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INTRODUCTION HANDOUTS

Intro-1 Bingo Game

NAME BINGO

Intro-1 Bingo Game

NAME BINGO

Intro-2 Military Enforcement Training Evaluation Form

Instructions: Keeping the learning objectives in mind, indicate your level of satisfaction with the following aspects of the training. Please check the box in the column that best represents your response to each question. Your comments are encouraged. If more space is needed, please use the back of the page.

Very Great Extent (5) Not at All (1)

INTRODUCTION

	5	4	3	2	1
1. Appropriateness of Content	☐	☐	☐	☐	☐
2. Level of Detail	☐	☐	☐	☐	☐
3. Applicability of Information to Workers' Tasks	☐	☐	☐	☐	☐
4. Responsiveness of Training to Workers' Needs	☐	☐	☐	☐	☐
5. Time Allocated for Training	☐	☐	☐	☐	☐
6. Opportunity for Input into Discussion	☐	☐	☐	☐	☐

Other Comments:

Very Great Extent (5) Not at All (1)

MODULE 1 – OVERVIEW OF THE MILITARY

	5	4	3	2	1
1. Appropriateness of Content	☐	☐	☐	☐	☐
2. Level of Detail	☐	☐	☐	☐	☐
3. Applicability of Information to Workers' Tasks	☐	☐	☐	☐	☐
4. Responsiveness of Training to Workers' Needs	☐	☐	☐	☐	☐
5. Time Allocated for Training	☐	☐	☐	☐	☐
6. Opportunity for Input into Discussion	☐	☐	☐	☐	☐

Other Comments:

Very Great Extent (5) Not at All (1)

MODULE 2 – MILITARY LOCATE PROCEDURES

	5	4	3	2	1
1. Appropriateness of Content	☐	☐	☐	☐	☐
2. Level of Detail	☐	☐	☐	☐	☐
3. Applicability of Information to Workers' Tasks	☐	☐	☐	☐	☐
4. Responsiveness of Training to Workers' Needs	☐	☐	☐	☐	☐
5. Time Allocated for Training	☐	☐	☐	☐	☐
6. Opportunity for Input into Discussion	☐	☐	☐	☐	☐

Other Comments:

Very Great Extent (5) Not at All (1)

MODULE 3 – SERVICE OF PROCESS ON MILITARY PERSONNEL

	5	4	3	2	1
1. Appropriateness of Content	☐	☐	☐	☐	☐
2. Level of Detail	☐	☐	☐	☐	☐
3. Applicability of Information to Workers' Tasks	☐	☐	☐	☐	☐
4. Responsiveness of Training to Workers' Needs	☐	☐	☐	☐	☐
5. Time Allocated for Training	☐	☐	☐	☐	☐
6. Opportunity for Input into Discussion	☐	☐	☐	☐	☐

Other Comments:

Very Great Extent (5) Not at All (1)

MODULE 4 – THE SERVICEMEMBERS CIVIL RELIEF ACT

	5	4	3	2	1
1. Appropriateness of Content	☐	☐	☐	☐	☐
2. Level of Detail	☐	☐	☐	☐	☐
3. Applicability of Information to Workers' Task	☐	☐	☐	☐	☐
4. Responsiveness of Training to Workers' Needs	☐	☐	☐	☐	☐
5. Time Allocated for Training	☐	☐	☐	☐	☐
6. Opportunity for Input into Discussion	☐	☐	☐	☐	☐

Other Comments:

Very Great Extent (5) →Not at All (1)

MODULE 5 – OBTAINING EVIDENCE FROM THE MILITARY

	5	4	3	2	1
1. Appropriateness of Content	☐	☐	☐	☐	☐
2. Level of Detail	☐	☐	☐	☐	☐
3. Applicability of Information to Workers' Task	☐	☐	☐	☐	☐
4. Responsiveness of Training to Workers' Needs	☐	☐	☐	☐	☐
5. Time Allocated for Training	☐	☐	☐	☐	☐
6. Opportunity for Input into Discussion	☐	☐	☐	☐	☐

Other Comments:

Very Great Extent (5) Not at All (1)

MODULE 6 – MILITARY ESTABLISHMENT PROCEDURES

	5	4	3	2	1
1. Appropriateness of Content	☐	☐	☐	☐	☐
2. Level of Detail	☐	☐	☐	☐	☐
3. Applicability of Information to Workers' Tasks	☐	☐	☐	☐	☐
4. Responsiveness of Training to Workers' Needs	☐	☐	☐	☐	☐
5. Time Allocated for Training	☐	☐	☐	☐	☐
6. Opportunity for Input into Discussion	☐	☐	☐	☐	☐

Other Comments:

Very Great Extent (5) Not at All (1)

MODULE 7 – MILITARY ENFORCEMENT PROCEDURES

	5	4	3	2	1
1. Appropriateness of Content	☐	☐	☐	☐	☐
2. Level of Detail	☐	☐	☐	☐	☐
3. Applicability of Information to Workers' Tasks	☐	☐	☐	☐	☐
4. Responsiveness of Training to Workers' Needs	☐	☐	☐	☐	☐
5. Time Allocated for Training	☐	☐	☐	☐	☐
6. Opportunity for Input into Discussion	☐	☐	☐	☐	☐

Other Comments:

OVERALL TRAINING EVALUATION FORM

Very Great Extent (5) Not at All (1)

MODULES OVERALL

	5	4	3	2	1
1. Appropriateness of Content	☐	☐	☐	☐	☐
2. Level of Detail	☐	☐	☐	☐	☐
3. Applicability of Information to Workers' Tasks	☐	☐	☐	☐	☐
4. Responsiveness of Training to Workers' Needs	☐	☐	☐	☐	☐
5. Time Allocated for Training	☐	☐	☐	☐	☐
6. Opportunity for Input into Discussion	☐	☐	☐	☐	☐

Other Comments:

Very Great Extent (5) Not at All (1)

TRAINING DESIGN

	5	4	3	2	1
1. Mix of Training Methods (e.g., lecture, exercise, discussion)	☐	☐	☐	☐	☐
2. Training Flow	☐	☐	☐	☐	☐
3. Training Organization	☐	☐	☐	☐	☐
4. Training Sequence	☐	☐	☐	☐	☐

Other Comments:

	Very Great Extent (5)				Not at All (1)
TRAINING STAFF					
	5	**4**	**3**	**2**	**1**
1. Knowledge of Subject Matter	☐	☐	☐	☐	☐
2. Ability to Communicate Subject Matter	☐	☐	☐	☐	☐
3. Ability to Guide Training and Keep on Track	☐	☐	☐	☐	☐
4. Ability to Respond to Questions	☐	☐	☐	☐	☐
5. Ability to Synthesize General Discussion	☐	☐	☐	☐	☐

Other Comments:

	Very Great Extent (5)				Not at All (1)
TRAINING MATERIALS					
	5	**4**	**3**	**2**	**1**
1. Quality	☐	☐	☐	☐	☐
2. Appropriateness	☐	☐	☐	☐	☐
3. Comprehensiveness	☐	☐	☐	☐	☐
4. Clarity	☐	☐	☐	☐	☐

Other Comments:

MODULE 1 HANDOUTS

1-1 MILITARY ACRONYMS

APO – Army Post Office.

BAH – Basic Allowance for Housing. Encompasses all monies paid to service members to defray housing costs. Includes extra money if member is supporting dependents.

BAQ – Basic Allowance for Quarters. Term no longer used to represent military housing allowance. Replaced by BAH.

BAS – Basic Allowance for Subsistence. Constitutes the military food allowance.

CO – Commanding Officer.

CONUS – Continental United States.

DEERS – Defense Enrollment Eligibility Reporting System. Database containing dependent and address information. Address information can also be accessed through FPLS.

DEROS – Date of Expected Return from Overseas Assignment.

DFAS – Defense Finance Accounting Service. DoD agency that is responsible for paying service members and processing orders for child support.

DOD – Department of Defense.

ETS – Expiration of Term of Service. The date a service member's obligation to the military ends.

FPO – Fleet Post Office. This term is used in mailings to a member overseas or on board a vessel.

LES – Leave and Earnings Statement. Equivalent to a civilian pay statement with information on state of legal residency, leave balance, and whether person is receiving BAH at "with dependent" rate.

OCONUS – Outside Continental United States.

POTUS – President of the United States.

PCS – Permanent Change of Station. When the service member leaves one duty station to begin an assignment at a new duty station.

SCRA – Servicemembers Civil Relief Act. Updates the SSCRA; permits service members to delay civil (judicial and administrative) proceedings if military duty materially affects their ability to appear/defend.

SSCRA – Soldiers' and Sailors' Civil Relief Act of 1940, as amended. Permits service members to delay civil proceedings if military duty materially affects their ability to appear/defend. (Made obsolete by the SCRA.)

TAD – Temporary Additional Duty. Same as TDY but is used by the Navy and Marine Corps.

TDY – Temporary Duty. Indicates a service member is temporarily assigned duties at another location. This terminology is used by the Army and Air Force.

TIG – Time in Grade.

TIS – Time in Service.

VHA – Variable Housing Allowance. Used as a cost-of-living adjustment for housing expenses depending upon locate; now it is part of BAH.

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1-2 MILITARY RANK AND PAY GRADE CHART

MILITARY RANK AND GRADE

Note: O=Officer E=Enlisted W=Warrant Officers

PAY GRADE	Navy	Army	Air Force	Marine Corps	Coast Guard
			Officer Pay Grades		
O1	Ensign (ENS)	2nd Lieutenant (2LT)	2nd Lieutenant (2d Lt)	2nd Lieutenant (2ndLt)	Ensign (ENS)
O2	Lieutenant Junior Grade (LTJG)	1st Lieutenant (1LT)	1st Lieutenant (1st Lt)	1st Lieutenant (1stLt)	Lieutenant Junior Grade (LTJG)
O3	Lieutenant (LT)	Captain (CPT)	Captain (Capt)	Captain (Capt)	Lieutenant (LT)
O4	Lieutenant Commander (LCDR)	Major (MAJ)	Major (Maj)	Major (Maj)	Lieutenant Commander (LCDR)
O5	Commander (CDR)	Lieutenant Colonel (LTC)	Lieutenant Colonel (Lt Col)	Lieutenant Colonel (LtCol)	Commander (CDR)
O6	Captain (CAPT)	Colonel (COL)	Colonel (Col)	Colonel (Col)	Captain (CAPT)
O7	Rear Admiral (Lower Half) (RADM)(L)	Brigadier General (BGEN)	Brigadier General (Brig Gen)	Brigadier General (BrigGen)	Rear Admiral (Lower Half) (RADM)(L)
O8	Rear Admiral (Upper Half) (RADM)(U)	Major General (MGEN)	Major General (Maj Gen)	Major General (MajGen)	Rear Admiral (Upper Half) (RADM)(U)
O9	Vice Admiral (VADM)	Lieutenant General (LGEN)	Lieutenant General (Lt Gen)	Lieutenant General (LtGen)	Vice Admiral (VADM)
O10	Admiral (ADM)	General (GEN)	General (Gen)	General (Gen)	Admiral (ADM)

MILITARY RANK AND GRADE (CONTINUED)

	Navy	*Army*	*Air Force*	*Marine Corps*	*Coast Guard*
		Warrant Officer Pay Grades			
W1		Warrant Officer-1 (WO1)			
W2	Chief Warrant Officer-2 (CWO-2)	Warrant Officer-2 (CW2)		Chief Warrant Officer 2 (CWO2)	Chief Warrant Officer 2 (CWO2)
W3	Chief Warrant Officer-3 (CWO-3)	Warrant Officer-3 (CW3)		Chief Warrant Officer 3 (CWO3)	Chief Warrant Officer 3 (CWO3)
W4	Chief Warrant Officer-4 (CWO-4)	Chief Warrant Officer-4 (CW4) "Chief"		Chief Warrant Officer 4 (CWO4)	Chief Warrant Officer 4 (CWO4)

	Navy	*Army*	*Air Force*	*Marine Corps*	*Coast Guard*
		Enlisted Pay Grades			
E1	Seaman Recruit (SR)	Private E-1 (PV1)	Airman Basic (AB)	Private (Pvt)	Seaman Recruit (SR)
E2	Seaman Apprentice (SA)	Private E-2 (PV2)	Airman (Am)	Private First Class (PFC)	Seaman Apprentice (SA)
E3	Seaman (SN)	Private First Class (PFC)	Airman First Class (A1C)	Lance Corporal (LCpl)	Seaman (SN)
E4	Petty Officer 3rd Class (PO3) "Third Class"	Specialist 4 OR Corporal (SPC/CPL)	Sergeant (SGT) OR Senior Airman (SrA)	Corporal (Cpl)	Petty Officer 3rd Class (PO3) "Third Class"
E5	Petty Officer 2nd Class (PO2) "Second Class"	Sergeant (SGT)	Staff Sergeant (SSgt)	Sergeant (Sgt)	Petty Officer 2nd Class (PO2) "Second Class"
E6	Petty Officer 1st Class (PO1) "First Class"	Staff Sergeant (SSG)	Technical Sergeant (TSgt)	Staff Sergeant (SSgt)	Petty Officer 1st Class (PO1) "First Class"

