

# **Module 6**

## **Military Establishment Procedures**

### TRAINING NOTES

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#### ***What you need to say/do***

1. Display **PowerPoint Slide 6-1: Module 6** (title slide).
2. Ask participants if there are any lingering questions from earlier modules. When there are no further questions, proceed to Module 6.
3. Explain to participants that this module involves IV-D actions to establish parentage and/or a child support order when the alleged father or NCP is an individual in the military.
4. Explain to participants that the material in this establishment module is also directly applicable to modification actions. IV-D offices should facilitate support order modifications in those cases where reservists experience a reduction in their income as a result of being called to active duty.
5. Review the module's goals and objectives with participants.

#### ***What you need to know***

1. This module will take approximately 1.5 hours to complete.
2. Listed below are the equipment, handouts, and PowerPoint slides for the module.

#### **Equipment/Supplies:**

- Personal computer with PowerPoint program
- LCD projector and screen
- Flipchart stand with two pads of paper and/or whiteboard
- Markers (permanent, dry-erase, and wet erase)
- Masking tape
- Trainer Guide
- Participant Guides (including Appendix with Handouts)

#### **PowerPoint Slides:**

- 6-1: Military Establishment Procedures
- 6-2: Federal Reg re: Paternity Establishment
- 6-3: Federal Regs re: Establishment of Support Obligation
- 6-4: Paternity at Issue
- 6-5: Commander's Assistance when Paternity is Admitted
- 6-6: Military Pay
- 6-7: Military Pay (cont'd)
- 6-8: Military Pay (cont'd)
- 6-9: Summary

#### **Handouts:**

- 6-1: LES Exercise
- 6-2: Leave and Earning Statement
- 6-3: Review Exercises

## MODULE 6: MILITARY ESTABLISHMENT PROCEDURES

Time: 1.5 hours



### 6.1 MILITARY ESTABLISHMENT PROCEDURES

#### 6.1.1 Learning Goal

- Each participant will learn successful strategies for establishing paternity and/or a child support order in cases involving a member of the military.

#### 6.1.2 Learning Objectives

- Given a participative lecture, participants will correctly identify the basic requirements of the Federal regulations governing paternity and order establishment.
- Given a participative lecture and exercise, participants will understand and explain the military policies and rules governing the chain of command's involvement in a IV-D paternity and support order establishment case.
- Given a participative lecture and examination of relevant handout materials, participants will explain how to establish an accurate child support obligation by obtaining complete earnings information for an individual in the military.
- Given a participative lecture and examination of relevant handout materials, participants will interpret the military's *Leave and Earnings Statement*.

## **TRAINING NOTES**

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### ***What you need to say/do***

1. Display **PowerPoint Slide 6-2: Federal Reg re: Paternity Establishment**. Remind participants that the Federal regulations are available on-line at [www.acf.hhs.gov/programs/cse](http://www.acf.hhs.gov/programs/cse).
2. Refer the participants to **Module 4: The Servicemembers Civil Relief Act** for information explaining when and how a tribunal can enter a default order in an action involving a member of the military.

### ***What you need to know***

1. OCSE issues the Federal regulations governing IV-D paternity and child support order establishment procedures. All state IV-D programs must comply with their requirements and timeframes.
2. This section of the module reviews the highlights of the Federal paternity regulations in order to lay the foundation for later discussions of military paternity establishment procedures.
3. “Good Cause” (appropriate refusal by a public assistance recipient to cooperate with the IV-D agency to establish paternity and/or support) applies to military and non-military cases alike.

## 6.2 APPLICABLE FEDERAL REGULATIONS AND TIMEFRAMES

### 6.2.1 Paternity Regulations

The Federal *Establishment of Paternity* regulations appear at 45 C.F.R. § 303.5. These regulations require the IV-D office to establish paternity in one of two ways -- by offering the alleged father the opportunity to voluntarily acknowledge paternity *or* by bringing a legal action (before a court or administrative forum) to

establish paternity in accordance with state law. The IV-D office does not pursue paternity establishment in public assistance cases where *good cause* exists.

“Good cause” is an exception to the public assistance recipient’s obligation to cooperate with the IV-D office in its efforts to establish paternity. In a nutshell, a finding of good cause means that IV-D efforts to establish paternity, or to establish and enforce a child support obligation cannot proceed, without a risk of harm to the CP (or caretaker relative) and child.

