

WHEN JOHNNY OR MARY COME MARCHING HOME AGAIN: MILITARY PARENTS, PARENTING, SUPPORT & DEPLOYMENT ISSUES

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I. JURISDICTION.

A. **Child Support.** UIFSA, C.R.S. 14-5-201, *et seq*, confers jurisdiction if:

1. Personal service in CO
2. Consent
3. Previously lived in CO with child
4. Previously lived in CO & paid support or prenatal expenses
5. Child lives in CO as result of obligor's acts
6. Child conceived as result of intercourse in CO.

B. **Parenting.** UCCJEA, C.R.S. 14-13-101, *et seq*, confers jurisdiction if CO is child's home state, or emergency, regardless of where respondent served.

II. UNDERSTANDING MILITARY PAY

A. **Regulations.**

1. DOD Financial Management Regulation, chapter 7A, DOD Instruction 7000.14-R (Hereinafter "FMR"). All pay issues except for housing allowances, COLA & Per Diem.
www.defenselink.mil/comptroller/fmr/.
2. Joint Federal Travel Regulations, Volume 1 (Uniformed Service Members) (hereinafter "JFTR") for housing allowances, COLA &

Per Diem. [http://perdiem.hqda.pentagon.mil/perdiem/jftr\(ch1-ch10\).pdf](http://perdiem.hqda.pentagon.mil/perdiem/jftr(ch1-ch10).pdf) (it's a large document and a slow server!)

B. Leave & Earnings Statement (LES) (Attachment 1, Entitlements Section).

1. Base Pay. Affected by pay grade (i.e. rank) & years of service. See current (Attachment 2) & former (back to 1949) pay tables at: www.dfas.mil/militarypay/militarypaytables.html
2. BAH (Basic Allowance for Housing). Eligible if not in military housing. Affected by pay grade, marital status, and locality. See <http://perdiem.hqda.pentagon.mil/perdiem/bah.html> for BAH Lookup (Sample for Colorado Springs at Attachment 3). Types of BAH:
 - a. BAH-With. When married or at least 50% custody.
 - b. BAH-Without. Single and no child.
 - c. BAH-Diff. When paying court-ordered child support. (JFTR, para U10008). See p.2 of pay chart.
3. BAS (Basic Allowance for Subsistence). 2009 Rates (see p.2 of pay chart): Officers \$223.04, Enlisted \$323.87.
4. Overseas (“OCONUS”) Allowances (Includes AK & HI)
 - a. See <http://perdiem.hqda.pentagon.mil/perdiem/>, which includes both a lookup and a chart for each locality and each month.
 - b. Overseas COLA. Depends upon rank, years of service, and no. of dependents. Sample for Frankfurt, Germany at Attachment 4.
 - c. Overseas Housing Allowance (OHA). Reduced by 10% if no dependents. Sample for Turkey at Attachment 5.
 - d. Per Diem. Standard on-base incidental per diem is \$3.50 per day.
 - e. Hardship Duty Pay (HDP). FMR, Chapter 17. Typically \$50 - \$150, depending upon location.
5. Deployments.

- a. Hostile Fire Pay \$225.
 - b. Family Separation Allowance. \$250 if away from family at least 30 days.
 - c. HDP. \$100 Iraq/Afghanistan
 - d. Per Diem.
6. Other. Jump pay, flight pay, professional pay, annual bonuses, reenlistment bonuses, etc. See FMR or Pay Table.

C. Colorado Law.

- 1. Gross income per C.R.S. 14-10-115 includes all pay & allowances, even if not taxable.
- 2. Impute Income for in-kind benefits. E.g. if servicemember lives in military housing, impute BAH. In re: Marriage of Long, 921 P.2d 67 (Colo. 1996).

III. TEMPORARY FAMILY SUPPORT.

A. Applicability. Physical separation, including deployment, without court order or agreement. Important if servicemember deploys before support order enters.

B. Army

- 1. Army Regulation 608-99.
www.army.mil/usapa/epubs/pdf/r608_99.pdf
- 2. Amounts (para. 2-6):

Civilian spouse/children not in military housing: BAH-II-WITH.

Spouse/children in military housing: None.

Civilian spouse/children not in military housing living separately: Pro rata share of BAH-II-WITH to each.

Military spouse, no children: None

Military spouse, split custody of children: None.

Military spouse with children: BAH-II-Diff.

- 3. No in-kind payments, with limited exceptions (e.g. rent/mortgage or essential utilities). Para. 2-9.
- 4. Relief. Battalion/Squadron commander may relieve soldier of spousal obligation (not children) if civilian spouse has higher income, is in jail, has committed physical abuse against soldier, or

soldier has already paid support per regulation for 18 months.
Para. 2-14.

C. Air Force.

1. Air Force Instruction 36-2906, Personal Financial Responsibility. www.e-publishing.af.mil/shared/media/epubs/AFI36-2906.pdf.
2. Servicemembers "are expected to provide adequate financial support to family members."
3. In-kind payments are allowed.

D. Navy

1. MILPERSMAN 1754-030, Chapter 15, Support of Family Members. www.mfr.usmc.mil/HQ/Chaplains/Instructions/MILPERSMAN%201754-010%20SEA%20LEGS%20FAMILY%20SUPPORT%20PROGRAM.pdf.
2. Amounts. Support is fraction of sailor's "gross pay" (defined as base pay plus BAH, if entitled, but excludes all other allowances, such as BAS, hostile fire pay, etc).

Spouse only: 1/3

Spouse & 1 minor child: 1/2

Spouse & 2 or more children: 3/5

1 minor child: 1/6

2 minor children: 1/4

3 minor children: 1/3

3. Relief. Servicemember may request waiver of spousal portion only (not children) on grounds of desertion without cause, physical abuse or adultery.

E. Marine Corps.

1. MCO P5800.16A, Marine Corps Manual for Legal Administration, Chapter 15. <http://sja.hqmc.usmc.mil/Pubs/P5800/15.pdf>.
2. Amount. Greater of specific dollar amount or a pro rata share of BAH/OHA, up to maximum of 1/3 full gross pay:

- 1 family member:** 1/2 BAH/OHA, minimum \$350 each.
- 2 family members:** 1/3 BAH/OHA, minimum \$286 each.
- 3 family members:** 1/4 BAH/OHA, minimum \$233 each.
- 4 family members:** 1/5 BAH/OHA, minimum \$200 each.
- 5 family members:** 1/6 BAH/OHA, minimum \$174 each.
- 6 or more family members:** 1/7 BAH/OHA, minimum \$152 each.

- 3. Relief: Commanding officer may relieve marine of obligation where marine cannot determine "whereabouts and welfare of the child concerned", civilian spouse committed documented physical abuse against marine, or is in jail.

F. Coast Guard

- 1. COMDINST M1000.6A, Personnel Manual, Chapter 8M.
www.uscg.mil/directives/cim/1000-1999/CIM_1000_6A.pdf.
(Takes forever to load large file).

- 2. Amounts (para 3.M.3.c.):

Spouse only: BAH-Diff, plus 20% of base pay.

Spouse & 1 child: BAH-Diff, plus 25% of base pay.

Spouse & 2 or more children: BAH-Diff, plus 30% of base pay.

1 child: 1/6 of base pay.

2 children: 1/4 of base pay.

3 or more children: 1/3 of base pay.

G. Enforcement

- 1. Violation of Lawful General Regulation is UCMJ Article 92 offense.
- 2. No ability to divert money, just disgorge it.
- 3. Enforcement of civilian orders. AR 608-99 – must comply with support (para. 2-4a) & custody orders (para. 2-10b).
- 4. Fort Carson
 - a. Legal Assistance: 526-0490
 - b. Inspector General: 526-3900
- 5. Peterson AFB
 - a. Legal Assistance: 556-4500
 - b. Inspector General: 556-2104

6. Air Force Academy
 - a. Legal Assistance: 333-3940
 - b. Inspector General: 333-3490

IV. GARNISHMENT FOR CHILD SUPPORT/MAINTENANCE

- A. Active Duty.** Send Notice to Withhold Income via certified mail to:

DFAS-GAG/CL
PO Box 998002
Cleveland, Ohio 44199-8002

Fax: (216) 522-6960

- B. Retiree.** Utilize DD Form 2293 (Attachment 6) & certified copy of support order.

