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 remaining 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 or a 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 Regulation
- 7-3: Federal Requirements re: Medical Support Enforcement
- 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: Determination of Eligibility for Enrollment
- 7-9: Documents Needed for DEERS Enrollment
- 7-10: DEERS Enrollment Flow Chart
- 7-11: Summary

Handouts
- 7-1: Military Financial and Medical Support Enforcement
- 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 an interactive lecture, participants will correctly identify the basic requirements of the federal IV-D child support enforcement regulations.
- Given an interactive 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 an interactive 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.
- Given an interactive lecture, participants will explain the differences between enforcing a child support obligation using state income withholding laws and using the federal law authorizing a statutory military allotment.
- Following an interactive lecture and scenario-based exercise, participants will explain how to obtain medical support coverage for a child who is a dependent of a service member.
**TRAINING NOTES**

**What you need to say/do**

1. Display **PowerPoint Slide 7-2: Federal Enforcement Regulation.** Remind participants that the federal regulations are available online at www.acf.hhs.gov/programs/css.

2. Explain to participants that OCSE (and DFAS) recognize 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. The U.S. Department of Health and Human Services (HHS) 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 highlights of the federal enforcement regulations in order to lay the foundation for later, more detailed discussions of military enforcement procedures.

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. Income withholding is the primary enforcement tool under the federal regulation. In addition to income withholding, the regulation requires that states take other appropriate enforcement action within 30 days of identifying a delinquency. This 30-day timeframe does not apply, though, 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.

There are additional regulations that govern specific enforcement remedies.
What you need to say/do
Display PowerPoint Slide 7-3: Federal Requirements re: Medical Support Enforcement.

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 requirements for medical support enforcement. The Module discusses specific medical support enforcement procedures at section 7.4.
7.2.2 Federal Requirements on Enforcement of Medical Support Obligations

Current federal law at 42 U.S.C. § 666(a)(19) requires that every child support order enforced by the Title IV-D program must include a provision for medical support for the child. Medical support may include private health insurance that is accessible to the children and is available to the parent responsible for providing medical support at reasonable cost. Health insurance is considered “reasonable in cost” if the cost to the parent responsible for providing medical support does not exceed five percent of his or her gross income. States may establish a reasonable alternative income-based numeric standard through law, regulation, court rule, or state child support guidelines. Medical support can also include public coverage.

Where appropriate, the child support agency must enforce the medical support obligation through use of the National Medical Support Notice (NMSN). The National Medical Support Notice must be used to enforce a noncustodial parent’s obligation to provide health care coverage and may also be used to enforce a custodial parent’s obligation to provide coverage through an employment-related group health plan. 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.
TRAINING NOTES

What you need to say/do

1. All enforcement remedies that are available to state child support agencies apply to both civilians and service members. However, there are some enforcement remedies that are specific to the military.

2. These are the federal regulations that govern the collection of child support from members of the military:
   - Garnishment processing for all military branches: 5 C.F.R. Part 581
   - Army: 32 C.F.R. Part 584
   - Navy/Marine Corps: 32 C.F.R. Part 733

3. Each military branch has also developed policy regarding support. (You can access the policy statements through the appropriate military branch website.)

What you need to know
7.3 MILITARY ENFORCEMENT REMEDIES

Child support agencies have a number of enforcement remedies that are available to ensure regular support payments from both civilians and service members. 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, retired service member, or National Guardsman activated to federal service) 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.

These are the federal regulations that govern the collection of child support from members of the military:

- Garnishment processing for all military branches: 5 C.F.R. Part 581
- Army: 32 C.F.R. Part 584
- Navy/Marine Corps: 32 C.F.R. Part 733

Each branch has also developed the following policy regarding support:

- The Coast Guard: U.S. Coast Guard Commandant Instruction (COMDTINST) M1600.2, cha. 2E (Supporting Dependents).
TRAINING NOTES

What you need to say/do
Each service branch has regulations pertaining to a military member’s duty to provide family financial support, including rules regarding voluntary allotments. An example of a military rule dealing with voluntary allotments is Army Regulation 608-99, 2-1: “A soldier is required to provide financial support to family members. This obligation is frequently complicated when the soldier is geographically separated from the family. In the majority of these situations, the soldier and the family can manage the financial support without command involvement. These arrangements may include joint checking accounts or voluntary allotments to the family as appropriate.”

