with the DEERS documentation listed above, the Verifying Officer asks the military member/NCP to enroll the child(ren). If the

military member/NCP refuses to enroll the child, the Verifying Officer enrolls the child and issues a military identification card.

Child(ren) can be enrolled at any time prior to turning twenty-one (21) years of age. If a child is over ten (10) years of age upon enrollment, the military member/NCP is provided with a military identification card for that child. This ID card serves as the child's insurance card and has the military member/NCP's SSN on it as a means of identification.

Most mid-size or larger installations can issue a military ID for the child(ren). CSS should encourage CPs to call in advance to make sure that the installation where they are going can issue an ID for the child(ren).

If CPs want to enroll their child(ren) by mail, they should contact any military installation with a RAPIDS/Pass and ID office, since that is where individuals receive military ID cards.

To obtain the location of the nearest enrollment site or military installation, CPs can access this web site: "<https://idco.dmdc.osd.mil/idco/>". If CPs do not have access to the Internet, they can contact the DEERS Telephone Center help line at 1-800-538-9552.

All military bases have Health Benefits Advisors who can assist CPs with questions and walk them through the process. The amount of time for this process varies depending on the location and assignment of the military member/NCP.

For information on enrollment, CPs or NCPs can access this web site: "<http://www.military.com/benefits/tricare/>", then select the "Defense Enrollment Eligibility Reporting System (DEERS)" link.

Caseworkers can verify a child is enrolled in DEERS and TRICARE by contacting the CP and/or military member/NCP for the information. Caseworkers can also determine the child(ren)'s status through quarterly DMDC (Defense Manpower Data Center) reports.

DEERS and TRICARE do not verify enrollment information by telephone.

Caseworkers must not send the National Medical Support Notice (DSS-4733) to the Department of Defense. The NCP or CP must enroll the child according to military procedures at an installation that can issue military ID cards or by mail to a RAPIDS center.

MILITARY - ENFORCEMENT POLICY/PROCEDURES

GENERAL INFORMATION

CSS caseworkers can use income withholding or involuntary allotments as enforcement remedies in addition to standard legal procedures when:

- A child support order has been established with a provision for income withholding; and

- A military member/noncustodial parent (NCP) who is not currently under income withholding and defaults in his/her payment.

Income withholding for military members is accomplished through electronic income withholding ("e-IWO"). This topic contains information on the following subjects:

1. [Electronic income withholding \("e-IWO"\) for military members/NCPs;](#)
2. [Immediate income withholding for military members/NCPs;](#)
3. [Involuntary allotments.](#)

ELECTRONIC INCOME WITHHOLDING ("e-IWO") FOR MILITARY PERSONNEL AND CIVILIAN EMPLOYEES OF SELECT FEDERAL AGENCIES

North Carolina CSS has entered into an agreement with Department of Defense (DOD) to send the Income Withholding For Support (DSS-4702) document electronically for military members, active DOD civilian employees, and active civilian employees with other select federal agencies to the Defense Finance and Accounting Service (DFAS). When CSS caseworkers initiate income withholding for noncustodial parents (NCPs) with military or civilian DFAS FEINs, ACTS creates an electronic file of the DSS-4702 document and sends it through CSENet to DFAS for processing.

IMMEDIATE INCOME WITHHOLDING FOR MILITARY PERSONNEL, FEDERAL (DOD/DOE/DHHS/EPA/BBG/VA) EMPLOYEES, AND RETIRED FEDERAL CIVILIAN PERSONNEL

Members of the uniformed services are subject to the same withholding statutes as civilians. CSS caseworkers should direct e-IWO (Electronic Income Withholding) notices for all active duty, reserve, and retired military personnel and for civilian Department of Defense (DOD), Department of Energy (DOE), Department of Health and Human Services (DHHS), and Environmental Protection Agency (EPA), Broadcasting Board of Governors (BBG), and Department of Veteran Affairs (VA) employees to the appropriate FEIN (Federal Employer Identification Number). (DFAS is phasing in e-IWO for Department of Veteran Affairs offices. Currently, DFAS only handles the Austin, Texas VA payroll electronically.)

I/W notices for active and retired military personnel and civilian DOD, DOE, DHHS, EPA, BBG, and VA employees are sent to DFAS through "e-IWO" (Electronic income withholding). Otherwise, income withholding for military personnel and civilians employed by these federal agencies is processed in the same manner as for regular civilian employees.

