

Module 7

Military Enforcement Procedures

TRAINING NOTES

What you need to say/do

1. Display **PowerPoint Slide 7-1: Module 7** (title slide).
2. Ask participants if there are any lingering questions from earlier modules. When there are no further questions, proceed to Module 7.
3. Explain to participants that this module involves IV-D actions to enforce the financial and medical child support obligations of an individual in the military.
4. Review the module's goals and objectives with participants.
5. Explain that, unless the module states otherwise, the enforcement procedures described herein apply to active duty, reserve, and retired military members, and civilian Department of Defense (DoD) employees alike.

What you need to know

1. It takes approximately 1.5 hours to complete this module.
2. Listed below are the equipment, handouts, and PowerPoint slides needed for the module.

Equipment/Supplies

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

PowerPoint Slides

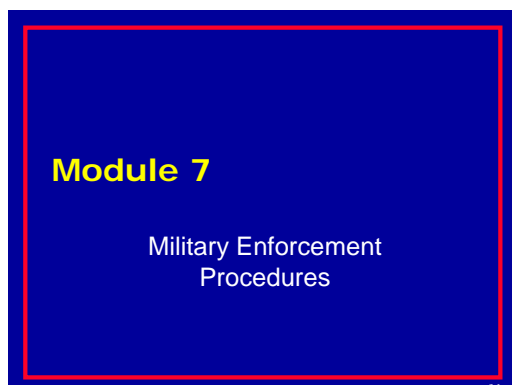
- 7-1: Module 7 (title slide)
- 7-2: Federal Enforcement Reg
- 7-3: Federal Medical Support Enforcement Reg
- 7-4: Income Subject to State Income Withholding
- 7-5: State Income Withholding for Child and Spousal Support
- 7-6: Federal Statutory Military Allotment
- 7-7: Medical Support
- 7-8: Documents Needed to Enroll in DEERS
- 7-9: DMDC Contact Flow Chart
- 7-10: Summary

Handouts

- 7-1: Military Payment Processing and Medical Insurance Centers
- 7-2: Sample Letter Requesting Federal Statutory Military Allotment
- 7-3: Review Exercises

MODULE 7: MILITARY ENFORCEMENT PROCEDURES

Time: 1.5 hours



7.1 MILITARY ENFORCEMENT PROCEDURES

7.1.1 Learning Goal

- Each participant will learn effective strategies for enforcing the financial and medical child support obligations in cases involving a member of the military.

7.1.2 Learning Objectives

- Given a participative lecture, participants will correctly identify the basic requirements of the Federal IV-D child support enforcement regulations.
- Given a participative lecture and scenario-based exercise, participants will explain the military policies and rules governing the chain of command's involvement in the enforcement of financial and medical child support obligations.
- Given a participative lecture and scenario-based exercise, participants will explain the available mechanisms, and the procedures involved with those mechanisms, to attach the income of active duty, reserve, and retired military personnel, and civilian Department of Defense (DoD) employees.
- Given a participative lecture, participants will explain the differences between enforcing the child support obligation with the state-law based Federal *Order/Notice to Withhold Income for Child Support* form and the Federal-law based Statutory Military Allotment, and when it is more appropriate to choose one over the other, or when to use both.

TRAINING NOTES

What you need to say/do

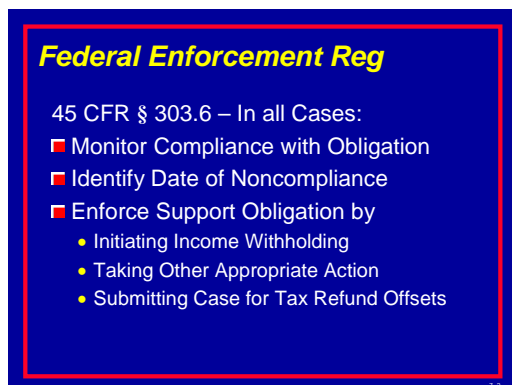
1. Display **PowerPoint Slide 7-2: Federal Enforcement Reg.** Remind participants that the Federal regulations are available on-line at www.acf.hhs.gov/programs/cse.
2. Explain to participants that OCSE recognizes income withholding as the single most effective tool for collecting child support.
3. **Practice tip:** In your discussion of “diligent efforts to serve process guidelines,” inform the participants that the 60-day timeframe to serve process is tolled (stops running) if the state documents that its unsuccessful efforts to serve process complied with these guidelines.