If any party to a contested paternity case requests genetic testing, the Federal regulations require the IV-D agency to require all parties to submit to such testing. Finally, the Federal paternity establishment regulations require the IV-D agency to seek the entry of a default order in a case where the defendant has failed to respond after being served with the appropriate case paperwork (i.e., summons and petition seeking paternity establishment). Before entering a default paternity order in a case involving a military member, it is important that you comply with the Servicemembers Civil Relief Act (see Module 4).

#### **Federal Reg re: Paternity Establishment**

45 CFR § 303.5 – In all Cases where Needed:

- Offer Voluntary Acknowledgment OR
- Establish Paternity by Legal Process
- Upon Request in Contested Case, Require Genetic Testing
- Seek Default Orders when Appropriate

## **TRAINING NOTES**

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### ***What you need to say/do***

1. Display **PowerPoint Slide 6-3: Federal Regs re: Establishment of Support Obligation..**
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### ***What you need to know***

1. This section of the module highlights sections of the Federal regulations governing Establishment of Support Obligations in order to lay the foundation for later discussions of establishment procedures in cases involving the military.
2. The Federal regulations specifying the procedures related to establishing a child support order in voluntary acknowledgment cases appear at 45 C.F.R. § 302.70(a)(5).

## 6.2.2 Establishment of Support Obligations Regulations



The Federal regulations governing *Establishment of Support Obligations* require the IV-D agency to establish paternity when necessary. These Federal regulations require the use of local law and procedures in establishing a support order. That is, the IV-D agency bringing the action to establish a support order uses its local laws, procedures, and child support guidelines to establish the support order. Also, the IV-D agency uses these local laws and procedures to decide whether to bring the action before a court or an administrative forum.

Within 90 calendar days of locating the alleged father or noncustodial parent, the Federal regulations require the establishment of a support order or, at a minimum, the service of process needed to begin the order establishment process. If service of process cannot be obtained within this timeframe, the IV-D agency must document that it has made a diligent effort to serve process, in compliance with state IV-D guidelines.

Finally, in a case where the parties acknowledge paternity, the regulations require the IV-D agency to obtain a support order based upon that acknowledgment.

## **TRAINING NOTES**

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### ***What you need to say/do***

1. Refer participants to **Module 3** for questions related to the service of process.
2. At appropriate time, display **PowerPoint Slide 6-4: Paternity at Issue**.
3. Stress to participants that IV-D actions to establish paternity against a member of the military always begin with direct contact with the service-member/alleged father. The caseworker should only request assistance from the military member's chain of command when direct contact with the military member proves unsuccessful.
4. Explain to participants that if a IV-D office is asking the commanding officer to encourage the military member to initiate a voluntary allotment, the IV-D office must include the necessary information (i.e., case number and SDU address).
5. Explain to participants that the Army, Air Force, and Coast Guard only recognize support orders issued by courts. However, the Navy and Marine Corps recognize both court orders and administrative orders issued in accordance with state law. The Navy also recognizes tribal orders.

### ***What you need to know***

1. The Air Force paternity regulation cited in Section 6.3.1 is Air Force Instruction (AFI) 36-2906, paragraph 3.3.
2. As an example of military regulations limiting the ability of a commander to become involved in a civil (paternity) action, the text draws from Marine Corps policy in U.S. Marine Corps, Order P5800.16A Marine Corps Manual for Legal Administration (LEGALADMIN), cha. 15 (Dependent Support and Paternity), paragraph 3.3. All branches of the military have similar regulations.



### 6.3 PATERNITY ESTABLISHMENT IN MILITARY CASES

This portion of Module 6 reviews the military regulations and procedures governing the family support arena. It also identifies the role of the military chain of command in the paternity establishment process. For the purpose of this module, assume that you have successfully served the service member *and* you are only contacting the member's chain of command when direct contact with the member has failed to advance the case.

#### 6.3.1 Military Policy and Regulations Regarding Paternity Establishment

Stated simply, paternity establishment is probably the one area of family support where the IV-D worker can expect the least amount of assistance from the military. However, this is *not* because the military views non-marital children as less deserving of support. In fact, military (Air Force) policy states that a service member must comply with the financial support provisions of a paternity order to the same extent that he/she is required to comply with similar provisions within a divorce decree. Yet, absent a court order, there is little a military commander officially can do to assist the IV-D agency.