If a court order mandates immediate income withholding, CSS caseworkers must initiate this type of income withholding when entering the court order information in ACTS.

DOD provides the Federal Parent Locator Service (FPLS) with new hire and quarterly wage information for noncustodial parents (NCPs) who are military personnel or DOD civilian employees. (EXCEPTION: DOD does not submit a new hire report for an NCP reservist who is called to

active duty. FPLS notifies the state of a change in the NCP's employer on a quarterly basis.)

If the NCP fails to provide CSS with wage information, CSS caseworkers must use this source to obtain current payroll information for active duty, reserve, or retired military personnel or for DOD civilian personnel.

Once a case is eligible for immediate income withholding, ACTS creates a new I/W Worksheet and an ORIGINAL Income Withholding For Support (DSS-4702) document for each of the military member/NCP's eligible cases. Caseworkers must send a copy of the document to the military member/NCP by regular mail and a copy to the local Clerk of Court for filing. ACTS sends an electronic file of the notice to DFAS.

A Notice Of Intent To Income Withhold (DSS-4485) is not generated and sent to an NCP whose order is eligible for immediate income withholding. The support order itself serves as notice to the NCP.

If the military member/NCP has more than one active and verified employer, ACTS generates an Income Withholding For Support (DSS-4702) document for each employer and notifies the responsible caseworker. Caseworkers must determine whether the records that show the NCP having multiple employers are accurate. If so, an Income Withholding For Support (DSS-4702) document is sent electronically to DFAS for processing.

Caseworkers must send the notices to non-military employers (or their registered agents, if appropriate) by regular mail.

Payroll deductions begin within thirty (30) days of receipt of the notice to withhold or the first pay period after such 30-day period. Active duty military pay is set up to issue child support checks once a month. However, deductions are taken from the military member/NCP's mid-month and end-of-month pay, which can result in a partial child support payment being sent to the custodial parent (CP) initially. Subsequent payments reflect the full amount available on the income withholding request.

For income withholding deductions from military retirement pay, partial child support payments do not occur. Payroll deductions for retired military personnel begin either within thirty (30) days after the notice to withhold or on the first pay period after this 30-day period.

INVOLUNTARY ALLOTMENTS

GENERAL INFORMATION

The use of involuntary allotments is a means to enforce child support payments from active duty military personnel who are not under income withholding or when the maximum amount payable from the disposable income does not allow full payment.

Federal law requires that upon request from an authorized person, each military branch, the National Oceanic and Atmospheric Administration

(NOAA), the Public Health Service Commissioned Corps, and the Coast Guard establish involuntary child support allotments from the pay and allowances of active duty members if the military member/noncustodial parent (NCP) has failed to make payments under a support order in a total amount equal to the support payable for two (2) months or longer (per Section 172 of the Tax Equity and Fiscal Responsibility Act of 1982, PL 97-248, 42 USC 665).

The use of involuntary allotments has proven to be an effective enforcement technique, and it is strongly recommended when the above conditions apply.

NOTICE OF INVOLUNTARY ALLOTMENT

Caseworkers can initiate the involuntary allotment process by generating the Military Involuntary Allotment Request (DSS-4627) and sending it to the appropriate official. The requirements of the notice of involuntary allotment follow:

1. The notice must be in writing.
2. The notice must be prepared in triplicate: original to the appropriate designated official, one (1) copy to the Clerk of Court, and one (1) copy for the case record.
3. The notice must be signed by an authorized person and state that the issuer is an authorized person as defined in 42 USC 665(a)(2). An authorized person is defined to include CSS caseworkers and CSS attorneys, including those authorized to provide legal representation to local CSS agencies. (Local caseworkers can prepare, review, issue, and sign the notice.)
4. The notice must provide sufficient information to identify the person from whom the allotment is being sought, including:
 - The military member/NCP's full name;
 - The military member/NCP's Social Security number (SSN);
 - The military member/NCP's date of birth;
 - The military member/NCP's service branch (Army, Navy, Air Force, Marine Corps or, if applicable, the name of non-military uniformed service agency);
 - The location of the military member's duty station.
5. The notice must state that the military member/NCP has failed to make periodic payments of support and must establish that he/she is delinquent in an amount equal to or more than the sum of two (2) months' support payments as required by a court order.
6. The notice must be accompanied by a recently certified copy of the support order that establishes the support obligation plus any modifications. (EXCEPTION: The Public Health Service Commissioned Corps will accept a photo copy.) The notice must also be accompanied by a certified Affidavit Of Arrears (DSS-4648). When arrearages are sought in addition to current support, the certified order must include an arrears frequency amount, in addition to the current support. (In this situation, local caseworkers must initiate the appropriate legal action to

establish the amount of arrearages that are owed and to include terms for payment of the arrearages and current support as a part of the order.)