What you need to know

1. OCSE issues the Federal regulations governing IV-D enforcement procedures. These regulations apply in both military and non-military IV-D cases. All state IV-D programs must comply with their requirements and timeframes in order to receive Federal funding for their child support programs.
2. This subsection reviews the highlights of the Federal enforcement regulations in order to lay the foundation for later more detailed discussions of military enforcement procedures.
3. According to statistics released by OCSE in September 2002, in FY 2001, income withholding accounted for nearly two-thirds (65%) of all child support collected. (Source: *Child Support Enforcement FY 2001 Data Preview Report*)

7.2 APPLICABLE FEDERAL REGULATIONS AND TIMEFRAMES

7.2.1 Federal IV-D Enforcement Regulation



The Federal regulation titled *Enforcement of Support Obligations* appears at 45 C.F.R. § 303.6. This regulation requires the IV-D office to monitor compliance with support orders, note the date of any noncompliance, and take appropriate action to enforce support obligations. The primary enforcement tool under the Federal regulations is income withholding. In addition to income withholding, the Federal regulations require the states to take other appropriate enforcement action within 30 days of identifying a delinquency. However, this 30-day timeframe does not apply if the particular enforcement remedy requires additional service of process. When needed, the service of process must occur within 60 days of identifying the delinquency. Follow-up enforcement action must occur within 60 days of identifying the delinquency or locating the noncustodial parent, whichever occurs later. In addition to initiating income withholding and other “appropriate enforcement action,” the state must submit delinquent cases (meeting the eligibility requirements) for state and Federal income tax refund offset. Finally, these regulations require the IV-D agency to examine the reasons behind unsuccessful enforcement efforts and to reinstate enforcement action, when appropriate, in the future.

TRAINING NOTES

What you need to say/do

1. Display **PowerPoint Slide 7-3: Federal Medical Support Enforcement Reg.**
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What you need to know

1. 42 U.S.C. § 666(a)(19) requires a state, as a condition of receiving Federal funds, to have procedures under which all child support orders enforced through Title IV-D include a provision for the health care coverage of the child.
2. This subsection reviews the Federal medical support enforcement regulations. The Module discusses specific medical support enforcement procedures at section 7.4.
3. Note: A custodial parent's receipt of Medicaid is NOT considered satisfactory health insurance under Federal regulations.

7.2.2

Enforcement of Medical Support Obligations Regulation

The Federal regulation titled *Securing and Enforcing Medical Support Obligations* is at 45 C.F.R. § 303.31. Unless the custodial parent and child(ren) have satisfactory insurance other than Medicaid, in a new or modified support order the IV-D office must petition the court or administrative authority to include health insurance that is available

Federal Medical Support Enforcement Regs (45 CFR 303.31)

Unless CP has satisfactory health insurance:

- Seek health insurance that is available to NCP at a "reasonable cost" in new or modified support orders.
- Seek such medical support even if health insurance of reasonable cost isn't available at time of order.
- "Available at a Reasonable Cost" - Available through Employer or other Group
- Provide coverage notice to CP and Medicaid.
- Enforce available health ins when not provided.

to the noncustodial parent at reasonable cost. The regulation requires the agency to petition the court or administrative authority for such medical support, regardless of whether health insurance of reasonable cost is actually available at the time the order is entered or whether modification of the noncustodial parent's current coverage to include the children is immediately possible. Health insurance is considered "reasonable in cost" if it is available through the parent's employer or other group provider. Therefore, members of the military are expected to provide health insurance coverage to their dependents (unless the custodial parent and child have satisfactory health insurance) because the United States makes health insurance available to the dependents of military members.

If health insurance is not available at the time the original support order is entered but later becomes available, the IV-D agency must initiate a modification proceeding to add this obligation to the existing order. When insurance coverage is ordered and provided by the noncustodial parent, the IV-D office must give the custodial parent and Medicaid agency, if applicable, the information needed to access this insurance. Finally, if the noncustodial parent is ordered to provide health insurance and this insurance is available but not provided, then the IV-D office must take steps to enforce that coverage.

In addition, Federal regulation 45 C.F.R. § 303.32 requires states to have laws requiring the use, where appropriate, of the National Medical Support Notice

TRAINING NOTES

What you need to say/do

1. As a representative military rule dealing with voluntary allotments, inform the participants of Army Regulation 608-99, 2.1(b): When living separately from their family members, “soldiers must plan carefully for the financial support of their family members”... and “authorize voluntary allotments for family members...”
2. According to DFAS, voluntary allotments for child support are usually paid directly to the custodial parent. Unless the state process to establish and enforce a child support obligation will take an unusually long time (e.g., the member is outside the United States at sea or overseas), IV-D offices are not encouraged to use the voluntary allotment.
3. A member of the military may request an advance of his/her pay. When pay is advanced, the result is less money available for the allotment.

What you need to know

1. These are the Federal regulations that govern the collection of child support from members of the military:
 - Army: 32 C.F.R. Part 584
 - Navy/Marine Corps: 32 C.F.R. Part 733
 - Air Force: 32 C.F.R. Part 818
 - Coast Guard: 5 C.F.R. Part 581
2. Each military branch has also developed policy regarding support. The Army: Army Regulation 608-99, 2.1(b) (Family Support, Child Custody, and Paternity). 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). You can access the policy statements through the appropriate military branch website.