What you need to know
7.3.1 **Military Voluntary Allotment**

Members of the military may establish a voluntary allotment of earnings and direct money from their pay to their dependents. In fact, 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, service members can generate this allotment even before a child support order exists in the case. A commanding officer will assist a member obtain the voluntary allotment forms. Although a commander can order a subordinate to obtain a voluntary allotment for his or her family if the member is not supporting them as required by regulation, 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 the member’s 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)(2)] views the voluntary allotment as “the preferred method of providing financial support to family members not residing with the soldier.”
TRAINING NOTES

What you need to say/do

1. In discussing Section 7.3.1, explain to participants that most voluntary allotments occur outside of the IV-D program. Payment can be by check or EFT, either directly to the custodial parent or to the central State Disbursement Unit (SDU) if there is an established case with a court/case number identifier. Unless the state process to establish and enforce a child support obligation will take an unusually long time, IV-D offices are not encouraged to use the voluntary allotment.

2. 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.

3. In IV-D cases there are two primary remedies for involuntarily withholding money from a military member for support. The first is based on state income withholding laws; the second is based on a federal statute. The state income withholding is the preferable method for enforcement.

4. 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. For retired military members, a caseworker may contact DFAS for questions concerning the computation of the member's pay. This includes questions concerning the computation of a member's pay when he or she is the recipient of VA disability benefits. DFAS can inform the worker of the amount of the member's retired pay that the member waived in order to receive disability pay from the VA (known as VA waiver). Generally, this information will not be given over the phone due to the Privacy Act. In order to receive such information, the caseworker should submit the request on his or her agency letterhead.
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 military members can initiate a voluntary allotment. It is also important to understand that members can revise or terminate a voluntary allotment just as easily as they can start one. Therefore, when a child support order exists in a 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 or her family.

7.3.2 Involuntary Withholding of Military Income for Support

There are two main vehicles for involuntarily attaching military income for support: a state order/notice to withhold income for child support, and the federal statutory military allotment. Child support agencies will most often use 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 state income withholding to enforce a child support obligation:

- Military active duty pay (basic pay and certain bonuses, but not Basic Allowance for Housing and Basic Allowance for Subsistence (BAH)/Separate Rations);
- Military reserve and retired pay;
- Federal DoD civilian employee pay and civilian retirement pay; and
- “Any other remuneration for employment.”
TRAINING NOTES

What you need to say/do
1. Inform participants that VA disability pay garnishments are not handled by the Defense Finance and Accounting Service (DFAS).
2. Direct participants to Handout 7-1: Military Financial and Medical Support Enforcement for contact information at DFAS and the Coast Guard regarding payments through income withholding.
3. 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 left tab titled Find Garnishment Information.

What you need to know
1. 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.
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). That part of the veteran’s 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.

The Defense Finance & Accounting Service (DFAS) processes the pay for military members of the Army, Navy, Air Force, and Marines, who are on active duty, in the reserves, and retired from the military. It also processes the pay for civilian DoD employees and members of the National Guard who have been activated into federal service. DFAS does not process the garnishment of veteran disability compensation, which is noted above.

When initiating income withholding or the federal statutory military allotment, you must send the appropriate form to the appropriate payroll processing center. All income withholding orders for active and reserve components, and retired members of the Army, Navy, Air Force, and Marines; and all notices to initiate statutory military allotments for uniformed services on active duty, should be sent to The Defense Finance & Accounting Service (DFAS), Garnishment Operations, P.O. Box 998002, Cleveland, OH, 44199, or faxed to 877-622-5930. (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. An involuntary income withholding for support, regardless of the specific form used to implement income withholding, has priority over a pre-existing voluntary allotment.
TRAINING NOTES

What you need to say/do
1. The most effective enforcement remedy against a military member is state-based income withholding, using the federal income withholding order form.
2. Both DFAS and the Coast Guard can receive income withholding orders via mail or fax. Refer participants to Handout 7-1 in the Appendix for information on how to initiate an income withholding with DFAS or the Coast Guard.

