

CHILD SUPPORT ENFORCEMENT

This pamphlet was prepared to answer frequently asked questions about Child Support Enforcement against military personnel. It will tell you how to locate a military member, the methods involved in collecting pay from a military member for child support, and the agencies that may assist you in this process.

GENERAL INFORMATION

LOCATING THE MILITARY MEMBER

A good starting place is the local recruiter. He may be able to provide the member's duty station if he/she enlisted locally within a year or so.

If this does not work, nearly every installation has a central locator office for assigned personnel. Once you discover the duty station, you can call the installation's locator, which can be provided to you by the installation's operator. Give the member's name, rank, and social security number, and they will provide you with his unit and a duty phone number. This information will give you the opportunity to correspond with the member (including using registered or certified mail and return receipt service).

You may also contact the legal office at your nearest military installation. They are authorized to assist spouses and legitimate children in obtaining a member's unit address.

If the member has been reassigned to another base, a copy of their orders is usually maintained at the old unit. The unit may advise you of the member's next duty station.

If all else fails, use the Worldwide Military Locator services. You or the Child Support Enforcement (CSE) Agency for your county or state can forward a letter to one of the following addresses depending on the branch of service of the member. **If the member is stationed overseas or retired only the Child Support Enforcement Agency will be authorized to get the member's address.** Include the member's name and social security number in the letter.

AIR FORCE
AFPC/MSIMDL
550 C Street, West, Suite 50
Randolph AFB, TX 78150-4752
(210) 659-5774
www.afpc.randolph.af.mil

ARMY
Army Worldwide Locator
US Army Enlisted Records & Evaluation Center
8899 East 56th Street
Indianapolis, IN 46249-5301
(703) 325-3732

NAVY
Bureau of Navy Personnel
Attn: PERS-324
5720 Integrity Drive
Millington, TN 38055
(901) 874-3070

MARINE CORPS
Headquarters, U.S.M.C.
Personnel Mgmt. Support Branch MMSB-17
2008 Elliot Road
Quantico, VA 22134-5030
(703) 784-3942

COAST GUARD
Commandant, US Coast Guard
2100 2nd Street SW
Washington DC 20593-0001
(202) 267-1340

HOW CAN I COLLECT CHILD SUPPORT?

You may write to the member's commander. Once a commander receives a complaint, he/she must actively monitor it until it is resolved. The commander can only punish for *failure to comply*. He or she cannot direct that member's pay be deducted to ensure dependent support, even if a court order exists. They will advise the member that they are expected to pay their financial obligations in a proper and timely manner. In appropriate circumstances, a member's failure to provide regular and adequate support could necessitate administrative or disciplinary action.

The member may set up a voluntary allotment. This is an allotment that is completely within the member's control. They may start and stop a voluntary allotment at any time. It is merely a convenience the government offers members to help them pay their monthly obligations. The member starts an allotment by going to the installation Accounting and Finance office and completing a Standard Form 1199. They will need to know the bank account number that the allotment will be deposited in.

A court may order an involuntary allotment (mandatory allotment). If the member continues to refuse to establish child support and there is a court order, the custodial parent can receive pay withheld involuntarily from a member through the use of this method. Involuntary allotments are entirely different from voluntary allotments.

INVOLUNTARY ALLOTMENT PROCEDURES

There are two prerequisites that must be met before a statutory allotment is initiated: 1) there is a court or administrative order establishing a child support obligation, and 2) there is an arrearage in an amount equal to or greater than two months support under the obligation. Federal law authorizes garnishment of the pay of active, reserve, and retired members of the military for the payment of child and/or spousal support. In order to implement a garnishment against any member of the military, the complainant obtains a written notice from a court or state agency administering the child support program under Title IV-D of the Social Security Act and furnishes it to Defense Finance and Accounting Service (DFAS) at the following address:

Defense Finance and Accounting Service
Cleveland Center, Code L
PO Box 998002
Cleveland, OH 44199-8002
(216) 522-5301 (customer service)

COURT ORDER CONTENTS

The order must be a specific order directing the government, as the employer, to withhold money and remit the payment to satisfy a support obligation. The divorce decree or any other payment order will NOT be enough to begin garnishment. In order for your withholding order to be processed, it must include the member's full legal name and social security number. Other identifying information concerning the member, such as a home or work address, would expedite the processing of the order. Also, please be sure to include your return address on any correspondence, not only on the mailing envelope.

DFAS will then notify the member of the garnishment order. The member may provide information concerning other dependents and status of arrearage. DFAS will normally honor a garnishment order that appears valid. The Air Force has no authority to resolve disputes when a member questions the validity of a court's garnishment order.

PAY SUBJECT TO GARNISHMENT

The pay that is subject to garnishment is the disposable active duty, retired, or retainer pay: base pay and some special and bonus pay entitlements. Disposable pay excludes BAS, BAH, VHA, or family separation allowances and sums owed the United States, tax withholdings, and government life insurance premiums. VSI and SSB payments are subject to garnishment for enforcement of child support obligations to the same extent as other items of pay.