If arrearages are being sought, the notice must state that the allotment qualifies for the additional five percent (5%) in excess of the maximum percentage limitations.

Supporting evidence must also be submitted to establish that the military member/NCP is twelve (12) or more weeks in arrears. A certified Affidavit Of Arrears (DSS-4648) should serve to prove this delinquency. Local caseworkers must monitor these CSS cases closely and initiate appropriate action once all arrearages have been liquidated in order to prevent money from accruing in a future account.

7. The notice must state the name and address of the payee (the name of the appropriate court or agency) to which the involuntary allotment is to be sent.
8. The notice must state how long the allotment is to be in effect.
9. The original copy of the notice and accompanying documents (including a certified copy of the court order) must be sent by certified or registered mail (return receipt requested) or by personal service to the DFAS Cleveland Center (for all branches except the Coast Guard) or to the US Coast Guard Pay and Personnel Center (for Coast Guard personnel.)

In order for the notice to be readily accepted by the Defense Finance and Accounting Service (DFAS), the local caseworker must ensure that all of the above technical requirements are met.

Three (3) additional requirements must be met for notices involving Coast Guard personnel (and documentation for these requirements must be attached to the notice):

1. The notice must identify the name and date of birth of all children for whom support is to be provided under the allotment;
2. The notice must include a statement on the age of majority in North Carolina with the appropriate legal citation, which is NCGS 48A-2; and
3. The notice must include a statement as to how personal jurisdiction was obtained over the NCP/defendant when the original support order was entered, if this information is not already stated in the order.

DFAS should notify the military member/NCP who is delinquent in making the support payments within fifteen (15) calendar days for notices involving the military or within thirty (30) calendar days for the other uniformed services. No action should be taken to withhold an allotment from the pay and allowances of the member NCP until he/she has had an opportunity to consult with a legal officer from his/her military branch or department.

However, if the military member/NCP has not consulted with the appropriate legal authorities within thirty (30) days after he/she has been given notice, the particular military branch or department should

take action to deduct the allotment from his/her pay and allowance on a monthly basis. This usually means that the first payment of an approved allotment would be received at the end of the second month after the month when the notice was served.

LIMITATIONS ON INVOLUNTARY ALLOTMENT AMOUNTS

The military member/NCP's pay is reduced by the amount that is necessary to comply with the support order and to liquidate arrearages, if the court order specifies and provides for those arrearages. However, a limit exists on the amount that can be withheld to satisfy a support obligation, as found in 15 USC 1673(b) (Consumer Credit Protection Act). These limits follow:

1. If a service member is supporting a spouse or dependent child other than the child(ren) whose support is sought by the notice, the allotment is limited to fifty percent (50%) of disposable pay and allowances.
2. If no spouse or dependent child as described above exists, the allotment is limited to sixty percent (60%) of disposable pay and allowances.
3. If the local CSS agent seeking the allotment can demonstrate that the service member is in arrears for an amount that is equivalent to twelve (12) or more weeks' support, the maximum permissible allotment limitations are increased by five percent (5%).

DURATION AND TERMINATION OF THE INVOLUNTARY ALLOTMENT

Once established, the involuntary allotment cannot be terminated or changed by the military member/NCP. The involuntary allotment continues until:

1. The military member/NCP is no longer receiving active duty pay;
2. The conditions specified in the notice are met; or
3. The local caseworker serves notice on the designated official to terminate or alter the allotment.

If for unknown reasons, the allotment does not continue when a duty station changes, caseworkers should generate and submit a new Military Involuntary Allotment Request (DSS-4627).

INVOLUNTARY ALLOTMENTS VS. OTHER ENFORCEMENT METHODS

Federal regulations clearly provide CSS agencies with the option of pursuing arrearages through the involuntary allotment process, provided the requirements that were previously discussed are met. However, income withholding could be the more preferable and cost-effective alternative, especially if substantial arrearages exist and the legal prerequisites for filing such an action are met.

It should be noted that the involuntary allotment process only applies to personnel receiving active duty pay. On the other hand, income withholding can be initiated against personnel receiving retirement or disability pay.

END

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