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. 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.
OCSE reminds IV-D offices 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. For additional information, IV-D offices may contact the DFAS Income Withholding toll-free Customer Service Number at 888-332-7411. 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 contact information.

### 7.3.2.1 State Income Withholding Orders for Child Support

In the majority of instances when a IV-D office seeks enforcement in a case involving a military member, it should send the standard federal *Order/Notice to Withhold Income for Child Support* (federal income withholding form) to the appropriate payroll office. For active duty members, reservists, and National Guardsmen on federal active duty orders, that means sending the income withholding order to the DFAS Garnishment Operations located in Cleveland, Ohio. For the Coast Guard, you will need to mail or fax the income withholding order to its Pay and Personnel Center in Topeka, Kansas. See **Handout 7-1** for address information. Terminations of income withholding orders should also be sent to either the DFAS Garnishment Operations in Cleveland, Ohio or the Coast Guard Pay and Personnel Center.
TRAINING NOTES

What you need to say/do
1. Note that DFAS can currently receive income withholding orders electronically, but the Coast Guard cannot.
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 how they can minimize the interruption of income withholding when a noncustodial parent who is in the Reserve or National Guard receives orders to active duty. They can also help the custodial parent to understand why there may be a temporary delay in payment and why the payment schedule may vary from that under a civilian income withholding.

What you need to know
DFAS and OCSE encourage all states to use the e-IWO portal to send income withholding orders electronically. The DFAS website has additional information concerning this initiative.
It is important to note that DFAS is able to receive electronic income withholding orders and send withheld earnings electronically (EFT) if the state has such capabilities. DFAS established its *Kids First* electronic submission system several years ago and is now transitioning states to OCSE’s electronic income withholding order (e-IWO) portal. By automating the generation of income withholding orders, state child support agencies can meet their two-day turnaround requirement. The Coast Guard is currently unable to electronically receive income withholding orders; however, it does send payments electronically to the state disbursement units (SDUs).

Due to DFAS’s payroll processing requirements, the cut-off date for implementing an income withholding order 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 an income withholding order against a military retiree. Legal staff need up to 15 days to process a withholding request so it sometimes takes up to 60 days before the state’s SDU will receive the initial payment.

### 7.3.2.1.1 Income Withholding when a Reservist/National Guard Member is Called to Active Duty

If a noncustodial parent is employed in the civilian sector and is called to active duty, any income withholding order that is in place against the parent’s civilian income is not automatically transferred to DFAS. You must send an income withholding order to the appropriate place – either DFAS Garnishment Operations in Cleveland, Ohio, or the Coast Guard Pay and Personnel Center in Topeka, Kansas.
TRAINING NOTES

What you need to say/do

1. Explain the process for income withholding from military retirement pay.
2. If there is a delay in the initiation of withholding from military retirement pay, it is the responsibility of the retiree to ensure timely support payments in the interim.

What you need to know
Keep in mind that although civilian employers are required to forward money to the State Disbursement Unit within seven business days from the date it is deducted, DFAS deducts the child support payments from a service member’s paycheck twice per month and generally sends those payments to the state child support agency once a month on the first business day of the month following the month from which the payments were deducted. (However, please note that there are times when DFAS will send a payment out during the month that it was deducted because the end-of-month payday falls on a weekend or holiday.) It is good customer service to let the custodial parent know, in advance, that she or he will likely receive payments on a different schedule than when the noncustodial parent was paying support through withholding from his or her civilian pay.

**7.3.2.1.2 Income Withholding when a Military Member Retires**

DFAS is able to track an individual’s move from active duty to retirement. This means that DFAS will automatically transfer the child support withholding to the member’s retirement pay account if DFAS was previously implementing a child support income withholding order on the same individual’s active duty pay. However, it can take 30 to 60 days for the Office of Retired Pay to create the retired pay account. DFAS cannot begin withholding support from retired pay until the retired pay account is established. This means there may be a delay in payment.