- C. Income Subject to Garnishment.** 5 CFR §581.105. Subtract debt to U.S., taxes, life & health insurance premiums, normal retirement contributions.

- D. Maximum Garnishment Percentages.** 5 CFR § 581.402

50% if providing support to dependents not covered by order.
55% if providing support to other dependents, but has arrearage.
60% if not providing support to other dependents.
65% if no support to other dependents, and has arrearage.

- E. More Information.** www.dfas.mil/garnishment/military.html.

- F. VA Disability.**

1. Subject to garnishment for support/maintenance. 42 U.S.C. § 659(h)(1)(A)(v), Rose v. Rose, 107 S.Ct. 2029 (1987).
2. Not simple process – contact VA Regional Office for apportionment application, then send VA Form 21-4138, Statement in Support of Claim (Attachment 7) with copy of the current support order and any other pertinent documents.
3. Call (800) 527-1000 to determine appropriate regional office.
4. In Colorado, contact:

VA Regional Office
155 Van Gordon St.
Lakewood CO 80228
Tel. (800) 827-1000
Fax (303) 914-5879

(Mailing Address)
VA Regional Office
Box 25126
Denver CO 80225

5. More information: Information Memorandum from the federal Office of Child Support Enforcement.
www.acf.hhs.gov/programs/cse/pol/IM/1998/im-9803.htm

V. **VA DISABILITY**

- A. **Concept.** Servicemember with service-connected disability entitled to receive VA disability payments.
- B. **Waiver.** Retired Pay is waived, dollar for dollar, by receipt of VA disability, except for:
 1. At least 50% disability rating – Servicemember receives CRDP, phased in over 10-year period starting 2004. 10 U.S.C. §1414. Restoration rate is not linear. No LES – see bank statement for “VA Benefits.”
 2. Combat-related disability rating of at least 10%. (Combat-Related Special Compensation, or CRSC). Has LES.
- C. **Pre-Dissolution Disability – Not Divisible.**
 1. Mansell v. Mansell, 490 U.S. 581, 109 S.Ct. 2023, 104 L.Ed.2d 657 (1989).
 2. Marriage of Franz, 831 P.2d 917 (Colo. App. 1992)
- D. **Post-Dissolution Disability – Must Indemnify to extent of Waiver.**
 1. Marriage of Lodeski, 107 P.3d 1097 (Colo. App. 2004).
 2. Marriage of Warkocz, 141 P.3d 926 (Colo. App. 2006). Retiree required to indemnify former spouse for reduction in retirement due to VA waiver, even without specific indemnity clause.

3. Majority rule in jurisdictions which have considered issue. For information on other states, see July 2006 *Army Lawyer*, or call me.

E. **VA Disability Tables:** www.vba.va.gov/bln/21/Rates/comp01.htm (2009. 2009 table at Attachment 8. Note that the disability payment depends solely upon rating and number of dependents, and not the rank of the retiree (e.g. a single retiree with no dependents and a 30% rating gets \$376 per month, regardless of prior military rank).

VI. DISABILITY / INJURY

A. **Temporary/Permanent Disability Retired List (TDRL/PDRL).**

1. Servicemember with fewer than 20 years of service may be retired due to disability if (1) unfit for service, and (2) has 30% or greater disability rating.
2. **TDRL**, if condition is temporary. 10 U.S.C. §§1202 & 1205. Can remain in TDRL for up to 5 years, with medical evaluations every 18 months to determine whether (1) disability has stabilized and become permanent, or (2) servicemember fit to return to active duty.
3. After five years of TDRL, if unfit for active duty then (1) retire for longevity if eligible, (2) PDRL if under 20 years of service, or (3) medical separation.
4. **PDRL**, if condition is permanent. 10 U.S.C. §§1201 & 1204.
5. IRM Williamson, 205 P.3d 538 (Colo. App. 2009).
 - a) Decree gave spouse half of marital share of retirement.
 - b) Husband diagnosed with multiple sclerosis, placed on TDRL after just 16 years of service.
 - c) TDRL benefits not divisible.
 - d) PDRL benefits not divisible if servicemember has fewer than 20 years of service so would be ineligible for retirement but for payments based upon disability.
6. **More Information on TDRL/PDRL.**
 - a) www.dfas.mil/rna-news/may2007/disabilityretirement.html.

- b) FMR, Chapter 11 “Removal from the Temporary Disability Retired List.”

www.defenselink.mil/comptroller/fmr/07b/07b_11.pdf

B. Traumatic Injury Protection under Servicemembers Group Life Insurance (TSGLI).

- 1. Rider to SGLI policy which pays servicemembers for severe injuries as result of traumatic event.
- 2. Intended to assist with financial burdens associated with recovering from a severe injury.
- 3. Costs \$1 per month for servicemembers who have SGLI, cannot be declined unless decline SGLI.
- 4. Pays out \$25,000 to \$100,000 depending upon injury.
- 5. **More Information:**
www.insurance.va.gov/sgliSite/TSGLI/TSGLIFAQ.htm

VII. PARENTING & CUSTODY

A. Family Care Plans. Applies to single parents, dual military with children. Must have plan in place for care of children if deploy.

- 1. Army Regulation 600-20, para 5-5. (Sample at Attachment 9).
- 2. Air Force Instruction 36-2908.

B. IRM DePalma, 176 P.3d 829 (Colo. App. 2007). Reserve father with equal parenting time sought to delegate parenting time to stepmother while deployed, despite first right of refusal provision.

- 1. Parent has presumptive right to control children’s upbringing, including making decisions on who cares for children during his/her time.
- 2. Court determines best interests if dispute, but fit parent presumed to act in best interests of children.
- 3. Stepmother had no independent right to children, but analogy was to other third parties providing care to children, such as teachers, day care, etc.
- 4. Stepmother has no right to made decisions, so Mother makes day-to-day decisions.

5. First right of refusal essentially set aside in that case.

C. **Colorado Protection for Reservist Parents.** HB 08-1176 (Attachment 10), applies to parenting changes due to a **RESERVIST PARENT** being activated / deployed, effective August 5, 2008.

1. **Creates CRS 14-10-131.3.**

- a) Parenting time modification based solely upon deployment or active federal service is temporary, and any orders entered based solely upon deployment are interim.
- b) Interim order vacated automatically and previous parenting plan immediately reinstated upon servicemember filing written notice of return to Colorado.
- c) Not prevent modification based upon reasons other than deployment (but Servicemembers Civil Relief Act).
- d) Servicemember agreement to temporary modification while deployed not constitute consent to integration of child into household of other for purposes of motion to modify primary residential parent or decision-making.

2. **Modifies UCCJEA.** CRS 14-13-102(7) home state jurisdiction excludes state where child lived temporarily due to interim order entered pursuant to CRS 14-10-131.3.

VIII. **SERVICEMEMBERS CIVIL RELIEF ACT OF 2003** (Formerly SSCRA of 1940).

A. **Stay of Proceedings When Notice.** 50 U.S.C. App. § 202.

- 1. Court **may**, on own motion, and **shall**, upon application by a servicemember which meets these criteria, stay the proceedings for at least 90 days:
 - a. Applicant is in military service, or within 90 days after it ended,
 - b. Applicant has actual notice of the proceeding,
 - c. Application is written, and includes facts stating (i) how service materially affects ability to appear, and (ii) date when servicemember may appear, and

- d. Application includes communication from commander that military duty prevents appearance, and military leave not authorized.
2. Initial 90-day stay is mandatory. Thereafter, servicemember may apply for additional stay, using same criteria. Court must grant application unless appoints attorney to represent servicemember.
3. Simply being stationed overseas, thereby making it harder to appear, does not materially affect ability to appear. Telephonic testimony, 30 days annual leave, cooperative military.
4. If request for stay denied, servicemember cannot then invoke §201 to set aside default judgment.
5. Sample Motion for Stay at Attachment 11.