MILITARY RANK AND GRADE (CONTINUED)

	Navy	*Army*	*Air Force*	*Marine Corps*	*Coast Guard*
			Enlisted Pay Grades		
E7	Chief Petty Officer (CPO) "Chief"	Sergeant First Class (SFC)	Master Sergeant (MSgt) OR First Sergeant	Gunnery Sergeant (GySgt)	Chief Petty Officer (CPO) "Chief"
E8	Senior Chief Petty Officer (SCPO) "Senior Chief"	Master Sergeant (MSG) OR First Sergeant (1SG)	Senior Master Sergeant (SMSgt) OR First Sergeant (E-8)	First Sergeant (1st Sgt) OR Master Sergeant (MSgt)	Senior Chief Petty Officer (SCPO) "Senior Chief"
E9	Fleet (or Command) Master Chief Petty Officer OR Master Chief Petty Officer (MCPO)	Sergeant Major (SMAJ) OR Command Sergeant Major (CSM)	Chief Master Sergeant (SMSgt) OR First Sergeant (E-9)	Sergeant Major (SgtMaj) OR Master Gunnery Sergeant (MGySgt)	Command Enlisted Advisor OR Master Chief Petty Officer (MCPO)
E10*	Master Chief Petty Officer of the Navy (MCPON)	Sergeant Major of the Army (SMA)	Chief Master Sergeant of the Air Force (CMSAF)	Sergeant Major of the Marine Corps (SgtMajMC)	Master Chief Petty Officer of the Coast Guard (MCPO-CG)

1-3 MILITARY WEBSITES

MILITARY WEBSITES

Department of Defense
www.defenselink.mil The DoD website with information about, and links to, the Department of Defense.

www.dod.gov/sites/ Contains a comprehensive list of virtually all DoD-related websites.

www.dod.gov/pubs/ Provides links to DoD publications and other resources.

www.dfas.mil Provides information about the Defense Finance Accounting Service.

www.dmdc.osd.mil The website of the Defense Manpower Data Center that allows registered users to verify if an individual is in the military service. To become a registered user, an individual completes a brief on-line application.

Army
www.army.mil Contains links to Army sites, including Army installations and publications.

http://www.army.mil/installations/default.htm Contains comprehensive links to all Army installations and their websites.

http://www.army.mil/references/default.htm Contains Army publications, forms, and other references.

Navy
www.navy.mil Contains links to Navy sites.

http://www.chinfo.navy.mil/navpalib/ships/lists/homeport.html Provides a list of homeports and the ships assigned to them, with FPO addresses.

http://neds.nebt.daps.mil/ Contains Navy Directives and forms.

Air Force
www.af.mil Contains links to Air Force sites.

http://www.af.mil/sites/alphabetical.shtml#a Contains an alphabetical listing of Air Force locations around the world with site links.

http://www.af.mil/lib/ Contains links to Air Force publications, forms, policy, regulations, instruction, and more.

Marine Corps
www.usmc.mil Contains links to Marine Corps sites.

http://www.usmc.mil/marinelink/ind.nsf/sitemap Provides comprehensive listing of links to Marine Corps units, locations, publications, and more.

1-4 REVIEW EXERCISE

REVIEW EXERCISE

Answer each question "True" or "False." If the answer is "False," identify what would be the correct information.

1. **Four military departments report to the Department of Defense.**

2. **There are two categories of rank: officer and enlisted.**

3. **A captain in the Navy is equivalent to a captain in the Army.**

4. **The best source for assistance to a caseworker is the highest ranking officer.**

5. **In order to qualify for care under military health programs, a child must be enrolled in DEERS.**

1-4 REVIEW EXERCISE

REVIEW EXERCISE FOR TRAINER

Answer each question "True" or "False." If the answer is "False," identify what would be the correct information.

1. **Four military departments report to the Department of Defense.** False

There are three military departments that report to DoD: the Army, the Air Force, and the Navy. The Marine Corps falls under the Department of the Navy. The Coast Guard falls under the Department of Transportation (soon to be under Homeland Defense).

2. **There are two categories of rank: officer and enlisted.** True

3. **A captain in the Navy is equivalent to a captain in the Army.** False

The military services have different names for different ranks. A Captain in the Navy is a higher pay grade than a Captain in the Army or Air Force.

4. **The best source for assistance to a caseworker is the highest ranking officer.** False

A first-line commander is usually the best person to contact to resolve most issues related to child support.

5. **In order to qualify for care under military health programs, a child must be enrolled in DEERS.** True

MODULE 2 HANDOUTS

2-1 MILITARY LOCATORS

MILITARY LOCATORS

Addresses for World Wide Locator Services

Army Active Duty

Note: In 2003 the Army suspended its World Wide Locator service previously provided to civilians, including state and local IV-D offices.

Air Force

Headquarters
HQAFPC/MSIDL
550 C St West, Suite 50
Randolph AFB, TX 78150
www.afpc.randolph.af.mil
210-565-2660/2706/2479

Navy

Navy Personnel Command
(Pers 312)
5720 Integrity Drive
Millington, TN 38055-3120
www.navydirectory.smartlink.navy.mil/
901-874-3388

Marine Corp

Headquarters, USMC
Code MMSB-10
2008 Elliot Rd, Rm 201
Quantico, VA 22134-5030
1-800-268-3710

Army Reserve/Retired

Note: In 2003 the Army suspended its World Wide Locator service previously provided to civilians, including state and local IV-D offices.

Coast Guard

Commander
Coast Guard Personnel Command
4200 Wilson Blvd; Suite 1100
Arlington, VA 22203-1804
GOverall@Ballston.uscg.mil

Notes: The Worldwide Locator Services provide the member's *military* address. Except for the Army and the Coast Guard, IV-D offices must submit locate requests in writing, preferably on agency letterhead. The Army has suspended its World Wide Locator services previously provided to IV-D offices. The Coast Guard asks all IV-D offices to submit their locate requests to the Coast Guard's World Wide Locator Service via email. The National Guard are considered state employees until Federally activated or sent overseas. Only at that time will DoD be able to provide locate assistance.

2-2 SAMPLE FOIA LETTER

SAMPLE FOIA LETTER

Sample Letter to Request Home Address

[Agency letterhead]

Office of the General Counsel, [identify branch]
Attn: FOIA agent
Address
Address

Re: _____, SSN: _____

Dear Sir or Madam:

I submit this request pursuant to the Freedom of Information Act. I request the home address of the individual identified above. As the head of a government agency engaged in a civil and/or criminal law enforcement activity in this matter, as authorized by state law, I believe that the requested disclosure constitutes a routine use of this information from the member's personnel records.

Additionally, I believe this information is generally releasable in this case under FOIA, notwithstanding the Privacy Act. I am acting in my capacity as the head of a public law enforcement agency on a matter involving the establishment and enforcement of this member's child support obligation, and I require a home address to fully discharge my responsibilities under state law. The public interest in disclosure to achieve child support enforcement outweighs the member's privacy interests, and therefore the release would not constitute an unreasonable invasion of privacy.

A public agency seeks the information. It will not be used for commercial purposes or for anyone's commercial gain. In view of this fact, and since the search should not require more than two hours and fewer than 100 pages are being requested, I assume that there are no fees charged for the search and any reproduction. If fees must be assessed, please notify me so I can make appropriate arrangements.

I certify that I am authorized by law to collect this information. Please send your response to my attention at the letterhead address. If you need any further information in order to process this request, please call me at [phone number].

Sincerely,

[The director of a civil or criminal law enforcement agency should sign this letter.]

2-3 REVIEW EXERCISES

REVIEW EXERCISES

EXERCISE NUMBER 1:

Your IV-D office receives a referral from your state's IV-A (TANF) office. This is a paternity case where the CP provides the alleged/putative father's full name but states that she never knew his Social Security number. She states that the alleged father is in the Navy, but she doesn't know his current duty station. The child was born 10 days ago.

1. **What appropriate military locate resources are available in this case?**

2. **What appropriate civilian locate resources apply to this military case?**

REVIEW EXERCISES (CONTINUED)

EXERCISE NUMBER 2:

A nonassistance CP applies for IV-D services, requesting the establishment of paternity and a child support order. The child was born 11 years ago, shortly after the CP lost contact with the alleged father. To the best of her recollection, the alleged father's name was "Spike something." The CP is unable to provide a full name or Social Security number, but does remember that the alleged father was in the Army when they were dating.

1. **What appropriate locate activity should the IV-D office undertake in this case?**

2. **What appropriate case processing activity should occur in this case?**

REVIEW EXERCISES FOR TRAINER

EXERCISE NUMBER 1:

Your IV-D office receives a referral from your state's IV-A (TANF) office. This is a paternity case where the CP provides the alleged/putative father's full name but states that she never knew his Social Security number. She states that the alleged father is in the Navy, but she doesn't know his current duty station. The child was born 10 days ago.

1. **What appropriate military locate resources are available in this case?**

   The absence of the alleged father's Social Security number limits the available military locate resources. For example, the World Wide Military Locator Services cannot provide assistance without the member's SSN. However, if the alleged father was stationed at a local military base or installation while he was dating the CP, you should contact the installation's locator office to learn if it has the alleged father's reassignment location. If the alleged father enlisted at a local military recruiting office within the last 12 months, it may also have his current station on file and be willing to provide his assignment for the purpose of paternity establishment.

2. **What appropriate civilian locate resources apply to this military case?**

   If you cannot identify the alleged father's SSN from local resources, use your State Parent Locator Service to refer the case to the Federal Parent Locator Service. The FPLS has an interface with the Social Security Administration's database for the expressed purpose of identifying missing Social Security numbers. Once you have the member's SSN, you can use the military locator services to locate that member.

REVIEW EXERCISES FOR TRAINER (CONTINUED)

EXERCISE NUMBER 2:

A nonassistance CP applies for IV-D services, requesting the establishment of paternity and a child support order. The child was born 11 years ago, shortly after the CP lost contact with the alleged father. To the best of her recollection, the alleged father's name was "Spike something." The CP is unable to provide a full name or Social Security number, but does remember that the alleged father was in the Army when they were dating.

1. **What appropriate locate activity should the IV-D office undertake in this case?**

   The caseworker should encourage the CP to remember as many details as possible, e.g., Does she have any letters from Spike? Does she know any of his friends? Does she remember where Spike was stationed? Locate is not possible in all cases. If the CP is unable to provide any additional information, the IV-D office does not have sufficient information to seek assistance from military or civilian locate resources.

2. **What appropriate case processing activity should occur in this case?**

   The caseworker should contact the CP in an attempt to obtain additional information (e.g., any letters, friends) regarding Spike. Unless the CP can provide additional identifying information, the caseworker is severely restricted in his/her locate efforts. According to the Federal locate regulations, locate efforts must be repeated quarterly or immediately upon receipt of new locate information. When insufficient information exists in the case to allow for an automated locate effort, the case can be closed after one year of unsuccessful locate efforts. In this case, the appropriate case processing action is to close the case. The case can be reopened later should the CP furnish the necessary identifying information to allow the IV-D office to proceed with locate activity.

MODULE 3 HANDOUTS

3-1 USM-94

USM-94

3-2 SERVICE CONTACTS FOR ASSISTANCE

SERVICE CONTACTS FOR ASSISTANCE

ARMY
Office of the Judge Advocate General
ATTN: DAJA-LA
2200 Army Pentagon
Washington, DC 20310

NAVY
Bureau of Naval Personnel
Office of Legal Counsel (PERS O6)
5720 Integrity Drive
Millington, TN 38055-3120

MARINE CORPS
Paralegal Specialist
Headquarters, U.S. Marine Corps (JAR)
2008 Elliot Rd
Quantico, VA 22134

AIR FORCE
AFLSA/JACA
1420 Air Force Pentagon
Washington, DC 20330-1420

These points of contact are for information, not for the actual service of process. There is no central point to serve process in the Department of Defense or within any of the military departments.