The Coast Guard will also automatically move a retiree’s income withholding to his or her retired pay.
TRAINING NOTES

What you need to say/do
2. Discuss the advantages and limitations of state-law based income withholding.

What you need to know
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 percent of net pay can be withheld. If no other family members are being supported, the ceiling rises to 60 percent of net pay. If there is an arrearage that is more than 12 weeks past due, an additional five percent can be added to either ceiling.
7.3.2.1.3 Advantages and Limitations of State Income Withholding

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.
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 percent 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.
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 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. Emphasize to participants that use of the federal statutory allotment is very rare. In fact, in 2012 DFAS reported that it was processing less than 20 federal statutory military allotments.

2. While showing PowerPoint Slide 7-6: Federal Statutory Military Allotment, review the requirements for implementation of this federal IV-D remedy.

What you need to know

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.
7.3.2.2 Federal Military Allotment Statute

The federal statutory allotment is a separate and distinct income withholding remedy that is specifically directed toward the military 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. The member must have 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 a IV-D agent or attorney, and a court with authority to issue a support order or an agent of the court.

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.”
TRAINING NOTES

What you need to say/do
1. Direct participants to **Handout 7- 2: Sample Letter Requesting Federal Statutory Military Allotment**.

2. After explaining the requirements of 42 U.S.C. § 665, ask participants to identify the advantages and limitations of the federal statutory military allotment as compared to state income withholding for child support. Write their responses on the flipchart or white board.

3. 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. Implementing regulations are also at Department of Defense Financial Management Regulation, Volume 7B, Chapter 29. Explain that the USFSPA is not a useful remedy in IV-D cases because it limits withholding to 50 percent 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 state 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.

What you need to know
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 limitations when compared to the state child support income withholding remedy. It has the following advantages:

1. It allows the attachment of both BAH (for some grades) 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*). Due to computer system limitations (in 2012), BAH for grades lower than E7 cannot be garnished.

2. Lower state garnishment limits, if provided by state law, do not apply. Only the CCPA limits apply.

However, it also has the following limitations:

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 military staff judge advocate or with a law specialist (in the case of the Coast Guard). If the member has not been able to consult with such a person within 30 days of receiving the notice, despite good faith efforts, the allotment can begin.

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.
TRAINING NOTES

What you need to say/do
1. Display PowerPoint Slide 7-7: Medical Support.
2. 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.
3. Explain the different TRICARE options.

What you need to know
1. 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.
2. Members of the Coast Guard are covered by TRICARE.
3. NOTE: Some of the information in this module is also discussed in Module 6. If you are presenting both modules during the same training session, you may be able to summarize some of the information in this section by referencing material previously presented.
Module 7: Military Enforcement Procedures

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. TRICARE is available to active duty and retired military, and to National Guard and Reservist members who have been called to federal active duty. It is not available to civilian employees of the defense department.

TRICARE Prime is a managed care option offering the most affordable and comprehensive coverage for military families. It is available in the United States in designated Prime Service Areas. Other Prime options are available for active duty service members and their families in remote U.S. areas and overseas. The sponsor must sign a completed enrollment form and submit the form to the regional contractor or local TRICARE Service Center. Under certain circumstances, the custodial parent may enroll the child in TRICARE Prime. In some cases, there are premium payments depending on the military member’s status (for example, quarterly premiums for family members of retirees). This program is similar to a civilian health maintenance operation (HMO) policy. There is no deductible, but some services require a co-payment.
TRAINING NOTES

What you need to say/do

1. Explain the relationship between the Defense Enrollment Eligibility Reporting System (DEERS) and TRICARE coverage.
2. Display PowerPoint Slide 7-8: Determination of Eligibility for Enrollment.

What you need to know
The other option is called TRICARE Standard and Extra. It is a fee-for-service plan that is available to all non-active duty beneficiaries throughout the United States. TRICARE Standard and TRICARE Extra allow a non-active duty beneficiary to manage his or her own health care by seeking services from any TRICARE-authorized provider. There are no enrollment forms or fees, but there is an annual deductible for outpatient services and cost-shares for most services. Coverage is automatic as long as the information is current in DEERS.

