

Working with the Military A Guide for the Child Support Association

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





Agenda

- **DFAS Garnishment Law Directorate – Our mission, customers, & types of cases we process**
- **Child Support Establishment Challenges**
- **Service of Process**
- **Enforcement of Child Support Obligations**
- **Reading an Leave and Earning Statement**
- **Other Child Support Challenges**
- **DEERS and TRICARE**



DFAS Garnishment Law Directorate 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/ Garnishment Variety

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



DoD POLICY

“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



ESTABLISHMENT CHALLENGES

FINDING A MEMBER

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

Single Record Request

Use this page to request a Certificate verifying Active Duty Status for an individual on a specified date.

***SSN is NOT required. Unless you are a financial institution or otherwise required to collect SSNs, you should not require individuals to provide you with their SSN for the sole purpose of conducting a query on this website. Searches can be conducted using Name and Date of Birth alone. Providing additional details such as First Name, Middle Name, or SSN, if already known, will increase the accuracy of the match.**

SSN Input

SSN



☐ Show

Repeat SSN

☐ Show

*Birth Date

☐ Show

MM/DD/YYYY(e.g. 09/16/2012)



Establishment Challenges

Finding a Member

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.



Establishment Challenges

Finding a Member

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



➤ How to Access the Portal

- 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



Establishment Challenges

Finding a Member

- 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

- 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 of Process (cont'd)

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 are not responsible for actual service; they 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



Establishing an Order

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- 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)



Allowances (not garnishable)

- BAH (Basic Allowance for Housing) – Amount increases with Rank
 - ✓ BAH are set up as auto payments to landlords in many situations.
- Housing allowances include
 - ✓ Basic Allowance for Housing (BAH),
 - ✓ Overseas Housing Allowance (OHA)
 - ✓ Family Separation Housing (FSH) Allowance.
- Entitlement eligibility is subject to specific conditions defined in the Financial Management Regulations.
(Vol 7a Chapter 26)



Allowances cont. not garnishable

- BAS (Basic Allowance for Subsistence) 2 types
 - ✓ Enlisted BAS in the monthly standard rate that is payable to enlisted members unless they qualify for BAS II.
 - ✓ BAS II Monthly rate that is payable to enlisted members on duty at a permanent station and assigned to single Government quarters, which do not have adequate food storage or preparation facilities and where a Government mess is not available.
 - ✓ Depending on branch of service, rate may be computed by location.



Calculating Disposable Pay

The type of garnishment action determines how Disposable Earnings is calculated. Generally: Disposable Earnings =

Gross Pay Minus Authorized Deductions

- For Child Support Cases Pays include:
 - ✓ all “Pay Items” – Base Pay and Special Pays
 - ✓ includes bonuses – However, we are not aware of when paid & we can’t escrow !
- excludes – Allowances like Basic Allowance for House and Substinence.
- excludes “normal” retirement deductions – TSP
- ❖ See Title 5 Code of Federal Regulations Part 581



Special Pays & Bonuses

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Included in computing disposable pay.

➤ 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



EIWO & Kids 1st

- 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



Methods for Collecting Child Support

There are 3 different methods available for a custodial parent to receive support (child support and/or alimony) through DFAS.

- ✓ 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.

- ✓ Provides the state maximum withholding (up to 65% depending on the state.)
- ✓ Can withhold for support arrears
- ✓ No waiting period
- ✓ Applicable for all types of pay (civilian/military/military retirees)
- ✓ Best method!



Methods of Collecting Child Support

2nd Method

✓ Uniformed Services Former Spouses' Protection Act

No withholding language necessary. Former Spouse submits divorce decree or other order that establishes obligation

- This method does not require an IWO. It does **require the member to be a military retiree** receiving non-disability pay, the parties are either legally separated or divorced and the court order must provide a support obligation.
- The CP submits the court orders and an application form requesting the support entitlement. Unless the court order specifically states the support payments be remitted through the SDU, the former spouse may receive the payments directly.

❖ Drawbacks/limitations include: Member requires 30-day notice prior to starting deductions, deductions cannot exceed 50% of the member's retirement pay, arrears must be included in submitted court order.