B. Protection Against Default Judgment. 50 U.S.C. App. § 201.

1. Provides servicemember in civil action with relief against default judgment.
2. Petitioner seeking default judgment must first submit affidavit stating whether Respondent is in military, or whether Petitioner does not know. Judgment obtained without affidavit is voidable if servicemember later shows that military service prejudiced the presentation of a defense.
3. If cannot determine status of military service from affidavit, Court may require bond to indemnify Respondent against any loss.
4. Court shall reopen default judgment and allow servicemember to defend when:
 - a. Judgment entered during military service or within 60 days thereafter,
 - b. Servicemember's ability to defend materially affected by service,
 - c. Servicemember has meritorious or legal defense, and
 - d. Application to reopen is made during the military service, or within 90 days after it ended. Technically, this means total military service, not just the specific contingency which prevented servicemember from appearing.

BASIC PAY—EFFECTIVE JANUARY 1, 2009

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26	Over 28	Over 30	Over 32	Over 34	Over 36	Over 38	
O-10 ²												14,688.60	14,760.30	15,067.20	15,602.10	15,902.10	16,382.10	16,382.10	17,201.10	17,201.10	17,201.10	18,061.20
O-9												12,846.90	13,032.00	13,299.30	13,765.80	13,765.80	14,454.60	14,454.60	15,177.30	15,177.30	15,177.30	15,936.00
O-8	9,090.00	9,387.60	9,585.30	9,640.50	9,887.10	10,299.00	10,395.00	10,786.20	10,898.10	11,235.30	11,722.50	12,172.20	12,472.50	12,472.50	12,472.50	12,472.50	12,784.50	12,784.50	13,104.30	13,104.30	13,104.30	13,104.30
O-7	7,553.10	7,904.10	8,066.40	8,195.40	8,429.10	8,660.10	8,926.80	9,192.90	9,460.20	10,299.00	11,007.30	11,007.30	11,007.30	11,007.30	11,007.30	11,063.10	11,284.50	11,284.50	11,284.50	11,284.50	11,284.50	11,284.50
O-6	5,988.30	6,150.30	6,553.80	6,553.80	6,578.70	6,860.70	6,897.90	6,897.90	7,290.00	7,983.30	8,390.10	8,796.60	9,027.90	9,262.20	9,716.70	9,716.70	9,910.80	9,910.80	9,910.80	9,910.80	9,910.80	9,910.80
O-5	4,668.80	5,257.20	5,621.40	5,689.80	5,916.60	6,052.80	6,351.60	6,570.60	6,853.80	7,287.30	7,493.40	7,697.40	7,928.70	7,928.70	7,928.70	7,928.70	7,928.70	7,928.70	7,928.70	7,928.70	7,928.70	7,928.70
O-4	4,026.90	4,681.40	4,972.20	5,041.80	5,330.40	5,640.00	6,025.20	6,325.50	6,534.30	6,654.00	6,723.30	6,723.30	6,723.30	6,723.30	6,723.30	6,723.30	6,723.30	6,723.30	6,723.30	6,723.30	6,723.30	6,723.30
O-3	3,540.30	4,013.40	4,332.00	4,722.90	4,948.80	5,197.20	5,368.00	5,622.30	5,759.70	5,759.70	5,759.70	5,759.70	5,759.70	5,759.70	5,759.70	5,759.70	5,759.70	5,759.70	5,759.70	5,759.70	5,759.70	5,759.70
O-2	3,068.80	3,483.90	4,012.50	4,148.10	4,233.30	4,233.30	4,233.30	4,233.30	4,233.30	4,233.30	4,233.30	4,233.30	4,233.30	4,233.30	4,233.30	4,233.30	4,233.30	4,233.30	4,233.30	4,233.30	4,233.30	4,233.30
O-1	2,655.30	2,763.60	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50	3,340.50
O-3 ³				4,722.90	4,948.80	5,197.20	5,368.00	5,622.30	5,844.90	5,972.70	6,146.70	6,146.70	6,146.70	6,146.70	6,146.70	6,146.70	6,146.70	6,146.70	6,146.70	6,146.70	6,146.70	6,146.70
O-2 ²				4,148.10	4,233.30	4,368.30	4,595.70	4,771.50	4,902.30	4,902.30	4,902.30	4,902.30	4,902.30	4,902.30	4,902.30	4,902.30	4,902.30	4,902.30	4,902.30	4,902.30	4,902.30	4,902.30
O-1 ¹				3,340.50	3,567.60	3,699.30	3,834.30	3,966.60	4,148.10	4,148.10	4,148.10	4,148.10	4,148.10	4,148.10	4,148.10	4,148.10	4,148.10	4,148.10	4,148.10	4,148.10	4,148.10	4,148.10
W-5												6,505.50	6,835.50	7,081.20	7,353.60	7,353.60	7,721.40	7,721.40	8,107.50	8,107.50	8,107.50	8,513.10
W-4	3,658.50	3,935.70	4,048.80	4,159.80	4,351.20	4,540.50	4,732.20	5,021.10	5,274.00	5,514.60	5,711.40	5,903.40	6,185.70	6,417.30	6,681.90	6,681.90	6,815.40	6,815.40	6,815.40	6,815.40	6,815.40	6,815.40
W-3	3,340.80	3,480.30	3,622.80	3,669.90	3,819.60	4,114.20	4,420.80	4,565.10	4,731.90	4,904.10	5,213.10	5,422.20	5,547.30	5,680.20	5,860.80	5,860.80	5,860.80	5,860.80	5,860.80	5,860.80	5,860.80	5,860.80
W-2	2,956.50	3,236.10	3,322.20	3,381.60	3,573.30	3,871.20	4,018.80	4,164.30	4,341.90	4,480.80	4,606.80	4,757.10	4,856.40	4,935.00	4,935.00	4,935.00	4,935.00	4,935.00	4,935.00	4,935.00	4,935.00	4,935.00
W-1	2,595.30	2,874.00	2,949.60	3,108.30	3,296.10	3,572.70	3,701.70	3,882.30	4,059.90	4,199.40	4,328.10	4,484.40	4,484.40	4,484.40	4,484.40	4,484.40	4,484.40	4,484.40	4,484.40	4,484.40	4,484.40	4,484.40
E-9 ⁴							4,420.50	4,520.70	4,646.70	4,795.50	4,944.90	5,185.20	5,388.00	5,601.90	5,928.30	5,928.30	6,224.70	6,224.70	6,536.10	6,536.10	6,536.10	6,863.10
E-8						3,618.60	3,778.80	3,877.80	3,996.60	4,125.00	4,357.20	4,474.80	4,674.90	4,785.90	5,059.50	5,059.50	5,160.90	5,160.90	5,160.90	5,160.90	5,160.90	5,160.90
E-7	2,515.50	2,745.60	2,850.60	2,990.10	3,098.70	3,285.30	3,390.30	3,577.50	3,732.60	3,838.50	3,951.30	3,995.40	4,142.10	4,221.00	4,521.00	4,521.00	4,521.00	4,521.00	4,521.00	4,521.00	4,521.00	4,521.00
E-6	2,175.60	2,394.00	2,499.60	2,602.20	2,709.30	2,950.80	3,044.70	3,226.20	3,282.00	3,322.50	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90
E-5	1,993.50	2,127.00	2,229.60	2,334.90	2,499.00	2,670.90	2,811.00	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40
E-4	1,827.60	1,920.90	2,025.00	2,127.60	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50
E-3	1,649.70	1,753.50	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70
E-2	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70	1,568.70
E-1 ⁵	1,399.50																					

Notes:

- Basic pay for an O-7 to O-10 is limited by Level III of the Executive Schedule which is \$14,750.10. Basic pay for O-6 and below is limited by Level V of the Executive Schedule which is \$11,958.30.
- While serving as Chairman, Joint Chief of Staff/Vice Chairman, Joint Chief of Staff, Chief of Navy Operations, Commandant of the Marine Corps, Army/Air Force Chief of Staff, Commander of a unified or specified combatant command, basic pay is \$19,326.60. (See note 1 above).
- Applicable to O-1 to O-3 with at least 4 years and 1 day of active duty or more than 1460 points as a warrant and/or enlisted member. See Department of Defense Financial Management Regulations for more detailed explanation on who is eligible for this special basic pay rate.
- For the Master Chief Petty Officer of the Navy, Chief Master Sergeant of the AF, Sergeant Major of the Army or Marine Corps or Senior Enlisted Advisor of the JCS, basic pay is \$7,143.30. Combat Zone Tax Exclusion for O-1 and above is based on this basic pay rate plus Hostile Fire Pay/Imminent Danger Pay which is \$225.00.
- Applicable to E-1 with 4 months or more of active duty. Basic pay for an E-1 with less than 4 months of active duty is \$1,294.50.
- Basic pay rate for Academy Cadets/Midshipmen and ROTC members/applicants is \$929.40.