For specific information about TRICARE coverage, see www.tricare.mil.

7.4.1 Defense Enrollment Eligibility Reporting System (DEERS)

The Defense Enrollment Eligibility Reporting System (DEERS) maintains information on military service members, known as “sponsors,” and their dependents. DEERS is the database used to confirm eligibility for military benefits including health care. A sponsor is automatically registered in DEERS, but the sponsor must enroll family members.

7.4.1.1 Determination of Whether a Dependent is Already Enrolled in DEERS

The electronic match between the Federal Case Registry (FCR) and the Defense Manpower Data Center (DMDC) allows child support workers to determine whether a child is already enrolled in DEERS and eligible for TRICARE; the FCR transmits match information to the states every quarter.
TRAINING NOTES

What you need to say/do

1. Continue to Display PowerPoint Slide 7-8: Determination of Eligibility for Enrollment.

2. Children are eligible for DEERS enrollment if one of their parents is an active duty or retired service member.

3. Explain the two methods for determining whether a child is already enrolled in DEERS and eligible for TRICARE coverage: (1) A caseworker can identify military employment by checking the public website for the Defense Manpower Data Center. (2) A caseworker can also check FPLS new hire reports or quarterly wage information for DoD Federal Employer Identification Numbers (FEINs) or Coast Guard FEINs.

4. Direct participants to Handout 7-1: Military Financial and Medical Support Enforcement for addresses of the offices available to assist in obtaining medical insurance for military dependents.

What you need to know
A custodial parent may also confirm whether a child is enrolled in DEERS and eligible for TRICARE by calling the DMDC Support Office (DSO) telephone center help line at 800-538-9552. If the custodial parent is divorced from the military sponsor but has a prior DEERS record, and can establish that he or she is the child’s parent, DEERS can provide eligibility information. If the custodial parent was never married to the sponsor or was never enrolled in DEERS, the parent will first need to provide the DSO with documents proving that the custodial parent is actually the parent of the child in question. Such documents may include a birth certificate naming the person as the child’s parent and custody orders. Once DSO reviews and approves the documents, and updates its tracking system, it can release specific information to the custodial parent.

### 7.4.1.2 Determination of Whether a Child is Eligible for Enrollment in DEERS

In addition to the DMDC/FCR match, child support agencies can determine whether a child is eligible to be enrolled in DEERS/TRICARE based on the parents’ military status by checking the public website for the Defense Manpower Data Center (DMDC: [https://www.dmdc.osd.mil/appj/scra/scraHome.do](https://www.dmdc.osd.mil/appj/scra/scraHome.do)). The website will indicate whether the parent is on active duty status and, if so, the branch of service.

Another federal resource is the new hire and wage information reported by the Department of Defense (DoD) to the National Directory of New Hires. If an appropriate DoD Federal Employer Identification Number (FEIN) appears on the new hire report or the quarterly wage report for either the noncustodial parent or the custodial parent, such an FEIN indicates that the parent is active duty or retired military. If such an FEIN appears and if the child is a legal dependent of the military member, the child is eligible for enrollment in DEERS/TRICARE. See Handout 7-1 in the Appendix for the applicable DoD and Coast Guard FEINs.
TRAINING NOTES

What you need to say/do
1. Continue to display PowerPoint Slide 7-8: Determination of Eligibility for Enrollment
2. Explain that before any enrollment in TRICARE can occur, the child must be determined to be a military dependent and enrolled in the Defense Enrollment Eligibility Reporting System (DEERS). For children born to unwed parents, the member can establish the child’s dependent status in two ways. The member can bring a copy of a paternity order or a signed, notarized paternity acknowledgment form. Pursuant to a DoD directive, a paternity order is not necessary if there is a signed, notarized Acknowledgment of Paternity form.
3. Although a signed, notarized Acknowledgment of Paternity is sufficient to establish dependency for purposes of DEERS enrollment, it will not result in a change to the child’s birth certificate unless it is filed with the state’s Office of Vital Records or equivalent office.

