



Working with the Military A Guide for Child Support Association

Defense Finance and Accounting Service

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**DFAS Office of General Counsel
Garnishment Law Directorate**

Sept 18, 2023





- ▶ **DFAS Garnishment Law Directorate – Our mission, customers, & types of cases we process**
- ▶ **Child Support Establishment Challenges**
- ▶ **Service of Process**
- ▶ **Enforcement of Child Support Obligations (EIWO)**
- ▶ **Reading an LES**
- ▶ **Other Child Support Challenges**
- ▶ **DEERS and TRICARE**





- ▶ **MISSION:** GLD is responsible for processing all court orders against individuals paid by DFAS
- ▶ **Our customers:**
 - ✓ **Department of Defense (DoD)**
 - All Military Members – Active, Reserve, Retired
 - All Civilian Employees
 - ✓ **Department of Energy (DOE)**
 - ✓ **Department of Health and Human Services (HHS)**
 - ✓ **Department of Veterans Affairs (DVA)**
 - ✓ **Military Sealift Command (MSC)**
 - ✓ **U.S. Agency for Global Media – (USAGM) - formerly Broadcasting Board of Governors**
 - ✓ **Executive Office of the President**



Legal Review/Processing of the following cases



- ▶ **Child Support/Alimony Garnishments**
- ▶ **Applications for Court-Ordered Divisions of Military Retired Pay - Uniformed Services Former Spouses' Protection Act (USFSPA)**
- ▶ **Former Spouse Survivor Benefit Plan (FS SBP) Deemed Elections**
- ▶ **Commercial Garnishments – Civilian Employees**
- ▶ **Military Commercial Debt Involuntary Allotments**
- ▶ **Chapter 13 and Chapter 7 Personal Bankruptcies**
- ▶ **Child Abuse Garnishments**

- ▶ Child Support Establishment Challenges
- ▶ Loretta Longo





“Parents are to be fiscally responsible for their children”

► Service Regulations Pertaining to Child Support Enforcement

- ✓ Army – AR 608-99**
- ✓ Air Force – AFI 36-2906**
- ✓ Navy – MILPERSMAN 1754-030**
- ✓ Marine Corps – Marine Corps Order 5800.16
Volume 9**
- ✓ Coast Guard – PERSMAN Chapter 8M**



► How do I find a potential non-custodial parent ?

✓ Federal Parent Locator Service

- You may use the public website <https://scra.dmdc.osd.mil/scra/#/home> to learn the current status of an individual



Establishment Challenges – Finding a Member



- Once you create your account, you will see this screen for entry of the member your looking for

The screenshot shows a web browser window titled "Servicemembers Civil Relief Act - Microsoft Internet Explorer". The address bar shows "https://www.dmdc.osd.mil/scra/owa/scra.home". The page has a blue sidebar on the left with links for "Privacy Notice", "Help", and a "DMDc" logo. The main content area is titled "(SCRA) Servicemembers Civil Relief Act" and contains a form for searching for a member. The form has two columns of input fields: "SSN", "Last", "Birth Yr", "First", and "Middle" on the left; and "Repeat SSN", "Last", "Birth Yr", and "Month" on the right. Below the input fields are "LookUp" and "Erase" buttons. A paragraph of text explains that clicking "LookUp" will advise the user if the individual is on active duty. A numbered list follows: 1. **Not** possess information regarding whether the individual is on active duty, or 2. Possess information indicating that the individual is on active duty.

(SCRA) Servicemembers Civil Relief Act

SSN Repeat SSN

Last Last

Birth Yr Month Birth Yr Month

First

Middle

Upon clicking the "LookUp" button, based on the SSN and other personal information furnished, the Department will advise you that it does

1. **Not** possess information regarding whether the individual is on active duty, or
2. Possess information indicating that the individual is on active duty.



DMDC Certificate of Military Status



- If the Service member is on active duty, this is what you'll see:

Request for Military Status

Department of Defense Manpower Data Center AUG-07-2006 12:20:05

 Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
DOE	John Joseph	OCT 18-1996	Active Duty	Army

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.



Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593



DMDC Certificate of Non-Military Status



- If the Service member is **NOT** on active duty, this is what you'll see:

Request for Military Status

Department of Defense Manpower Data Center AUG-07-2006 12:21:37

 Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
DOE	John Joseph	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.