Military regulations severely limit the ability of a commander to become involved in civil matters. This is particularly true in civil matters like paternity establishment where no court order exists. In paternity establishment cases, a commander's roles are limited to:

**Paternity at Issue**

- Military assistance: Limited (essentially a civil matter).
  - Inform member of obligations
  - Refer to an attorney w/i JAG
  - Provide accurate, timely information to agency

- Informing a service member of the claim and of his legal *and moral* obligations,
- Referring the member to an attorney, and
- Providing complete, accurate, and timely information to the person or agency bringing the paternity action.

## **TRAINING NOTES**

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### ***What you need to say/do***

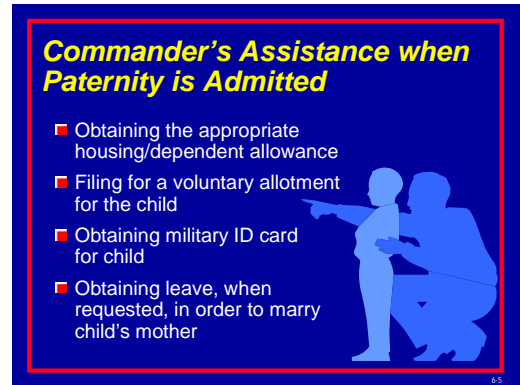
1. Display **PowerPoint Slide 6-5: Commander's Assistance when Paternity is Admitted.**
2. Explain that children born out of wedlock to a military member are entitled to military healthcare benefits under TRICARE (formerly CHAMPUS), which requires enrollment in the Defense Eligibility Enrollment Reporting System. Point out that, without a court order, administrative order, or signed voluntary acknowledgment that establishes paternity, the military member must verbally acknowledge paternity in order for a child to be eligible for enrollment.

### ***What you need to know***

1. The military policy cited in section 6.3.1 is from the Army Regulations 608-99, paragraph 2-2. All branches of the military have similar policies: The Air Force regulation is SECAF INST. 36-2906, Personal Financial Responsibility. The Marine Corps policy is: U.S. Marine Corps, Order P5800.16A Marine Corps Manual for Legal Administration (LEGALADMIN), cha. 15 (Dependent Support and Paternity). The Navy: U.S. Dept of Navy, Navy Military Personnel Manual (MILPERSMAN) art. 1754-030 (Support of Family Members), art. 5800-10 (Paternity Complaints). The Coast Guard: U.S. Dept of Transportation, U.S. Coast Guard Commandant Instruction (COMDTINST) M1000.6A, cha. 8M (Supporting Dependents).

In cases where the member admits paternity to the commander and agrees to provide financial support, the commander will assist the member in:

- Obtaining the appropriate available housing/dependent allowance
- Understanding what he needs to do to complete a voluntary allotment for the child
- Obtaining a military identification card for the child
- Obtaining leave, when requested, in order to marry the mother of the child.



Children born out of wedlock to military members are entitled to military healthcare and enrollment in the Defense Eligibility Enrollment Reporting System (DEERS) if the military member acknowledges the child. In the absence of a paternity adjudication, the military member is required to fill out a paternity acknowledgment form at the installation identification card facility. Remember that this is possible only if there is a voluntary acknowledgment. The military member may also be entitled to additional allowances for the support of the child, depending on the allowances to which the member is already entitled.

In cases where the military member verbally admits paternity but refuses to provide financial support, the role of the commander with respect to his/her subordinate is limited to referring that individual to a legal assistance attorney within the Judge Advocate General (JAG) office.

## **TRAINING NOTES**

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### ***What you need to say/do***

1. Explain to participants that it is a **best practice** to include a copy of their state's Paternity Acknowledgment form in any letter to the commander requesting his/her assistance in the military member's completion of this form.
2. Explain to participants that a member's Leave and Earnings Statement (LES) may contain information that can be helpful in establishing paternity because it includes a field (Field 51) containing codes that identify the number and type of dependents that the member claims for income tax purposes. Refer participants to **Handout 6-2: Leave and Earning Statement**.

### ***What you need to know***

1. At least one state reports that its genetic testing vendor has had success in sending paternity test kits to the alleged father's commanding officer when the alleged father is in the military. This vendor reports that, in the majority of cases, the commanding officer ensures that the test is completed as required.
2. To receive a copy of the LES, the caseworker sends the FOIA request to the Cleveland Defense Finance and Accounting Service Center (DFAS) office. The Cleveland DFAS office is the same military office that processes the income withholding orders for most branches of the military. DFAS will provide a copy of the requested LES; however, the bank routing numbers will be redacted. **Module 7** contains the address information for DFAS.