(NMSN) (a Federal form) to enforce a child support order requiring the noncustodial parent to provide health care coverage for his or her children through an employment-related group health plan. An exception is that state child support agencies are not required to use the NMSN in cases where the court or administrative order stipulates to health care coverage that is not employer-based.

7.3 MILITARY ENFORCEMENT REMEDIES

This portion of the module identifies the various enforcement remedies and procedures specifically available in cases where the noncustodial parent (active duty, reserves, civilian employee of DoD, or retired service member) receives wages or other income from the military. Federal regulations and the rules of each service branch require military members to honor the terms of their child support orders. These military rules give commanding officers the authority to punish members who fail to support their dependents.

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- Navy/Marine Corps: 32 C.F.R. Part 733
- Air Force: 32 C.F.R. Part 818
- Coast Guard: 5 C.F.R. Part 581

Each branch has also developed the following policy regarding support:

- The Army: Army Regulation 608-99, 2.1(b) (Family Support, Child Custody, and Paternity).
- The Air Force: SECAF INST. 36-2906, Personal Financial Responsibility.
- The Marine Corps: U.S. Marine Corps, Order P5800.16A Marine Corps Manual for Legal Administration (LEGALADMIN), cha. 15 (Dependent Support and Paternity).

TRAINING NOTES

What you need to say/do

1. In discussing Section 7.3.1, explain to participants that, according to DFAS, most voluntary allotments occur outside of the IV-D program. As a result, the payment is usually sent directly to the custodial parent rather than to the central State Disbursement Unit (SDU).

What you need to know

- 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. Coast Guard Commandant Instruction (COMDTINST) M1000.6A, cha. 8M (Supporting Dependents).

7.3.1 Military Voluntary Allotment

A member of the military may establish a voluntary allotment of earnings and route money from his/her pay to his/her dependents. Military rules strongly encourage members who are separated from their families due to their military service to establish voluntary allotments to provide for the financial support of their dependent family members. Because it is voluntary, the military member can generate this allotment even before a child support order exists in the case. A commanding officer will assist the member in obtaining the voluntary allotment forms. While a commander can order a subordinate to obtain a voluntary allotment for his/her family, a commander cannot actually issue the allotment.

There are limited instances when this remedy may be useful in processing IV-D cases involving the military. In discussions with the member (or his/her attorney) in cases where no support order exists, it is appropriate to point out that a voluntary allotment can help avoid the accumulation of unpaid child support during the order establishment process. In addition, the member should understand that this procedure provides an official record of payments that will assist the member in obtaining proper credit for payments made prior to the entry of the order, in states that authorize retroactive support. In cases with no support order, the Army's Family Support regulation [AR 608-99, para. 5-2(b)(1)] views the voluntary allotment as "the preferred method of providing financial support to family members not residing with the soldier."

While the IV-D worker should keep the voluntary allotment in mind, it is not an enforcement tool that a IV-D worker can generate. Only the military member can initiate a voluntary allotment. It is also important to understand that the member

TRAINING NOTES

What you need to say/do

1. Advise participants that, pursuant to Federal law, the United States has consented to honor income withholdings and garnishments to enforce child and alimony obligations as if it were a private employer. Therefore, in addition to voluntary allotments, members of the Armed Forces and civilian DoD employees are subject to involuntary allotments to enforce their support obligations.
2. In IV-D cases there are two primary remedies for involuntarily withholding money from a military member for support. The first is based on a Federal statute; the second is based on a state statute.
3. Show **PowerPoint Slide 7-4: Income Subject to State Income Withholding**. List the types of income of a military member or civilian DoD employee that are subject to state garnishment or child support income withholding.

What you need to know

1. The Federal statutory military allotment and a state law requiring child support income withholding perform similar functions, but are nevertheless separate remedies. The Federal statutory remedy that is expressly applicable to members of uniformed services on active duty appears at 42 U.S.C. § 665. The requirement that, as a condition of receiving Federal funds, a state have laws providing for income withholding in all IV-D cases, unless there is a good cause exception, appears at 42 U.S.C. § 666.
2. A caseworker can call the Veterans Administration or Retired Pay Call Center to determine if a member has waived part of his or her retired or retainer pay in order to receive Veterans' Disability.

can revise or terminate a voluntary allotment just as easily as he/she can start one. Due to this fact, when a child support order exists in the case, IV-D staff should *not* rely upon the voluntary allotment as the mechanism to divert child support from the member's earnings to his/her family.

7.3.2 Involuntary Withholding of Military Income


There are three main vehicles for involuntarily attaching military income: a generic garnishment under state law, the Federal statutory military allotment, and a state order/notice to withhold income for child support. IV-D offices will most often use either the Federal military allotment statute or their state child support withholding law (via the Federal form *Order/Notice to Withhold Income for Child Support*) to attach military income.

