

## FAMILY SUPPORT DURING PHYSICAL SEPARATION

### Army Regulation 608-99

#### FREQUENTLY ASKED QUESTIONS

Introduction. This document is part of the Redstone Arsenal Legal Assistance Office (LAO) Preventive Law initiative; it is current as of January 2026. It provides general information and is not legal advice. For specific questions about individual matters, contact LAO via email at [usarmy.redstone.amcom.mbx.osja-legal-assistance@army.mil](mailto:usarmy.redstone.amcom.mbx.osja-legal-assistance@army.mil) or telephone at 256-876-9005.

#### **Q1. Does a Soldier owe financial support when a separation occurs?**

A1. Yes. Army Regulation (AR) 608-99, ch. 2-1 and 2-7(a)(3) require Soldiers to provide financial support to their family when geographically they are separated or if one spouse leaves the residence.

#### **Q2. How much does a Soldier owe?**

A2. In the absence of a court order or an agreement between spouses, a Soldier must pay a “pro-rata share” of support to each family member. The total support amount is based on rank and is found at the intersection of the rank row and the “With Dependents” column on the [Non-Locality BAH Rates<sup>1</sup>](#) chart, called “BAH RC/T – WITH” in AR 608-99, ch. 2-6. E.g. in 2024, the E6 BAH RC/T – WITH rate is \$1419.30. The chart changes each year and is different than the BAH for a specific duty station.

The total support amount is then divided by the number of supported family members to determine the amount each person receives. It is common for the total support amount, i.e. spouse’s and child(ren)’s pro-rata shares, to go to the non-military spouse if the child(ren) are residing with them.

#### **Q3. What is Enhanced Interim Financial Support (EIFS) for spouses?**

A3. Per AR 608-99, ch. 2-6(f)(1), Enhanced Interim Financial Support (EIFS) is meant to address expenses that arise at separation (e.g. moving costs) or when the time to obtain a court order is prolonged due to lack of access courts with jurisdiction over the marriage (e.g. stationed OCONUS). EIFS belongs to the civilian spouse and is in addition to their pro-rata share.

EIFS is 25% of the BAH RC/T – WITH amount. If either spouse has access to a court with jurisdiction over the marriage, i.e. if they can file for divorce in a state, the civilian spouse receives one EIFS payment. If no court has jurisdiction over the marriage or no one has access to a court that does have jurisdiction, a spouse receives monthly EIFS until filing is possible. See AR 608-99, ch. 2-6(f)(2).

#### **Q4. What if we live on post/base?**

A4. Those residing in installation housing do not receive BAH RC/T – WITH support, but civilian spouses may receive EIFS. See AR 608-99, ch. 2-6(d)(2).

#### **Q5. What if we are dual military?**

A5. Under AR 608-99, ch. 2-6(d)(4), active duty spouses do not receive support payments. If a Soldier does not have custody of any children and their family resides off-post/base, they owe the custodial spouse BAH-DIFF. If the situation is the same, but their family lives on-post/base, the Soldier does not owe support. If a Soldier has custody of some of the children, they do not owe payments to the spouse who has the other child(ren).

#### **Q6. What if a court order is in place?**

A6. A Soldier pays the court-ordered spousal or child support amount(s).

<sup>1</sup> Non-locality BAH rate chart is accessed in the Supplemental Documents section roughly halfway down the webpage.

**Q7. What if we have our own agreement?**

A7. AR 608-99, ch. 1-7(d), says regulatory support is intended to be a temporary measure until a court order is issued or an agreement is reached. An agreement may be either oral or written, but we strongly recommend a written agreement signed by both spouses so there is no ambiguity about the amount or frequency of payments, etc. Informal writings like text messages are insufficient.

**Q8. I am paying for the bills. Do I still owe the full BAH RC/T – WITH amount?**

A8. It depends. If a Soldier is paying their family's rent, mortgage, rental or home insurance, or utilities, these "in-kind" payments may be deducted from the monthly support obligation, but cannot be deducted from EIFS without the spouse's written approval.

In-kind payments do not include things like mobile phones, internet, groceries, or car payments without a family members' written approval. See AR 608-99, ch. 2-9(d) and (e). As such, absent that approval, a Soldier does not have to continue paying those expenses to comply with AR 608-99.

**Q9. When do payments start?**

A9. Under AR 608-99, ch. 2-8 and 2-9(b), payment must be made not later than the first of the month following the month to which the financial support pertains, including partial months. Example: an O3 Soldier and spouse live in town. O3 leaves their home on 28 March 2024. Her BAH RC/T – WITH amount is \$1,747.80/month; EIFS is \$436.95. She must pay 3 days of support\* and EIFS by 1 April (\* $\$1747.80 \div 31 \text{ days} = \$56.38 \times 3 \text{ days} = \$169.14$ ). She must pay her spouse the full \$1,747.80 by 1 May.

**Q10. Are there exceptions?**

A10. Excluding court orders or spousal agreements, there are no exceptions for child(ren)'s share(s).

There are exceptions for spousal support, but a Soldier must request release from a Battalion-level Commander and the Commander must approve the request. Instances where a Commander may release a Soldier include a spouse's income exceeding the base pay of a Soldier, the Soldier was the victim of substantial abuse by the spouse, the Soldier provided spousal support for at least 18 months, or fundamental fairness requires release. See AR 608-99, ch. 2-13(d) for a comprehensive list. Adultery, desertion, or other marital misconduct by a spouse does not on its own excuse the Soldier from financial support. See AR 608-99, ch. 2-6(a).

**Q11. What if a Soldier is not making support payments?**

A11. Try resolving things directly with the Soldier. Family members may contact the Soldier's Commander. Commanders are then obligated to look into the matter and respond in a reasonable amount of time. A preliminary inquiry or administrative investigation may occur. See AR 608-99, ch. 3.

**Q12. Can a Commander order payments?**

A12. Yes, and must if they determine a Soldier is not complying with AR 608-99. See ch. 3-4(a)(3).

**Q13. What about "arrearages"?**

A13. Arrearages are past-due payments. A Commander may not order Soldiers to pay arrearages but can take action under UCMJ Art. 92 if a Soldier fails to pay support when it is due.

**Q14. Is AR 608-99 punitive?**

A14. Yes. A Soldier may be subject to punishment under the UCMJ for failing to provide support, including for not providing support when it was originally due. See AR 608-99, ch. 2-5(c).