3-3 EXCERPTS FROM HAGUE SERVICE CONVENTION

EXCERPTS FROM HAGUE SERVICE CONVENTION

HAGUE CONVENTION ON THE SERVICE ABROAD OF JUDICIAL AND EXTRA-JUDICIAL DOCUMENTS IN CIVIL AND COMMERCIAL MATTERS

IN FORCE:..ANGUILLA, ANTIGUA AND BARBUDA, ARGENTINA, ARUBA, BAHAMAS, BARBADOS, BELARUS, BELGIUM, *BELIZE*, BERMUDA, BOTSWANA, BRITISH VIRGIN ISLANDS, BULGARIA, CANADA, CAYMAN ISLANDS, CHINA, CYPRUS, CZECH REPUBLIC, DENMARK, *DJIBOUTI (formerly Afars and Issas)*, EGYPT, ESTONIA, FALKLAND ISLANDS AND DEPENDENCIES, *FIJI* , FINLAND, FRANCE (including French Overseas Departments), FRENCH POLYNESIA, GERMANY, GIBRALTAR, GREECE, GUERNSEY, HONG KONG SAR, IRELAND, ISLE OF MAN, ISRAEL, ITALY, JAPAN, JERSEY, *KIRIBATI (formerly Gilbert Islands and Central and Southern Line Islands)*, KOREA, Republic of (SOUTH KOREA), LATVIA, LITHUANIA, LUXEMBOURG, MACAU SAR, MALAWI, MEXICO, MONTSERRRAT, NETHERLANDS, *NEVIS*, NORWAY PAKISTAN, PITCAIRN, POLAND, PORTUGAL, RUSSIAN FEDERATION, *ST. CHRISTOPHER (KITTS)*, ST. HELENA AND DEPENDENCIES*, ST. LUCIA, ST. VINCENT AND THE GRENADINES* , SEYCHELLES, SLOVAK REPUBLIC*, SOLOMON ISLANDS* , SPAIN, SRI LANKA, SWEDEN, SWITZERLAND, TURKEY, TURKS AND CAICOS ISLANDS, *TUVALU (formerly Ellice Islands)*, UKRAINE, UNITED KINGDOM, UNITED STATES, VENEZUELA.

U.S. CENTRAL AUTHORITY
Office of International Judicial Assistance
Civil Division
Department of Justice
1100 L Street, NW
Room 11006
Washington, D.C. 20530
(202) 307-0983

PURPOSE
The Hague Service Convention codifies service of process by international registered mail and by agent. The treaty also provides for service of process by a Central Authority (usually the Ministry of Justice) in the Convention countries pursuant to a request submitted on a form USM-94, available at the office of any United States Marshal. The text of the treaty is self-explanatory, but see the reservations and declarations each country made on accession to the treaty. Some countries made specific reservations against particular methods of service. The Convention method should be employed in all countries party to it.

EXCERPTS FROM HAGUE SERVICE CONVENTION (CONTINUED)

SCOPE OF THE CONVENTION
This question was raised at the first Special Commission meeting on the operation of the Convention. The applicability of the Convention to administrative cases is generally decided on a case-by-case basis. See Commission Reported, cited under References.

REQUEST FOR SERVICE FORM (USM-94)
You may obtain a copy of the Request for Service form (USM-94) from the local office of the U.S. Marshal's Service. Further information on the treaty may be obtained from the Supervisory Deputy for process at the nearest U.S. Marshal's office. You may also contact Headquarters, U.S. Marshal's Service, 202-307-9110. (See also Memo No. 386, Revision No. 3, at the U.S. Marshal's office or at Vol. l6, Intl Legal Materials, l33l, (1977) Am. Soc. Intl. Law).

COMPLETE THE FORM
The completed request form and documents to be served, with accompanying translations (two copies of each), should be mailed directly to the foreign central authority as provided by Article 3 of the Convention.

FEDERAL AUTHORITY FOR ATTYS TO COMPLETE AND SEND FORM
Effective February 26, l983, Public Law 97-462 amended Rule 4 of the Federal Rules of Civil Procedure regarding service of process. Pursuant to this change in Rule 4(c)2(A), the U.S. Marshal will no longer transmit Form USM-94 directly to the foreign central authority of a country party to the Hague Service Convention. Rather, the attorney representing the party seeking service should execute the portion of Form USM-94 marked "Identity and Address of the Applicant" and the "Name and Address of the Requesting Authority" portion of the Summary of the Document to be Served.

CITE AUTHORITY
A reference to the statutory authority to serve the document should appear prominently on the request, stating that "service is requested pursuant to Rule 4(c)2(A), U.S. Federal Rules of Civil Procedure," which authorizes any person who is not a party and is not less than 18 years of age to serve a summons and complaint.

EXCERPTS FROM HAGUE SERVICE CONVENTION (CONTINUED)

STATE COURT ACTIONS
In actions pending in state courts, state law designates the person authorized to effect service. Requests pending in state courts should specify that the request is made pursuant to Rule 4(c)2(A) of the U.S. Federal Rules of Civil Procedure and any pertinent state law. See U.S. Marshal's Memo 386, [p. 14, footnote 11,] 16 I.L.M. 1331 et seq. (1977) for guidance on service requests in actions pending in state courts.

DESIGNATING METHOD OF SERVICE TO BE USED BY CENTRAL AUTHORITY
Fill in the USM-94 in duplicate, designating the method of service that you want the foreign Central Authority to use.

FORMAL SERVICE
(Article 5, paragraph 1, sub-paragraph a)The Central Authority itself serves, or arranges to have served, "by a method prescribed by its internal law for the service of documents in domestic actions upon persons who are within its territory". Generally, documents to be served in accordance with this method must be translated into the official language of the country. See the Practical Handbook on the Convention for specific information, or consult the U.S. Central Authority.

INFORMAL DELIVERY
(Article 5, paragraph 2) Unless a particular method is requested, the document may always be served by delivery to an addressee who accepts it voluntarily. This method of informal delivery is by far the most broadly used approach in a substantial number of Contracting States. The person who delivers the document is often a police official. In most cases, the addressees accept the document voluntarily or come down to pick it up at the police station, which dispenses with the need for translation of the documents to be served.

PERSONAL SERVICE
(Article 5, paragraph 1, sub-paragraph b) If personal service is required, delete methods (a) and (c) on the Request for Service form (USM-94) and indicate method (b) on the form, noting that the documents should be served personally upon the person or company to be served.

EXCERPTS FROM HAGUE SERVICE CONVENTION (CONTINUED)

TRANSLATIONS
Unless the party to be served will accept service voluntarily, the documents to be served must be accompanied by a translation into the official language of the foreign country. See Ristau, International Judicial Assistance (Civil and Commercial), International Law Institute, 1995, Vol. 1, Section 4-2-3(5), pp. 133-138. See Teknekron Management Inc. v. Quante Fernmeldtechnik Gmbh, 115 F.R.D. 175 (D. Nev. 1987); Vornees v. Fischer & Krecke, 697 F. 2d 574, 575 (4th Cir. 1983)

COSTS
There are generally no costs incurred in connection with service through the Central Authority under the Convention. However, if personal service is made and the person to be served resides in some remote location, some fees may be charged. The fees will be billed to the requester by the foreign central authority.

TIME FRAME
The Convention does not provide for any specific time frame for service. However, the Hague Conference on Private International Law advises that most Convention central authorities generally accomplish service within two months.

PROOF OF SERVICE
On the reverse side of the Request for Service form is a Certificate of Service form. The certificate, which serves as proof of service, is completed and mailed directly to the requesting party by the foreign Central Authority after service has been effected.

3-4 REVIEW EXERCISES

REVIEW EXERCISES

EXERCISE NUMBER 1:

You are a South Carolina child support caseworker. You need to serve an order on Private Serveme that relates to a child support case assigned to you.

Private Serveme is in the United States Army. He is stationed at Hunter Army Airfield in Savannah, Georgia, and is living in the barracks there. Private Serveme enlisted in South Carolina (in a town across the river) where his girlfriend lives. Private Serveme is assigned to Company B, 1st Battalion (Ranger), 75th Infantry Regiment. His company commander is Captain Charge. The battalion commander, Captain Charge's boss, is Lieutenant Colonel Gettem. Due to the sensitive nature of his military unit's mission, Hunter Army Airfield is a closed installation. Assume that it is under concurrent jurisdiction with the State of Georgia, which has reserved the right of service of process.

1. How are you going to serve process on Private Serveme?

2. If you are unable to serve process, what is your next step?

3. What would you ask/tell CPT Charge if your previous efforts to serve Private Serveme were unsuccessful? What would you do if CPT Charge refused to assist you or failed to respond to your inquiry?

4. How would it affect your efforts if Hunter Army Airfield were an open installation? What if the installation was exclusive Federal jurisdiction? Who would you contact if you didn't know the process for serving process on Hunter Army Airfield?

5. Of what state is Private Serveme a legal resident/domiciliary? How could you confirm that?

6. Private Serveme's legal assistance attorney contacts you. She wants to know why you "keep harassing" Serveme and tells you to leave him alone so he can defend our country. What do you tell Private Serveme's legal assistance attorney?

REVIEW EXERCISES (CONTINUED)

EXERCISE NUMBER 2:

Private Serveme was transferred to a unit in England. He enjoys the beer, but misses his girlfriend (and good food). Another case involving Private Serveme comes across your desk, involving a child he fathered with his girlfriend back in South Carolina. You need to serve a court order on him.

Private Serveme is assigned to Company C, 1st Armored Division. His company commander is Captain Boom. Private Serveme is very frugal with his money and lives in the barracks.

1. **Describe the steps you will take to have process served on Private Serveme.**

2. **If your attempt at service of process by mail has failed, what are your alternatives?**

3. If Private Serveme's unit became attached to the USS Missouri, afloat in the Mediterranean Sea for one year, how would that affect your efforts to serve process on him?

4. To simplify serving Private Serveme, you decide to serve the Army's central location for service of process on all Army personnel. Where are you going to find that address?

3-4 REVIEW EXERCISES

REVIEW EXERCISES FOR TRAINER

EXERCISE NUMBER 1:

You are a South Carolina child support caseworker. You need to serve an order on Private Serveme that relates to a child support case assigned to you.

Private Serveme is in the United States Army. He is stationed at Hunter Army Airfield in Savannah, Georgia, and is living in the barracks there. Private Serveme enlisted in South Carolina (in a town across the river) where his girlfriend lives. Private Serveme is assigned to Company B, 1st Battalion (Ranger), 75th Infantry Regiment. His company commander is Captain Charge. The battalion commander, Captain Charge's boss, is Lieutenant Colonel Gettem. Due to the sensitive nature of his military unit's mission, Hunter Army Airfield is a closed installation. Assume that it is under concurrent jurisdiction with the State of Georgia.

1. How are you going to serve process on Private Serveme?

If permissible under South Carolina law, you should attempt service by mail through the United States Postal Service. If South Carolina law requires personal service, then you need to determine if a civilian authority can serve process on Hunter Airfield. Although Hunter is a closed installation, that does not prevent service of process. The main issue is whether Hunter is an exclusive Federal jurisdiction installation or a concurrent jurisdiction installation. The facts state that Hunter is a concurrent jurisdiction installation. You therefore can seek to serve process through civil authorities by contacting the installation central point of contact (POC), usually the legal office or the installation military police or base security, which will then facilitate service of process. Once you request assistance for service from the installation POC, it will see if Serveme wishes to voluntarily accept

service. If Serveme declines to voluntarily accept, you will be allowed to serve process, with any restrictions imposed by the installation Commander. The usual restriction is centralized service. The typical procedure is for the sheriff (or other official) to appear at the central POC. The central POC (MPs) will arrange for Serveme to be brought to the MP station (through his commander). The official can then serve Serveme.

2. If you are unable to serve process, what is your next step?

You may try to contact Private Serveme's commander in order to determine if Serveme is willing to accept voluntary service. You should probably make phone contact first, followed up by written correspondence that includes the documents to be served and a return certificate of service.

3. What would you ask/tell CPT Charge if your previous efforts to serve Private Serveme were unsuccessful? What would you do if CPT Charge refused to assist you or failed to respond to your inquiry?

You would explain your previous unsuccessful efforts to CPT Charge and state that his assistance in obtaining Serveme's voluntary acceptance of service would be appreciated and probably in the best interests of Serveme. You would explain the possible ramifications of Serveme’s delaying receipt of service. You should contact LTC Gettem if CPT Charge is nonresponsive to your request for assistance. You should explain your previous efforts to LTC Gettem and further explain the potential consequences to Private Serveme of his delaying receipt of service, such as an award of retroactive support and the accrual of arrears.

4. How would it affect your efforts if Hunter Army Airfield were an open installation? What if the installation has exclusive Federal jurisdiction? Who would you contact if you didn't know the process for serving process on Hunter Army Airfield?

Whether an installation is open or closed does not impact the ability to serve state process; it only affects movement onto the installation. If Hunter were an open installation, the process server would not require a special pass or identification to enter. If Hunter were an exclusive Federal jurisdiction installation, service of process would only be permitted if Federal process were being served or Private Serveme voluntarily accepted service. You should contact the installation legal or law enforcement office (military police/provost marshal) to learn the installation's procedure for serving process.

5. Of what state is Private Serveme a legal resident/domiciliary? How could you confirm that?

Unless Private Serveme has taken affirmative steps to change his legal residence, it is presumed that he is a legal resident/domiciliary of South Carolina because he enlisted there. You can confirm this by checking Private Serveme's leave and earnings statement (LES).

6. Private Serveme's legal assistance attorney contacts you. She wants to know why you "keep harassing" Serveme and tells you to leave him alone so he can defend our country. What do you tell Private Serveme's legal assistance attorney?

Explain to the legal assistance attorney the laws of your state pertaining to the action and the possible adverse consequences that may result in delaying the action, including the accrual of arrearages, and possible interference with Serveme's military duties.