In cases where the military member denies paternity, there is little a commander can do to force a member to cooperate with a IV-D office in its efforts to establish paternity. Yet, military policy requires individual members to “manage their personal affairs in a manner that does not bring discredit upon themselves” or the U.S. military. It may be helpful for a IV-D office to call upon this policy when requesting a commander’s assistance in *encouraging* the member to cooperate with its efforts to establish paternity.

For example, when direct contact with the military member is unsuccessful, a IV-D office can request that the commander speak with the member to encourage the member to appear for genetic testing. This request should be in writing and explain the consequences of a failure to appear for the testing. It is important to remember that, even in military cases, the local tribunal has authority to force compliance with its order. Although the military commander cannot force a subordinate to appear for genetic testing, a court can use its contempt powers to enforce an order requiring the member to appear for genetic testing.

In addition to genetic test results, the military member’s Leave and Earnings Statement (LES) can provide information that may be relevant to proving paternity. The LES has 78 separate fields that include, among other things, the number and type of dependents (e.g., spouse and/or child) that the member claims for income tax purposes; see field 51 of the LES in **Handout 6-2**. If the member will not voluntarily provide a copy of his or her LES, the IV-D attorney can serve the member with a Request for Production of Documents. In addition, the LES may be obtained from the Defense Finance and Accounting Service (DFAS) office in Cleveland, Ohio.

## **TRAINING NOTES**

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### ***What you need to say/do***

1. Explain to participants that each branch of the military has regulations requiring support for a member's dependents. In the absence of a support order, these regulations (see note 2, below) apply.
2. Explain to participants that, in cases where no support order exists but paternity is not an issue, the "temporary support" available from the military varies, depending upon the service branch. The Army's support requirements, without a support order, are tied to its Basic Allowance for Housing II (BAH II) and the specific amount depends on a variety of factors, including number of dependents, other child support orders, etc. The Marine Corps establishes minimum support at the greater of a set dollar amount (\$350/month) for one child OR ½ of the monthly BAH/OHA, up to 1/3 of the member's gross pay. The Air Force simply requires "adequate support." The Navy uses a percentage of gross pay (spouse and minor child is 1/2 of gross pay; one minor child is 1/6 of gross pay). The Coast Guard sets its support for one child at 1/6 of the member's basic pay or, for a spouse and one child, at the BAH difference plus 25% of the member's basic pay. All of these amounts are usually substantially more than \$100-150/month.

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### ***What you need to know***

1. The military policy quoted in subsection 6.4.1 appears in Army Regulation 608-99, paragraph 1.5.
2. In the absence of a court order, a service member can set up a voluntary allotment, asking that money be taken from his or her paycheck and sent directly to the custodial parent. Because it is a voluntary allotment, the member can terminate it at any point.

## 6.4 SUPPORT ORDER ESTABLISHMENT IN MILITARY CASES

Similar to its position in paternity cases, the military views the establishment of a child support order as a matter for the civilian courts. Where no support order exists in the case, there is little a commanding officer can do to compel a subordinate to contribute financial support to his/her family when that subordinate denies owing such support.

### 6.4.1 Military Policy and Regulations Regarding Support Order Establishment

It is important to note at the outset that, in the absence of a support order or an agreement between the parties on the support amount owed, all branches of the military maintain regulations that require a duty of support by the service member to his or her family. Where the regulations specify a particular amount, it is generally less than the amount called for under most state child support guidelines. Accordingly, the best practice always is to establish a support order in accordance with your state laws and procedures at the earliest opportunity.

In broad statements of policy, all branches of the military prohibit a member from using his/her military duty to deny financial support to his/her family. In support order establishment situations, each branch of the military provides additional policy and regulations defining the roles of the service member and his/her commanding officer. For example, Army policy requires soldiers to provide “adequate financial support to their family members” to make certain that “their financial needs and welfare do not become official matters of concern for the Army.” But what assistance can a IV-D office expect to receive from the military chain of command should an individual member violate this policy by failing to provide adequate support for his/her family?

Besides promptly commencing support order establishment procedures, the IV-D office can turn to the military chain of command for limited assistance before

## TRAINING NOTES

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### *What you need to say/do*

1. Explain to participants that, in a married but separated/non-support order scenario, the ability of a commanding officer to punish a subordinate for failing to provide the amount of support established by the military regulations varies by branch. A commander in the Army has the authority to punish the subordinate because the Army's family support regulation is punitive. However, commanders in the other branches may not punish a subordinate for failing to comply with this regulation because the regulations for the other branches are not punitive.
2. To introduce section 6.4.2, display **PowerPoint Slide 6-6: Military Pay**.

