



# 43 AMOG/JA



## ***JAG FACTS***

### **AIR FORCE FAMILY SUPPORT OBLIGATIONS**

#### 1. **GENERAL:**

AFI 36-2906, *Personal Financial Responsibility*, Chapter 4 provides rules and guidance on family support, child custody and paternity. The regulation is punitive and requires Airmen and commanders to pay strict attention to its provisions. Airmen and commanders with questions about the applicability of the regulation should contact their servicing Judge Advocate immediately.

#### 2. **AIR FORCE INSTRUCTION 36-2906:**

a. The Air Force recognizes that Airmen have an obligation to support their family members, whether the Airman is separated, divorced, or has custody of a family member. AFI 36-2906 formalizes this requirement and provides specific guidance to commanders and Airmen in cases where there is no court order or other written support amount. AFI 36-2906 is punitive. Airmen who violate a support obligation may be subject to administrative or UCMJ Action. AFI 36-2906 requires that Airmen comply with all court orders. Failure to comply with a court order may result in sanctions by the court, assessment of arrearages, and may be a basis for a lawful order from a commander to comply. If there is a written support agreement between an Airman and a family member, the Airman must comply with the terms of the agreement. If the Airman subsequently divorces, the written agreement is not enforceable unless it was incorporated into the divorce.

b. If there is no court order or written agreement, Airmen must support family members in accordance with AFI 36-2906, Chapter 4. Normally, Airmen must pay a share of their Non-locality BAH, at the With Dependant Rate, to each family member. The amount of Non-locality With Dependant Rate is show in the table at the end of this Article.

3. **CALCULATIONS:** The “total number of supported family members” in the denominator (bottom) in the fraction below includes all family members (regardless of residence) except the following:

a. An Airman’s Former spouse, regardless of whether the Airman is providing financial support to the former spouse.

b. An airman’s present spouse, who is on active duty in one of the military services, unless financial support is required by court order or written financial support agreement.

c. A family member for whom the airman is not required to provide financial support for which the Airman has been released by his or her commander from the regulatory requirements to provide financial support.

$$\text{Pro-rata share} = \frac{1}{\text{Total number of supported family members}} \times \text{Applicable Non-locality BAH rate}$$

4. **EXCEPTIONS:**

a. Exceptions to the support requirement exist when the airman is married to an airman or the airman has multiple family units (a spouse and children reside here but children from a previous relationship reside elsewhere). Also, there are exceptions from the support requirement where the airman is a victim of abuse by the family member or the family member’s income exceeds that of the airman. The exemptions are case specific and before requesting or granting an exemption commanders and airmen should contact their servicing Judge Advocate or Legal Assistance Office.

b. While an airman’s family members are residing in Government family housing, the airman is not required to provide additional financial support. When the supported family member(s) move(s) out of Government family housing the Airman will provided BAH at the Non-locality, with dependents rate.

5. **COMMANDER’S RESPONSIBILITIES:** Chapter 4 of AFI 36-2906 obligates commanders who receive inquiries about support to reply to the inquiry. All inquiries require a response informing the requestor of the response to the commander’s counseling session with the airman. Commanders should refer AFI 36-2906 and contact their serving Judge Advocate when replying to inquiries to ensure required information is provided. Commanders must be wary of information release restrictions and response times.

2021 NON-LOCALITY BAH RATES\*

GRADE	BAH RC/T WITH DEP	GRADE	BAH RC/T WITH DEP
E-1	\$752.10	O1E	\$1,197.60
E-2	\$752.10	O2E	\$1,295.70
E-3	\$788.70	O3E	\$1,436.10
E-4	\$848.40	O-1	\$1,020.30
E-5	\$976.20	O-2	\$1,140.30
E-6	\$1,084.50	O-3	\$1,335.90
E-7	\$1,173.90	O-4	\$1,614.60
E-8	\$1,264.80	O-5	\$1,831.80
E-9	\$1,371.60	O-6	\$1,900.20

\*The DFAS web site at <http://www.dfas.mil/> also has the current and pay years BAH rates.

6. **QUESTIONS:** Airmen with questions concerning their family support obligations should contact their Legal Assistance Office – 910-394-2341, Air Force Commanders should contact 43 AMOG/JA Military Justice Department at 910-394-1662.

**Updated July 2021, 43 AMOG/JA Legal Assistance Office 910-394-2341. This handout is not intended to take the place of legal advice from a Judge Advocate. Please contact the 43 AMOG/JA for questions and further information.**