REVIEW EXERCISES FOR TRAINER (CONTINUED)

EXERCISE NUMBER 2:

Private Serveme was transferred to a unit in England. He enjoys the beer, but misses his girlfriend (and good food). Another case involving Private Serveme comes across your desk, involving a child he fathered with his girlfriend back in South Carolina. You need to serve a court order on him.

Private Serveme is assigned to Company C, 1st Armored Division. His company commander is Captain Boom. Private Serveme is very frugal with his money and lives in the barracks.

1. **Describe the steps you will take to have process served on Private Serveme.**

   If permitted by the forum state's law, you should first attempt service by mail. Although Private Serveme is stationed overseas, military postal clerks follow the same guidelines as the United States Postal Service. The address may be an Army Post Office (APO) or Fleet Post Office (FPO), but it is still U.S. mail. Certified mail and "return receipt requested" services are available.

2. **If your attempt at service of process by mail has failed, what are your alternatives?**

   Alternatives to service of process by mail include: Service by a Foreign Authority Pursuant to a Treaty of Convention, such as the Hague Convention; Personal Service by a Foreign Agent, such as a government representative in a country that the State Department has declared to be a foreign reciprocating country or in a country that has a reciprocal support agreement with the forum state under UIFSA; Voluntary Acceptance of Service by

Private Serveme; and Service by a Letter of Request (Letters Rogatory) by a Foreign Authority.

3. If Private Serveme's unit became attached to the USS Missouri, afloat in the Mediterranean Sea for one year, how would that affect your efforts to serve process on him?

You would probably have to serve process by mail. Even military members on a ship will have an APO or FPO address in the United States. If necessary, seek assistance in obtaining a return receipt. Explain to the officer-in-charge of the service member's military postal office that you never received a return receipt when you first mailed the notice, and request that proper mailing procedures be followed and that you receive a receipt upon the delivery of the enclosed letter to the service member.

4. To simplify serving Private Serveme, you decide to serve the Army's central location for service of process on all Army personnel. Where are you going to find that address?

No such place exists.

MODULE 4 HANDOUTS

4-1 A GUIDE TO THE SERVICEMEMBERS CIVIL RELIEF ACT (SCRA)

A GUIDE TO THE SCRA

The SCRA is a Federal statute found at 50 U.S.C. App. 501 et seq. It is not found in state codes. The SCRA allows service members to request and obtain a "stay of proceedings" when their military duties make it difficult for them to respond and appear at hearings. The decision to grant or deny a stay request is within a judge's discretion. The key provisions of the SCRA that apply to cases involving family law are Sections 201, 202, 204, and 207.

1. To whom does the SCRA apply?

The SCRA applies to a "person in the military service of the United States." The Act does not apply to National Guard members called to service by the Governor unless they are Federalized or sent overseas. In order to ascertain whether the National Guard member is on active Federal duty, it is essential to determine if his or her orders indicate that the member is acting under Title 10 of the U. S. Code. If a guard member is called to duty in state service, the order will likely specify it is pursuant to Title 32 of the U.S. Code, which signifies state service status.

2. Does the SCRA apply to criminal proceedings, such as a criminal nonsupport prosecution?

No. It only applies to civil proceedings.

3. Does the SCRA apply to civil judicial proceedings? Yes.

4. Does the SCRA apply to administrative proceedings, such as a challenge to income withholding? Yes.

5. What is the effect on a judicial proceeding?

Under the SCRA, a service member may obtain a stay if the following conditions are met:

- The service member is in active military service;
- The request for a stay is by the member's motion or the tribunal's own motion;
- The service member is unavailable; and
- The tribunal finds that the member's ability to prosecute or defend the action is "materially affected" by his personal inability to attend the tribunal proceeding.

Once a tribunal finds "material effect," the member is entitled to a stay for a period of not less than 90 days. The service member may apply for an additional stay.

6. Does the fact that a service member is on active duty satisfy the "unavailable" requirement?

Not necessarily. Dept. of Defense Directive 1327.5, "Leave and Liberty" Change 4 (September 10, 1997) requires that when a service member requests leave to attend paternity or child support hearings, leave "shall be granted" unless the service member is serving in a contingency operation or "exigencies of service" require that leave be denied.

7. What factors will the tribunal consider in determining whether the member is "unavailable"?

Child support workers should ask the tribunal to examine whether the service member has acted with "due diligence" and "in good faith" in trying to arrange to appear in the tribunal. The SCRA requires that the service member provide a letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the service member's ability to appear and stating a date when the service member will be available to appear. The service member must also provide a letter or other communication from the service member's commanding officer stating that the service member's current military duty prevents appearance and that military leave is not authorized for the service member at the time of the letter. The tribunal can also require the service member to submit his or her Leave and Earnings Statement, which will show accrued leave. Service members from all branches of military service, from the lowest private to a three-star general, get 30 days' leave each year, accruing at the rate of 2.5 days per month.

8. What does "material effect" mean?

There is no Federal definition of "material effect." Tribunals will look at the circumstances of each case. A tribunal will make a finding of "material effect" in a child support proceeding when the service member's ability to initiate or defend the action is impaired by military duties that prevent him or her from appearing in court or administrative forum at the designated time and place, or from assisting in the preparation or presentation of his or her case.

With the advent of simple genetic testing and mandatory child support guidelines, an attorney for a child support agency can often successfully argue that active military service does not preclude the member's ability to meaningfully participate in the proceeding and that the member's inability to be physically present does not have a material effect.

9. If a service member seeks a stay under the SCRA and the tribunal grants a stay of the proceedings, how long will the stay last?

The tribunal may on its own motion and shall, upon application by the servicemember, which includes the required letters or communications to the tribunal demonstrating material effect, stay the action for a period of not less than 90 days. A service member who is granted a stay of a civil action or proceeding may apply for an additional stay based on continuing material effect of military duty on the service member's ability to appear at the time of the initial application or any other time where the service member is unavailable to defend the action.

10. How does the SCRA apply if a service member is served with a summons, but fails to appear at the proceeding?

Section 201(b) of the SCRA provides that, prior to the entry of a default judgment in a case where the defendant does not make an appearance, the plaintiff must file an affidavit with the tribunal setting forth facts showing either that the defendant is not in military service or that the plaintiff is unable to determine whether the defendant is in military service. If the affidavit states that the defendant is not in military service, it must cite facts that support this allegation.

11. If a service member is not physically present at the proceeding, can the tribunal still find that he or she "made an appearance"?

Yes. For example, if the service member has hired an attorney of record in the proceeding or if he or she has filed pleadings in the case, the tribunal will find that the service member has in fact made an appearance. Section 201 regarding default orders therefore will not apply.

12. Is a service member entitled to appointed counsel under the SCRA?

If the affidavit filed by the plaintiff shows that the defendant is in active military service, the tribunal cannot enter a default until the tribunal has appointed an attorney to represent the service member. If the tribunal fails to appoint an attorney, the default judgment is still valid but the member can later seek to reopen the judgment. In legal terms, the order is voidable.

13. What does the court-appointed attorney do?

Under the SCRA, if the defendant is a military member, the appointed attorney is primarily responsible for obtaining a stay of the proceedings until the military member can be present. It is important to note that the acts of an appointed attorney are not binding on the military member and that the attorney cannot waive any of the member's legal rights. A military member will be bound only to the acts of an appointed attorney that the military member has authorized. If the military member authorizes the appointed attorney to perform some act before

the tribunal, the tribunal may construe those actions as an appearance by the member.

14. In the absence of an affidavit regarding military service, if the tribunal enters a default judgment against a service member, such as a default paternity order, can the service member reopen the default judgment?

Yes. Section 201(g) of the SCRA permits a defendant to ask the tribunal to reopen its default judgment. Five conditions must exist in order for a military member to reopen a default judgment:

1. The tribunal must have entered the default judgment during the member's military service or within 60 days thereafter;
2. The military member made no appearance;
3. The military member or his/her legal representative filed an application to reopen the judgment within 90 days after the termination of military service or during military service;
4. The service member was materially affected by reason of his/her military service in defending the action; and
5. The military member has a meritorious or legal defense to the action, or some part of it.

15. What does the SCRA say about the statute of limitations?

Section 206 of the SCRA provides for the tolling (stopping) of the statute of limitations during the time that a person is in military service. The tolling applies regardless of whether the military member is a defendant or a plaintiff in the proceeding. The cause of action may have accrued either prior to, or during, military service. The SCRA does not, however, affect time periods within a suit, such as the requirement that a child support obligor must challenge a request for registration under the Uniform Interstate Family Support Act (UIFSA) within a specified time period.

16. Do state interest rates on unpaid child support apply to a military member?

Yes, with an important limitation. If the support obligation was incurred before entry on active duty, the highest interest rate that can be charged is six percent. The exception is if the child support agency/creditor can prove that the member's ability to pay was not materially affected by military service. For example, if the member's pay has not decreased due to military service, it is unlikely that military service materially affects his or her ability to pay; there would therefore be no interest rate ceiling. It is also important to note that the six- percent limit does not apply if the support obligation was incurred after entry into active service. See Section 207 of the SCRA.

17. Can a service member seek a stay of enforcement of a child support order due to his or her active duty?

Yes, pursuant to Section 204 of the SCRA, a tribunal may stay an attachment or garnishment action against a military member's property if it finds material effect. It must grant the stay on the motion of the military member unless it finds that military service has no material effect on his or her compliance with the judgment. If the member's military service existed, and was considered, at the time the tribunal initially entered the judgment, it is unlikely that a stay of judgment enforcement will be granted, assuming compliance with all the requirements of the SCRA.

18. If I need more information about the SCRA, are there official websites that can provide such information? Yes.

www.jagcnet.army.mil/TJAGSA
This is the home page of the Army JAG School.

www.defenselink.mil/specials/Relief Act/

19. Are there state laws that apply to service members, in addition to the SCRA?

Yes, in some states. Make sure you check your state statutes to see if they give military personnel special rights.

4-2 REVIEW EXERCISES

REVIEW EXERCISES

EXERCISE NUMBER 1:

Airman First Class (A1C) Grant Relief, a native of Georgia who is currently stationed in Oklahoma, has been in the Air Force for nearly three years. You have filed an action in your State tribunal in an effort to obtain court-ordered child support. A1C Relief has been served notice of the upcoming court hearing that will set the order. A1C Relief writes a letter to the tribunal on the back of a mess-hall napkin that tells the tribunal he is on a top-secret mission at an undisclosed location and cannot appear before the tribunal to defend himself in the pending action against him. The letter also states that this mission is important not only to the defense of our country but to his career; as a career man who wants to retire in 17 more years, the mission will look good on his record.

1. **What will the tribunal attempt to determine once it becomes aware of A1C Relief's status as a member of the military?**

2. **Will the tribunal likely grant a stay of the proceedings under the SCRA? Explain your answer.**

3. **Assume that A1C Relief's commander, Colonel (COL) Flight, calls you and asserts that A1C Relief has better things to do than go before a tribunal. COL Flight tells you that after this top-secret mission, he is going to "help" out A1C Relief by not granting him leave to attend the proceedings. What should you tell COL Flight?**

REVIEW EXERCISES (CONTINUED)

EXERCISE NUMBER 2:

Major (MAJ) Trubble is in the Army stationed at Fort Irwin, California. Your agency obtained a default judgment against MAJ Trubble that ordered him to pay child support for the seven children he fathered with his third wife. MAJ Trubble calls you and asks "What's up?" He says that he had no idea about the action or any hearing date. He blames you personally and chants the word SCRA over and over again. You look in the file and see that no affidavit of military service was filed and that MAJ Trubble never made any appearances at the proceedings.

1. **Should your agency have filed an affidavit of military service in MAJ Trubble's action?**

2. **Is the judgment still valid?**

3. MAJ Trubble claims he "doesn't have time to mess with the situation" so he pays his support as required by the judgment. One year after MAJ Trubble is thrown out of the Army for adultery, he decides he had better reopen the default judgment so he can stop paying his child support. Is the ex-MAJ Trubble's application to reopen the default judgment going to succeed?

   Would your answer change if MAJ Trubble were still in the Army?

4. Assume that during the original proceeding, the tribunal became aware of MAJ Trubble's military service. Would it appoint an attorney for him? If so, what would MAJ Trubble's attorney be able to do for him?

4-2 REVIEW EXERCISES

REVIEW EXERCISES FOR TRAINER

EXERCISE NUMBER 1:

Airman First Class (A1C) Grant Relief, a native of Georgia who is currently stationed in Oklahoma, has been in the Air Force for nearly three years. You have filed an action in your State tribunal in an effort to obtain child support. A1C Relief has been served notice of the upcoming hearing that will set the order. A1C Relief writes a letter to the tribunal on the back of a mess-hall napkin that tells the tribunal he is on a top-secret mission at an undisclosed location and cannot appear before the tribunal to defend himself in the pending action against him. The letter also states that this mission is important not only to the defense of our country but to his career; as a career man who wants to retire in 17 more years, the mission will look good on his record.