The following income of a military member or civilian DoD employee is subject to garnishment or state income withholding to enforce a child support obligation:

- Military active duty pay (basic pay and certain bonuses, but not BAH and BAS/Sep Rats);
- Military reserve pay;
- Military retired pay;
- Federal DoD civilian employee pay and civilian retirement pay; and
- "Any other remuneration for employment."

Income Subject to State Income Withholding

- Military active duty pay (basic pay and certain bonuses, but not BAH and BAS/Sep Rats)
- Military reserve and retired pay
- Federal DoD civilian employee pay and retirement annuities
- "Any other remuneration for employment."



Veterans' disability benefits are not subject to withholding unless the member has waived a portion of retired or retainer pay in order to receive such compensation. This situation occurs when a former armed service member waives part of his or her retired pay (which is taxable) in order to receive the disability compensation (which is nontaxable). When this happens, that part of

TRAINING NOTES

What you need to say/do

1. Direct participants to **Handout 7-1: Military Payment Processing & Medical Insurance Centers**.
 2. Advise participants that DFAS maintains a website with information regarding its services at www.dfas.mil. To reach the page with information concerning child support income withholding, click on the link titled *Money Matters*, embedded within the logo at the top of the DFAS homepage.
 3. Refer to **Handout 7-1** in the Appendix for the name, address, telephone, and fax number of the current DFAS help desk staffer.
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What you need to know

1. The Defense Finance & Accounting Service (DFAS) processes payroll for all branches of the U.S. Department of Defense (DoD). The U.S. Coast Guard is within the U.S. Department of Homeland Security and not part of DoD; it therefore has its own payroll-processing center.
2. As of September 2003, DFAS is unable to track an individual's move from active duty to retirement. This means that DFAS does not automatically begin withholding against retirement earnings even though DFAS was previously managing a child support income withholding order on the same individual when he or she was receiving active duty pay. Therefore, to reach the member's retirement income, a child support office must send a second income withholding order to DFAS when the obligor retires from active duty and begins receiving retirement income. In 2004, DFAS does expect to implement a tracking system that will automatically move the income withholding order from active duty pay to retirement pay.

the Veterans Administration payment that is in lieu of the waived retired pay is subject to garnishment. However, if the member's entitlement or disability compensation is greater than his or her entitlement to retired pay, and the service member waived all of his or her retired pay in favor of disability compensation, then none of the disability compensation is subject to garnishment or attachment.

An involuntary income withholding, regardless of the specific form used to implement income withholding, has priority over a pre-existing voluntary allotment. When initiating involuntary withholding, you must send the appropriate form to the appropriate payroll processing center. The Defense Finance & Accounting Service (DFAS) has local offices throughout the country that process payroll for the Army, Navy, Air Force, and Marines. With respect to these branches, DFAS processes the pay for military members who are active duty, reserves, and retired. It also processes the pay for civilian DoD employees and members of the National Guard who have been activated into Federal service. However, all involuntary withholding instruments are processed by the DFAS office in Cleveland, Ohio. (Note: DFAS does *not* process payroll for civilian employees of government contractors working on a military project.) The Coast Guard processes its own payroll for active duty, reserves, and retired members.

IV-D offices are reminded to use the member's Social Security number on all correspondence with DFAS and the Coast Guard's payroll processing office. Both DFAS and the Coast Guard identify payments sent to the state IV-D offices with the member's name and Social Security number. However, if problems arise in determining how to credit a particular payment, DFAS staffs a "help desk" that is available to assist the states in identifying payments. The Coast Guard Payroll Processing's Legal Unit is also available by phone or fax to provide payment identification assistance. See **Handout 7-1** in the Appendix for the name, address, telephone, and fax number of the current DFAS help desk staffer.

TRAINER NOTES

What you need to say/do

1. In most cases, it is preferable for a IV-D agency to use its state income withholding statute to enforce the support obligation of a service member or civilian DoD employee.
2. Explain to participants that neither DFAS nor the Coast Guard requires that a copy of the underlying child support order accompany the Federal income withholding form.
3. Explain to participants that, due to the time involved in processing a new income withholding order, it may take up to 60 days for a military payroll processing center to generate a payment.
4. Explain to participants that DFAS automatically stops income withholding action when an active duty member retires. The IV-D office must notify DFAS of the military member's change of status by resending the income withholding order. Note: DFAS anticipates its practice of terminating income withholding upon retirement to end effective September 2003. At that time the income withholding order, if not released, will be automatically transferred to the member's retirement income.
5. Ask participants to identify advantages of state income withholding for child support. Write their responses on the flipchart or white board. When they have finished, display **PowerPoint Slide 7-5: State Income Withholding for Child and Spousal Support** as a summary of the advantages.