ALLOWANCES

Family Separation Allowance

All Pay Grades: \$250

Basic Allowance for Subsistence (Effective January 1, 2009)

Officers: \$223.04
Enlisted: \$323.87

Clothing Allowances (Effective October 1, 2008)

Standard Initial Clothing Allowance (Enlisted Members Only)

		Army		Navy		Air Force		Marine Corps	
		Male	Female	Male	Female	Male	Female	Male	Female
		1,346.95	1,626.41	1,597.88	1,793.14	1,349.84	1,531.32	1,658.20	1,711.15

Cash Clothing Replacement Allowance (Enlisted Members Only)

		Army		Navy		Air Force		Marine Corps	
		Male	Female	Male	Female	Male	Female	Male	Female
Basic		381.60	442.80	464.40	460.80	266.40	298.80	381.60	399.60
Standard		543.60	633.60	662.40	658.80	381.60	428.40	554.40	583.20
Special		0	0	864.00	925.20	0	0	0	237.70

Civilian Clothing Allowance

Type of Duty	Initial	Replacement	15 days in 30 days period	30 days in 36 month period
Permanent	920.88	306.96	0	0
Temporary	0	0	306.96	613.92

Personal Money Allowance (Monthly Amount)

1. While serving as Chairman or Vice Chairman of the JCS, or Army or Air Force CS, CNO, or CMC \$333.33
2. Senior Member of the Military Staff Committee of the U.N. \$225.00
3. General or Admiral \$183.33
4. Lieutenant General Vice Admiral \$41.67
5. Senior Enlisted Member of a Military Service \$166.67

Basic Allowance for Housing RC/Transient

Pay Grade	Partial	Without Dependent	With Dependent	Differential
0-10	\$50.70	\$1,379.40	\$1,696.80	\$304.80
0-9	\$50.70	\$1,379.40	\$1,696.80	\$304.80
0-8	\$50.70	\$1,379.40	\$1,696.80	\$304.80
0-7	\$50.70	\$1,379.40	\$1,696.80	\$304.80
0-6	\$39.60	\$1,264.80	\$1,527.60	\$252.60
0-5	\$33.00	\$1,218.00	\$1,472.40	\$243.60
0-4	\$26.70	\$1,128.60	\$1,297.80	\$162.30
0-3	\$22.20	\$905.10	\$1,074.00	\$162.00
0-2	\$17.70	\$717.00	\$916.20	\$191.10
0-1	\$13.20	\$615.30	\$820.50	\$207.00
03E	\$22.20	\$976.80	\$1,154.10	\$170.10
02E	\$17.70	\$830.40	\$1,041.30	\$203.40
O1E	\$13.20	\$722.10	\$962.70	\$238.50
W-5	\$25.20	\$1,146.60	\$1,253.40	\$101.40
W-4	\$25.20	\$1,018.20	\$1,148.70	\$124.80
W-3	\$20.70	\$856.20	\$1,053.00	\$188.70
W-2	\$15.90	\$759.60	\$967.50	\$199.20
W-1	\$13.80	\$636.90	\$837.30	\$192.80
E-9	\$18.60	\$836.10	\$1,102.20	\$255.00
E-8	\$15.30	\$767.70	\$1,017.00	\$238.80
E-7	\$12.00	\$708.00	\$943.80	\$276.60
E-6	\$9.90	\$654.00	\$872.10	\$267.00
E-5	\$8.70	\$588.30	\$784.50	\$227.10
E-4	\$8.10	\$511.50	\$681.90	\$196.80
E-3	\$7.80	\$475.80	\$634.20	\$160.80
E-2	\$7.20	\$453.30	\$604.50	\$215.40
E-1	\$6.90	\$453.30	\$604.50	\$255.00

For other pays or specific requirements for the pay cited in this table, go to the web at:

<http://www.dtic.mil/comptroller/fmr/07a/index.html>

N

INCENTIVE AND SPECIAL PAYS

Aviation Career Incentive Pay

Years of Aviation Service

2 or less	Over 2	Over 3	Over 4	Over 6	Over 14	Over 22	Over 23	Over 24	Over 25
125.00	156.00	188.00	206.00	650.00	840.00	585.00	495.00	385.00	250.00

Career Enlisted Flyer Incentive Pay

Years of Aviation Service

4 or less	Over 4	Over 8	Over 14
150.00	225.00	350.00	400.00

Hazardous Duty Incentive Pay (Crew Member- Non-AWAC)

Pay Grade	Amount	Pay Grade	Amount	Pay Grade	Amount	Pay Grade	Amount	Pay Grade	Amount
O-10	150.00	O-5	250.00	W-5	250.00	E-9	240.00	E-4	165.00
O-9	150.00	O-4	225.00	W-4	250.00	E-8	240.00	E-3	150.00
O-8	150.00	O-3	175.00	W-3	175.00	E-7	240.00	E-2	150.00
O-7	150.00	O-2	150.00	W-2	150.00	E-6	215.00	E-1	150.00
O-6	250.00	O-1	150.00	W-1	150.00	E-5	190.00		

Hazardous Duty Incentive Pay (Non-Crew Member)

Imminent Danger Pay/Hostile Fire Pay

ALL GRADES – 150.00

ALL GRADES – 225.00

Diving Pay

HDIP (Parachute, Flight Deck, Demolition, & Others)

Officers – 240.00 (Max)	Enlisted – 340.00 (Max)
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All Grades – 150.00 (Member qualified for HALO pay 225.00).

COMBAT ZONE TAX EXCLUSION

Basic pay for the MCPO of the Navy, CMSgt of the AF, Sergeant Major of the Army or Marine Corps, basic pay is \$7,143.30. Combat Zone Tax Exclusion for O-1 and above is based on this basic pay rate plus HFP/IDP (\$225).

For other pays or specific requirements for the pays cited in this table, go to the web at: <http://www.dtic.mil/comptroller/fmr/07a/index.html>

Submarine Duty Incentive Pay (Effective October 1, 2004)

Cumulative Years of Service

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 14	Over 16	Over 18	Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8
O-6	595.00								835.00	835.00	E-9	425.00					
O-5	595.00							790.00	835.00		E-8	415.00					
O-4	365.00			525.00	595.00	705.00		790.00			E-7	405.00					
O-3	355.00			510.00	595.00	705.00					E-6	155.00	170.00	175.00	300.00	325.00	375.00
O-2	305.00						425.00				E-5	140.00	155.00		250.00	275.00	
O-1	230.00						425.00				E-4	80.00	95.00	100.00	245.00		
W-5	285.00	375.00		425.00							E-3	80.00	90.00	95.00		90.00	
W-4	285.00	375.00		425.00							E-2	75.00	90.00				
W-3	285.00	375.00		425.00			425.00				E-1	75.00					
W-2	285.00	375.00		425.00			425.00				Submarine Duty Incentive Pay for O-7 through O-10 is \$355						
W-1	285.00	375.00		425.00			425.00										

MONTHLY CAREER SEA PAY—(NAVY AND MARINE CORPS)—EFFECTIVE OCTOBER 1, 2001

Cumulative Years of Sea Duty (note)