What you need to know
1. According to a January 28, 2008, Memorandum for Secretaries of the Military Departments, service members can use a voluntary paternity acknowledgment form to establish dependency for health care benefits.
2. Both parents do not have to live in the same state in order to sign an acknowledgment of paternity form. For example, if the father has been deployed or is stationed overseas, the form can be mailed to him at this current duty station. If he decides to sign the form, he must sign it in front of a notary public and mail it back for signing by the child’s mother.
3. The Real-Time Automated Personnel Identification Card System (RAPIDS) refers to the application process through which individuals receive ID cards.
Module 7: Military Enforcement Procedures

7.4.1.3 Medical Coverage for Children Born to Unwed Parents

When children are born to unwed parents and one is a military member, the children are entitled to military healthcare and enrollment in the Defense Enrollment Eligibility Reporting System (DEERS) if there is proof of dependency. An order establishing parentage is one way to establish that the child is a legal dependent of the service member. In the absence of a paternity order, the service member can submit a signed, notarized Acknowledgment of Paternity form. Because state forms vary, the service member should submit the Acknowledgment of Paternity form used in the state where the child was born.

7.4.1.4 Enrollment of a Child in DEERS

The easiest way to enroll a dependent into DEERS is to have the military member (sponsor) enroll the child. The military member can go to the nearest military installation with a RAPIDS ID Card Issuing Facility (RAPIDS is the acronym for the Real-Time Automated Personnel Identification Card System). A specific service branch affiliation is not required, so the member can go to any installation. The service member can also enroll the child during pre-deployment processing programs.

The member must bring documents establishing the child’s dependent status. If the child was born to unwed parents, the member must bring a copy of the paternity order or paternity acknowledgment form in order to establish the child’s dependent status. The member must also bring the child’s birth certificate. (Note that a signed paternity acknowledgment will not result in a change to the child’s birth certificate unless it is filed with the Office of Vital Records or equivalent state office.)

The sponsor then signs an Application for Identification/DEERS Enrollment (see Form DD1172-2, [http://www.cac.mil/docs/dd1172-2.pdf](http://www.cac.mil/docs/dd1172-2.pdf)).
TRAINING NOTES

What you need to say/do
If the service member does not enroll the child in DEERS, explain the steps a custodial parent must follow in order to establish that the child is a dependent of the service member/sponsor.

What you need to know
Practice tip: Suggest to the custodial parent that he or she contact the installation before arriving with documents to request DEERS enrollment in order to determine if the installation requires completion of special local forms or prior coordination for access to the base or installation.
Once the installation military technician validates the order or Acknowledgment of Paternity, the documents are then scanned into the DEERS database and the child is automatically enrolled to receive TRICARE coverage. There is no cost associated with the child’s enrollment into DEERS.

If the service member does not enroll the child in DEERS, the child support agency should explain to the custodial parent how to enroll the child. The custodial parent can enroll the child by going to a local RAPIDS ID Card Issuing Facility and presenting the appropriate documents to the official who verifies dependent status. Location of the RAPIDS ID Card Issuing Facilities may be found via the internet at http://www.dmdc.osd.mil/rsl. If internet access is not available, the custodial parent may contact the DMDC Support Office Monday through Friday between 9:00 am and 6:30 pm ET at 800-538-9552. The parent should contact the local RAPIDS ID Card Issuing Facility in advance because branches may have slightly different procedures.
TRAINING NOTES

What you need to say/do
1. Display PowerPoint Slide 7-9: Documents Needed for DEERS Enrollment.
2. Review the documents that the custodial parent must bring to establish dependency. Note that genetic test results are not considered adequate documentation of paternity.
3. It is also possible for the custodial parent to enroll the child without physically travelling to an installation. However, after enrollment is approved, the parent will need to take the child to the nearest RAPIDS ID Card Issuing Facility in order to get a military ID for the child.

What you need to know
If the child was born abroad, an acceptable document is a Consular Report of Birth Abroad. See https://www.dmdc.osd.mil/rsl/html/RequiredDocuments.html.
The custodial parent will need to present the following documents to the verifying official:

- the child’s birth certificate (usually a certified copy)
- if the child was born to unwed parents, a legal determination of paternity (e.g., a court-ordered paternity finding, an administrative paternity order, a voluntary paternity acknowledgment signed by both parents)
- if applicable, a court or an administrative order showing the “sponsor” (the military member) has an obligation to provide support for the child
- any forms required by the local installation.

