



Legal Assistance Office  
Office of the Staff Judge Advocate

Lewis Main Post  
Building 2027  
Liggett Avenue and North 8<sup>th</sup> Street  
253-477-1875

McChord Airfield  
Suite 1096  
100 Col Joe Jackson Blvd  
253-982-5513

## **Spousal Support under Army Regulation 608-99**

### **1. My chain of command told me to go to legal assistance to find out how much I need to pay my spouse. How much do I need to pay my spouse?**

Army Regulation 608-99 requires that Soldiers support their dependants. This is a fairly complicated question that can only be answered during a legal assistance appointment. The amount due to a spouse during a separation varies greatly depending on a number of factors. You should schedule a legal assistance appointment with an attorney so that the amount you are required to pay can be accurately determined.

### **2. My chain of command told me to get a memorandum stating how much I have to pay my spouse.**

The legal assistance office does not provide memorandums detailing a Soldier's support obligations unless exceptional circumstances exist. Legal assistance attorneys represent the Soldier, not the command. The duty to determine the amount a Soldier is required to pay in support is a command function. If the command is unable to determine the amount they have Judge Advocates assigned to them with the regulation. Further, a memorandum from our office could be used against you if you fail to pay as evidence you were aware of the amount and knew of your obligation.

### **3. Why do I have to pay my spouse during separation?**

AR 608-99 mandates that Soldiers support their families. AR 608-99 is a punitive regulation which means that a Soldier who fails to comply with AR 608-99 could be prosecuted under the UCMJ.

### **4. What can I do to help ensure that I do not get in trouble with my chain of command for violation of AR 608-99?**

First, pay your spouse support as ordered. Second, consult with a legal assistance attorney to ensure that you were ordered to pay the correct amount. Third, keep



records to prove that you have been paying support as ordered. Lastly, keep records of any agreement between you and your spouse.

**5. I do not receive BAH, do I still have to pay AR 608-99 support?**

Yes. AR 608-99 does not differentiate between Soldiers receiving BAH and those who live in the barracks. All Soldiers are required to support their dependants.

**6. What if we live in government housing?**

No additional support is required.

**7. What if my spouse is also in the military?**

If the couple is dual active duty military, than the Soldier will not be required to provide support to their spouse absent a court order or written agreement. The Soldier may still be required to provide support for dependent children. Please schedule a legal assistance appointment for more information.

**8. My spouse does not want any support/wants less support, what can I do?**

A written agreement for an amount that is different than the regulatory amount will be binding. If a Soldier and his spouse come to an agreement that is different than the regulatory amount they can write out a simple agreement signed by both parties. Oral agreements are very difficult to prove and are non-binding on the command.

**9. There is a court order setting out my support obligations. Which controls, AR 608-99 or the court order?**

The Army understands that the more appropriate place to determine support obligations is in a civilian court. For that reason, AR 608-99 prioritizes court orders over written agreements and the Army support schedule. Court orders are binding on Soldiers under AR 608-99 and failure to pay pursuant to a court order likely violates the regulation.

**10. My spouse cheated on me/lives with another person/abandoned me. Do I have to pay support?**

Yes, unless released as described immediately below.

**11. Is there any way to be excused from paying AR 608-99 support?**

In specific circumstances a Summary Court-Martial Convening Authority (battalion commander) can order support to be lessened or suspended. For all other reasons a Special Court-Martial Convening Authority (brigade commander) must approve release



or deviation from the support requirement. Schedule an appointment with a legal assistance attorney to determine if your support can be lessened or suspended.

## **12. Can I be ordered to pay back support?**

No. Commanders may “encourage” a Soldier to pay back support, but cannot order back support. It is important to note the command could punish a Soldier for their previous failure to provide support.

## **13. Does paying my spouses other expenses count toward support?**

Generally only non-government related housing expenses count as support. Examples include rent, mortgage, property taxes, utilities, and property insurance. Cell phone bills, car payments, credit card payments, and the like do not qualify as valid support payments.

## **14. What can a legal assistance attorney do to help me?**

A legal assistance attorney can verify the amount you are being ordered to pay is correct. A legal assistance attorney can advocate, in writing, to your command to lower the amount when the amount is too high. A legal assistance attorney can assist you in petitioning your battalion or brigade commander to lower the amount of support.