What you need to know

1. In accordance with 42 U.S.C. § 666, OCSE policy requires all state IV-D agencies to use the Federal form *Order/Notice to Withhold Income for Child Support* to attach earnings or other income. According to OCSE-AT-98-03, "the *Order/Notice to Withhold Income for Child Support* is a standardized form used for income withholding in intrastate and interstate cases." Note: This policy does NOT prohibit states from using the Federal statutory allotment to attach military earnings.
2. DFAS does not send the military member a copy of the income withholding order/notice. It is therefore incorrect for a IV-D agency to assume that DFAS, as the employer, is giving notice to the noncustodial parent of his/her rights and responsibilities.
3. DFAS encourages all states to join its Kids First program to send income withholding orders and receive payments through an automated process. The DFAS website has additional information concerning this initiative.

7.3.2.1 State Income Withholding for Child Support

In the majority of instances when a IV-D office seeks enforcement in a case involving the military, it should send the standard Federal *Order/Notice to Withhold Income for Child Support* (Federal income withholding form). Both DFAS and the Coast Guard prefer IV-D offices to use the Federal income withholding form rather than any local state income withholding forms. It is important to note that DFAS is able to receive income-withholding orders and will soon send withheld earnings electronically, using its *Kids First* program. While the Coast Guard is unable to electronically receive income-withholding orders, it can electronically route payments back to the states.

Due to DFAS's payroll processing requirements, the cut-off date for implementing income withholding against an active duty member is the 7th of the month. (This is true for both state income withholding and the Federal statutory military allotment.) The cut-off date is the 15th of the month for implementing income withholding against a military retiree. Legal staff need up to 15 days to process a withholding request so sometimes it takes up to 60 days before the state's SDU will receive the initial payment.

State income withholding for child support, using the Federal *Order/Notice to Withhold Income for Child Support* form, has many advantages:

1. It does not require an arrearage. Income withholding is immediate unless there is a good cause exception.
2. It does not require advance notice or a second hearing.
3. States use a broad definition of income that includes more than wages.

State Income Withholding for Child and Spousal Support

- In Most Cases, Withholding is Immediate
- No Need for Arrears or Advance Notice
- Intercepts More than Wages
- Can Use to Collect Current Support and Arrears
- Applies to Active, Reservists, Retirees, and Civilian Employees of the Military
- Requires Only Federal Notice/Order to Withhold Income for Child Support

TRAINER NOTES

What you need to say/do

1. In addition to state-law based income withholding, there is also a Federal statute, 42 U.S.C. § 665, that specifically provides for allotments from pay for child and spousal support owed by members of uniformed services on active duty. Advise participants that the Defense Finance & Accounting Service (DFAS) requests that IV-D offices discontinue using the terms “involuntary” and/or “mandatory” allotments when referring to the “statutory” IV-D allotment appearing in the Social Security Act at 42 U.S.C. § 665.
2. While showing **PowerPoint Slide 7-6: Federal Statutory Military Allotment**, go over the requirements for implementation of this Federal IV-D remedy.

What you need to know

1. The Federal Consumer Credit Protection Act (CCPA) is located at 15 U.S.C. §1673. It provides that if the noncustodial parent is supporting family members other than those to whom the garnishment or income withholding order relates, only 50% of net pay can be withheld. If no other family members are being supported, the ceiling rises to 60% of net pay. If there is an arrearage that is more than 12 weeks past due, an additional 5% can be added to either ceiling.

4. It can be used to collect both current support and arrears.
5. It applies not only to active military personnel, but also to reservists, retirees, and civilian employees of the military.
6. It does not require a certified copy of the underlying support order to accompany the Federal form.

The limitations of state income withholding are:

1. It is subject to the lower of the garnishment limits within state law or the Federal Consumer Credit Protection Act (CCPA); the CCPA limits range from 50 – 65% of disposable pay depending upon the presence of dependents and the length of time the noncustodial parent is in arrears.
2. It is not able to attach BAH and/or BAS/Sep Rats.

7.3.2.2 *Federal Military Allotment Statute*

The Federal statutory allotment is a separate and distinct income withholding remedy, specifically directed toward the military, which is available under the Social Security Act. A IV-D agency can use it to enforce both child and spousal support obligations owed by a member of one of the uniformed services on active duty.

Federal Statutory Military Allotment

- 42 U.S.C. 665
- Only applies to active duty members
- Requires 2 months amt of arrears
- Initiated with a notice by an authorized person
 - a IV-D agent or attorney
 - a court with authority to issue a support order or an agent of the court
- Collects amount necessary to comply with order

The member must be in arrears totaling at least two months' amount of support. The amount of the allotment is the amount necessary to comply with the support order.

To initiate a Federal statutory allotment, you need a notice from an authorized person requesting the particular military branch to initiate the allotment. An “authorized person” is defined as:

1. a IV-D agent or attorney, and
2. a court with authority to issue a support order or an agent of the court.