1. **What will the tribunal attempt to determine once it becomes aware of A1C Relief's status as a member of the military?**

   The tribunal will determine if AIC Relief is available for the proceeding. If not, the tribunal will then determine whether his unavailability due to military service will have a material effect on his ability to defend himself in the action.

2. **Will the tribunal likely grant a stay of the proceedings under the SCRA? Explain your answer.**

   Once the tribunal is on notice that A1C Relief is in the military, it must determine if he is unavailable for the proceeding. Decision-makers may vary in accepting AIC Relief's statement on a napkin as proof of his unavailability; some may require a statement from his commanding officer. Assuming that A1C Relief is unavailable due to his secret service, the tribunal must then determine if Relief's military service materially affects his ability to defend

against the action. Whether the tribunal will find a material effect in this instance will likely depend upon whether Relief's income and expenses are known and whether the case is one of simple guideline application. If the answer to both questions is "yes," it is unlikely that the tribunal will grant a stay.

3. **Assume that A1C Relief's commander, Colonel (COL) Flight, calls you and asserts that A1C Relief has better things to do than appear before the tribunal. COL Flight tells you that after this top-secret mission, he is going to "help" out A1C Relief by not granting him leave to attend the proceedings. What should you tell COL Flight?**

   You should remind COL Flight of DoDD 1327.5, section 6.25, which states that a service member shall be granted leave to attend hearings related to child support or paternity. The only two exceptions, which do not apply here, are if a member is serving with a unit deployed in a contingency mission or if there are exigencies of military service.

REVIEW EXERCISES FOR TRAINER (CONTINUED)

EXERCISE NUMBER 2:

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1. **Should your agency have filed an affidavit of military service in MAJ Trubble's action?**

   Yes. Section 201(b) of the SCRA provides that, prior to the entry of a default judgment in a case where the defendant does not make an appearance, the plaintiff must file an affidavit with the tribunal setting forth facts showing either that the defendant is not in military service or that the plaintiff is unable to determine whether the defendant is in military service.

2. **Is the judgment still valid?**

   Yes, the judgment is still valid. A default judgment entered against a service member where no affidavit has been filed is voidable, not void.

3. MAJ Trubble claims he "doesn't have time to mess with the situation" so he pays his support as required by the judgment. One year after MAJ Trubble is thrown out of the Army for adultery, he decides he had better reopen the default judgment so he can stop paying his child support. Is the ex-MAJ Trubble's application to reopen the default judgment going to succeed?

No. One of the conditions required for reopening a default judgment is that the member must file the application within 90 days after termination of military service.

Would your answer change if MAJ Trubble were still in the Army?

Yes. Since no affidavit of military service was filed, MAJ Trubble would probably be able to reopen the default judgment, assuming the other criteria for reopening were met.

4. Assume that during the original proceeding, the tribunal became aware of MAJ Trubble's military service. Would it appoint an attorney for him? If so, what would MAJ Trubble's attorney be able to do for him?

If the tribunal was aware of MAJ Trubble's military service, it should have appointed an attorney for him. The attorney would be responsible for protecting MAJ Trubble's interests. The attorney would probably determine MAJ Trubble's status and request a stay of the proceedings. The tribunal-appointed attorney would not have the authority to waive any of MAJ Trubble's rights or bind him to any acts of the attorney.

MODULE 5 HANDOUTS

5-1 REVIEW EXERCISES

REVIEW EXERCISES

EXERCISE NUMBER 1:

You are attempting to establish paternity and obtain a support order against Specialist Four (SPC) Notme, an oboe player in an Army band. SPC Notme has refused to return your calls. There is no court order for genetic testing. You call SPC Notme's commander, Captain (CPT) Helper. CPT Helper is a new commander and doesn't know how to respond to your request for assistance. He tells you that he needs to check with "JAG" before he orders SPC Notme to go to the local hospital for a genetic test to determine paternity.

1. **What information do you provide CPT Helper with regard to your request for assistance?**

.

2. **What type of assistance should you expect from CPT Helper?**

Assume that you wait a reasonable amount of time and you don't hear anything from CPT Helper. Your calls to him go unanswered.

3. What steps might you next take in order to facilitate the testing?

SPC Notme is now stationed in Italy. Assume that SPC Notme has been successfully served a summons to show cause as to why he should not be held in contempt for failure to comply with an administrative order for genetic testing.

4. How does this affect the assistance that you can receive from the military?

REVIEW EXERCISES (CONTINUED)

EXERCISE NUMBER 2:

SPC Notme has "seen the light" and acknowledged paternity of the child verbally to his commander. He is not, however, being very cooperative with your efforts to obtain a dependent identification card and pay information that will assist you in obtaining a support order.

1. **Without having established paternity through a court order or a signed administrative voluntary acknowledgment of paternity, is it possible for the child to receive an identification card? What procedures are used in order to accomplish receiving an identification card?**

2. **How will you go about ensuring the child is eligible for healthcare under the military TRICARE system?**

3. **What steps should you take in order to receive SPC Notme's pay information?**

5-1 REVIEW EXERCISES

REVIEW EXERCISES FOR TRAINER

EXERCISE NUMBER 1:

You are attempting to establish paternity and obtain a support order against Specialist Four (SPC) Notme, an oboe player in an Army band. SPC Notme has refused to return your calls. There is no court order for genetic testing. You call SPC Notme's commander, Captain (CPT) Helper. CPT Helper is a new commander and doesn't know how to respond to your request for assistance. He tells you that he needs to check with "JAG" before he orders SPC Notme to go to the local hospital for a genetic test to determine paternity.

1. **What information do you provide CPT Helper with regard to your request for assistance?**

   You explain the facts and circumstances surrounding the request. You ask CPT Helper for his assistance in obtaining SPC Notme's cooperation and explain the possible consequences and actions that may be taken if Notme's cooperation is not obtained.

2. **What type of assistance should you expect from CPT Helper?**

   CPT Helper should counsel SPC Notme as to his legal and moral obligations and send a response to you regarding the results of that conversation. CPT Helper should also refer SPC Notme to the legal assistance office for advice.

Assume that you wait a reasonable amount of time and you don't hear anything from CPT Helper. Your calls to him go unanswered.

3. What steps might you next take in order to facilitate the testing?

Your next step should be to contact CPT Helper's boss or commander. You should detail your prior efforts to obtain information and cooperation from SPC Notme and CPT Helper. You should reiterate the possible adverse consequences of Notme's failure to cooperate.

SPC Notme is now stationed in Italy. Assume that SPC Notme has been successfully served a summons to show cause as to why he should not be held in contempt for failure to comply with an administrative order for genetic testing.

4. How does this affect the assistance that you can receive from the military?

Under the provisions of DoDD 5529.9, SPC Notme could be forced to return to the United States since an order to show cause for contempt in a paternity action is involved. Returning to the United States would not be of assistance if the summons is only an administrative order for genetic testing.

REVIEW EXERCISES FOR TRAINER (CONTINUED)

EXERCISE NUMBER 2:

SPC Notme has "seen the light" and acknowledged paternity of the child verbally to his commander. He is not, however, being very cooperative with your efforts to obtain a dependent identification card and pay information that will assist you in obtaining a support order.

1. **Without having established paternity through a court order or a signed administrative voluntary acknowledgment of paternity, is it possible for the child to receive an identification card? What procedures are used in order to accomplish receiving an identification card?**

   Yes. Notme can obtain an identification card -- since he has verbally acknowledged paternity -- and can enroll the child in DEERS. If Notme refuses to cooperate in obtaining a dependent identification card, you should involve the commander. The commander can order the soldier to obtain a card. If Notme does not comply with the order, the identification card facility will verify his refusal to sign to obtain the ID card and will issue one itself to the dependent.

2. **How will you go about ensuring the child is eligible for healthcare under the military TRICARE system?**

   Once the child is enrolled in DEERS, the child is eligible for healthcare under the military TRICARE system. Nothing else needs to be done.

3. What steps should you take in order to receive SPC Notme's pay information?

You can seek pay and allowance information for SPC Notme from the FPLS. DFAS can also provide historical pay information on SPC Notme from its Cleveland Center.

MODULE 6 HANDOUTS

6-1 LES EXERCISE

LES EXERCISE

It is not unusual for a member of the military to receive several types of compensation (e.g., taxable, non-taxable, and in-kind). The LES identifies these various types of income, provided you know how to interpret its many fields and codes. This exercise focuses upon several of the fields that are important to the child support caseworker. In this exercise, use the LES below to answer the questions. Note: **Handout 6-2** provides a copy of a LES with explanations regarding each LES field.

DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNINGS STATEMENT

ID	NAME (LAST, FIRST, MI)	SOC. SEC. NO.	GRADE	PAY DATE	YRS SVC	ETS	BRANCH	ADSN/DSSN	PERIOD COVERED
	John Serviceman	2	3	4	5	6	Army	8	9

	ENTITLEMENTS TYPE	AMOUNT	DEDUCTIONS TYPE	AMOUNT	ALLOTMENTS TYPE	AMOUNT
A	Basic Pay	$1,550.00	Fed Inc Tax	$320.00	US Army Fed Credit Union	$220.00
B	BAH	$ 320.00	State Inc Tax	$110.00	US Savings bonds	$100.00
C	BAS/Sep Rats	$ 140.00	Social Security Tax	$150.00	Child Support Garnishment	$250.00
D	Combat Zone Pay	$ 430.00	Medicare Tax	$ 30.00		
E						
F						
G						
H						
I						
J						
K						
L						
M						
N						
O						
TOTAL		$2,440.00		$610.00		$570.00

SUMMARY	
+ AMT FWD	13
+ TOT ENT	14
- TOT DED	15
- TOT ALMT	16
= NET AMT	17
- CR FWD	18
= EOM PAY	19
DIEMS	23
RET PLAN	24

LEAVE	BF BAL	ERND	USED	CR BAL	ETS BAL	LV LOST	LV PAID	USE\LOSE	FED TAXES	WAGE PERIOD	WAGE YTD	M/S	EX	ADD'L TAX	TAX YTD
	25	26	27	28	29	30	31	32		$1,550.00	34	35	36	37	38

FICA TAXES	WAGE PERIOD	SOC WAGE YTD	SOC TAX YTD	MED WAGE YTD	MED TAX YTD	STAT E TAXES	ST	WAGE PERIOD	WAGE YTD	M/S	EX	TAX YTD
	$1,550.00	40	41	42	43		44	$1,550.00	46	47	48	49

PAY DATA	BAQ TYPE	BAQ DEPN	VHA ZIP	RENT AMT	SHARE	STAT	JFTR	DEPNS	2D JFTR	BAS TYPE	CHARITY YTD	TPC	PACIDN
	50	51	52	53	54	55	56	57	58	59	60	61	62

Thrift Savings Plan (TSP)	BASE PAY RATE	BASE PAY CURRENT	SPEC PAY RATE	SPEC PAY CURRENT	INC PAY RATE	INC PAY CURRENT	BONUS PAY RATE	BONUS PAY CURRENT
	63	64	65	66	67	68	69	70

CURRENTLY NOT USED	TSP YTD DEDUCTIONS	DEFERRED	EXEMPT	CURRENTLY NOT USED
71	72	73	74	75

REMARKS 76 YTD ENTITLE_____ 77 YTD DEDUCT _____ 78

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DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNINGS STATEMENT

ID	NAME (LAST, FIRST, MI)	SOC. SEC. NO.	GRADE	PAY DATE	YRS SVC	ETS	BRANCH	ADSN/DSSN	PERIOD COVERED
	1	2	3	4	5	6	7	8	9
	John Serviceman 3								

A B C D E F G H I J K L M N O	TYPE	AMOUNT	DEDUCTIONS TYPE	AMOUNT	ALLOTMEArmy TYPE	AMOUNT
	10		11		12	
	Basic Pay	$1,550.00	Fed Inc Tax	$320.00	US Army Fed Credit Union	$220.00
	BAH	$ 320.00	State Inc Tax	$110.00	US Savings bonds	$100.00
	BAS/Sep Rats	$ 140.00	Social Security Tax	$150.00	Child Support Garnishment	$250.00
	Combat Zone Pay	$ 430.00	Medicare Tax	$ 30.00		
	TOTAL	20		21		22

SUMMARY	
+ AMT FWD	13
+ TOT ENT	14
- TOT DED	15
- TOT ALMT	16
= NET AMT	17
- CR FWD	18
= EOM PAY	19
DIEMS	23
RET PLAN	24

LEAVE	BF BAL	ERND	$2,440.00	ETS BAL	LV LOST	LA	$610.00	ED TAXES	WAGE PERIOD	$570.00	ADD'L TAX	TAX YTD
	25	26	27 28	29	30	31	32		33	34 35 36	37	38
FICA TAXES	WAGE PERIOD	SOC WAGE YTD	SOC TAX YTD	MED WAGE YTD	MED TAX YTD	STATE TAXES	$1,550.00	WAGE PERIOD	WAGE YTD	M/S	EX	TAX YTD
	39	40	41	42	43	44		45	46	47	48	49
PAY DATA	$1,550.00	BAQ DEPN	VHA ZIP	RENT AMT	SHARE	STAT	JFTR	DEPNS	2D JFTR	$1,550.00	CHARITY YTD	TPC	PACIDN
	50	51	52	53	54	55	56	57	58	59	60	61	62

Thrift Savings Plan (TSP)	BASE PAY RATE	BASE PAY CURRENT	SPEC PAY RATE	SPEC PAY CURRENT	INC PAY RATE	INC PAY CURRENT	BONUS PAY RATE	BONUS PAY CURRENT
	63	64	65	66	67	68	69	70

CURRENTLY NOT USED	TSP YTD DEDUCTIONS	DEFERRED	EXEMPT	CURRENTLY NOT USED
71	72	73	74	75

REMARKS YTD ENTITLE_____ YTD DEDUCT _____

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1. What is the service member's name and in what branch is he serving?

