



## **The Child Support Enforcement Program**

The Child Support Enforcement (CSE) Program is a federal, state, and local effort to establish paternity and to collect child support from parents who are legally obligated to pay. State enforcement programs locate absent parents, establish paternity when necessary, establish and enforce support orders, and collect child support payments. The CSE program is usually administered through state and county social services departments. The state where the mother and child reside is usually the most appropriate forum to handle the paternity case.

If a state does not have jurisdiction over the alleged father, the mother may not be able to get a court order for child support. However, if the alleged father is finally determined to be the father by a court, and the court requires the payment of back-child-support, the military member father may have to pay for back-support without the benefit of with-dependent-rate BAQ. Therefore, it may be advisable for a father to consent to the jurisdiction of a court early in the paternity process, so that the member can claim the child as a dependent and use the with-dependent-rate BAQ to assist in child support.

### **What is Army Policy Regarding Paternity?**

Army members are expected to provide adequate financial support to family members. In the case of paternity, support is required where:

- Valid proof of paternity has been established through a court order, or
- An Army member voluntarily acknowledges paternity.

A service member has no legal obligation to provide financial support to a child born out of wedlock unless the mother gets a court order that identifies him as the father and directs payment of financial support.

A service member may voluntarily admit paternity and agree to provide financial support. However, the alleged father must be aware that by voluntarily accepting paternity, he will be financially liable for the child until that child turns 18 or older (depending on state law). An alleged father should see an attorney before making a voluntary admission of paternity.

If the service member is receiving BAQ at the with-dependent rate based solely on the voluntary admission of paternity, and fails to provide such financial support, the appropriate finance and accounting office will be informed, resulting in termination of BAQ entitlement at the with-dependent rate. Additionally, the Army will recoup the with-dependent rate BAQ received by the member during periods of non-support.

In the absence of a court order or voluntary admission, the Army will not require the service member to support a child born out of wedlock. Requests for assistance should then be referred to the child support enforcement agency in the state where the child resides or to a civilian attorney.

### **What About Garnishment and Allotment?**

There are two primary methods of involuntarily collecting military pay from a military member for child support based on a court order:

1. *Garnishment of Military Pay*: Federal law authorizes the garnishment of pay of members to enforce child support orders in accordance with state law. Many states will automatically require payment by garnishment in the child support order. Unless state law specifies a lesser amount, federal law provides a limit of fifty percent of the member's aggregate disposable earnings for any workweek if the member is currently support a second family (spouse or child) and sixty percent if the member is not supporting a second family.
2. *Statutory Allotments for Child Support*: Federal law authorizes allotments from military pay to satisfy child support obligations. Statutory allotments may be initiated when child support payments are at least two months outstanding. The allotment is initiated by furnishing DFAS-Cleveland with a written notice from a court or state agency administering the child support program under Title IV-D of the Social Security Act. Allotment cannot exceed fifty percent of a member's pay and allowances if the member is supporting a second family. If the member is not supporting a second family, the allotment may not exceed sixty percent. After DFAS receives the request, DFAS notifies the member's commander. The commander will then notify the member. The member will have thirty days to cure the outstanding child support payments or the DFAS will implement to the allotment.

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***Establishing Paternity*** is distributed by the Camp Zama Legal Assistance Office, located in Building 101, Room CE209. Our office hours are 0830 to 1630 Monday, Tuesday, Thursday and Friday. On Wednesday, our hours are 0830 to 1200. You may call for an appointment at DSN 262-4698/ commercial 046-407-4698.