TRAINER NOTES

What you need to say/do

1. Direct participants to **Handout 7- 2: Sample Letter to Request Federal Statutory Military Allotment**.
2. Direct participants to **Handout 7-1: Military Payment Processing & Medical Insurance Centers** for the name/address/phone and fax numbers of the DFAS Help Desk and the Coast Guard's Payroll Processing Center.
3. Explain to participants that the involuntary withholding remedies are not exclusive; in some cases, it may be appropriate to use both the Federal statutory military allotment and state income withholding at the same time. Ask them to provide some examples.
4. After explaining the requirements of 42 U.S.C. § 665, ask participants to identify its advantages and disadvantages as compared to state income withholding for child support. Write their responses on the flipchart or white board.

What you need to know

1. **Practice tip:** The application of the Federal CCPA limits is the reason it is important to advise the military processing center if the arrears are 12 weeks late.
2. The most likely example of when it is appropriate to seek the Federal statutory military allotment rather than state income withholding for child support is in those cases where state income withholding does not recover the full support obligation due to the application of the lower of Federal or state wage withholding limits (e.g., Federal Consumer Credit Protection Act). The Federal statutory allotment may collect more support because it attaches BAH and BAS/Sep Rats, which a state income withholding notice/order does not, and (for those states that have enacted greater income protections than those provided under the Federal CCPA) because the lower state garnishment limits do not apply.
3. Since the remedies are not exclusive, where a military member has both wages and other sources of income, it may be appropriate to use the Federal statutory military allotment to withhold money from wages and the state income withholding to withhold money from the other income source as a way to collect current support and arrears.

The notice can be as informal as a letter, but must include:

- the military member's full name
- the military member's Social Security number
- a statement that the arrears are equal to or greater than the current child support owed for two months
- a certified copy of the underlying child support order
- the date the allotment should stop, and
- a statement that the person writing the notice is an "authorized person."

The Appendix contains **Handout 7-2**, which is a sample letter to request the Federal statutory military allotment. Send this notice to the same payroll processing center that receives the Federal *Order/Notice to Withhold Income for Child Support*.

The Federal statutory allotment has advantages and disadvantages when compared to the state child support income withholding remedy. It has the following advantages:

1. It allows the attachment of both BAH and BAS/Sep Rats benefits, which are not attachable by traditional income withholding (i.e., through use of the Federal form *Order/Notice to Withhold Income for Child Support*).
2. Lower state garnishment limits, if provided by state law, do not apply. Only the CCPA limits apply.

However, the disadvantages include:

1. It can only be issued when the noncustodial parent is a member of the "uniformed" services on active duty (does not include reservists, retirees, or civilian employees of the military).
2. The noncustodial parent must be delinquent in an amount equal to, or greater than, the amount owed for two months of current support payments.
3. The allotment will not begin until the member has consulted with a judge advocate of the service or with a law specialist in the case of the Coast Guard, or until 30 days after the notice where it has not been possible, despite good faith efforts, to arrange such a consultation.

TRAINING NOTES

What you need to say/do

1. After concluding **Section 7.3.2.2**, explain to participants that the Uniformed Services Former Spouses' Protection Act (USFSPA) is yet another remedy available to collect child support from retired military personnel. The USFSPA is located at 10 U.S.C. § 1408. Implementing Federal regulations are at 32 C.F.R. Part 63. Explain that the USFSPA is not a useful remedy in IV-D cases because it limits withholding to 50% of retired pay (even if arrears exist) and is not available to enforce the support obligation contained within a paternity order. In IV-D cases, it is better to use the Federal income withholding remedy because it attaches the same retirement income while avoiding the USFSPA's shortcomings. In almost all cases, it is the retired spouse of the military member who directly initiates enforcement under USFSPA.
2. Display **PowerPoint Slide 7-7: Medical Support**.
3. During the discussion of **Section 7.4**, explain to participants that although medical insurance remains available to retired members of the military and their dependents via TRICARE, the co-pay will vary for retired members.
4. Direct participants to **Handout 7-1: Military Payment Processing & Medical Insurance Centers**, for addresses of the offices available to assist in obtaining medical insurance for military dependents.
5. Explain to participants that entitlement to military medical care benefits is determined by either the child's date of birth or the date(s) of the sponsor's military service, NOT by the DEERS enrollment date.

