



Department of Defense INSTRUCTION

NUMBER 1342.19

May 7, 2010

USD(P&R)

SUBJECT: Family Care Plans

References: See Enclosure 1

1. PURPOSE. This Instruction:

a. Reissues DoD Instruction (DoDI) 1342.19 (Reference (a)) in accordance with the authority in DoD Directive (DoDD) 5124.02 (Reference (b)) and the guidance in DoDDs 1342.17 and 1404.10 and DoDI 1400.32 (References (c), (d), and (e)).

b. Establishes policy, assigns responsibilities, and prescribes procedures for the care of dependent family members of Service members, including Reserve Component (RC) members, and of members of the DoD Civilian Expeditionary Workforce (CEW) (hereafter referred to collectively as "Members") who are:

(1) Single parents.

(2) Dual-Member couples with dependents.

(3) Married with custody or joint custody of a child whose non-custodial biological or adoptive parent is not the current spouse of the Member, or who otherwise bear sole responsibility for the care of children under the age of 19 or for others unable to care for themselves in the absence of the Member.

(4) Primarily responsible for dependent family members.

2. APPLICABILITY. This Instruction applies to:

a. OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components").

b. Members serving in the Active Component (AC) and the RC, to include the Ready Reserve.

c. DoD civilian personnel designated as CEW members pursuant to Reference (d).

d. Those contractors serving in officially designated contingency operations who choose to participate in family care planning.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that:

a. All Service members identified in paragraph 1.b., and, in accordance with Reference (d), all CEW members in paragraph 1.b., shall plan for contingencies in the care and support of dependent family members, and shall develop and submit a family care plan within the timelines set forth in this Instruction.

b. Commanders and supervisors of Members, including their designated representatives, (hereafter referred to collectively as “Commanders”) shall ensure that Members who meet the criteria in paragraph 1.b. have an up-to-date family care plan.

c. Service members who fail to produce a family care plan may be subject to disciplinary or administrative action that may result in separation from the Service in accordance with DoDIs 1332.14 and 1332.30 (References (f) and (g)).

d. While not required, contract offices should:

(1) Adhere to the spirit of this Instruction and include the requirements of this Instruction in contracts for personnel in support of officially designated contingency operations pursuant to DoDI 3020.37 (Reference (h)).

(2) Encourage contractors serving in officially designated contingency operations to have a current family care plan in accordance with this Instruction and Reference (h).

e. All Members (as well as contractors serving in officially designated contingency operations) and their designated family care plan caregivers shall, to the extent possible, have access to the information, support, and resources provided by military family centers and social service organizations. CEW members shall have access to the support provided by the CEW Readiness Cell.

f. All Members, as well as contractors serving in officially designated contingency operations, are encouraged to have a valid will that designates their choice of guardian(s) for permanent care of their dependent family members.

g. Pursuant to DoDD 1315.18 (Reference (i)), to assist Service members in developing family care plans and establishing a pattern of child care, Service members shall receive these deferments from duty:

(1) Military mothers of newborns shall receive a 4-month deferment from duty away from the home station for the period immediately following the birth of a child.

(2) Single Service members who adopt, or one member of a dual-military couple who adopts, shall receive a 4-month deferment from duty away from the home station from the date the child is placed in the home as a part of the formal adoption process.

(3) RC members who are mothers of newborns, single RC members who adopt, and one RC member of a dual-military couple who adopts shall receive a 4-month deferment from involuntary call to active duty immediately following the child's birth or placement in the home.

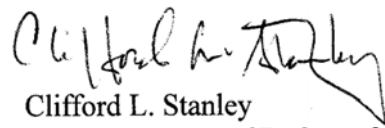
h. In accordance with section 586 of Public Law 110-181 (Reference (j)), Service members meeting the conditions of this Instruction who may be deployed in an area for which imminent danger pay is authorized may request a deferment of deployment due to unforeseen circumstances.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This Instruction is effective immediately.