### *What you need to know*

1. The quoted military policy appears in Air Force Instruction (AFI) 36-2906, paragraph 3.2.
2. It is important to understand the different roles played by the commanding officer and the JAG in paternity cases. Although both are in the military, their roles with respect to the member of the military involved in the IV-D case are quite different. The military member is trained to see his/her commanding officer as an authoritarian figure, or as someone to be obeyed. As a result, after meeting with his commanding officer, a member involved in a IV-D paternity case may feel the need to voluntarily acknowledge paternity. However, the JAG attorney at the base's Legal Assistance office performs the role of a private attorney and advises the member about his legal rights and responsibilities. After meeting with the JAG attorney, the member may be more likely to weigh his legal options.



a support order exists in the case. In cases where the military member is failing to cooperate with the order establishment process *and* not providing financial support for his/her dependents, it is appropriate for a IV-D office to notify the member's commander of the alleged financial nonsupport. In response to this notification, the commander must meet with the member to determine the validity of the allegation. As part of the commander's inquiry, he/she will take steps to stop the member's receipt of dependent-based pay (e.g., BAH) that is not going to meet the needs of these dependents.

After meeting with the member, the commander must respond to the IV-D office and explain whether the member admits that he/she owes a financial support obligation to his/her family and, if not, why not. If the member admits that he/she has failed to provide this financial support, the commander will provide the IV-D office with a summary of any of the member's reasons and detail the immediate steps the member will take to provide this financial support in the future. However, as noted above, the financial support that the commander can prompt the member to initiate is generally less than the amount called for under most state child support guidelines.

#### **6.4.2 Determining "Income" for a Member of the Military**

It remains important for the IV-D office to promptly initiate appropriate support order establishment procedures because the military chain of command is limited in its ability to provide assistance in initiating the payment of child support. For all states, the establishment of an appropriate support obligation relies upon



a full disclosure of the member's income. In the military, a member's basic pay is frequently neither a full nor a complete picture of that person's income.

## **TRAINING NOTES**

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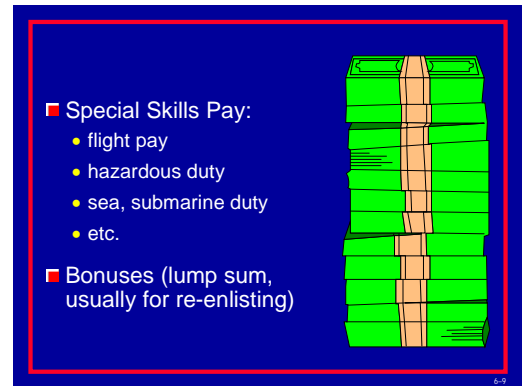
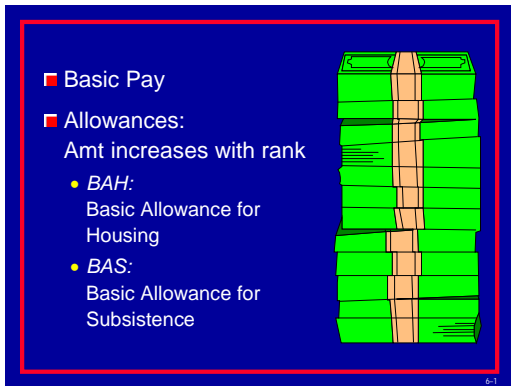
### ***What you need to say/do***

1. Display **PowerPoint Slides 6-7 and 6-8: Military Pay (cont'd)**.
2. Explain to participants that current military pay and allowance information is available on-line at [www.dfas.mil](http://www.dfas.mil).
3. Explain to participants that military allowances like BAH and BAS/Sep Rats are not taxable so they should be removed from any calculation that reduces *gross* earnings to *net* or *disposable* earnings. In other words, include the entire military allowance in the guideline calculation, as none of the allowance is lost to taxes.
4. Direct the participants to **Handout 6-2: Leave and Earnings Statement**.
5. When discussing the LES, refer the participants to **Module 4: The Servicemembers Civil Relief Act (SCRA)**. The LES provides current leave balances that are important in determining whether the member can attend a hearing.
6. Explain to participants that some special skills pay may be for a limited time.