What you need to know

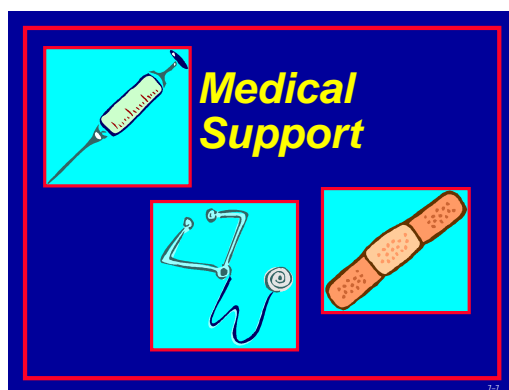
1. TRICARE has taken the place of CHAMPUS.
2. When referring to its services, TRICARE uses the term "shared" rather than "covered" because the cost of the health care is shared by the beneficiary after the annual deductible is met.
3. Members of the Coast Guard are covered by TRICARE.
4. **Practice tip:** Suggest to the custodial parent that he or she contact the installation before arriving with documents to request DEER enrollment in order to determine if the installation requires completion of special local forms.

4. The allotment will include amounts for arrears only if the order so provides. If the order does not, the allotment will only be for current support.

It is important to remember that the various enforcement remedies are not exclusive. For example, in cases with arrearages, it is appropriate to use state income withholding against other known nonmilitary income even though a Federal statutory military allotment is in place against the member's wages.

7.4 ENFORCEMENT OF MEDICAL SUPPORT IN MILITARY CASES

The military health care program for all uniformed services, including the Coast Guard, is named TRICARE (formerly known as CHAMPUS). TRICARE is available to active duty, retired military, and reservists who have been recalled to active duty. It is not available to civilian employees of the military. Just as in non-



military cases, IV-D caseworkers should use the National Medical Support Notice (NMSN) to enforce military members' medical support obligations.

When paternity is uncontested, medical support is available to military dependents. Before a military dependent is eligible for TRICARE, that dependent must be enrolled in the Defense Enrollment and Eligibility Reporting System (DEERS). DEERS maintains the records of each military member (the sponsor) and his/her dependents enrolled in the program.

The custodial parent can call the 1-800 number of the Defense Manpower Data Center (DMDC) to determine if the dependent is already enrolled in DEERS and

TRAINING NOTES

What you need to say/do

1. Display **PowerPoint Slide 7-8: Documents Needed to Enroll in DEERS.**
2. Explain to participants that all military bases have Health Benefits Advisors to assist custodial parents with the available options for medical insurance coverage. In addition, a handbook explaining TRICARE's coverage is available from the address provided on **Handout 7-1: Military Payroll Processing & Medical Insurance Centers.**
3. Explain to participants that the easiest way to enroll an eligible dependent into DEERS is to have the military member (sponsor) enroll the child. There is no cost associated with a dependent's enrollment into DEERS.
4. To summarize the discussion, display **PowerPoint Slide 7-9: DMDC Contact Flow Chart.**

What you need to know

TRICARE. See **Handout 7-1**. If the dependent is not enrolled, the DMDC will list the three military installations closest to the custodial parent that are equipped to enroll the child.

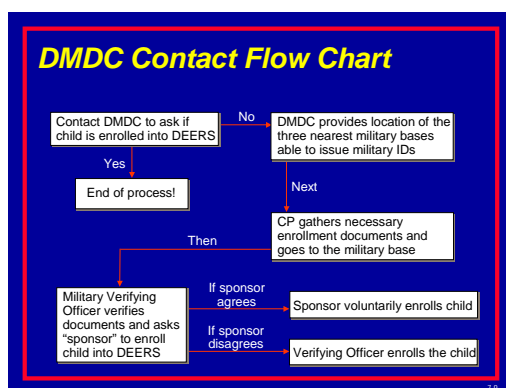
The following documents are needed to enroll a dependent into DEERS:

- if applicable, a legal determination of paternity as determined by state law (e.g., a court-ordered paternity finding, administrative paternity order, signed and filed paternity acknowledgment),
- a birth certificate,
- a court or administrative order showing the “sponsor” (the military member) has an obligation to provide support for the child,
- other local installation forms (vary by installation).



The custodial parent can enroll the child by presenting the above documents to the verifying officer at the nearest military facility that can issue military ID cards. Before DEERS enrollment is completed, there must first be an attempt to get the military member, referred to as the military “sponsor,” to sign the enrollment paperwork. If the sponsor will not sign the paperwork, the verifying officer can sign on the sponsor’s behalf, provided all of the required documents are present.

When the child is enrolled in DEERS, the child is eligible to receive medical care in two ways. First, the child may obtain medical care and medications from military hospitals and health care facilities. In addition, the child can use the “cost share” medical coverage, TRICARE, with civilian health care providers. Claims to



TRAINING NOTES

What you need to say/do

1. Stress to participants the importance of NOT sending the National Medical Support Notice to DFAS. DFAS is unable to process the NMSN.
2. Explain to participants that dental coverage from the military differs from medical coverage because dental coverage is not automatic. Military members and their dependents must be enrolled in dental coverage.
3. During the discussion of **Section 7.5**, advise participants that it is important to *thoroughly* review a case when the support obligation terminates because not all enforcement action will be readily apparent (i.e., not one of the most recent entries in the case history). Contrast examples of current income withholding (very apparent with just a cursory case review) with property liens filed several years ago in various jurisdictions (likely to be deeply buried in the case file records).
4. Explain to participants that the purpose behind the termination of all existing enforcement activity is to ensure that the parent's property or assets are not encumbered or attached when neither a current support obligation nor a support arrearage exists.

