AF Regulations Concerning Family Support, Child Custody, & Paternity

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Personal Financial Responsibility
AFI 36-2906

- Establishes administration and management guidelines for alleged delinquent financial obligations.

- 1.2.2. Installation Commander
  - Develop and coordinate responses to high-level, executive, or course curriculum.
Personal Financial Responsibility
AFI 36-2906

1.2.3 Unit Commander
- Review and assess financial responsibility complaints – attempt to respond within 15 days.
- Advise members and complainant of AF policy
  - No authority to arbitrate cases of nonsupport or personal indebtedness.
- Monitor complaint through resolution, refer members to Personal Financial Management Program, initiate administrative or disciplinary action.

AFI 36-2906, 1.2.3.7.
In Cases Alleging Nonsupport of Family Members

1.2.3.7.1 – In cases alleging nonsupport of family members: advise members of the Air Force policy that they are to expected to provide adequate financial support to family members and the procedures which the family member may implement to obtain involuntary collection of support through garnishment or statutory allotments.
AFI 36-2906, 1.2.3.7.
In Cases Alleging Nonsupport of Family Members

1.2.3.7.2 – Providing Proof: not ordinarily required, but upon receipt of a complaint of nonsupport by a family member, Unit CC can require proof of financial support.

1.2.3.7.3 – CC will work with FSO, assess basic allowance for housing entitlements:
- No BAH at the with-dependent rate if not providing financial support.
- Refusal to support will result in termination of BAH entitlement at the with-dependent rate.
- The AF will recoup the with-dependant rate BAH for the periods of non support.

AFI 36-2906, 1.2.3.7.
In Cases Alleging Paternity

1.2.3.8. – Unit CC will:

- Counsel the member concerning the allegations
- Denial: AF does not have the authority to adjudicate paternity claims
- Acknowledges: advise him of his financial responsibilities and obligations
- Referrals – Legal, MPS, and FSO
Garnishment of Military Pay

- AFI 36-2906, Attachment 2: Fact Sheet Garnishment of Pay and Statutory Allotment Against Military Pay for Child Support and Alimony Obligations

- Statutory allotment may be initiated when child support and alimony payments are at least 2 months in arrears (see A2.3.2.).

- Allotments cannot exceed 50% of member’s pay and allowance if member is supporting a second family. If not supporting a second family it may not exceed 60%.

Staff Judge Advocate Responsibilities

Advise Commanders on the Application of AFI as it pertains to:

- Involuntary allotments (Court Orders)
- Financial support of dependents
- Garnishments
- Appropriate disciplinary or administrative measures
Military Members Will:

- Pay their obligations in a proper and timely manner
- Provide adequate financial support of a spouse or child or any other relative for which the member receives additional allowances for support.
- Comply with court order or written support agreement
- Comply with the AFI

Child Custody

AFI 51-504: Legal Assistance Attorneys

- Research applicable state laws and provide advice.
- Assist in making adequate family care arrangements.
  - Provide 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.
Child Custody

AFI 51-504: Legal Assistance Attorneys (continued)

- Advise and assist in drafting and execution of documents and with other preparations necessary for the effective transfer of care and custody of dependents in the event the family care plan must be executed.

- Discuss with the client the benefits of validating, with an appropriate court, temporary custody arrangements and the return of the child to the member upon the member’s return.

Summary

- AFI 36-2906
- Unit Commander - Adequate Financial Support
  - Proof of Support and BAH
- Unit CC responsibilities – Cases Alleging Paternity
- Military Garnishment of Pay
- Staff Judge Advocate Responsibilities
- Military Member Responsibilities
- Child Custody

Remember every branch of service handles these matters differently.