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- ▶ **The Federal Parent Locator Service (FPLS)** is a principal source of locate and employment information for child support caseworkers when establishing a support order and when initiating an income withholding order (IWO).
 - ✓ The National Directory of New Hires (NDNH); and
 - ✓ The Federal Case Registry (FCR)
- ▶ You can send information to the FCR for all child support cases, **both** those that have support orders and those for which orders have not yet been established
- ▶ Fifty-four states, territories and federal agencies report data to these databases.





- ▶ To obtain an address for military service personnel for service of process (e.g., in order to establish paternity), submit an **FPLS external locate** request (through your state child support office) for forwarding to the Defense Manpower Data Center (DMDC).

Population	SSN Returned?	Address Provided	Annual Salary?
Active military	Yes	Unit/duty address	Not provided
Reserve/National Guard military	Yes	Unit/duty address	Not provided
Retired military	Yes	Home address	Yes
Retired civilian	Yes	Home address	Yes

- ▶ Information on **ALL** Current Civilians is **NOT** available through the FPLS





- ▶ States will be required to follow OCSS standard requirements before access is approved by:
 - ✓ Signing a Memorandum of Understanding
 - ✓ Signing a Reimbursement Agreement
 - ✓ Submitting, and getting OCSS approval of, your latest independent security assessment
 - ✓ Reporting performance outcomes based on an agreed upon time frame
- ▶ **For access:**
 - FPLS Support, email: FPLSSupport@acf.hhs.gov





- ▶ Sending a Request for Employment Verification or Payroll Data
 - ✓ DoD and the Coast Guard will not respond to verification of employment/payroll data requests about active and reserve/national guard military, and civilian payroll records because this information is already provided to the FPLS through quarterly wage reporting to the NDNH.
- ▶ Use of subpoena is cumbersome for states and puts heavy burden on DFAS
 - ✓ For DFAS to process, a subpoena would have to be signed by a Federal Judge



- ▶ Service of Process

- ▶ Rula Raphael





- ▶ Due Process requires that you obtain proper service of any legal process before the Court has the authority to move forward on a case before it
- ▶ Serving Military Personnel on an Installation
 - ✓ **Military installations may be open or closed and increasingly they are closed. If an enforcement action requires personal service, service may be more difficult.**
 - Open base - no special permits required
 - Closed base – checkpoints est. special ID or show a need to enter
 - ✓ **Call the installation's legal office to learn the type of jurisdiction it follows regarding state access**





► Service on a Military Installation

- ✓ Subject to reasonable restrictions by Installation Commander
- ✓ Exclusive Federal jurisdiction – no right to serve state process; commander or supervisor determines voluntary acceptance
- ✓ Partial or concurrent Federal/State Jurisdiction – state reserves right to serve process on installation per state law
- ✓ See 32 C.F.R. § 516.10(d)
- ✓ Proprietary – right to serve same as concurrent
- ✓ Contact installation legal office for assistance, determine local procedures
- ✓ NAVY: 32 C.F.R. § 720.20(a)(1) & (2) – Service on Navy installation requires commanding officer's consent



Facilitating Service of Process



► Executive Order 12953 – 5 CFR Part 581, App. B

- ✓ Requires designation of agents to facilitate service of process
- ✓ **KEY: Officials not responsible for actual service; will not accept requests for service of process**

Army: Office of the Judge Advocate General, DAJA-LA, 2200 Army Pentagon, Room 3B548, Washington, D.C. 20310-2200 (703) 697-3170

Air Force: Air Force (AFLSA/JACA), 1420 Air Force Pentagon, Washington, DC 20330-1420 (703) 695-2450

Navy: Bureau of Naval Personnel, Office of Legal Counsel (Pers 06), 2 Navy Annex, Washington, DC 20370-5006, (703) 614-4110

Marine Corps: Paralegal Specialist, Headquarters, US Marine Corps (JAR) 2 Navy Annex, Washington, DC 20380 (703) 614-2510



- ▶ Enforcement of Child Support Obligations (EIWO)
- ▶ Loretta Longo





- ▶ States will establish support amount in accordance with their state's guidelines
 - ✓ Most States use “all income” to compute the amount
 - ✓ Includes both taxable and non-taxable income
 - ✓ Includes pay and allowances
- ▶ When processing an order, we apply it against the Disposable Pay of the member
- ▶ Allowances – are not included in Disposable Pay
 - ✓ BAH (Basic Allowance for Housing) – Amount increases with Rank
 - ✓ BAS (Basic Allowance for Subsistence)