2. What did the member earn in gross pay and allowances for the pay period reflected in the LES?

3. Assume that your state's child support guidelines use an individual's net pay (defined as gross earnings less mandatory deductions) to determine the child support award. What is the member's net pay, per the LES, for a guideline calculation?

6-1 LES EXERCISE

LES EXERCISE FOR TRAINER

It is not unusual for a member of the military to receive several types of compensation (e.g., taxable, non-taxable, and in-kind). The LES identifies these various types of income, provided you know how to interpret its many fields and codes. This exercise focuses upon several of the fields that are important to the child support caseworker. In this exercise, use the LES below to answer the questions. Note: **Handout 6-2** provides a copy of a LES with explanations regarding each LES field.

DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNINGS STATEMENT

ID	NAME (LAST, FIRST, MI)	SOC. SEC. NO.	GRADE	PAY DATE	YRS SVC	ETS	BRANCH	ADSN/DSSN	PERIOD COVERED
	John Serviceman	2	3	4	5	6	Army	8	9

	ENTITLEMENTS TYPE	AMOUNT	DEDUCTIONS TYPE	AMOUNT	ALLOTMENTS TYPE	AMOUNT	SUMMARY	
A	Basic Pay	$1,550.00	Fed Inc Tax	$320.00	US Army Fed Credit Union	$220.00	+ AMT FWD	13
B	BAH	$ 320.00	State Inc Tax	$110.00	US Savings bonds	$100.00	+ TOT ENT	14
C	BAS/Sep Rats	$ 140.00	Social Security Tax	$150.00	Child Support Garnishment	$250.00	- TOT DED	15
D	Combat Zone Pay	$ 430.00	Medicare Tax	$ 30.00			- TOT ALMT	16
E							= NET AMT	17
F							- CR FWD	18
G							= EOM PAY	19
H								
I								
J								
K								
L								
M								
N								
O								
	TOTAL	$2,440.00		$610.00		$570.00	DIEMS 23	RET PLAN 24

LEAVE	BF BAL	ERND	USED	CR BAL	ETS BAL	LV LOST	LV PAID	USE\LOSE	FED TAXES	WAGE PERIOD	WAGE YTD	M/S	EX	ADD'L TAX	TAX YTD
	25	26	27	28	29	30	31	32		$1,550.00	34	35	36	37	38

FICA TAXES	WAGE PERIOD	SOC WAGE YTD	SOC TAX YTD	MED WAGE YTD	MED TAX YTD	STATE TAXES	ST	WAGE PERIOD	WAGE YTD	M/S	EX	TAX YTD
	$1,550.00	40	41	42	43		44	$1,550.00	46	47	48	49

PAY DATA	BAQ TYPE	BAQ DEPN	VHA ZIP	RENT AMT	SHARE	STAT	JFTR	DEPNS	2D JFTR	BAS TYPE	CHARITY YTD	TPC	PACIDN
	50	51	52	53	54	55	56	57	58	59	60	61	62

Thrift Savings Plan (TSP)	BASE PAY RATE	BASE PAY CURRENT	SPEC PAY RATE	SPEC PAY CURRENT	INC PAY RATE	INC PAY CURRENT	BONUS PAY RATE	BONUS PAY CURRENT
	63	64	65	66	67	68	69	70

CURRENTLY NOT USED	TSP YTD DEDUCTIONS	DEFERRED	EXEMPT	CURRENTLY NOT USED
71	72	73	74	75

REMARKS 76 YTD ENTITLE_____ 77 YTD DEDUCT _____ 78

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DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNINGS STATEMENT

ID	NAME (LAST, FIRST, MI)	SOC. SEC. NO.	GRADE	PAY DATE	YRS SVC	ETS	BRANCH	ADSN/DSSN	PERIOD COVERED
	1	2	3	4	5	6	7	8	9

John Serviceman 3		DEDUCTIONS		ALLOTME Army		SUMMARY	
TYPE	AMOUNT	TYPE	AMOUNT	TYPE	AMOUNT		
10		11		12		+ AMT FWD	13
Basic Pay	$1,550.00	Fed Inc Tax	$320.00	US Army Fed Credit Union	$220.00	+ TOT ENT	14
BAH	$ 320.00	State Inc Tax	$110.00	US Savings bonds	$100.00	- TOT DED	15
BAS/Sep Rats	$ 140.00	Social Security Tax	$150.00	Child Support Garnishment	$250.00	- TOT ALMT	16
Combat Zone Pay	$ 430.00	Medicare Tax	$ 30.00			= NET AMT	17
						- CR FWD	18
						= EOM PAY	19
TOTAL	20	21		22		DIEMS 23	RET PLAN 24

LEAVE	BF BAL 25	ERND 26	27	$2,440.00 28	ETS BAL 29	LV LOST 30	LV 31	32	$610.00	ED TAXES	WAGE PERIOD 33	34	$570.00 35	X 36	ADD'L TAX 37	TAX YTD 38
FICA TAXES	WAGE PERIOD 39	SOC WAGE YTD 40	SOC TAX YTD 41	MED WAGE YTD 42	MED TAX YTD 43	STATE TAXES	$1,550.00 44	WAGE PERIOD 45	WAGE YTD 46	M/S 47	EX 48	TAX YTD 49			
PAY DATA	$1,550.00 50	BAQ DEPN 51	VHA ZIP 52	RENT AMT 53	SHARE 54	STAT 55	JFTR 56	DEPNS 57	2D JFTR 58	$1,550.00 59	CHARITY YTD 60	TPC 61	PACIDN 62		
Thrift Savings Plan (TSP)	BASE PAY RATE 63	BASE PAY CURRENT 64	SPEC PAY RATE 65	SPEC PAY CURRENT 66	INC PAY RATE 67	INC PAY CURRENT 68	BONUS PAY RATE 69	BONUS PAY CURRENT 70							
	CURRENTLY NOT USED 71	TSP YTD DEDUCTIONS 72	DEFERRED 73	EXEMPT 74	CURRENTLY NOT USED 75										

REMARKS YTD ENTITLE_____ YTD DEDUCT _____

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1. **What is the service member's name and in what branch is he serving?**

   The service member's name is John Serviceman and he serves in the Army.

2. **What did the member earn in gross pay and allowances for the pay period reflected in the LES?**

   The member earned gross pay of $1,980.00 and allowances of $460.00.

3. **Assume that your state's child support guidelines use an individual's net pay (defined as gross earnings less mandatory deductions) to determine the child support award. What is the member's net monthly pay, per the LES, for a guideline calculation?**

The LES shows total gross pay of $2,440.00/month. However, some of this pay is not taxable. Neither the allowances (BAH, BAS/Sep Rats) nor combat zone pay are taxable. In light of this, begin your guideline calculation by identifying the total *taxable* gross earnings. The LES shows that Serviceman has taxable gross income of $1,550.00/month. Next, identify those deductions from his gross pay that qualify under the state guidelines as deductions taken in order to determine net income. Since the state guidelines only recognize mandatory deductions, the allotments for Serviceman's credit union and a savings bond do not qualify. The mandatory deductions appearing in fields 11 and 12 of the LES are the Federal and state income taxes, the Social Security tax, the Medicare tax, and the child support garnishment (we will assume that under the state guidelines, involuntary child support withholdings qualify as an appropriate deduction for determining net income). The total of these deductions is $860.00. By deducting this $860.00 from the taxable gross income of $1,550.00, you arrive at a net income figure of $690.00/month. However, that is not the end of the guideline calculation. You now need to add the nontaxable income noted on the LES to the $690.00 to arrive at Serviceman's total monthly net income, per the LES. The nontaxable earnings and allowances total $890.00 bringing the individual's total monthly net income for guideline purposes to $1,580.00 ($690.00 plus $890.00).

In summary,

Field 9: This field identifies the individual pay period covered by the LES.

Field 10: This field contains all taxable and nontaxable income paid for the pay period. Unfortunately, the LES does not provide the level of detail to specifically identify the nontaxable income (e.g., Allowances, BAH and BAS-Sep Rats, serving in a combat zone, and qualified hazardous duty). You need to review the Federal Income Tax Withholding Field (Field 33) to see if some income is not being taxed. If the individual is not receiving Allowances for housing and subsistence, impute in-kind income because room and board are probably being provided at no cost. The total for all income appears in Fields 14 and 20.

Field 11: This field identifies all deductions (mandatory and voluntary) taken from the gross pay for the pay period. The total amount of all deductions appears in Fields 15 and 21. (Use this field with Field 12.)

Field 12: This field identifies all allotments (mandatory and voluntary) taken from gross pay for the pay period. The total amount of all allotments appears at Fields 16 and 22. (Use this field with Field 11.)

Field 33: This field identifies the amount of income for this pay period that is subject to Federal Income Withholding Tax.

Field 39: This field identifies the amount of income for this pay period that is subject to FICA (Social Security tax).

Field 45: This field identifies the amount of income for this pay period that is subject to State Income Withholding Tax.

6-2 LEAVE AND EARNINGS STATEMENT

LEAVE AND EARNINGS STATEMENT

UNDERSTANDING YOUR

DJMS
(Active Component)

LEAVE AND EARNINGS

STATEMENT

Defense Finance and Accounting Service
Cleveland Center
Code PMMF
June 2002

Your pay is your responsibility. This publication's intended use is as a guide to aid you in understanding the DJMS Leave and Earnings Statement (LES) DFAS Form 702. The LES is a comprehensive statement of a member's leave and earnings showing your entitlements, deductions, allotments, leave information, tax withholding information, and Thrift Savings Plan (TSP) information.

The LES format has been modified for TSP and the REDUX Retirement Plan. These blocks are explained later.

The Sea Service Counter will still be displayed in the remark portion of the LES. The LES remains one page in length.

Verify and keep your LES each month. If your pay varies significantly and you don't understand why, or if you have any questions after reading this publication, consult with your disbursing/finance office.

DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNINGS STATEMENT

ID	NAME (LAST, FIRST, MI) 1	SOC. SEC. NO. 2	GRADE 3	PAY DATE 4	YRS SVC 5	ETS 6	BRANCH 7	ADSN/DSSN 8	PERIOD COVERED 9

ENTITLEMENTS		DEDUCTIONS		ALLOTMENTS		SUMMARY	
TYPE	AMOUNT	TYPE	AMOUNT	TYPE	AMOUNT	+ AMT FWD	13
A B C D E F G H I J K L M N O	10	11		12		+ TOT ENT	14
						- TOT DED	15
						- TOT ALMT	16
						= NET AMT	17
						- CR FWD	18
						= EOM PAY	19
TOTAL	20	21		22		DIEMS 23	RET PLAN 24

LEAVE	BF BAL 25	ERND 26	USED 27	CR BAL 28	ETS BAL 29	LV LOST 30	LV PAID 31	USE\LOSE 32	FED TAXES	WAGE PERIOD 33	WAGE YTD 34	M/S 35	EX 36	ADD'L TAX 37	TAX YTD 38
FICA TAXES	WAGE PERIOD 39	SOC WAGE YTD 40	SOC TAX YTD 41	MED WAGE YTD 42	MED TAX YTD 43	STATE TAXES	ST 44	WAGE PERIOD 45	WAGE YTD 46	M/S 47	EX 48	TAX YTD 49			
PAY DATA	BAQ TYPE 50	BAQ DEPN 51	VHA ZIP 52	RENT AMT 53	SHARE 54	STAT 55	JFTR 56	DEPNS 57	2D JFTR 58	BAS TYPE 59	CHARITY YTD 60	TPC 61	PACIDN 62		
Thrift Savings Plan (TSP)	BASE PAY RATE 63	BASE PAY CURRENT 64	SPEC PAY RATE 65	SPEC PAY CURRENT 66	INC PAY RATE 67	INC PAY CURRENT 68	BONUS PAY RATE 69	BONUS PAY CURRENT 70							
	CURRENTLY NOT USED 71	TSP YTD DEDUCTIONS 72	DEFERRED 73	EXEMPT 74	CURRENTLY NOT USED 75										

REMARKS 76 YTD ENTITLE_____ 77 YTD DEDUCT _____ 78

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Fields 1 - 9 contain the identification portion of the LES.

DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNINGS STATEMENT									
ID	NAME (LAST, FIRST, MI) 1	SOC. SEC. NO. 2	GRADE 3	PAY DATE 4	YRS SVC 5	ETS 6	BRANCH 7	ADSN/DSSN 8	PERIOD COVERED 9

Field 1 NAME. The member's name in last, first, middle initial format.
Field 2 SOC. SEC. NO. The member's Social Security Number.
Field 3 GRADE. The member's current pay grade.
Field 4 PAY DATE. The date the member entered active duty for pay purposes in YYMMDD format. This is synonymous with the Pay Entry Base Date (PEBD).
Field 5 YRS SVC. In two digits, the actual years of creditable service.
Field 6 ETS. The Expiration Term of Service in YYMMDD format. This is synonymous with the Expiration of Active Obligated Service (EAOS).
Field 7 BRANCH. The branch of service, i.e., Navy, Army, Air Force.
Field 8 ADSN/DSSN. The Disbursing Station Symbol Number used to identify each disbursing/finance office.
Field 9 PERIOD COVERED. This is the period covered by the individual LES. Normally it will be for one calendar month. If this is a separation LES, the separation date will appear in this field.

Fields 10 through 24 contain the entitlements, deductions, allotments, their respective totals, a mathematical summary portion, date initially entered military service, and retirement plan.

ENTITLEMENTS		DEDUCTIONS		ALLOTMENTS		SUMMARY	
TYPE	AMOUNT	TYPE	AMOUNT	TYPE	AMOUNT	+ AMT FWD 13	
A B C D E F G H I J K L M N O	10	11		12		+ TOT ENT 14	
						- TOT DED 15	
						- TOT ALMT 16	
						= NET AMT 17	
						- CR FWD 18	
						= EOM PAY 19	
						DIEMS 23	RET PLAN 24
TOTAL	20	21		22			

Field 10 ENTITLEMENTS. In columnar style the names of the entitlements and allowances being paid. Space is allocated for fifteen entitlements and/or allowances. If more than fifteen are present the overflow will be printed in the remarks block. Any retroactive entitlements and/or allowances will be added to like entitlements and/or allowances.
Field 11 DEDUCTIONS. The description of the deductions are listed in columnar style. This includes items such as taxes, SGLI, Mid-month pay and dependent dental plan. Space is allocated for fifteen deductions. If more than fifteen are present the overflow will be printed in the remarks block. Any retroactive deductions will be added to like deductions.
Field 12 ALLOTMENTS. In columnar style the type of the actual allotments being deducted. This includes discretionary and non-discretionary allotments for savings

4

and/or checking accounts, insurance, bonds, etc. Space is allocated for fifteen allotments. If a member has more than one of the same type of allotment, the only differentiation may be that of the dollar amount.

Field 13 +AMT F WD. The a mount of a ll unpa id pa y a nd a llowa nces due from the prior LES.

Field 14 + TOT EN T. The figure from Field 20 that is the total of all entitlements and/or allowances listed.

Field 15 - TOT D ED. The figure from Field 21 that is the total of all deductions.

Field 16 - TOT A LMT. The figure from Field 22 that is the total of all allotments.

Field 17 = NET A MT. The dolla r va lue of a ll unpa id pa y a nd a llowa nces, plus tota l entitlements and/or allowances, minus deductions and allotments due on the current LES.

Field 18 - CR F WD. The dollar value of all unpaid pay and allowances due to reflect on the next LES a s the +AMT FWD.

Field 19 = E OM P AY. The actual amount of the payment to be paid to the member on End-of-Month payday.

Fields 20 - 22 TOTA L. The total amounts for the entitlements and/or allowances, deductions and allotments respectively.

Field 23 DIE MS. Date initially entered military service: This date is used SOLELY to indicate which retirement plan a member is under. For those members with a DIEMS date prior to September 8, 1980, they are under the FINAL PAY retirement plan. For those members with a DIEMS date of September 8, 1980 through July 31, 1986, they are under the HIGH-3 retirement plan. For those members with a DIEMS date of August 1, 1986 or later, they were initially under the REDUX retirement plan. This was changed by law in October 2000, when they were placed under the HIGH-3 plan, with the OPTION to return to the REDUX plan. In consideration of making this election, they become entitled to a $30,000 Career Service Bonus.

The data in this block comes from PERSCOM. DFAS is not responsible for the accuracy of this data. If a member feels that the DIEMS date shown in this block is erroneous, they must see their local servicing Personnel Office for corrective action.

Field 24 RET P LAN. Type of retirement pla n, i.e. Fina l Pa y, High 3, REDUX; or CHOICE (CHOICE reflects members who have less than 15 years service and have not elected to go with REDUX or stay with their current retirement plan).

Fields 25 through 32 contain leave information.

	BF BAL	ERND	USED	CR BAL	ETS BAL	LV LOST	LV PAID	USE\LOSE
LEAV E	25	26	27	28	29	30	31	32

Field 25 BF BAL. The brought forward leave balance. Balance may be at the beginning of the fiscal year, or when active duty began, or the day after the member was paid Lump Sum Leave (LSL).

Field 26 ERND. The cumulative amount of leave earned in the current fiscal year or current term of enlistment if the member reenlisted/extended since the beginning of the fiscal year. Normally increases by 2.5 days each month.

Field 27 USED. The cumulative amount of leave used in the current fiscal year or current term of enlistment if member reenlisted/extended since the beginning of the fiscal year.

Field 28 CR BAL. The current leave balance as of the end of the period covered by the LES.

Field 29 ETS BAL. The projected leave balance to the member's Expiration Term of Service (ETS).

Field 30 LV LOST. The number of days of leave that has been lost.

Field 31 LV PAID. The number of days of leave paid to date.

Field 32 USE/LOSE. The projected number of days of leave that will be lost if not taken in the current fiscal year on a monthly basis. The number of days of leave in this block will decrease with any leave usage.

Fields 33 through 38 contain Federal Tax withholding information.

FED TAXES	WAGE PERIOD	WAGE YTD	M/S	EX	ADD'L TAX	TAX YTD
	33	34	35	36	37	38

Field 33 WAGE PERIOD. The amount of money earned this LES period that is subject to Federal Income Tax Withholding (FITW).

Field 34 WAGE YTD. The money earned year-to-date that is subject to FITW.

Field 35 M/S. The marital status used to compute the FITW.

Field 36 EX. The number of exemptions used to compute the FITW.

Field 37 ADD'L TAX. The member specified additional dollar amount to be withheld in addition to the amount computed by the Marital Status and Exemptions.

Field 38 TAX YTD. The cumulative total of FITW withheld throughout the calendar year.

Fields 39 through 43 contain Federal Insurance Contributions Act (FICA) information.

FICA TAXES	WAGE PERIOD	SOC WAGE YTD	SOC TAX YTD	MED WAGE YTD	MED TAX YTD
	39	40	41	42	43

Field 39 WAGE PERIOD. The amount of money earned this LES period that is subject to FICA.

F ield 40 SOC WAGE YTD. The wages earned year-to-date that are subject to F ICA.

Field 41 SOC TAX YTD. Cumulative total of FICA withheld throughout the calendar year.

Field 42 MED WAGE YTD. The wages earned year-to-date that are subject to Medicare.

Field 43 MED TAX YTD. Cumulative total of Medicare taxes paid year-to-date.

Fields 44 through 49 contain State Tax information.

STATE TAXES	ST	WAGE PERIOD	WAGE YTD	M/S	EX	TAX YTD
	44	45	46	47	48	49

Field 44 ST. The two digit postal abbreviation for the state the member elected.

Field 45 WAGE PERIOD. The amount of money earned this LES period that is subject to State Income Tax Withholding (SITW).
Field 46 WAGE YTD. The money earned year-to-date that is subject to SITW.
Field 47 M/S. The marital status used to compute the SITW.
Field 48 EX. The number of exemptions used to compute the SITW.
Field 49 TAX YTD. The cumulative total of SITW withheld throughout the calendar year.

Fields 50 through 62 contain additional Pay Data.

PAY DATA	BAQ TYPE 50	BAQ DEPN 51	VHA ZIP 52	RENT AMT 53	SHARE 54	STAT 55	JFTR 56	DEPNS 57	2D JFTR 58	BAS TYPE 59	CHARITY YTD 60	TPC 61	PAC IDN 62

Field 50 BAQ TYPE. The type of Basic Allowance for Quarters being paid.
Field 51 BAQ DEPN. A code that indicates the type of dependent.
A - Spouse
C - Child
D - Parent
G - Grandfathered
I - Member married to member/own right
K - Ward of the court
L - Parents in Law
R - Own right
S - Student (age 21-22)
T - Handicapped child over age 21
W - Member married to member, child under 21
Field 52 VHA ZIP. The zip code used in the computation of Variable Housing Allowance (VHA) if entitlement exists.
Field 53 RENT AMT. The amount of rent paid for housing if applicable.
Field 54 SHARE. The number of people with which the member shares housing costs.
Field 55 STAT. The VHA status; i.e., accompanied or unaccompanied.
Field 56 JFTR. The Joint Federal Travel Regulation (JFTR) code based on the location of the member for Cost of Living Allowance (COLA) purposes.
Field 57 DEPNS. The number of dependents the member has for VHA purposes.
Field 58 2D JFTR. The JFTR code based on the location of the member's dependents for COLA purposes.
Field 59 BAS TYPE. An alpha code that indicates the type of Basic Allowance for Subsistence (BAS) the member is receiving, if applicable. This field will be blank for officers.

B - Separate Rations
C - TDY/PCS/Proceed Time
H - Rations-in-kind not available
K - Rations under emergency conditions

Field 60 CHARITY YTD. The cumulative amount of charitable contributions for the calendar year.
Field 61 TPC. This field is not used by the active component of any branch of service.

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Field 62 PACIDN. The activity Unit Identification Code (UIC). This field is currently used by Army only.

Fields 63 through 75 contain Thrift Savings Plan (TSP) information/data.

Thrift Savings Plan (TSP)	BASE PAY RATE 63	BASE PAY CURRENT 64	SPEC PAY RATE 65	SPEC PAY CURRENT 66	INC PAY RATE 67	INC PAY CURRENT 68	BONUS PAY RATE 69	BONUS PAY CURRENT 70
	71	TSP YTD DEDUCTIONS 72		DEFERRED 73	EXEMPT 74		75	

Field 63 BASE PAY RATE. The percentage of base pay elected for TSP contributions.
Field 64 BASE PAY CURRENT. Reserved for future use.
Field 65 SPECIAL PAY RATE. The percentage of Specialty Pay elected for TSP contribution.
Field 66 SPECIAL PAY CURRENT. Reserved for future use.
Field 67 INCENTIVE PAY RATE. Percentage of Incentive Pay elected for TSP contribution.
Field 68 INCENTIVE PAY CURRENT. Reserved for future use.
Field 69 BONUS PAY RATE. The percentage of Bonus Pay elected towards TSP contribution.
Field 70 BONUS PAY CURRENT. Reserved for future use.
Field 71 Reserved for future use.
Field 72 TSP YTD DEDUCTION (TSP YEAR TO DATE DEDUCTION): Dollar amount of TSP contributions deducted for the year.
Field 73 DEFERRED: Total dollar amount of TSP contributions that are deferred for tax purposes.
Field 74 EXEMPT: Dollar amount of TSP contributions that are reported as tax exempt to the Internal Revenue Service (IRS).
Field 75 Reserved for future use.

REMARKS 76	YTD ENTITLE_____ 77	YTD DEDUCT _____ 78

Field 76 REMARKS. This area is used to provide you with general notices from varying levels of command, as well as the literal explanation of starts, stops, and changes to pay items in the entries within the "ENTITLEMENTS", "DEDUCTIONS", and "ALLOTMENTS" fields.
Field 77 YTD ENTITLE. The cumulative total of all entitlements for the calendar year.
Field 78 YTD DEDUCT. The cumulative total of all deductions for the calendar year.

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6-3 REVIEW EXERCISES

REVIEW EXERCISES

The following scenarios represent situations concerning the establishment of paternity and/or a child support obligation in cases involving the military. Identify the establishment issues and answer the questions posed at the end of each scenario.

EXERCISE NUMBER 1:

In a case needing paternity and support order establishment, the alleged father is in the Marines and stationed at a military base in California. The alleged father was served with process but failed to appear for the first genetic test. According to the CP, he has stated that he refuses to participate in any genetic testing.

1. **What procedures are available to assist the IV-D office in persuading the alleged father to appear for the rescheduled genetic testing?**

REVIEW EXERCISES (CONTINUED)

EXERCISE NUMBER 2:

In this case the member of the military and his wife have separated. His wife and child are living off base and the service member is not contributing to their financial support. His wife comes to your office requesting assistance in obtaining child support. From your experience you believe that it will take your office approximately 120 to 150 days to enter a support order in this case.