Methods for Collecting Child Support

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3rd Method

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.
 - ✓ This method is only authorized against Active Duty Military members. Reserve/Guard, civilians and military retirees are excluded from this process.
 - ✓ This is the least favorable method.
- ❖ It is a very old method of collecting support from the military and was in place prior to the IWO process



Methods for Collecting Child Support

4th Method

➤ Voluntary Allotment:

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



When EIWO is Unavailable

- 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.



Status Changes of Members

- A Federal Employee/Reservist (National Guard) Member can be 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, and 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



Status changes of Members cont.

- 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



Status changes of Members cont.

- When a military member with an income withholding order for child support is dually employed (military reserve/guard and civilian)
 - ✓ We will move the garnishment from one pay to another as needed.
 - ✓ 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 and Leave and Earning Statement

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-6	820130	15	311204	ARMY	5570	1-31 JAN 03	
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				
D			STATE TAXES	78.87	AER ALLOT	3.00	-TOT DED 1434.97 15			
E			SGLI FOR 200,000	17.00						
F			AFRH	.50			-TOT ALMT 106.00 16			
G			MID-MONTH-PAY	992.84						
H							=NET AMT 1505.86 17			
I							-CR FWD .00 18			
J							=EOM PAY 1505.86 19			
K										
L										

Entitlements = Gross pay

Allotments are funds directed for specific purpose by member.



Second Example: LES with Garn Deductions

DJMS LES ONLINE INQUIRY SYSTEM				(JLED 1)
LES-HISTORY DISPLAY				
(PERSONAL DATA - PRIVACY ACT OF 1974)				
NAME:	CASTILLEJA TATE MIKEL	SSAN:	627308992	GRADE: E5
YEARS-SVC:	12	BRANCH:	AF	ADSN/DSSN: 4096
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



Third Example: LES with 2nd month Garn

DJMS LES ONLINE INQUIRY SYSTEM (JLED 1)				
LES-HISTORY DISPLAY				
(PERSONAL DATA - PRIVACY ACT OF 1974)				
NAME:	CASTILLEJA TATE MIKEL	SSAN:	627308992	GRADE: E5
YEARS-SVC:	12	BRANCH:	AF	ADSN/DSSN: 4096
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 T	185.22	
		PRIOR SPT/COM	-315.00	
TOT-ENTS	5902.38	TOT-DEDS	3536.30	TOT-ALTS .00
AMT-FWD	.00	NET-AMT	2366.08	CR-FWD .00
EOM-PAY	2366.08	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



On-line Resources for Help With LES

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DoD Pay Tables and

<https://www.dfas.mil/militarymembers/payentitlements/Pay-Tables/PayTableArchives/>

How to Read a Leave and Earnings Statement (LES)

<https://www.dfas.mil/MilitaryMembers/payentitlements/aboutpay/>



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.
 - ✓ Monthly for all military members; active, reserve duty, guard duty and retirees.
 - ❖ For active duty members $\frac{1}{2}$ is withheld mid-month and $\frac{1}{2}$ at end of month.
 - ❖ Reserve/Guard Pay system will deduct as much as possible from the first pay in a month.



Multiple Orders

- **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, we will compute an allocation.



Multiple Orders cont.

- **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.
- Withholding rules are applied depending on the nature of the support obligations and priority rules.
 - ✓ Example: current support takes priority over withholding for arrears.



Termination or Modification of Child Support

- **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.



MEDICAL COVERAGE (DEERS AND TRICARE)

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➤ 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



Contact Information
Send ALL 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*
- ✓ *When link opens, select “Contact us” and select “submit a ticket”.*



ACRONYMS REFERENCE

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BAH = Basic Allowance for Housing

BAS = Basic Allowance for Subsistence

DFAS = Defense Finance and Accounting Service

DOD = Department of Defense

DOE = Department of Energy

DVA - Department of Veterans Affairs

EIWO = Electronic Income Withholding Order

FS = Former Spouse

FSH = Family Separation Housing

GLD = Garnishment Law Directorate

HHS = Department of Health and Human Services

LES = Leave and Earning Statement

MSC = Military Sealift Command

OHA = Overseas Housing Allowance

USFSPA = Uniformed Services Former Spouses' Protection Act

SBP = SBP = Survivor Benefit Plan

USAGM = US Agency for Global Media (formerly Broadcasting Board of Governors)



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