► Special Skills Pays

- ✓ Flight pay
- ✓ Hazardous duty pay
- ✓ Career Sea pay
- ✓ Submarine duty pay
- ✓ Jump pay
- ✓ Many others

► Bonuses

- ✓ Lump-sum (usually for Re-enlisting)
- ✓ DFAS does not get advance notice of Bonuses



Calculating Disposable Pay



- ▶ The type of garnishment action determines how Disposable Pay (DP) is calculated
- ▶ Generally: DP =
 - ✓ Gross Pay Minus Authorized Deductions
- ▶ For Child Support Cases:
 - ✓ DP includes all “Pay Items” – Base Pay and Special Pays
 - ✓ DP includes bonuses – However, we are not aware of when paid & we can’t escrow !
 - ✓ DP excludes – Allowances like BAH, BAS
 - ✓ DP excludes “normal” retirement deductions – TSP
- ▶ See Title 5 Code of Federal Regulations Part 581



► We accept EIWO from all States

✓ **We established the Kids 1st Program in 2000**

- DFAS develops method for State Child Support Enforcement Agencies to send support orders electronically to DFAS over secure network
 - **First of its kind in the country!**
- In 2004, DFAS Kids 1st file layout served as the model for the electronic Income Withholding Order (eIWO) program
- Developed in coordination with DFAS, Federal Office of Child Support Enforcement (OCSE), and the states.

► 2014 – President Obama signed bill mandating all States implement eIWO by Oct 2015





► Income Withholding Order (IWO) – (42 U.S.C. 659)

- ✓ This order is separate from the order establishing the obligation and may be issued by a court or administrative body
- ✓ Best method to use to collect child support

► Uniformed Services Former Spouses' Protection Act

- ✓ No withholding language necessary. Former Spouse submits divorce decree or other order that establishes obligation
- ✓ Only available for Military Retirees





► Statutory Involuntary Allotment – (42 U.S.C. 665)

- ✓ Must be initiated by “authorized official”
- ✓ Only Available for Active Duty Military
- ✓ Have to be 2 months in arrears before you can use
 - Regulations require that when using the involuntary allotment, the child support office must send a copy of the underlying court order.
 - See 32 C.F.R. Part 54 for detailed instructions.





► Voluntary Allotment (VA):

- ✓ Voluntary allotments can be set up by the member to pay a support obligation
- ✓ Commands will tell members to set up a VA to pay their dependents
- ✓ A voluntary allotment is completely under the member's control and can be started, stopped or amended, at will by the military person
- ✓ Only Active Duty members can set up VA in the current pay system (Reserve/Guard members can't establish a VA)
- ✓ These are not within our control (GLD)





- ▶ Where to Send Income Withholding Orders (IWOs) for Military and Civilian Personnel
 - ✓ Income withholding orders for military personnel (active, reserve, guard, retired) and civilian personnel working for DoD or other federal agencies serviced by DFAS should be sent to the DFAS office in Cleveland, Ohio:

DFAS Cleveland
DFAS-HGA/CL
P.O. Box 998002
Cleveland, OH 44199-8002
 - ✓ Instead of mailing the income withholding order, you may fax it to:

DFAS Fax Gateway, toll-free: 877-622-5930
- ▶ Do not send the **National Medical Support Notice**, underlying court orders, or requests for verifications of employment to the DFAS Cleveland post office box address or fax numbers



■ When a Federal Employee/Reservist (National Guard) Member is Called to Active Duty

- ✓ If a reservist is called to active duty, DoD does not submit a new hire report for this person
- ✓ If a civilian employee, who is in the reserves and working for the military, is called to active duty and DFAS already has an income withholding order on file, DFAS will roll the withholding over to the employee's military pay
- ✓ If the employee works for another federal agency or a private company, the state should issue an income withholding order to DFAS





► What Happens to the Income Withholding Order When the Military Member Retires

- ✓ When a military member with an income withholding order for child support retires, the order automatically attaches to the retirement pay (pension) of that member most of the time.
- ✓ There may be a 60-day delay in payments being restarted.
- ✓ If the child support office needs confirmation, it should contact DFAS as to why the child support payment has stopped.
- ✓ DFAS will confirm the reason for the stop and take any appropriate action