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### ***What you need to know***

1. The LES also identifies the member's state of domicile for income tax purposes. This information can be helpful in determining jurisdiction. See **Module 3: Service of Process on Military Personnel**.
2. In two situations (serving in a combat zone and performing "qualified hazardous duty"), the earnings of the service member are tax-free. This is important to know in those cases where the support obligation is determined from an individual's *net* income.
3. The LES reflects pay increases and bonuses paid to the member of the military. (Members of the military receive pay increases every two years.) However, most bonuses are paid at the field level and are not processed by DFAS. As a result, the bonus is noted on the LES retroactively. This means that the bonus generally does not appear in the earnings for the active pay period (line #33) but can be identified using the year-to-date earnings (line #34). Due to this retroactive application, a tribunal may consider bonuses for the purpose of establishing a support obligation. However, bonuses are usually not attachable for the purpose of enforcing a support order. That is, an income withholding order will not attach the bonus because it is paid in the field and DFAS learns of the bonus only after the military member has received it.



Military pay is comprised of basic pay, available allowances (e.g., Basic Allowance for Housing (BAH), Basic Allowance for Subsistence or Separate Rations (BAS or Sep Rats)), special skill pay (e.g., flight pay), and bonuses (e.g., reenlistment). To determine the military member's true income, the IV-D office needs a resource that details the member's basic pay and all allowances and special pay. For all branches of the military, this information is provided on the member's Leave and Earnings Statement (LES).

### 6.4.3 The Leave and Earnings Statement

The LES is a comprehensive document that provides a wealth of information that is critical to the order establishment process. The LES has 78 separate fields that include, among other things, the following information:

- Member's name and Social Security number [fields 1 – 2]
- All pay the member receives (Base, Special, Incentive, and Bonus) [field 19]
- All allowances and entitlements the member earns [field 10]
- Member's leave balances [fields 25 – 32]
- Number of dependents the member claims [field 51]
- Member's declared state of domicile [field 44]

The IV-D worker must understand how to decipher the LES information in order to determine accurately a military member's complete income. **Handout 6-2** provides an explanation of the information within each LES field. Note that the

## **TRAINING NOTES**

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### ***What you need to say/do***

1. Income tax returns are another important source of information regarding a service member's income. Remind participants that a portion of military pay (e.g., BAS, BAH) is not taxable. Therefore, although tax records may include income not reported on the member's military pay stubs, the pay stubs will report income that does not appear on the member's tax return. Emphasize the importance of reviewing *both* documents to ensure an accurate picture of the member's income.
2. For 6.4.4, lead participants through a group discussion of **Handout 6-1: LES Exercise**.

### ***What you need to know***

1. The office to which the caseworker should direct a FOIA request to receive a copy of the LES, the Defense Finance and Accounting Service Center (DFAS) - Cleveland, is the same military office that processes the income withholding orders for most branches of the military. **Module 7** contains the address information for DFAS.
2. Gross income (all taxable income)  
- taxes and mandatory withholdings  
= net income

Net income + nontaxable income (BAS, BAH) = "true" net income of service member for states where the support guideline is based on net, rather than gross, income.

various types of income are reported for the current pay period and for year-to-date. The LES also identifies whether a given source of income is taxable. A caseworker should review at least six months of pay in order to get a complete financial picture.

If the member is not receiving BAH and BAS/Sep Rats, it is likely that the member is living on base and not paying for housing or food. In these instances, it is important to take this “in kind” income into account when you are determining the member’s true income and/or the member’s necessary monthly living expenses. Review the LES carefully to determine the true “net” or “disposable” income available to the member. For example, some allotments are voluntary (e.g., deductions for retirement accounts) and may not be appropriate reductions from gross earnings for the purpose of support guideline calculations.

If the member does not voluntarily provide the IV-D office with a copy of a current and complete LES, use a Freedom of Information Act (FOIA) request to obtain a copy. Direct this request to the Defense Finance and Accounting Service Center (DFAS) in Cleveland, Ohio.

You should also request the member’s tax returns. Many service members supplement their basic pay with investment income or second jobs. Keep in mind, however, that a portion of military pay (e.g., BAS, BAH) is not taxable. Therefore, although tax records may include income not reported on the member’s military pay stubs, the pay stubs will report income that does not appear on the member’s tax return. It is important to review both documents to ensure an accurate picture of the member’s income.