Pay Grade	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12	Over 13	Over 14	Over 16	Over 18	Over 20
O-6	100		315	320	335	360	370	395	420	435	455	475	500	535				
O-5	100		315		320	345	350	365	370	400	420	440	475					
O-4	100		260	265	285	300	310	315	335	335	380	395	420					
O-3	100		210	225	260	275	285	300	335	335	365	380	395	405				
O-2	100		210	225	260	275	285	300	335	335	350	365	380	395				
O-1	100		210	225	260	275	285	300	335	335	350	365	380	395				
W-5	210			240	405	435			490	525	630							
W-4	210			240	405	435			490	525	630							
W-3	210			240	380	395	400	405	435	525	595							
W-2	210			240	365	370	380	435	475	525	560							
W-1	180	190	195	240	245	280	350	380	420	455	505	525						
E-9	135	160	305	320	350	375	490	500	510	520	550	620						
E-8	135	160	305	320	350	375	490	500	510	520	550	600						
E-7	135	160	305	320	350	375	490	500	510	520	550	600						
E-6	135	160	280	300	315	325	350	465	480	495	510	525						
E-5	70	80	160	280	315	325	350	450										
E-4	70	80	160	280	290		390											
E-3	50	60	100															
E-2	50	60	75															
E-1	50																	

MONTHLY CAREER SEA PAY—EFFECTIVE MAY 1, 1988 (AIR FORCE MEMBERS)

Cumulative Years of Sea Duty

Pay Grade	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12	Over 13	Over 14	Over 16	Over 18	Over 20
O-6			225	230	240	255	265	280	290	300	310	325	340	355	380			
O-5			225		230	245	250	260	265	285	300	315	340					
O-4			185	190	200	215	220	225	240	240	270	280	290	300				
O-3			150	160	185	190	205	215	225	240	260	270	280	290				
O-2			150	160	185	190	205	215	225	240	250	260	270	280				
O-1			150	160	185	190	205	215	225	240	250	260	270	280				
E-9	100	120	175	190	350	375	390	400	410	420	450	475	520					
E-8	100	120	175	190	350	375	390	400	410	420	450	475	500	520				
E-7	100	120	175	190	350	375	390	400	410	420	450	475	500					
E-6	100	120	150	170	315	325	350	365	380	380	395	410	425	450				
E-5	50	60	150	170	315	325	350											
E-4	50	60	120	150	160													

ATTACHMENT 2

DRILL PAY—EFFECTIVE JANUARY 1, 2009

Cumulative Years of Service

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26	Over 28	Over 30	Over 32	Over 34	Over 36	Over 38	Over 40
E-9							4,420.50	4,520.70	4,646.70	4,795.50	4,944.90	5,185.20	5,388.00	5,601.90	5,928.30	5,928.30	6,224.70	6,224.70	6,536.10	6,536.10	6,863.10	6,863.10
1 Drill							147.35	150.69	154.89	159.85	164.83	172.84	179.60	186.73	197.61	197.61	207.49	207.49	217.87	217.87	228.77	228.77
4 Drills							589.40	602.76	619.56	639.40	659.32	691.36	718.40	746.92	790.44	790.44	829.96	829.96	871.48	871.48	915.08	915.08
E-8						3,618.60	3,776.80	3,877.80	3,996.60	4,125.00	4,357.20	4,474.80	4,674.90	4,785.90	5,099.50	5,099.50	5,160.90	5,160.90	5,160.90	5,160.90	5,160.90	5,160.90
1 Drill							120.62	125.96	133.22	137.50	145.24	149.16	155.83	159.53	168.65	168.65	172.03	172.03	172.03	172.03	172.03	172.03
4 Drills							482.48	503.84	517.04	532.88	550.00	596.64	623.32	638.12	674.60	674.60	688.12	688.12	688.12	688.12	688.12	688.12
E-7	2,515.50	2,745.60	2,850.60	2,990.10	3,098.70	3,285.30	3,390.30	3,577.50	3,732.60	3,838.50	3,961.30	3,995.40	4,142.10	4,221.00	4,521.00	4,521.00	4,521.00	4,521.00	4,521.00	4,521.00	4,521.00	4,521.00
1 Drill	83.85	91.52	95.02	99.67	103.29	109.51	113.01	119.25	124.42	127.95	131.71	133.18	138.07	140.70	150.70	150.70	150.70	150.70	150.70	150.70	150.70	150.70
4 Drills	335.40	366.08	380.08	398.68	413.16	438.04	452.04	477.00	497.68	511.80	526.84	532.72	552.28	562.80	602.80	602.80	602.80	602.80	602.80	602.80	602.80	602.80
E-6	2,175.60	2,394.00	2,499.60	2,602.20	2,709.30	2,950.80	3,044.70	3,226.20	3,282.00	3,322.50	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90	3,369.90
1 Drill	72.52	79.80	83.32	86.74	90.31	98.36	101.49	107.54	109.40	110.75	112.33	112.33	112.33	112.33	112.33	112.33	112.33	112.33	112.33	112.33	112.33	112.33
4 Drills	290.08	319.20	333.28	346.96	361.24	393.44	405.96	430.16	437.60	443.00	449.32	449.32	449.32	449.32	449.32	449.32	449.32	449.32	449.32	449.32	449.32	449.32
E-5	1,993.50	2,127.00	2,229.60	2,334.90	2,499.00	2,670.90	2,811.00	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40	2,828.40
1 Drill	66.45	70.90	74.32	77.83	83.30	89.03	93.70	94.28	94.28	94.28	94.28	94.28	94.28	94.28	94.28	94.28	94.28	94.28	94.28	94.28	94.28	94.28
4 Drills	265.80	283.60	297.28	311.32	333.20	356.12	374.80	377.12	377.12	377.12	377.12	377.12	377.12	377.12	377.12	377.12	377.12	377.12	377.12	377.12	377.12	377.12
E-4	1,827.60	1,920.90	2,025.00	2,127.60	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50	2,218.50
1 Drill	60.92	64.03	67.50	70.92	73.95	73.95	73.95	73.95	73.95	73.95	73.95	73.95	73.95	73.95	73.95	73.95	73.95	73.95	73.95	73.95	73.95	73.95
4 Drills	243.68	256.12	270.00	283.68	295.80	295.80	295.80	295.80	295.80	295.80	295.80	295.80	295.80	295.80	295.80	295.80	295.80	295.80	295.80	295.80	295.80	295.80
E-3	1,649.70	1,753.50	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70	1,859.70
1 Drill	54.99	58.45	61.99	61.99	61.99	61.99	61.99	61.99	61.99	61.99	61.99	61.99	61.99	61.99	61.99	61.99	61.99	61.99	61.99	61.99	61.99	61.99
4 Drills	219.96	233.80	247.96	247.96	247.96	247.96	247.96	247.96	247.96	247.96	247.96	247.96	247.96	247.96	247.96	247.96	247.96	247.96	247.96	247.96	247.96	247.96
E-2	1,568.70																					
1 Drill	52.29																					
4 Drills	209.16																					
E-1 >4 mos	1,399.50																					
1 Drill	46.65																					
4 Drills	186.60																					
E-1 <4 mos	1,294.50																					
1 Drill	43.15																					
4 Drills	172.60																					

SPECIAL PAYS FOR HEALTH PROFESSIONAL OFFICERS

Variable Special Pay (Medical Officers)

Pay Grade	Under 3	3 But Less Than 6	6 But Less Than 8	8 But Less Than 10	10 But Less Than 12	12 But Less Than 14	14 But Less Than 18	18 But Less Than 22	22 and Over
Intern	100.00								
Thru O-6	416.66	416.66	1,000.00	958.33	916.66	833.33	750.00	666.66	583.33

For specific requirements for the pay cited in this table, go to the web at: <http://www.dtic.mil/comptroller/fmr/07a/index.html>

Variable Special Pay (VSP) (Dental Officers)

Pay Grade	Under 3	3 But Less Than 6	6 But Less Than 8	8 But Less Than 12	12 But Less Than 14	14 But Less Than 18	18 & Over
Intern	250.00						
Thru O-6	583.33	583.33	1,000.00	833.33	750.00		666.67

Board Certified Pay Special Pay (Medical and Dental Officers) Additional Special Pay (ASP) (Dental Officers) (effective April 24, 2008)

Pay Grade	Under 10	10 But Less Than 12	12 But Less Than 14	14 But Less Than 18	18 & Over	Pay Grade	Under 3	3 But Less Than 10	10 & Over
All Grades	208.33	291.66	333.33	416.66	500.00	All Grades	10,000.00	12,000.00	15,000.00

Incentive Special Pay (Medical Officers)