How to Read an LES



DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNING STATEMENT									
ID	NAME LAST FIRST, MI	SSN	GRADE	PAYDATE	YRS SVC	ETS	BRANCH	ADSN DSSN	PERIOD COVERED
	HARRIS, THOMAS C.	012-34-9999	E-4	820130	15	311204	ARMY	5570	1-31 JAN 03
	1	2	3	4	5	6	7	8	9
	ENTITLEMENTS 10		DEDUCTIONS 11		ALLOTMENTS 12		SUMMARY		
	TYPE	AMOUNT	TYPE	AMOUNT	TYPE	AMOUNT	+AMT FWD	.00	13
A	BASE PAY	2175.30	FED TAXES	179.35	BOND #01	50.00	+TOT ENT	3046.83	14
B	BAH	643.37	FICA-SOC SEC	134.87	BOND #02	50.00			
C	BAS	228.16	FICA-MEDICARE	31.54	CFC ALLOT	3.00	-TOT DED	1434.97	15
D			STATE TAXES	78.87	AER ALLOT	3.00			
E			SGLI FOR 200,000	17.00					
F			AFRH	.50			-TOT ALMT	106.00	16
G			MID-MONTH-PAY	992.84					
H									
I							=NET AMT	1505.86	17
J									
K									
L							-CR FWD	.00	18
							=EOM PAY	1505.86	19

Entitlements = Gross Pay.

Allotments are funds directed for a specific purpose by a member



Second example of LES with Garn Deductions showing



```

      DJMS LES ONLINE INQUIRY SYSTEM                      (JLED 1)
      LES-HISTORY DISPLAY
      (PERSONAL DATA - PRIVACY ACT OF 1974)

NAME:  CA [REDACTED]          SSAN: [REDACTED]          GRADE:  E5
YEARS-SVC: 12      BRANCH: AF      ADSN/DSSN: 4996      PERIOD: 1-30 JUN 22

      ENTITLEMENTS          DEDUCTIONS          ALLOTMENTS

BASE PAY          3704.40  FEDERAL TAXES          723.24
BAS              406.98  FICA-SOC SECU          229.67
BAH               .30   FICA-MEDICARE           53.71
BAH             1790.70  SGLI                 25.00
ADVANCE DEBT      272.22  PARTIAL PAY          2300.00
STATUS DET       3037.33  CURRENT SPT/C        315.00
                                STATUS DET           .00
                                TRADITIONAL T        185.22

TOT-ENTS          9211.93  TOT-DEDS             9211.93  TOT-ALTS             .00
AMT-FWD           .00   NET-AMT              .00   CR-FWD              .00
EOM-PAY           .00   TOT-ENT-YR          35608.80  TOT-DED-YR          4829.29

PF3 = EXIT  DJMS LES/CICS SYSTEM          PF7 = SCROLL-BACKWARD
PF4 = RTN TO LES MENU SCREEN              PF8 = SCROLL-FORWARD
PF5 = RTN TO LES HISTORY REQ/SEL SCREEN    PF9 = PRINT REC/END DISPLAY

```

First month deduction



Third example of LES with 2nd month Garn showing



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                                DJMS LES ONLINE INQUIRY SYSTEM                                (JLED 1)
                                LES-HISTORY DISPLAY
                                (PERSONAL DATA - PRIVACY ACT OF 1974)

NAME: [REDACTED]                SSAN:                GRADE:  E5
YEARS-SVC: 12    BRANCH: AF      ADSN/DSSN: 4096      PERIOD: 1-31 AUG 22
ENTITLEMENTS                DEDUCTIONS                ALLOTMENTS

BASE PAY          3704.40    FEDERAL TAXES          361.62
BAS              406.98    FICA-SOC SECU           229.67
BAH               .30    FICA-MEDICARE            53.71
BAH             1790.70    SGLI              25.00
                                CURR PAY RELE        315.00
                                CURRENT SPT/C         315.00
                                TRADITIONAL I         185.22
                                PRIOR SPT/COM         -315.00

TOT-ENTS          5902.38    TOT-DEDS          3536.30    TOT-ALTS          .00
AMT-FWD           .00    NET-AMT           2366.00    CR-FWD           .00
EOM-PAY           2366.00    TOT-ENT-YR       47413.56    TOT-DED-YR       6811.95

