



## VSB MLS SAILOR LEGAL READINESS SUPPORT

### Navy Family Support Obligations

### MILPERSMAN 1754.030



*“The Navy will not act as a haven for personnel who disregard or evade obligations to their legal family members. All members shall provide adequate and continuous support for their lawful family members and comply fully with the provisions of separation agreements and valid court orders”*

**Strong words but: The Department of the Navy is neither vested with the statutory authority nor in possession of the facilities to adjudicate matters that are of a purely civil nature.**

This section of the MILPERSMAN is not a regulation or instruction with punitive authority that would allow the Navy to order payment of support. **The Navy cannot order a servicemember to pay support or an obligation to any individual or company.** Punishment for non-support in the navy usually results in a reduction of income.

The Navy provides a support scale to be used as a **guide** until such time as a mutual agreement is reached or a court order obtained. Gross pay as used in the guide includes basic pay and basic allowance for housing if entitled, but does not include hazardous duty pay, sea or foreign duty pay, incentive pay, or basic allowance for subsistence. Commands should be cautious of encouraging the use of the guide amounts for support. Once support at a certain level is initiated it may be difficult to change. A servicemember paying the 3/5ths as recommended by the guide would be hard pressed to explain to the court that he could not afford the payments. This is especially in light of the fact that the spouse/parent may have incurred contractual obligations for child care and housing based upon that amount.

The bottom line on family support is that it is a uniquely personal and civil matter that should be resolved by the parties and turned into a court order for enforcement. It is always best to reach a mutual agreement on support to avoid the problems of command or court involvement. Courts may or may not rule in what you feel is your best interest. The primary concern for the Court is the best interests of the child guided by the laws of the state. And for the spouse the concern is the obligations as determined by the history of the marital relationship and the laws of the state.

As a general rule parents should always pay support for their legal children. If a servicemember does not know that the child is his a DNA test is the best way to make this determination. Once made, the choice is to voluntarily make support, get a court order or wait for the State or mother to bring a civil action for support. In Virginia the code section for child support is 20-108.2. The formula is simple and easy to determine the total amount of support due. Step children are not legally the financial responsibility of the stepparent.

Courts may award spousal support based upon the circumstances of the marriage. In cases of short marriages under five (5) years, there will rarely be an award or permanent support.

The bottom line is that deployment servicemembers should have unresolved support matters reviewed by a legal assistance attorney prior to deployment. It may take months to resolve contested support matters to allowing 120 days or more to address this matter is wise.