If this is a case where the sponsor will not sign the enrollment paperwork, the verifying official can sign on the sponsor’s behalf, provided all of the required documents are present.

A custodial parent wishing to enroll a child into DEERS by mail should contact a military installation with a RAPIDS ID Card Issuing Facility at the service branch where the noncustodial parent is serving. The parent will need to provide documentation to prove dependency. One requirement for enrollment is the Social Security number (SSN) of the noncustodial parent/service member. If the custodial parent does not know the noncustodial parent’s SSN, the child support caseworker can obtain the SSN and complete all the required paperwork to initiate the enrollment. The caseworker would fax or mail the paperwork to the appropriate RAPIDS ID Card Issuing Facility.
TRAINING NOTES

What you need to say/do
1. To summarize the discussion, display PowerPoint Slide 7-10: DEERS Enrollment Flow Chart.
2. Emphasize that child support agencies should not send the National Medical Support Notice (NMSN) to DFAS in order to enforce medical support coverage when the obligated parent is in the military. DFAS does not process NMSNs.
3. 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 Financial and Medical Support Enforcement in the section titled Military Payroll Processing & Medical Insurance Centers.
4. 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.

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. Although the NMSN is not appropriate for active duty or retired military personnel, it is appropriate for DoD civilian employees.
Once the paperwork is completed and approved, the custodial parent will still need to take the child to the ID Card Issuing Facility to obtain a military ID card if the child is at least 10 years old. Children under the age of 10 also need a personal ID card when in the custody of a parent who is not eligible for TRICARE benefits.

### 7.4.2 Use of the National Medical Support Notice

You should **not** use the National Medical Support Notice (NMSN) to enforce military members’ medical support obligations. Because TRICARE is an entitlement and not health insurance, DMDC cannot comply with the NMSN to enroll dependents.

### 7.4.3 TRICARE Coverage

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 if space is available. In addition, the child may also be able to use the “cost share” medical coverage, TRICARE, with civilian health care providers.
TRAINING NOTES

What you need to say/do

1. 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 may be readily apparent from a review of recent enforcement entries. Contrast examples of current income withholding (very apparent with just a cursory case review) with property liens filed several years ago in various jurisdictions.

2. 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. 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.

2. DFAS issues payments of amounts withheld from 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. The notice to start a garnishment/withholding must be processed by those dates. DFAS can modify and terminate a withholding any time during the month to affect a current month’s withholding as long as it is processed before the cut-off date for pay finalization. The cut-off date for pay finalization is approximately the 22nd. This means that if DFAS processes a termination notice on the 25th, 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.
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 child receives outside care, parents can submit claims to TRICARE up to one year after the treatment.

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.

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 or e-IWO, use the Kids 1st automated program or e-IWO to release the order by selecting the “terminate income withholding order” option. States not participating in the Kids 1st program or e-IWO can fax a copy of their local notice of termination 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.
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 7-11: Summary.

3. Summarize the topics this module discussed.

4. Ask participants if they have any questions concerning Module 7.

What you need to know
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.

7.6 EXERCISES

Refer to Handout 7-3: Review Exercises in the Appendix. Identify the issues and answer the questions posed at the end of each scenario. The trainer will facilitate a discussion of the scenarios.

7.7 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 enrolling a child in DEERS/TRICARE, and
- procedures for terminating previously issued enforcement activity when the support obligation ends and no arrearages exist.
TRAINING NOTES

What you need to say/do
Preview the topics that will be discussed in Module 8.

What you need to know
7.8 PREVIEW OF MODULE 8

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

- the role the child support program can play in encouraging healthy parent relationships,
- laws and regulations that impact a service member who is encountering access, parenting plan, or custody issues,
- the relationship between a Family Care Plan and a custody order, and
- resources available to military parents who want assistance with access, parenting plan, or custody matters.