

[\[Categorical Listing\]](#) [\[Numerical Listing\]](#)



PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000



**MEMORANDUM FOR:**

SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARY OF DEFENSE (COMPTROLLER)  
ASSISTANT SECRETARIES OF DEFENSE  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE  
DIRECTOR OF ADMINISTRATION AND MANAGEMENT  
DIRECTORS OF THE DEFENSE AGENCIES

**SUBJECT:** Policy Guidance--Changes in Benefits and Entitlements for Eligible Family

Members of Members of the Uniformed Services

This memo authorizes medical care to the surviving dependents of Reserve members who did not elect to participate in the Survivor Benefit Plan. In addition, it authorizes medical benefits eligibility to preadoptive children. [These changes](#) are provided in detail in the attached guidance.

The Uniformed Services shall implement these policy changes supplementing Department of Defense Instruction 1000.13, "Identification (ID) Cards for Members of the Uniformed Services, their Dependents, and Other Eligible Individuals," as necessary, to issue authorized identification cards. This guidance is effective immediately.

Edwin Dorn

Attachment:

As stated

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## Policy Changes

### **A. Military Treatment Facility Care and Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Eligibility for Surviving Dependents of "Gray Area" Reserve Members**

Extend military treatment facility care and CHAMPUS eligibility to surviving dependents of Reserve members, who, at the time of their death, were eligible for retired pay but died before reaching age 60. Surviving dependents may not be given such care until the date on which the member would have reached age 60. This change shall apply with respect to medical benefits for this category of beneficiary provided on or after February 10, 1996. The change removes the requirement that a member must have elected to participate in the Survivor Benefit Plan in order for the surviving dependents to be eligible for medical care when the member would have attained age 60, should the member die before reaching age 60.

### **B. Military Treatment Facility Care and Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Eligibility for Preadoptive Children**

This change shall clarify eligibility requirements for medical benefits for preadoptive children with respect to determinations of dependency made on or after October 5, 1994. For purposes of eligibility for military treatment facility care and CHAMPUS eligibility, an preadoptive child is an unmarried person who:

1. is placed in the home of the member or former member by a placement agency (recognized by the Secretary of Defense<sup>1</sup>) in anticipation of the legal adoption of the person by the member or former member; **and** who
2. either
  - a. has not attained the age of 21;
  - b. has not attained the age of 23, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary and is, or was at the time of the member's or former member's death, in fact dependent on the member or former member for over one-half of the child's support; **or**
  - c. is incapable of self-support because of a mental or physical incapacity that occurs while a dependent of a member or former member under clause (1) or (2) and is, or was at the time of the

member's or former member's death, in fact dependent on the member or former member for over one-half of the child's support.

### **C. Military Treatment Facility Care and Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Eligibility for Wards**

This change shall clarify eligibility requirements for medical benefits for wards with respect to determinations of dependency made on or after July 1, 1994 for any dependent ward of a retired member, or a ward, who, as a result of being placed in legal custody, would otherwise qualify as a surviving dependent of a deceased active duty member or a deceased reservist; and with respect to determinations of dependency made on or after October 5 1994 for any dependent ward of an active duty member or former active duty members currently under the Transition Assistance Management Program (TAMP) or (TA). For purposes of military treatment facility care and CHAMPUS eligibility, a ward is an unmarried person who:

1. is placed in the legal custody of the member or former member as a result of an order of a court of a competent jurisdiction in the United States (or a Territory or possession of the United States) for a period of at least 12 consecutive months, and
2. either--
  - a. has not attained the age of 21;
  - b. has not attained the age of 23 and is enrolled in a full time course of study an institution of higher learning approved the administering Secretary; or
  - c. is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this subparagraph pursuant to subclause (a) or (b);
3. is dependent on the member or former member for over one-half of the person's support;
4. resides with the member or former member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the administering Secretary may by regulation prescribe; and
5. is not a dependent of a member or a former member under any other category.

<sup>1</sup>Placement agency (recognized by the Secretary of Defense) -- For purposes of this policy an authorized placement agency in the United States and/or U.S. territories must be licensed for the purpose of adoption by the state or territory, in which the adoption procedures will be completed. In all other locations a request for recognition must be approved by the appropriate Assistant Secretary of the Military Department concerned or an appropriate official to whom he or she has delegated approval authority.

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[\[Top\]](#)

Last update: 12/22/1998