



# ARMY SUPPORT REQUIREMENTS



**1. If my spouse and I separate, am I required to financially support him/her?**

Yes, for Army personnel, US Army Regulation (AR) 608-99 requires soldiers to support family members during periods of separation if they do not live in on-post government quarters. AR 608-99 provides that a soldier separated from his or her family members will pay, at a minimum, an amount equal to the soldier's "Basic Allowance for Housing II" at the "with dependents" rate (BAH II-WITH)\*, which varies depending on the soldier's pay grade. If there is a court order or a written agreement between the soldier and the spouse, however, the soldier must pay the amount set forth in the court order or agreement.

**2. What if I don't receive BAH? Do I still have to pay an amount equivalent to BAH II-WITH to my spouse?**

Your obligation under AR 608-99 does not depend on your receipt of BAH. You must still provide financial support at the BAH II-WITH rate, which is a standard rate the Army determines regardless of where the soldier resides.

**3. When is the money due?**

Support must be paid on the 1<sup>st</sup> of every month for the previous month. The support must also be pro-rated if the soldier is required to pay support for a partial month. For example, if a soldier and his wife begin living separately in October and she does not reside in government quarters, the soldier must pay to his wife support for the month of October no later than November 1<sup>st</sup>.

**4. How do I make payments?**

Support payments can be made by check, money order, electronic fund transfer, voluntary allotment, involuntary allotment, garnishment, or cash. However, cash payments are discouraged. Keep copies of canceled checks and money order receipts to prove that you paid support in case your spouse makes a nonsupport claim to your commander.

**5. Who enforces AR 608-99 support payments?**

The soldier's commander enforces the requirement of AR 608-99. Inquiries about nonsupport should be directed in writing to the soldier's commander. Such inquiries should request a response in writing.

**6. What is the amount of support due when a soldier has to support multiple family units (i.e., two families or sets of dependents) that live off-post?**

The amount of support due to each supported family member (the pro-rata share) is determined as follows:

$$\text{Amount of Support (pro-rata share)} = \frac{1 \times \text{Applicable BAH II-WITH Rate}}{\text{Total Number of Supported Family Members}}$$

However, the following conditions will apply. First, any court-ordered support will be paid as stated. No support payments are required for family members living in government housing. However, they will be counted to determine the pro-rata share. Lastly, any remaining family members will receive a pro rata share of the BAH II-WITH amount regardless of the amount of support paid to other family members. Absent a court order, supported family members do not include non-biological dependents, such as stepchildren, unless they are adopted.

**7. If my spouse and I are servicemembers, we have no children together, and there is no court order or separation agreement, can I get minimum support under AR 608-99?**

No, an Army servicemember is not required to provide a minimum amount of support to a spouse on active duty in the armed services.

**8. What if my spouse and I are servicemembers and I have custody of our children and live off-post, will I receive support from my soldier spouse?**

Yes, the soldier spouse will provide support at the BAH-DIFF rate to the military member having custody of the child or children if they do not reside in government housing.

**9. Are in-kind payments acceptable for support under AR 608-99?**

Yes, a soldier can meet his support obligation by directly paying for non-government housing expenses on behalf of family members who reside there. These expenses are limited to:

(1) rent, (2) 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; and (3) 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 soldier is not legally responsible by reason of contract, lease, or loan agreement.

\* Note that "BAH II-WITH" is now called "BAH RC/T" at the "with dependents" rate. AR 608-99, however, still refers to the support obligation as BAH II-WITH.

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