Clifford L. Stanley
Under Secretary of Defense for
Personnel and Readiness

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ENCLOSURE 1

REFERENCES

- (a) DoD Instruction 1342.19, "Family Care Plans," July 13, 1992 (hereby cancelled)
- (b) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R)), June 23, 2008
- (c) DoD Directive 1342.17, "Family Policy," December 30, 1988
- (d) DoD Directive 1404.10, "DoD Civilian Expeditionary Workforce," January 23, 2009
- (e) DoD Instruction 1400.32, "DoD Civilian Work Force Contingency and Emergency Planning Guidelines and Procedures," April 24, 1995
- (f) DoD Instruction 1332.14, "Enlisted Administrative Separations," August 28, 2008
- (g) DoD Instruction 1332.30, "Separation of Regular and Reserve Commissioned Officers," December 11, 2008
- (h) DoD Instruction 3020.37, "Continuation of Essential DoD Contractor Services During Crises," November 6, 1990
- (i) DoD Instruction 1315.18, "Procedures for Military Personnel Assignments," January 12, 2005
- (j) Section 586, "Family Care Plans and Deferment of Deployment of Single Parent or Dual Military Couples with Minor Dependents," of Public Law 110-181, "National Defense Authorization Act for Fiscal Year 2008," January 28, 2008
- (k) DoD Instruction 4001.01, "Installation Support," January 10, 2008
- (l) Section 556, "Sense of Senate on Preparation and Coordination of Family Care Plans," of Senate Report 111-35, 111th Congress, 1st Session, "National Defense Authorization Act for Fiscal Year 2010," July 2, 2009
- (m) DoD Instruction 1330.17, "Armed Services Commissary Operations," October 8, 2008
- (n) DoD Instruction 1330.09, "Armed Services Exchange Policy," December 7, 2005
- (o) DoD Directive 1200.7, "Screening the Ready Reserve," November 18, 1999
- (p) Joint Publication 1-02, "Department of Defense Dictionary of Military and Associated Terms," current edition

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)). The USD(P&R) shall:

a. Oversee implementation of this Instruction.

b. Develop and provide guidance to the DoD Components on the organization and preparation of family care plans for dissemination to commanders and other appropriate officials within their Components.

2. ASSISTANT SECRETARY OF DEFENSE FOR RESERVE AFFAIRS (ASD(RA)). The ASD(RA), under the authority, direction, and control of the USD(P&R), shall review the procedures established by the Military Departments to support family care plans and programs for the RCs.

3. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall ensure their subordinate organizations implement this Instruction.

4. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments, in addition to the responsibilities in section 3 of this enclosure, shall:

a. Oversee implementation of this Instruction.

b. Specify the responsibilities of Commanders, Members and their chosen caregivers, family centers, military libraries, and installation social service agencies in the preparation, submission, and execution of family care plans.

c. In conjunction with the judge advocates general and the Staff Judge Advocate to the Commandant of the Marine Corps, establish the roles and responsibilities for family care planning of their legal offices and legal personnel.

c. Implement processes and systems to monitor family care planning within their respective Departments.

d. Require Service members who need a family care plan to designate a person who, in the event of their death or incapacity, will assume temporary responsibility for their minor children or dependent family members until a natural or adoptive parent or legal guardian assumes custody either by order of a court of competent jurisdiction or operation of law. This designation shall be recorded in the Service member's official military personnel record but is not a substitute for a will or other legal document.

e. Require family centers and family program coordinators, in accordance with DoD Instruction 4001.01 (Reference (k)), to support Commanders by providing information (e.g., brochures, handouts, classes) that cover all aspects of deployments, including information about family care plans.

f. Identify the officials who have primary responsibility to ensure Ready Reservists have an up-to-date family care plan; specify in implementing guidance the officials responsible for ensuring that Ready Reservists are adequately informed of the importance of a family care plan and of the resources available to assist in preparation of the plan.

g. Ensure that family support resources are provided for National Guard and Reserve members reasonably close, as resources permit, to National Guard and Reserve units at the applicable organizational levels.

h. Provide implementing regulations or guidance impacting the RCs to the ASD(RA) for review.

i. Provide contract officers a copy of this Instruction and encourage them to follow the provisions of this Instruction; ensure that contractors serving in officially designated contingency operations are encouraged to have a family care plan, pursuant to Reference (h).