Specialty	Annual Amt	Specialty	Annual Amt	Specialty	Annual Amt
Aerospace Med	\$20,000.00	General surgery	29,000.00	Otolaryngology	30,000.00
Anesthesiology	36,000.00	Internal medicine	20,000.00	Pathology	20,000.00
Cardiology	36,000.00	Neurology	20,000.00	Pediatrics	20,000.00
Dermatology	20,000.00	Neurosurgery	36,000.00	Phys and Prev/Occ Med	20,000.00
Emergency Med	26,000.00	OB/GYN	31,000.00	Psychiatry	20,000.00
Family practice	20,000.00	Ophthalmology	28,000.00	Pulmonary/IM-Critical Care	23,000.00
Gastroenterology	26,000.00	Orthopedics	36,000.00	Radiology	36,000.00

Multiyear Retention Bonus (Dental Officers)

	Level 1	Level 2	Level 3	Level 4
4 Year Agreement	50,000.00	40,000.00	35,000.00	25,000.00
3 Year Agreement	38,000.00	30,000.00	27,000.00	19,000.00
2 Year Agreement	25,000.00	20,000.00	18,000.00	13,000.00



'09 BASIC ALLOWANCE FOR HOUSING RATES

ZIP CODE: 80903

MILITARY HOUSING AREA:
CO046 - COLORADO SPRINGS, CO

MONTHLY ALLOWANCE:

O-5 with DEPENDENTS: **O-5 without DEPENDENTS:**

\$ 1568.00

\$ 1350.00

For more information on BAH, see the [BAH Section of this site](#).

For BAH questions and concerns, see the [BAH Questions Page](#).

OVERSEAS COST OF LIVING ALLOWANCE

PAY PERIOD: 10-01-2009 thru 10-15-2009

Rank:	O5
Years of Service:	14
Number of Dependents:	2
Country/State:	GERMANY
City:	FRANKFURT AM MAIN (INC RHEIN MAIN AB)(H)
Location Code:	GM317
COLA Index:	0.26
Effective Date:	20091001
Daily COLA:	\$ 33.511
Daily Unique:	\$ 0

COLA Payment for Pay Period 10-01-2009 thru 10-15-2009

COLA:	\$ 502.67
UNIQUE:	\$ 0

TOTAL PAY PERIOD ALLOWANCE: \$ 502.67

To find out more information on the Overseas Cost of Living Allowance, see the [Joint Federal Travel Regulation](#) or see, the [Frequently asked questions](#).

ATTACHMENT 4

APPENDIX K - OVERSEAS HOUSING ALLOWANCE

*TURKEY HOUSING ALLOWANCES EFFECTIVE 01 SEPTEMBER 2009

CLIMATE CODE: 2
 UTILITY/RECURRING MAINTENANCE ALLOWANCE: 427
 MOVE-IN HOUSING ALLOWANCE (MIHA)/MISCELLANEOUS: 529
 RATE OF EXCHANGE: \$0.674445

MEMBERS WITH DEPENDENTS - RENTAL ALLOWANCES
 (TURKISH LIRA/MONTHLY)

(MEMBERS WITHOUT DEPENDENTS, MULTIPLY ALLOWANCE BY 90%)

<u>LOCALITY</u>	<u>LOCALITY</u> <u>CODE</u>	<u>O6</u>	<u>W5/</u> <u>O5</u>	<u>O3E/</u> <u>W3/W4/</u> <u>O4</u>	<u>O2E/O1E/</u> <u>W2/</u> <u>O3</u>	<u>W1/</u> <u>O2</u>	<u>O1</u>	
TURKEY:	TU							
ADANA (INCL INCIRLIK AB)	001	819	819	819	740	740	740	
ANKARA	003	2446	2446	2225	2096	1928	1928	
ISTANBUL	005	2966	2867	2867	2867	2662	2662	
IZMIR	007	2225	2141	1977	1894	1813	1813	
OTHER	999	757	694	694	670	643	643	
<u>LOCALITY</u>	<u>LOCALITY</u> <u>CODE</u>	<u>E9</u>	<u>E8</u>	<u>E7</u>	<u>E6</u>	<u>E5</u>	<u>E4</u>	<u>E2/E1</u> <u>E3</u>
TURKEY:	TU							
ADANA (INCL INCIRLIK AB)	001	819	740	740	740	740	643	643
ANKARA	003	2225	2096	2096	2096	1928	1733	1733
ISTANBUL	005	2867	2867	2867	2867	2662	2321	2321
IZMIR	007	1977	1894	1894	1894	1813	1730	1730
OTHER	999	694	670	670	670	643	557	557

APPLICATION FOR FORMER SPOUSE PAYMENTS FROM RETIRED PAY*(Please read instructions on back and the Privacy Act Statement before completing this form.)*OMB No. 0730-0008
OMB approval expires
Jan 31, 2011**FOR OFFICIAL USE**

The public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Washington Headquarters Services, Executive Services Directorate, Information Management Division, 1155 Defense Pentagon, Washington, DC 20301-1155 (0704-0008). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE SERVICE ADDRESS LISTED ON BACK.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC 1408; DoD 7000.14, Vol. 7B, Chapter 29; and EO 9397.

PRINCIPAL PURPOSE(S): To request direct payment through a Uniformed Service designated agent of court ordered child support, alimony, or division of property to a former spouse from the retired pay of a Uniformed Service member.

ROUTINE USE(S): In addition to those disclosures generally permitted under 5 U.S.C. Section 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. Section 552a(b)(3) as follows: Records are provided to the Internal Revenue Service for normal wage and tax withholding purposes. The "Blanket Routine Uses" published at the beginning of the DoD compilation of systems of records notices also apply.

DISCLOSURE: Voluntary; however, failure to provide requested information may delay or make impossible processing this direct payment request.

1. APPLICANT IDENTIFICATION

a. NAME (As appears on court order) (Last, First, Middle Initial)

b. CURRENT NAME (Last, First, Middle Initial)

c. SOCIAL SECURITY NUMBER

d. TELEPHONE NUMBER (Include Area Code)

e. EMAIL ADDRESS

f. ADDRESS (Street, City, State, ZIP Code)

2. SERVICE MEMBER IDENTIFICATION

a. NAME (Last, First, Middle Initial)

b. BRANCH OF SERVICE

c. SOCIAL SECURITY NUMBER

d. TELEPHONE NUMBER (Include Area Code) (If known)

e. EMAIL ADDRESS (If known)

f. ADDRESS (Street, City, State, ZIP Code) (If known)

3. REQUEST STATEMENT

I request direct payment from the retired pay for one or more of the following categories of the above named Uniformed Service member based on the enclosed court order. I acknowledge that the payment priority will be (1) division of property; (2) child support; and (3) alimony unless I designate otherwise in Item 4.e.

I request payment of:

(1) A division of property in the amount of \$ _____, or _____ percent of disposable retired pay per month.

(2) Child support in the amount of \$ _____ per month.

(3) Alimony, spousal support or maintenance in the amount of \$ _____, or _____ percent of disposable retired pay per month.

I certify that any request for current child and/or spousal support is not being collected under any other wage withholding or garnishment procedure authorized by statute. Furthermore, I certify that the court order has not been amended, superseded or set aside and is not subject to appeal. As a condition precedent to payment, I agree to refund all overpayments and that they are otherwise recoverable and subject to involuntary collection from me or my estate, and I will notify the appropriate agent (as listed on back) if the operative court order, upon which payment is based, is vacated, modified, or set aside. I also agree to notify the appropriate agent (as listed on back) of a change in eligibility for payments. This includes notice of my remarriage, if under the terms of the court order or the laws of the jurisdiction where it was issued, remarriage causes the payments to be reduced or terminated; or notice of a change in eligibility for child support payments by reason of the death, emancipation, adoption, or attainment of majority of a child whose support is provided through direct payments from retired pay. I hereby acknowledge that any payment to me must be paid from disposable retired pay as defined by the statute and implementing regulations.