1. **What can the IV-D office do between today and the trial date to attempt to obtain child support from the alleged father?**

2. **What procedures should the IV-D office undertake if the alleged father fails to provide/complete a current financial affidavit?**

REVIEW EXERCISES (CONTINUED)

EXERCISE NUMBER 3:

On March 1, 2003, Private Payout and his wife Patience separate when Patience takes their only child and moves into her own apartment across town. Private Payout continues to receive the BAH allowance that was in place prior to the separation. There is no court order and no written agreement between the parties that sets a support obligation for the child. Patience comes to your IV-D office on April 20, 2003, after her requests to Private Payout for financial assistance on behalf of the child fail.

1. **If your direct contact with Private Payout fails, what other *military-related* options exist?**

2. **What are the prudent IV-D case processing measures that should be initiated in this case?**

6-3 REVIEW EXERCISES

REVIEW EXERCISES FOR TRAINER

The following scenarios represent situations concerning the establishment of paternity and/or a child support obligation in cases involving the military. Identify the establishment issues and answer the questions posed at the end of each scenario.

EXERCISE NUMBER 1:

In a case needing paternity and support order establishment, the alleged father is in the Marines and stationed at a military base in California. Prior to setting a trial date, the child support office administratively prepared a notice requiring the alleged father to appear for genetic testing. The alleged father was served with this process. According to the CP, he has stated that he refuses to participate in any genetic testing.

1. **What procedures involving the military are available to assist the IV-D office in persuading the alleged father to appear for the rescheduled genetic testing?**

   Even in cases where no paternity order exists, the IV-D office can seek the assistance of the military. In this example, the IV-D office should send the alleged father's commanding officer a letter advising him of the father's failure to appear for previously scheduled tests and of his alleged refusal to appear for rescheduled tests. The commanding officer will meet with the alleged father and, while he cannot force the alleged father to appear, he can let him know that the service expects him to manage his personal affairs in a manner that does not require his chain of command to become actively involved in the management of the military member's personal affairs.

The Social Security Act requires that all state IV-D programs have the ability to issue an administrative order to appear for genetic testing (42 U.S.C. § 666(c)(1)(A)). Depending on the agency's ability to enforce its administrative order, it may be more prudent in this case to obtain an order from the tribunal requiring the alleged father to appear for genetic testing. If the alleged father fails to appear, the court can use its contempt powers to sanction him.

EXERCISE NUMBER 2:

In this case, the member of the military and his wife have separated. His wife and child are living off base and the service member is not contributing to their financial support. His wife comes to your office requesting assistance in obtaining child support. From your experience you believe that it will take your office approximately 120 to 150 days to enter a support order in this case.

1. **What can the IV-D office do to obtain child support for this Custodial Parent before a final child support order is entered?**

   To begin with, the IV-D office should initiate its local order establishment procedures as soon as possible. Under these facts, it is unlikely that a support order will be entered in 90 days. Therefore, it is prudent for the IV-D office to contact the military member and see if he will voluntarily initiate a support allotment from his wages pending the entry of a final support order. Since it usually takes approximately 90 days for the military to implement a voluntary allotment, this action by the member will result in support flowing to the family more quickly and will prevent the accrual of retroactive support owed. The IV-D office should also use its non-military procedures to obtain a temporary child support award.

2. What procedures should the IV-D office undertake if the NCP fails to provide or complete a current financial affidavit during the order establishment process?

In order to apply child support guidelines, the tribunal needs to know the parties' income. Remind participants that obtaining a military member's LES (Leave and Earnings Statement) is crucial to an accurate determination of the member's income. If the member fails to voluntarily provide a current LES, the IV-D attorney can file a Request for Production of Documents. A worker can also seek the member's LES under a Freedom of Information Act request directed to DFAS. A worker should require at least six months of Leave and Earnings Statements to get a more accurate picture of the member's income. The worker should also request the member's last three years of income tax returns. Income tax returns provide information about second job income and income from investments. In military cases, you need both the LES and the individual's income tax returns in order to determine accurately that person's income.

REVIEW EXERCISES FOR TRAINER (CONTINUED)

EXERCISE NUMBER 3:

On March 1, 2003, Private Payout and his wife Patience separate when Patience takes their only child and moves into her own apartment across town. Private Payout continues to receive the BAH allowance that was in place prior to the separation. There is no court order and no written agreement between the parties that sets a support obligation for the child. Patience comes to your IV-D office on April 20, 2003, after her requests to Private Payout for financial assistance on behalf of the child fail.

1. **If your direct contact with Private Payout fails, what other *military-related* options exist?**

   If direct contact with Private Payout fails, you can contact the commander to inquire about the status of Private Payout's obligation to provide support to his dependent child. The commanding officer will meet with the Private to determine if military regulations or policy are being violated. The commander can terminate that portion of the BAH that is designated for Private Payout's dependents and require him to repay the excess amounts received since the separation. Although the commander can order Private Payout to authorize a voluntary allotment, the commander cannot implement the allotment.

2. **What are the prudent IV-D case processing measures that should be initiated?**

MODULE 7: START THE ORDER ESTABLISHMENT PROCESS AS SOON AS POSSIBLE. IF APPROPRIATE,

SEEK THE ENTRY OF A TEMPORARY ORDER PENDING THE FINAL CHILD SUPPORT ORDER BECAUSE THE EXISTENCE OF A CHILD SUPPORT ORDER INCREASES THE CHAIN OF COMMAND'S ABILITY TO ASSIST IN OBTAINING CHILD SUPPORT.

MODULE 7 HANDOUTS

7-1 MILITARY PAYMENT PROCESSING & MEDICAL INSURANCE CENTERS

MILITARY PAYROLL PROCESSING & MEDICAL INSURANCE CENTERS

Military *Financial* Support Enforcement

Payroll Processing for Army, Navy, Air Force, and Marine Corps:
Defense Finance & Accounting Service
Cleveland Center
Garnishment Operations Directorate
Code L
PO Box 98002
Cleveland, OH 44199-8002
216-522-5301 (voice)
216-522-6960 (fax)

DFAS Payment Application Help Line:
Kathy Golden
216-522-1606 (voice)
216-522-5471 (fax)

Payroll Processing for Coast Guard:
Commanding Officer (LGL)
US Coast Guard Pay and Personnel Center
Federal Building
444 SE Quincy Street
Topeka, KS 66683-3591
785-339-3595 (voice)
785-339-3788 (fax)

Coast Guard Payroll Processing
Legal Unit
785-339-3595 (voice)
785-339-3788 (fax)

Receipt of Veterans' Disability Benefits in lieu of Retired Pay:
Veterans Administration Regional Office
1-800-827-1000 (call to identify the appropriate Regional Office)

DFAS Retired Pay Call Center
1-800-321-1080

Military *Medical* Support Enforcement

DEERS Information Office:
DMDC Support Office
Attn: CA99
400 Gigling Road
Seaside, CA 93950-6771
800-538-9552

TRICARE Information Office
TRICARE Management Activity
Public Affairs Branch
Aurora, CO 80045-6900
303-361-1000/1129

7-2 SAMPLE LETTER REQUESTING FEDERAL STATUTORY MILITARY ALLOTMENT (NOT AN OFFICIAL FORM)

SAMPLE STATUTORY ALLOTMENT REQUEST

[Use agency letterhead]

Commander

[Appropriate Military Payment Processing Center Address]

Reference: [Name and SSN of military member]

Dear Sir or Madam:

This letter is notice of delinquent support payments and a request for the initiation of the statutory allotment pursuant to 42 U.S.C. § 665.

[Identify military member] is subject to a court or administrative order (certified copy enclosed) requiring him/her to pay current child support in the amount of [identify amount and payment schedule] [if appropriate, add "plus an amount of xxx toward elimination of arrears of xxx"]. He/She has failed to meet this obligation and arrears exceed the total amount due under the order for two months. [If appropriate, insert "In addition, a portion of the arrearage pertains to payments that are more than 12 weeks overdue."]

I request initiation of a statutory allotment from the member's active duty pay in the amount of [identify amount], the monthly support obligation [if appropriate, add "and arrearage payment"] due under the order. Please direct the payment to this address:

[Provide the name/address of the appropriate state payment location and explain what information must accompany the payment.]

Please continue the allotment until [insert termination date] or such earlier date as this agency may later advise you.

I certify that I am an "authorized person" as defined by 42 U.S.C. § 655(b) and 32 C.F.R. Part 54. I am an agent of a state with an approved Title IV-D program under the Social Security Act, and my duties include seeking recovery of child and spousal support. Thank you for your attention to this matter.

[Authorized agent signature]

Enclosure (certified copy of court or administrative child support order)

7-3 REVIEW EXERCISES

REVIEW EXERCISES

The following scenario represents situations that involve enforcement of a military member's child support obligations. Identify the enforcement issues and answer the questions posed at the end of each scenario.

EXERCISE NUMBER 1:

Your IV-D office receives a telephone call from a CP advising that she has just learned that the NCP in her case is in the Air Force. You review the case and see that it has been in "locate" status since it was opened nine months ago. There is a 2001 court order in the case setting a monthly child support obligation at $310. It does not require the NCP to provide health insurance. You verify that the NCP is an active duty member of the Air Force and receive the address of his duty station. There have been no payments on the case.

1. What are the available *military* enforcement avenues?

Assume that during the phone conversation with the CP, she also informs you that the NCP receives both BAH and BAS/Sep Rats benefits and is renting out the house they used to own together in your state.

2. Does that change your selection of enforcement remedies?

3. **What are the military remedies for obtaining medical support for the child?**

4. **What are other prudent case processing measures that should be initiated in this case?**

7-3 REVIEW EXERCISES

REVIEW EXERCISES FOR TRAINER

The following scenario represents situations that involve enforcement of a military member's child support obligations. Identify the enforcement issues and answer the questions posed at the end of each scenario.

EXERCISE NUMBER 1:

Your IV-D office receives a telephone call from a CP advising that she has just learned that the NCP in her case is in the Air Force. You review the case and see that it has been in "locate" status since it was opened nine months ago. There is a 2001 court order in the case setting a monthly child support obligation at $310. It does not require the NCP to provide health insurance. You verify that the NCP is an active duty member of the Air Force and receive the address of his duty station. There have been no payments on the case.

1. **What are the available enforcement remedies against the NCP's *military* income?**

   Under these facts it is preferable to use state income withholding because it accommodates immediate income withholding (no additional NCP notice requirements), it allows the collection of arrears without obtaining an additional order setting an arrearage amount (e.g., a judgment), and it does not require a certified copy of the underlying order to accompany the income withholding order. You initiate state income withholding by sending DFAS the Federal *Order/Notice to Withhold Income for Child Support*.

Assume that during the phone conversation with the CP, she also informs you that the NCP receives both BAH and BAS/Sep Rats benefits and is renting out the house they used to own together in your state.

2. Does that change your selection of enforcement remedies?

With the addition of these new facts, it may be appropriate to issue two involuntary income withholding orders against the NCP's military earnings and rental income. You could issue the Federal statutory military allotment against his Air Force earnings because the NCP is an active duty member of a uniformed service and is delinquent in an amount equal to, or greater than, the current support obligation owed for two months. The Federal statutory military allotment will collect current support and, in addition to military wages, it attaches the NCP's BAH and BAS/Sep Rats benefits, which the Federal *Order/Notice to Withhold Income for Child Support* does not attach. On the down side, there is a waiting period of up to 30 days to allow the NCP to receive legal advice and, without arrears stated in the order, the Federal statutory military allotment will not collect arrears. If you decide to enforce by the Federal statutory military allotment, you initiate the process by sending the earnings statement and a certified copy of the 2001 child support order to DFAS. You can also use the Federal *Order/Notice to Withhold Income for Child Support* to intercept the NCP's rental income because this income withholding form collects more than earnings. Rental income is not protected by the Federal Consumer Credit Protection Act, or similar protections at state law, and is available to collect unpaid arrearages. To attach rental income, the Federal *Order/Notice to Withhold Income* should be sent to the rental management company or to the tenant.

REVIEW EXERCISES FOR TRAINER (CONTINUED)

3. What are the military remedies for obtaining medical support for the child?

Contact the DMDC Support Office to see if the NCP has enrolled his child in DEERS. If he has, notify the CP of the availability of health insurance through TRICARE/CHAMPUS. If he has not enrolled the child, and you have a legal determination under state law (e.g., a signed birth certificate naming the member as the father, a voluntary paternity acknowledgment signed by Private Payout, a judicial paternity determination), contact DMDC to enroll the child in DEERS. Once the child is enrolled in DEERS, he or she is eligible for health insurance through TRICARE/CHAMPUS.

It will still be necessary for the CP to go to the ID facility to obtain an identification card for the child. Without the card, a hospital or medical facility will "see" the child in the system; however, the CP will have to sign a form accepting liability for the medical bill if the child's ID card is not produced within 30 days of receipt of services.

4. What are other prudent case processing measures that should be initiated in this case?

Initiate a modification to include an obligation to provide health insurance.

The CP may also want you to seek an upward modification due to the NCP's receipt of rental income.

Submit the case for Federal/state income tax refund offset.