PF3 = EXIT  DJMS LES/CICS SYSTEM                PF7 = SCROLL-BACKWARD
PF4 = RTN TO LES MENU SCREEN                    PF8 = SCROLL-FORWARD
PF5 = RTN TO LES HISTORY REQ/SEL SCREEN          PF9 = PRINT REC/END DISPLAY

```

Prior month deduction
and disbursed amount. "-"
and "+" cancel out.

Deduction for current month





► DoD Pay Tables and How to Read a Leave and Earnings Statement (LES)

✓ <http://www.dfas.mil/dfas/militarymembers.html>



- ▶ Other Child Support Challenges
- ▶ Rula Raphael



Challenges to Child Support Collection



- ▶ **Multiple obligations – limited funds for each order**
 - ✓ DFAS must allocate available funds
- ▶ **Disposable Pay vs. Gross Pay**
 - ✓ Allowances not part of disposable pay
 - ✓ Taxable vs. non-taxable pay
- ▶ **Collection from annual bonus payments**
 - ✓ DFAS cannot 'catch' first annual payment
- ▶ **Payments issued with normal pay and disbursement cycles**
 - ✓ Payments are issued biweekly for civilian employees, and monthly for active duty and retirees.
 - ✓ For active duty members $\frac{1}{2}$ is withheld mid-month and $\frac{1}{2}$ at end of month. Pay office will deduct as much as possible from the first pay in a month for a reservist.



- ▶ **Multiple orders for same obligation:** In cases where we have been honoring an income withholding order from one agency/court and then we are served with a more recent withholding order from a different agency/court for the same obligation, we will honor the most recent order.
 - ✓ This is true even when the orders are from different States.
 - ✓ The custodial parent/obligee and the child(ren)'s names should appear on each order.
- ▶ **Multiple orders for different obligations:** We will try to honor both obligations in full.
 - ✓ If there is not enough disposable earnings to satisfy both obligations in full, different rules apply depending on the nature of the obligations and priority rules.
- ▶ **Allocation** – When DFAS receives a second or subsequent order, we must allocate payments between the orders especially when the obligor's disposable pay is insufficient to pay all ordered amounts.





► For IV-D Cases Administered by a CSEA

- ✓ The obligor must obtain a new order from the CSEA to stop or reduce payments.

► For non-IV-D Cases Direct to the Obligee

- ✓ We will review requests to stop or reduce payments on a case by case basis.
- ✓ This includes requests to terminate withholding because the support obligation is being deducted from another pay source, or because the support obligation has ended due to
 - Emancipation
 - Adoption of the child, or
 - Change of legal custody, etc.





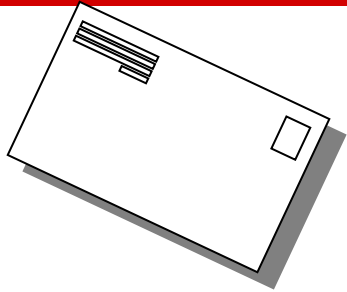
► Defense Enrollment Eligibility Reporting System (DEERS)

- ✓ The database of information on uniformed service members (sponsors), families, and others.
- ✓ The DEERS office issues ID cards
- ✓ Must be registered in DEERS to get TRICARE
 - Military members and retirees are automatically registered
 - Military members and retirees must register their dependents
- ✓ Documentation required to add, delete, or update DEERS
 - Family members can update contact information once registered

► Must contact DEERS and/or TRICARE directly

- ✓ <https://www.tricare.mil/DEERS>
- ✓ <http://www.dmdc.osd.mil/rsl/owa/home>
- ✓ DMDC Support Office: 800-538-9552





Send garnishment orders to:
DFAS Office of General Counsel
Attn: Garnishment Law Directorate
P.O. Box 998002
Cleveland, OH 44199-8002

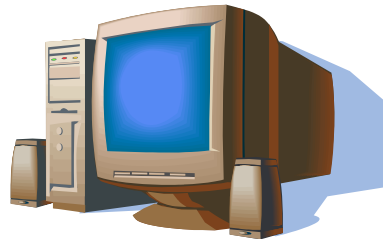


Customer Service: 1-888-332-7411

Fax Gateway: 1-877-622-5930

Website: <http://www.dfas.mil/>

(click on the Garnishment link under the Quick Links Section)



Questions?