4. I HAVE ENCLOSED ALL PERTINENT DOCUMENTATION TO INCLUDE: (X as applicable)

a. A copy of the operative court order and other accompanying documents that provide for payment of child support, alimony or a division of retired pay as property, containing a certification dated by the clerk of the court within 90 days preceding the date the application is received by the designated agent.

b. Evidence of the date(s) of my marriage to the member if the application is for the direct payment of a division of the member's disposable retired pay as property.

c. If payment request includes child support, give name(s) and birth date(s) of child(ren):

(1) NAME OF CHILD (Last, First, Middle Initial)	(2) DATE OF BIRTH (YYYYMMDD)

d. If applying under Title 10 U.S.C. 1408(h), Dependent Victims of Abuse provision, in addition to 4.a. above, enclose both a copy of the member's court martial order and the member's statement of service.

e. Other information (please identify) or remarks.

5a. APPLICANT'S SIGNATURE	b. DATE SIGNED (YYYYMMDD)

INSTRUCTIONS FOR COMPLETION OF DD FORM 2293

GENERAL. These instructions govern an application for direct payment from retired pay of a Uniformed Service member in response to court ordered child support, alimony, or a division of property, under the authority of 10 USC 1408.

SERVICE OF APPLICATION. You may serve the application by mail on the appropriate Uniformed Service designated agent. The Uniformed Services' designated agents are:

(1) ARMY, NAVY, AIR FORCE, AND MARINE CORPS: Attn: DFAS-HGA/CL, Assistant General Counsel for Garnishment Operations, P.O. Box 998002, Cleveland, OH 44199-8002. Application may also be served by fax to 877-622-5930 (toll-free) or (216) 522-6960.

(2) COAST GUARD: Commanding Officer (1GL), United States Coast Guard, Personnel Service Center, 444 S.E. Quincy Street, Topeka, KS 66683-3591. Application may also be served by fax to 785-339-3788.

(3) PUBLIC HEALTH SERVICE: Attn: Retired Pay Section, CB, Division of Commissioned Personnel, PUBLIC HEALTH SERVICE, Room 4-50, 5600 Fishers Lane, Rockville, MD 20857-0001.

(4) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION: Same as U.S. Coast Guard.

IMPORTANT NOTE: Making a false statement or claim against the United States Government is punishable. The penalty for willfully making a false claim or false statement is a maximum fine of \$10,000 or maximum imprisonment of 5 years or both (18 USC 287 and 1001).

ITEM 1.

- a. Enter full name as it appears on the court order. Applicant's signature required; the form may not be signed by a member or attorney.
- b. Enter current name if different than it appears on court order.
- c. Enter Social Security Number.
- d. Enter telephone number.
- e. Enter email address, if applicable.
- f. Enter current address. Failure to apprise DFAS of address changes may result in the suspension of payments.

ITEM 2.

- a. Enter member's full name as it appears on the court order.
- b. Enter member's branch of service.
- c. Enter member's Social Security Number.
- d. Enter member's telephone number, if known.
- e. Enter member's email address, if known.
- f. Enter member's current address, if known.

ITEM 3. Read the Request Statement carefully.

ITEM 4. A certified copy of a court order can be obtained from the court that issued the court order. Other documents include, but are not limited to, final divorce decree, property settlement order, and any appellate court orders. If the court order does not state that the former spouse was married to the member for ten years or more while the member performed ten years creditable service and the request is for payment of a division of property, the applicant must provide evidence to substantiate the ten years' marriage condition. Additional evidence must show that the ten years' requirement has been met, including: Uniformed Service orders, marriage certificate, and other documents that establish the period of marriage. Other information or documents included with the request should be clearly identified by the document's title and date. Remarks may be provided to clarify specific points.

The following statement is made in connection with a claim for benefits in the case of the above-named veteran:



VA COMPENSATION AND PENSION PAYMENT RATES

Veterans Compensation Benefits Rate Tables - Effective 12/1/08

Basic Rates - 10%-100% Combined Degree Only

Rates (No Dependents): [10% - 20%](#)

Without Children

With Children

[30% - 60%](#)

[30% - 60%](#)

[70% - 100%](#)

[70% - 100%](#)

To find out how to use these rate tables [CLICK HERE](#)

10% - 20% (No Dependents)

Percentage	Rate
10%	\$123
20%	\$243

30% - 60% Without Children

Dependent Status	30%	40%	50%	60%
Veteran Alone	\$376	\$541	\$770	\$974
Veteran with Spouse Only	\$421	\$601	\$845	\$1064
Veteran with Spouse & One Parent	\$457	\$649	\$905	\$1136
Veteran with Spouse and Two Parents	\$493	\$697	\$965	\$1208
Veteran with One Parent	\$412	\$589	\$830	\$1046
Veteran with Two Parents	\$448	\$637	\$890	\$1118
Additional for A/A spouse (see footnote b)	\$40	\$54	\$68	\$81

70% - 100% Without Children

Dependent Status	70%	80%	90%	100%
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Veteran Alone	\$1,228	\$1,427	\$1,604	\$2,673
Veteran with Spouse Only	\$1,333	\$1,547	\$1,739	\$2,823
Veteran with Spouse & One Parent	\$1,417	\$1,643	\$1,847	\$2,943
Veteran with Spouse and Two Parents	\$1,501	\$1,739	\$1,955	\$3,063
Veteran with One Parent	\$1,312	\$1,523	\$1,712	\$2,793
Veteran with Two Parents	\$1,396	\$1,619	\$1,820	\$2,913
Additional for A/A spouse (see footnote b)	\$95	\$108	\$122	\$136

30% - 60% With Children

Dependent Status	30%	40%	50%	60%
Veteran with Spouse & Child	\$453	\$644	\$899	\$1129
Veteran with Child Only	\$406	\$581	\$820	\$1034
Veteran with Spouse, One Parent and Child	\$489	\$692	\$959	\$1201
Veteran with Spouse, Two Parents and Child	\$525	\$740	\$1019	\$1,273
Veteran with One Parent and Child	\$442	\$629	\$880	\$1106
Veteran with Two Parents and Child	\$478	\$677	\$940	\$1178
Add for Each Additional Child Under Age 18	\$22	\$30	\$37	\$45
Each Additional Schoolchild Over Age 18 (see footnote a)	\$72	\$96	\$120	\$144
Additional for A/A spouse (see footnote b)	\$40	\$54	\$68	\$81

70% - 100% With Children

Dependent Status	70%	80%	90%	100%
Veteran with Spouse & Child	\$1,409	\$1,634	\$1,837	\$2,932
Veteran with Child Only	\$1,298	\$1,507	\$1,694	\$2,774
Veteran with Spouse, One Parent and Child	\$1,493	\$1,730	\$1,945	\$3,052
Veteran with Spouse, Two Parents and Child	\$1,577	\$1,826	\$2,053	\$3,172
Veteran with One Parent and Child	\$1,382	\$1,603	\$1,802	\$2,894
Veteran with Two Parents and Child	\$1,466	\$1,699	\$1,910	\$3,014

ATTACHMENT 8

Add for Each Additional Child Under Age 18	\$52	\$60	\$67	\$75
Each Additional Schoolchild Over Age 18 (see footnote a)	\$168	\$192	\$216	\$240
Additional for A/A spouse (see footnote b)	\$95	\$108	\$122	\$136

FOOTNOTES:

- a. Rates for each school child are shown separately. They are not included with any other compensation rates. All other entries on this chart reflecting a rate for children show the rate payable for children under 18 or helpless. To find the amount payable to a 70% disabled veteran with a spouse and four children, one of whom is over 18 and attending school, take the 70% rate for a veteran with a spouse and 3 children, \$ 1,513, and add the rate for one school child, \$168. The total amount payable is \$1,681.
- b. Where the veteran has a spouse who is determined to require A/A, add the figure shown as "additional for A/A spouse" to the amount shown for the proper dependency code. For example, veteran has A/A spouse and 2 minor children and is 70% disabled. Add \$95, additional for A/A spouse, to the rate for a 70% veteran with dependency code 12, \$1,461. The total amount payable is \$ 1,556.

To find out how to use these rate tables [CLICK HERE](#).

For prior rate tables on this topic choose one: [12-1-2007](#)
[12-1-2006](#) [12-1-2005](#) [12-1-2004](#)
[12-1-2003](#) [12-1-2002](#) [12-1-2001](#) [12-1-2000](#) [12-1-1999](#).

If you do not have Microsoft Word software installed, you may [download free viewer and reader software](#) to view the document cited below.