ENCLOSURE 3

PROCEDURES

1. MEMBERS. This section applies to the Members identified in paragraph 1.b. above the signature of this Instruction.

a. General

(1) All Members are responsible for the care of dependent family members during deployments and temporary duty, as at all other times. All members shall develop a family care plan. For Service members, failure to produce a family care plan within the periods stipulated in paragraph 1.e. of this enclosure may result in disciplinary action and/or administrative separation in accordance with References (f) and (g).

(2) Each Member shall:

(a) Discuss with his or her Commander the necessity for and what is needed to develop an adequate family care plan. This discussion shall include plans for arranging the logistical, financial, medical, educational, and legal documentation necessary to ensure continuity of care and support for dependent family members.

(b) Attempt, to the greatest extent possible, to inform the non-custodial biological or adoptive parent of his or her children, as applicable and as far in advance as practicable, of his or her impending absence due to military orders as recommended in section 556 of Senate Report 111-35 (Reference (l)).

(c) Attempt, to the greatest extent possible, to obtain the consent of the non-custodial biological or adoptive parent to any family care plan that would leave his or her child in the custody of a third party.

(d) Certify his or her family care plan on an annual basis with his or her Commander.

b. Arranging for Caregivers. Each Member shall arrange for a caregiver and shall:

(1) Brief the caregiver on financial, medical, legal, educational, and logistical arrangements (to include discussion and arrangements to relocate the caregiver or family member to a designated location), military facilities, services, benefits, and entitlements of the dependent family members.

(2) Provide the caregiver copies of power(s) of attorney, wills, and other documents determined necessary by the Military Departments.

(3) Provide the caregiver with information on existing military and private sector community support resources from which he or she can receive assistance (e.g., location and

points of contact for family support groups, community and family support centers, schools, social service organizations, and on-line support such as Military OneSource (available on the Internet at <http://www.militaryonesource.com/home.aspx?MRole=&Branch=&Component=>). The Member can obtain this information from family centers; unit and State family readiness program directors, coordinators, and/or ombudsman; child care centers; schools; private sector social service organizations; and on-line resources (e.g., Military OneSource and Military HOMEFRONT (available at <http://www.militaryhomefront.dod.mil/>)).

(4) Discuss with and provide information to the caregiver about the potential behavioral changes of children during a long-term separation to assist the caregiver in determining how best to support, sustain, and assist children during a deployment or other separation. A Member whose caregiver is not located near a family program coordinator or family center may arrange to have information mailed or e-mailed to the caregiver from the family center at the Member's duty station, social service organizations, installation libraries, or Military OneSource.

c. Developing Family Care Plans. Each Member shall develop and forward an adequate family care plan through the appropriate chain of command for filing as prescribed by the regulations of the Military Department or the CEW organization concerned. The complete plan shall include, at a minimum:

(1) Applicable documentation identifying:

(a) Names and contact information of the caregiver and alternate caregiver.

(b) Provisions for short-term absences (e.g., temporary duty for schooling or training, or, in the case of RC members, active duty for training) and long-term absences (e.g., deployment or call to active duty), to include the period (beginning and end date) of time covered by the family care plan.

(c) Financial arrangements, allotment(s), and other appropriate documentation, to include power(s) of attorney, to ensure the self-sufficiency and financial security of dependent family members.

(d) Logistical arrangements for the transportation of dependent family members and/or caregivers to a new location, including arrangements for a non-military escort for family members requiring assistance (e.g., infants and children, elderly and disabled adults) if the situation or personal circumstances so dictate, and arrangements for the medical, legal, educational, and financial support necessary to ensure continuity of care during the transport.