#### **6.4.4 LES Exercise**

Refer to **Handout 6-1: LES Exercise**, which is in the Appendix. The trainer will facilitate a group discussion of this exercise.

## **TRAINING NOTES**

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### ***What you need to say/do***

1. Direct participants to **Module 3** for information concerning where to file the paternity and/or order establishment action in cases involving the military.
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### ***What you need to know***

1. In a nutshell, “jurisdiction” is the legal authority of a tribunal (court or administrative agency) over a person or thing. “Venue” is the particular county or city in which a tribunal with jurisdiction may hear and determine a case.
2. Long-arm jurisdiction is based upon the out-of-state individual’s maintaining sufficient “minimum contacts” with a state to make the nonresident subject to the power of its tribunals. An example of long-arm jurisdiction occurs when a nonresident has intercourse in a state and a child may have been conceived as a result of that act of intercourse. In this example, the act of intercourse within the state is sufficient “minimum contact” on the part of the nonresident to make that person subject to the jurisdiction of that state’s tribunals.

## 6.5 WHERE TO FILE CHILD SUPPORT ORDER ESTABLISHMENT PROCEEDINGS

The decision regarding where to file the establishment action in a case involving a member of the military is governed by the same legal rules that apply to cases not involving the military. These legal rules are “jurisdiction” and “venue.” Jurisdiction is discussed in Module 3. Venue is the specific subdivision in a state where a proceeding may be filed.

In most cases, when the member of the military is living and working inside the United States, there are at least two states with personal jurisdiction over the member for the purpose of a support establishment proceeding. These two states are the member’s state of legal domicile (noted on the member’s LES at field 44) and/or the state where the military member is currently living and working. In cases where the member is living and working outside of the United States, the rules of jurisdiction and venue continue to determine where to file the establishment action. In a case where the member is assigned to overseas duty, a state will need to assert personal jurisdiction upon some factor other than physical residence. The Uniform Interstate Family Support Act (UIFSA) is the law in every state. It lists a number of acts that can provide the basis for a state to assert long-arm jurisdiction over a nonresident. If a state has long-arm jurisdiction over a military member, a tribunal can legitimately require the member -- who does not reside within that state -- to “appear” before the tribunal. Because this decision is a legal one, a IV-D program attorney should resolve any questions regarding where to file an establishment action.

The specific laws, procedures, and child support guidelines that apply in an establishment action (in both military and non-military cases alike) are those of the state that “hosts” the establishment action. This is true in both intrastate and interstate fact patterns.

## TRAINING NOTES

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### *What you need to do/say*

1. Direct participants to **Handout 6-3: Review Exercises**. Divide them into groups of four and allow them 15-20 minutes to complete the exercises. At the end of that time, facilitate a group discussion of the exercises.
2. After completion of the exercises, display **PowerPoint Slide 6-9: Summary**.
3. Respond to any remaining questions.
4. Inform participants of the topics that Module 7 will explore.

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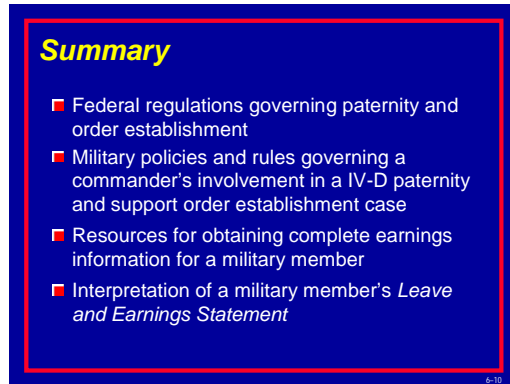
### *What you need to know*



## 6.6 EXERCISES

The trainer will facilitate a discussion of **Handout 6-3: Review Exercises**.

## 6.7 SUMMARY OF MODULE 6



In this module we discussed:

- Federal regulations governing paternity and order establishment
- military policies and rules governing a commander's involvement in a IV-D paternity and support order establishment case
- resources for obtaining complete earnings information for a military member
- interpretation of a military member's *Leave and Earnings Statement*.

## 6.8 PREVIEW OF MODULE 7

In the next module, we will discuss the following topics:

- Federal child support enforcement regulations
- military policies and rules governing a commander's involvement in the enforcement of financial and medical child support obligations
- laws and procedures for attaching military income (active duty, retired, and civilian DoD employees)
- releasing existing enforcement activity when the support obligation terminates.