There are limits on amounts to be garnished. Garnishment cannot exceed what is available under the state or federal law, whichever is less. The federal limits are as follows:

- 50% of disposable pay if member has other dependents and has claimed the other dependents
- 60% if member has no other dependents or has not claimed other dependents

GEORGIA GUIDELINES

The state guidelines for child support were mandated by the “Family Support Act of 1988.” In Georgia, BOTH parents’ gross income is used to calculate the amount of child support required and the proportion of the support owed by each parent. Calculation of a child support obligation requires an in depth look at BOTH parents’ financial situation.

RESOURCES AVAILABLE

In Houston County contact:

HOUSTON COUNTY OFFICE OF CHILD SUPPORT SERVICES

92 Cohen Walker Dr.

PO Box 8038

Warner Robins, GA 31095-8038

PH: (478) 988-7600

GENERAL CHILD SUPPORT CALCULATIONS

The following information is a general outline of how Georgia calculates the child support obligation of both parents. It is intended to give you a broad overview of what the court will consider and how the court will determine what amount is owed. The information is based on O.C.G.A. § 19-6-15. For a detailed calculation of your own potential obligation, see one of the websites listed above.

1. Step One: Determine the parents’ combined adjusted monthly gross income.

Each parent must calculate their gross income. Gross income includes income from ANY SOURCE before deductions for taxes or child support. Typical sources of income include your pay, BAH, BAS, lottery winnings, dividends, severance pay, gifts, and alimony. Public assistance, disability payments, and employer contributions to healthcare or retirement are NOT included in your income.

Gross income can then be adjusted by the court. This is done by subtracting child support orders regarding other children and any applicable self employment taxes. Finally, each parent’s income is added together to calculate the total combined adjusted income.

2. Step Two: Compare the combined adjusted monthly gross income to the Georgia Schedule of Basic Child Support Obligations to determine the total obligation.

Choose the income bracket closest to the adjusted income and the column associated with the correct number of children. This number represents the combined Basic Child Support Obligation.

3. Step Three: Determine each parent's pro-rata share of the total obligation.

Whatever percentage of the total adjusted income belongs to each parent represents the percentage of the Basic Child Support Obligation owed by that parent.

For Example:

- Parent 1: Parent 1 has an income of \$3,000 per month. Because Parent 1 already pays \$250 in child support to another child, Parent 1's adjusted gross income is \$2,750.
- Parent 2: Parent 2 has an income of \$1,000 per month. Because Parent 2 does not have any tax or child support adjustments, Parent 2's adjusted gross income is \$1,000
- Added together, the total adjusted gross income is \$3,750.
- Because the couple has 3 children, the table indicates that the total obligation is \$1,219.
- Since Parent 1 contributed \$2,750 to the \$3,750 total, Parent 1 is responsible for $(\$2,750 \div \$3,750) 73.3\%$ of the total obligation. Meaning, Parent 1 must contribute $(0.733 * \$3,750) \893.53 .
- Parent 2 is responsible for \$325.47.

4. Step Four: The court may adjust either or both parent's share based on a series of factors.

Health insurance and child care expenses are then added on to the parents' obligation. This is done in the same pro-rata fashion as the total obligation. This is added to the calculation even when it is being deducted from the parent's income. Employer contributions are NOT counted.

Continuing our example:

- The health care and child care costs for the children of Parent 1 and Parent 2 total \$500 per month.
- Parent 1 will owe 73.3% of the \$500, or \$366.50 making Parent 1's total obligation $(\$893.53 + \$366.50) \$1,260.03$.
- Parent 2 will owe 26.7% of the \$500, or \$133.50 making Parent 2's total obligation $(\$325.47 + \$133.50) \$458.97$.

The court may consider other factors when determining whether any additional variations should be made to the child support obligation. A low income parent, a parent making less than \$1,850 per month, can request a low income deviation – a \$900 cost of living “reserve” will be

subtracted from the parent's adjusted gross income. High income parents, those making over \$30,000 per month, may be subject to court ordered increases in child support obligations.

Additionally, there are other factors which the court may consider. They include: additional health insurance (dental or vision), the child and dependent care tax credit, travel expenses for visitation, alimony, a mortgage, a permanency plan or foster care plan, any extraordinary expenses, and parenting time.

WHAT IF I'M UNEMPLOYED?

A court may find that a parent is willfully and voluntarily unemployed. In this case, the court can enter an order for child support against them. This calculation is typically based on that parent's earning potential or minimum wage. This will not apply to the interim period for a parent activated but not yet on the rolls for the National Guard or other armed forces unit preparing for full-time service in the United States armed forces.

IS THIS AMOUNT PERMANENT?

The award is for a minimum of two years, unless a statutory event occurs like a non-custodial parent gets more or less visitation or a parent loses employment. However, even after the two year period, the award will not be modified unless there is a substantial change in financial circumstances of a parent or in the needs of the child(ren).

HOW LONG WILL I CONTINUE TO PAY SUPPORT?

A parent's obligation for child support continues until the child reaches the age of majority. In Georgia, that is 18. Other events that terminate a child support obligation include: death of the child, marriage of the child, or the child's emancipation.