(e) The name of any non-custodial biological or adoptive parent not named as the caregiver, along with that person's consent to the family care plan. If this individual does not consent, the Member should explain the absence of such consent in writing and acknowledge the availability of legal counsel to discuss the associated risks and the best possible courses of action (including the possibility of incorporating the family care plan into a temporary order by a court of competent jurisdiction).

(f) The name of the person the Member designates, in the event of his or her death or incapacity, to assume temporary responsibility for dependent family members until a natural or adoptive parent or legal guardian assumes custody either by order of a court of competent jurisdiction or operation of law.

(2) A statement signed by the Member certifying that the caregiver has accepted responsibility for care of the Member's dependent family members, including provisions for short- and long-term separations. The statement shall verify that the Member has briefed the caregiver and provided the caregiver copies of documents required for inclusion in the family care plan.

d. Updating Family Care Plans. A Member shall revise his or her family care plan when changes in family circumstances, or other personal status, result in the Member becoming responsible for the logistical, medical, or financial support of another person. Such family circumstances include, but are not limited to:

(1) Birth of a child.

(2) Adoption of a child.

(3) Loss of a spouse through death, separation, or divorce.

(4) Enlistment or commissioning in the military (AC or RC) or employment in the CEW of a spouse that results in the Member and spouse becoming a dual-Member couple with responsibility for dependent family members.

(5) Absence of a spouse through career or job commitments or other personal reasons that result in the Member assuming responsibility for dependent family members.

(6) Assumption of sole care for an elderly or disabled family member.

e. Family Care Plan Timelines. Members shall meet these deadlines for submission of their family care plans:

(1) Final Family Care Plan

(a) All Service members on active duty and all CEW members shall submit the final family care plan through the chain of command within 60 days of the discussion with the Commander that is required by subparagraph 1.a.(2)(a) of this enclosure. For Service members, failure to produce the family care plan may result in disciplinary or administrative action that may result in separation from the Service.

(b) RC members shall submit the final family care plan within 90 days of alert notification by the organizational function designated by the Military Department concerned.

(2) Notice of a Change in Family Circumstances

(a) All Service members on active duty and all CEW members shall notify their Commanders no later than 30 days after a change in family circumstances or personal status that generates the requirement for, or update of, a family care plan.

(b) Ready Reservists shall notify the authority designated by Military Department regulations no later than 60 days after a change in circumstance or personal status that generates the requirement for, or update of, a family care plan.

(3) Annual Certification. Members shall annually provide written certification to their Commanders that the family care plan is current.

(4) Exceptions. If mitigating circumstances are involved, a Commander may grant a Member additional time to submit an adequate family care plan. This additional time is intended to accommodate those Members who are actively in the process of obtaining written agreements or court orders and have advised their Commanders of their actions and progress.

2. MILITARY DEPARTMENTS. The Military Departments shall:

a. Implement procedures that inform all Members as well as contractors serving in officially designated contingency operations of the requirements of this Instruction.

b. Require Members to submit family care plans to their Commanders for review.

c. Require that family care plans be validated annually by either the Commander or, for the RCs, by an appropriate organizational element designated by the RC. Validation is complete when the Member and the Commander or RC-designated activity discuss the adequacy of the current plan to cover all reasonable contingencies. The Commander and/or the Military Service Inspector General shall inspect the annually validated family care plan.

d. Advise Members that their ability to serve can not be impacted negatively by their role as a parent, and that they must be able to satisfactorily perform their duties and remain available for worldwide assignment or deployment at all times. Advise Service members that their failure to do so can result in separation from the Service.

e. Provide caregivers access to installation facilities on behalf of Members to assist them in caring for dependent family members during periods of absence of the Member so that the caregiver is able to meet the conditions of the family care plan. Such access shall:

(1) Be granted based on family care plan forms, agent letters, letters of authorization, or power(s) of attorney as may be necessary to provide authorized entitlements to the Member's family in accordance with DoDIs 1330.17 and 1330.09 (References (m) and (n)). The Military Departments shall accept proper documentation, regardless of the issuing branch of Service or RC category.

