



**Arkansas Army National Guard  
Office of Legal Assistance  
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Legal Assistance Website: <https://arkansas.nationalguard.mil/Home/JAG-Legal/>  
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**Provide Feedback**

## **Non-Support of a Dependent or Ex-Spouse**

- 1. The information contained in this Memorandum is for informational purposes only and is not intended to supplant legal advice provided by the Division of Legal Assistance. This Memorandum does not, nor should it be construed, as establishing an attorney-client relationship. If you need legal assistance, please contact the Division of Legal Assistance at the telephone number above.**
2. If you claim that a soldier is not properly supporting his or her legal dependents, you may contact their Commanding Officer to inform them of the situation. Enclosure 1 is a sample letter to mail to the Soldier's Commanding Officer.
3. You can obtain the current mailing address of the unit at the soldier's hometown unit armory Family Assistance Center. You should expect a delay of at least thirty days plus mailing time both ways before receiving a reply. If the unit is in the process of moving (such as from hometown to Fort Hood, or from Fort Hood to southwest Asia) then there will likely be an additional delay.
4. The Commanding Officer will follow Army Regulation 608-99. This is the regulation that applies to support of dependents. You can download and print a free copy of this regulation on your own personal computer at [https://armypubs.army.mil/ProductMaps/PubForm/Details.aspx?PUB\\_ID=1020900](https://armypubs.army.mil/ProductMaps/PubForm/Details.aspx?PUB_ID=1020900). If you wish the Army to furnish you a personal copy, you must write: U.S. Government Printing Office, 732 N. Capitol Street, NW, Washington, DC 20401. Personnel at the National Guard armory are not allowed to use government computers to print you a personal copy of the regulation.
5. If you have a court order for a soldier to pay child support, you should review the information at the Defense Finance and Accounting System (DFAS) on your personal computer or at any public library at <https://www.dfas.mil/Garnishment/html/>. This website provides you with information that you, your attorney, or the local child support office will need to properly garnish military pay under a valid wage withholding order. The people at the local armory do not have any control over military pay.

**SAMPLE LETTER TO PROVIDE TO UNIT COMMANDER  
NONSUPPORT FROM SOLDIER WHEN THERE IS NO COURT ORDER**

Return Address  
Date  
Telephone Number

Commanding Officer  
Name of Unit  
Unit Address

Subject: Demand for amount of basic allowance for housing family financial support

Dear Sir or Ma'am:

I am married to (RANK) (NAME OF SOLDIER). He/she is receiving Basic Allowance for Housing (BAH) based on his/her children and/or me as his/her military dependent(s). He/she is not providing family financial support. There are no court orders or legally binding agreements regarding family financial support, child support and/or alimony.

Under the provisions of Army Regulation 608-99 and the Department of Defense Pay Manual, I respectfully demand that you require (RANK) (LAST NAME OF THE SOLDIER) to pay to me the amount of BAH he/she is obligated to pay in accordance with the regulation. I ask that the payments begin immediately by allotment to the following account \_\_\_\_\_ or using the following pay app \_\_\_\_\_. I am obligated a written response from you as his/her Commander. If you do not require the soldier to make these payments, a written explanation as to your reasons under the regulation, and the name and address of your commanding officer so that I may appeal your decision.

If you have any questions, my daytime telephone number is (XXX)ZZZ-YYYY. My evening telephone number is (XXX)ZZZ-YYYY.

Sir/Ma'am, I know that you are busy commanding your unit. It is (RANK) (NAME OF SOLDIER)'s duty to support his/her military dependents and I am embarrassed that one of your soldiers is neglecting his/her military family member(s) and violating regulatory guidance by failing to support his/her dependents. Please consult with your military legal counsel as to your duties and responsibilities regarding the regulation and your obligation as (RANK) (NAME OF SOLDIER) Commander to ensure compliance.

(OPTIONAL: I also do not wish to deal through a third person. I do not wish to negotiate with his/her (PARENT, GIRLFRIEND, BOYFRIEND, ETC.) to make these payments for him/her. It is his/her responsibility to insure payments are made. It is not my responsibility to negotiate with a third party.)

(OPTIONAL: I also ask that you have his/her noncommissioned officer or other superior monitor these payments to ensure continued compliance.  
Thank you,

(SIGNATURE)  
(TYPED NAME)

This handout is distributed by the Arkansas Office of the Staff Judge Advocate, Office of Legal Assistance as a preventive law service. This document and other helpful information on similar personal legal affairs topics can be found on the office's website located at <https://arkansas.nationalguard.mil/Home/JAG-Legal/>

For more information on this topic or to consult with a legal assistance attorney contact the Arkansas National Guard Office of Legal Assistance at 501-212-5040 to establish eligibility and appointment times.