What you need to know

1. The NMSN does not apply to medical coverage received by either active duty or retired military members because medical coverage is an automatic benefit received by these members of the military. In other words, these members of the military do not need to "sign up" for the military's medical coverage.
2. If a grandparent is retired from the military *and* the custodian of a dependent child, that grandparent can enroll the child in DEERS, making that child eligible for military medical coverage, either on a base or through TRICARE.
3. If arrears exist in a case at the time the current support obligation terminates, it is not appropriate to release existing collection activity. Collection action continues in such cases until the arrears are collected or determined to be uncollectible in accordance with state IV-D policy and procedures.
4. DFAS processes earnings for active duty and retired members once a month. The approximate cut-off date for affecting active duty pay is the 7th of the month and the cut-off date for retired pay is around the 15th. This means that if DFAS receives a termination notice on the 20th, the existing income withholding order will remain in effect for the current month's wages. In this example, the income withholding order will be terminated in the following month.

TRICARE may be submitted up to one year after the treatment. However, when service from a military hospital or health care facility is available, it is preferable since it is usually less expensive and involves less paperwork. If the IV-D office needs to find out if a child is enrolled in DEERS, it sends the National Medical Support Notice (NMSN) to the Defense Manpower Data Center (DMDC) address provided on **Handout 7-1**. DMDC will respond to the office sending the NMSN with a letter in lieu of the NMSN; the NMSN does not apply to active duty or retired members of the military because medical coverage is an automatic benefit they receive for themselves and their dependents. Once the military member and dependents are enrolled in DEERS, they have medical benefits.

To obtain medical insurance information on DoD and Coast Guard civilian employees, contact the human resources department of the local installation office for civilian DoD employees.

7.5 TERMINATION OF MILITARY ENFORCEMENT PROCEDURES

Upon learning of the termination of the child support obligation in a case where no arrears are owed, it is important that a IV-D office immediately take action to terminate any active collection activity on that case. To make certain this occurs, initiate a comprehensive review of the case when you learn that a support obligation is no longer enforceable. The purpose of this case review is twofold: 1) to verify that all support obligations are satisfied, and 2) to identify *all* active collection action undertaken in the case.

For example, if the noncustodial parent has been a member of the military reserves, his/her reservist earnings may have been attached years ago. It is not sufficient to simply release the income withholding order in place against his/her current civilian employer. The income withholding order served against the military must also be released to ensure that no earnings are attached after the support obligation has ended.

TRAINING NOTES

What you need to say/do

1. Direct participants to **Handout 7-3: Review Exercises**. Allow them 10 minutes to review the questions, identify issues, and develop answers. Then facilitate a class discussion of the exercises. Allow approximately 20 to 30 minutes for this discussion.
2. After completion of the exercises, display **PowerPoint Slide 7-10: Summary**.
3. Summarize the topics this module discussed.
4. Ask participants if they have any questions concerning Module 7.

What you need to know

There are two mechanisms to release an income withholding order served upon DFAS. If the income withholding order was electronically sent to DFAS through its *Kids 1st* program, use the *Kids 1st* automated program to release the order by selecting the “terminate income withholding order” option. States not participating in the *Kids 1st* program can send, via facsimile transmission, a copy of their local notice of termination by fax to DFAS. Regardless of how the state IV-D office sends the notice of termination to DFAS, upon receiving the termination notice, DFAS will promptly terminate the existing income withholding order.

For cases involving a Coast Guard member, send the local termination notice to the U. S. Coast Guard’s Pay and Personnel Center in Topeka, Kansas. This is the same office that receives and processes income-withholding orders against members of the Coast Guard.

The trainer will facilitate a discussion of **Handout 7-3: Review Exercises**.

7.6 SUMMARY OF MODULE 7

In this module we discussed the following topics:

- the Federal IV-D child support enforcement regulations,
- the military policies and rules governing the chain of command’s involvement in the enforcement of financial and medical child support obligations,
- remedies and procedures for involuntarily attaching military income (active duty, retired, and reserve military, and civilian DoD employees),
- procedures for terminating previously issued enforcement activity when the support obligation ends and no arrearages exist.

Summary

- Federal IV-D child support enforcement regs
- Military policies/rules governing chain of command’s involvement in enforcement of financial & medical support obligations
- Remedies/procedures for involuntarily attaching income of active duty, retired, and reserve military, and civilian DoD employees
 - State income withholding
 - Federal statutory military allotment
- Procedures for terminating enforcement