(2) Include access to training, counseling, call-center consultations (e.g., Military OneSource) and services, webinar sessions, document translation, telephonic translation services, and other services needed for them to meet their obligations as set forth in the family care plan.

f. Require RC members to submit family care plans. Copies of the family care plan shall remain with the appropriate RC military personnel office or unit as a part of the local personnel or training records.

(1) RC family care plans shall be inspected by the Commander(s) concerned or an agency designated by the Military Department at least annually.

(2) In cases of RC member non-compliance with this Instruction, Commanders may recommend discharge or, if the Service member is eligible, transfer to an inactive or retired status, in accordance with DoDD 1200.7 (Reference (o)).

(3) To increase awareness of the potential impact of long-term or sudden deployments, and to ensure RC members establish adequate, realistic, and workable family care plans, make resources available to them as needed to prepare and submit their plans. Refer RC members to:

(a) The appropriate family readiness program coordinator, director, ombudsman, private sector social service organizations, or other sources of assistance located in proximity to the member's unit or home.

(b) On-line resources (e.g., Military OneSource and Military HOMEFRONT).

(c) Installation family centers, legal assistance offices, child care centers, and other offices that retain lists of certified child care providers, including private sector community organizations that maintain lists of licensed caregivers in the community.

g. Ensure that family centers and other installation resources support Members in developing a family care plan by providing information and assistance when requested, but shall not delegate the authority or responsibility for family care plans.

(1) If needed, family centers shall provide individual counseling to Members and contractors requiring assistance in the development of the family care plan.

(2) Information provided by the family center shall cover subjects and problem areas faced by families when a Member deploys (e.g., separation anxiety, coping skills, parenting tips, stress management, communications, schooling, financial arrangements, and location of key documents).

3. COMMANDERS. Commanders shall:

a. Require that the Members under their command, as identified in paragraph 1.b. above the signature of this Instruction, create and maintain duly-executed family care plans consistent with this Instruction. Ensure Members keep their family care plans up-to-date at all times.

b. Take a pro-active, hands-on role to ensure Members of their command fully understand the purpose and importance of a comprehensive family care plan, as well as its limitations, and encourage them to observe the guidance in this Instruction.

c. Ensure that Members fully understand the unique demands of military and CEW service as it relates to personal and family responsibilities and the necessity for realistic family care arrangements to ensure that Members are available for worldwide duty.

d. Inform Service members that they may be subject to administrative or disciplinary action and may be separated from the Service for failure to have an adequate family care plan.

e. Inform Members of the overriding authority of State courts to determine child custody arrangements, notwithstanding a family care plan, in accordance with Reference (l).

f. Advise Members of the risks involved if they are unable or unwilling to contact or gain the consent of the non-custodial biological or adoptive parent if the family care plan would leave the child in the custody of a third party. Strongly encourage them to obtain legal advice as far in advance of the absence as is practicable about the implications of failing to include the non-custodial biological or adoptive parent in the family care plan process. Emphasize that the failure to involve, or at least inform, the non-custodial biological or adoptive parent of custody arrangements in anticipation of an absence can undermine, or even render useless, the family care plan, in accordance with Reference (l).

g. Encourage Members to seek the assistance of military and community support resources, to include family support centers; legal assistance offices; family program directors, coordinators, and ombudsmen; Service relief organizations; the CEW Readiness Cell; and on-line resources (e.g., Military OneSource), in the completion of the family care plan.

h. Consider and respond promptly to Member requests for a deferment of deployment due to unforeseen circumstances are submitted in accordance with Reference (j).

4. LEGAL ASSISTANCE ATTORNEYS. Legal assistance attorneys or other qualified legal counsel shall, when appropriate, ensure their clients receive:

(1) A full explanation of the potential consequences of not including the non-custodial biological or adoptive parent in the creation of a family care plan.

