



Arkansas Army National Guard
Office of Legal Assistance
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Non-Support of a Dependent or Ex-Spouse

1. The information contained in this Memorandum is for informational purposes only and is not intended to supplant legal advice provided by the Division of Legal Assistance. This Memorandum does not, nor should it be construed, as establishing an attorney-client relationship. If you need legal assistance, please contact the Division of Legal Assistance at the telephone number below.
2. If you claim that a soldier is not properly supporting his or her legal dependents, you may contact their Commanding Officer to inform them of the situation. Enclosure 1 is a sample letter to mail to the Soldier's Commanding Officer.
3. You can obtain the current mailing address of the unit at the soldier's hometown unit armory Family Assistance Center. You should expect a delay of at least thirty days plus mailing time both ways before receiving a reply. If the unit is in the process of moving (such as from hometown to Fort Hood, or from Fort Hood to southwest Asia) then there will likely be an additional delay.
4. The Commanding Officer will follow Army Regulation 608-99. This is the regulation that applies to support of dependents. You can download and print a free copy of this regulation on your own personal computer at www.army.mil/usapa/epubs/608_Series_Collection_1.html. If you wish the Army to furnish you a personal copy, you must write: U.S. Government Printing Office, 732 N. Capitol Street, NW, Washington, DC 20401. The people at the National Guard armory are not allowed to use government computers to print a personal copy of the regulation for you.
5. If you have a court order for a soldier to pay child support, you should review the information at the Defense Finance and Accounting System (DFAS) on your personal computer or at any public library. The web site is found at <http://www.dfas.mil/money/garnish>. This website provides you with information that you, your attorney, or the local child support office will need to properly garnish military pay under a valid wage withholding order. The people at the local armory do not have any control over military pay.

This handout is distributed by the Arkansas Office of the Staff Judge Advocate, Office of Legal Assistance as a preventive law service. This document and other helpful information on similar personal legal affairs topics can be found on the office's website located at <https://www.us.army.mil/suite/page/695875>. For more information on this topic or to consult with a legal assistance attorney contact the Arkansas National Guard Division of Legal Assistance at 501-212-5040 to establish eligibility and appointment times.

**SAMPLE LETTER TO PROVIDE TO A SPOUSE WHO CLAIMS NONSUPPORT
FROM SOLDIER AND WHEN THERE IS NO COURT ORDER**

Return Address
Date
Telephone Number

Commanding Officer
Name of Unit
Unit Address

Subject: Demand for amount of basic allowance for housing

Dear Sir:

I am married to (RANK) (NAME OF SOLDIER). His Social Security Number is (SS#). He is receiving Basic Allowance for Housing (BAH) based on his children and me as his military dependents. He is not supporting our children and me financially. There are no court orders or agreements regarding child support or alimony.

Under the provisions of Army Regulation 608-99 and the Department of Defense Pay Manual, I respectfully demand that you require (RANK) (LAST NAME OF THE SOLDIER) to pay me the amount of his BAH. I ask that the payments to begin immediately and sent to the address above. If you do not require the soldier to make these payments, I ask you for a written explanation as to your reasons under the regulation, and the name and address of your commanding officer so that I may appeal your decision.

If you have any questions, my daytime telephone number is (XXX)ZZZ-YYYY. My evening telephone number is (XXX)ZZZ-YYYY.

Sir, I know that you are overwhelmed with duties. Please also know that I have children to feed, clothe, and shelter. It is (RANK) (NAME OF SOLDIER)'s duty to support these children and I am embarrassed that one of your soldiers neglects his children and violates the law by failing to support his dependents. Please consult with your military legal counsel as to your duties and the potential that (RANK) (NAME OF SOLDIER) could get you into trouble because of his failure. I sincerely do not want this.

(OPTIONAL: I expect the soldier will maintain insufficient funds in his account to cover a personal check or that he will stop payment. Please instruct him that he could face criminal charges for uttering a check with insufficient funds.)

(OPTIONAL: I also do not wish to deal through a third person. I do not wish to negotiate with his (HIS MOTHER, GIRLFRIEND, ETC.) to make these payments for him. It is his responsibility to insure payments. It is my responsibility to negotiate with a third party.)

(OPTIONAL: I also ask that you have his noncommissioned officer or other superior to personally mail the money order or bank checks to me at the address indicated above. I do not trust the soldier to properly mail the money to the correct address.)

Thank you,

(SIGNATURE)
(TYPED NAME)

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