(2) A discussion of appropriate courses of action, to include the benefits of validating temporary custody arrangements and the return of the child to the Member upon the Member's return, with an appropriate court.

GLOSSARY

DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purposes of this Instruction.

active duty. Defined in Joint Publication 1-02 (Reference (p)).

alternate caregiver. An individual who is not a Member, is at least 21 years of age, is capable of self-care and care of children or other dependent family members, and who agrees, preferably in writing, to perform the duties of caregiver in a caregiver's absence.

caregiver. An individual who is not a Member, is at least 21 years of age, is capable of self-care and care of children or other dependent family members, and who agrees, preferably in writing, to care for one or more family members during a Member's absence for indefinite periods to ensure the Member is available for worldwide duties.

CEW members. Civilian personnel who are a subset of the DoD civilian workforce and who are pre-identified to be organized, trained, and equipped in a manner that facilitates the use of their capabilities for operational requirements. These operations are typically away from the normal work locations of DoD civilians, or in situations where other civilians may be evacuated to assist military forces when the use of DoD civilians is appropriate. The CEW is composed of Emergency-Essential and Non-Combat Essential employees, Capability-Based Volunteers, individuals in the Capability-Based Former Employee Volunteer Corps, and Key Employees, as these categories of personnel are defined in Reference (d).

contractor in an officially designated contingency operation. An official contract position that is located overseas or would be transferred overseas during a crisis. The position is required to ensure the success of combat operations or to support combat-essential systems subsequent to mobilization and/or an evacuation order. The position cannot be converted to a military position because it requires uninterrupted performance to provide immediate and continuing support for combat operations and/or maintenance and repair of combat-essential systems.

dependent family member. A Member's spouse; children who are unmarried and under 19 years of age or who, regardless of age, are physically or mentally incapable of self-support; dependent parents, including step and legally adoptive parents of the Member's spouse; and dependent brothers and sisters, including step and legally adoptive brothers and sisters of the Member's spouse who are unmarried and under 19 years of age or who, regardless of age, are physically or mentally incapable of self support. Includes a spouse or other family member with disabilities who is dependent upon the member for financial, medical, or logistical support. May include a family member with limited command of English or who is unable to gain access to basic life-sustaining facilities (e.g., food or medical care).

dual-Member couple with dependents. Members married to each other who have joint responsibility for dependent family members.

family care plan. A document that outlines, on Service-specific forms, the person(s) who shall provide care for a Member's dependent family members in the absence of the Member due to military duty (training exercises, temporary duty, deployments, etc.). The plan outlines the legal, medical, logistical, educational, monetary, and religious arrangements for care of the Member's dependent family members. The plan must include all reasonably foreseeable situations and be sufficiently detailed and systematic to provide for a smooth, rapid transfer of responsibilities to the caregiver in the absence of the Member.

family care planning. The process of planning for the care of dependent family members. The planning is the initiative taken by a Member, or a contractor serving in an officially designated contingency operation, to use all available military and private sector resources to ensure that dependent family members receive adequate care, support, and supervision during his or her absence.

family centers. Refers generically to the offices that serve as Commanders' resources and focal points for information, referral, and coordination of installation and civilian community family support system programs and activities. These are presently named differently across the Military Services as Army Community Service Centers, Marine Corps Community Service Centers, Navy Fleet and Family Support Centers, and Air Force Airman and Family Readiness Centers.

Ready Reserve. Defined in Reference (p).

RCs. Defined in Reference (p).

separated (from a spouse). The status of a married Member, or a contractor serving in an officially designated contingency operation, who is legally separated from his or her spouse under a court order or other legally recognizable decree, or who customarily resides apart from his or her spouse.

single parent. A Member or contractor who has no spouse or who is separated or otherwise apart from his or her spouse, but who has physical custody or joint custody of dependent family members.