For additional historic rate charts on this topic [CLICK HERE](#).

[Español](#) | [VA Forms](#) | [Locations](#) | [Contact the VA](#) | [Frequently Asked Questions \(FAQs\)](#)
[Privacy Policy](#) | [Web Policies & Important Links](#) | [Freedom of Information Act](#)
[Annual Performance and Accountability Report](#) | [Small Business Contacts](#) | [Site Map](#)
[USA.gov](#) | [White House](#) | [USA Freedom Corps](#)

Reviewed/Updated Date: November 25, 2008

FAMILY CARE PLAN

For use of this form, see AR 600-20; the proponent agency is DCS, G-1.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. Section 3013, Secretary of the Army: Army Regulation 600-20, Army Command Policy and E.O. 9397 (SSN)

PRINCIPAL PURPOSE: To emphasize to soldiers the significance of their responsibilities to the military service and their family members while performing required military duties.

ROUTINE USES: None

DISCLOSURE: Mandatory: Failure to maintain a Family Care Plan could subject the soldier to separation, administrative action, or disciplinary action under the UCMJ.

PART I - SOLDIER'S FAMILY CARE

<p>A. I was counseled on _____ (date), and fully understand the policy on family member care responsibilities. I understand that I must arrange for care of my family members, remain available for deployment and training, and report for duty as required without interference of responsibility for family members. I assume responsibility for all obligations for such things as child care, food, adequate housing, transportation, and emergency needs of my family members regardless of age.</p>	INITIALS															
<p>B. I have made and will maintain arrangements for the care of my family members during all the following:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">1. Duty</td> <td style="width: 33%;">6. Temporary Duty</td> <td style="width: 33%;">11. Deployment</td> </tr> <tr> <td>2. Exercises/field duty</td> <td>7. Unit Training Assembly</td> <td>12. Other Military Duty</td> </tr> <tr> <td>3. Permanent Change of Station</td> <td>8. Active Duty Training</td> <td>13. Emergencies</td> </tr> <tr> <td>4. Alerts</td> <td>9. Unaccompanied Tours</td> <td>14. Leave/non-duty Time</td> </tr> <tr> <td>5. Annual Training</td> <td>10. Mobilization</td> <td></td> </tr> </table>	1. Duty	6. Temporary Duty	11. Deployment	2. Exercises/field duty	7. Unit Training Assembly	12. Other Military Duty	3. Permanent Change of Station	8. Active Duty Training	13. Emergencies	4. Alerts	9. Unaccompanied Tours	14. Leave/non-duty Time	5. Annual Training	10. Mobilization		
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5. Annual Training	10. Mobilization															
<p>C. I understand the importance of ensuring the proper care for my family members, and ensuring my own readiness and deployability as well. I further understand that in light of the critical nature of both these requirements:</p>																
<p>1. Failure to make and maintain adequate family member care arrangements in accordance with the Army's policy is grounds for disciplinary action or separation.</p>																
<p>2. Nonavailability for worldwide assignment and/or unit deployment may lead to my separation from the Army.</p>																
<p>3. If arrangements for the care of my family members fail to work, I am not automatically excused from prescribed duties, unit deployment, or reassignment.</p>																
<p>4. If I fail to maintain a Family Care Plan or provide false information regarding my plan, I am subject to separation, administrative action, or disciplinary action under UCMJ.</p>																
<p>5. I must maintain an up-to-date Family Care Plan and revise my Plan when circumstances change. I understand that Family Care Plans may be tested at the discretion of the commander.</p>																
<p>6. I will receive no special consideration in duty assignments or duty stations based on my responsibilities for my family members unless enrolled in the Exceptional Family Member Program (EFMP) in accordance with AR 600-75.</p>																
<p>D. I have made all necessary arrangements (legal, educational, financial, religious, special, etc.) to ensure a smooth, rapid turnover of family member care responsibilities in case this plan is implemented.</p>																
<p>E. I have arranged for necessary travel required to transfer my family members to a designated person. If my principal designee is not in the local area, I have arranged with a nonmilitary person in the local area to assume temporary guardianship of my family members until they are transferred to my principal care designee, or that designee arrives to assume responsibility for their care.</p>																
<p>F. A copy of DA Form 5841 (Power of Attorney) or equivalent documents and a copy of DA Form 5840 (Certificate of Acceptance as Guardian) for each escort or guardian whether temporary or long-term is attached to this plan.</p>																
<p>G. The following additional required documents are completed, included in this plan, and will be put into effect as part of my Family Care Plan.</p>																
<p>1. DD Form 1172 (Application for Uniformed Services Identification Card) for each family member whether they have a currently valid ID card or not.</p>																
<p>2. DD Form 2558 (Authorization to Start, Stop or Change an Allotment for Active Duty or Retired Personnel) or other proof of financial support for expenses incurred by guardian and family members.</p>																
<p>3. Copies of Letters of Instruction (which have been forwarded to designated escorts or guardians along with powers of attorney and other pertinent documents), outlining all special instructions concerning the care of my family members have also been included in my Family Care Plan.</p>																
<p>H. I have thoroughly briefed escorts and guardians on the full extent of their responsibilities and on procedures for gaining access to military/civilian facilities, services, entitlements and benefits on behalf of my family members.</p>																
<p>I. I am confident that my Family Care Plan is workable, and to the best of my knowledge, the guardian(s) and escort(s) I have designated will be both willing and able to carry out the responsibilities of caring for my family members.</p>																

PART II - DESIGNATION OF GUARDIANS/ESCORTS

<p>A. I (We) have designated the following temporary guardian to care for my (our) family member (s) until responsibility is transferred to escort or principal (long-term) guardian.</p>	
<p>1. TYPED OR PRINTED NAME</p>	<p>2a. COMPLETE ADDRESS (Including Street, Apartment Number, P.O. Box Number, Rural Route Number, City, State, and ZIP + 4 where applicable)</p>
<p>3. TELEPHONE NUMBER (Include Area Code)</p>	<p>2b. E-MAIL ADDRESS</p>

B. I (We) have designated the following individual(s) as principal long-term guardian(s) for my(our) family member(s). The designated guardian(s) reside in the continental United States or United States territories.

1. TYPED OR PRINTED NAME	2a. COMPLETE ADDRESS (Including Street, Apartment Number, P.O. Box Number, Rural Route Number, City, State, and ZIP + 4 where applicable)
3. TELEPHONE NUMBER (Include Area Code)	2b. E-MAIL ADDRESS

C. I (We) have designated the following individual(s) as escort for my(our) family member(s) if evacuation from OCONUS becomes necessary (applies only to persons assigned OCONUS):

1. TYPED OR PRINTED NAME	2a. COMPLETE ADDRESS (Including Street, Apartment Number, P.O. Box Number, Rural Route Number, City, State, and ZIP + 4 where applicable)
3. TELEPHONE NUMBER (Include Area Code)	2b. E-MAIL ADDRESS

**PART III - DUAL MILITARY COUPLES ONLY
MILITARY SPOUSE AND COMMANDER CERTIFICATION**

A. Spouse: We have made arrangements and will maintain arrangements for the care of our family member(s) in all circumstances required by our commitment to the military and our family.

1. SIGNATURE OF SPOUSE	2. DATE (YYYY/MM/DD)										
3. TYPED OR PRINTED NAME OF SPOUSE	4. SSN										
5. Recertification	<table border="1"> <tr> <td>a. INIT.</td> <td>DATE</td> <td>b. INIT.</td> <td>DATE</td> <td>c. INIT.</td> <td>DATE</td> <td>d. INIT.</td> <td>DATE</td> <td>e. INIT.</td> <td>DATE</td> </tr> </table>	a. INIT.	DATE	b. INIT.	DATE	c. INIT.	DATE	d. INIT.	DATE	e. INIT.	DATE
a. INIT.	DATE	b. INIT.	DATE	c. INIT.	DATE	d. INIT.	DATE	e. INIT.	DATE		

B. Commander: I have counseled the military spouse assigned to my unit, reviewed the Family Care Plan, and I am satisfied that the members have made adequate family care arrangements.

1. SIGNATURE OF COMMANDER	2. DATE	3. UNIT ADDRESS													
4. TYPED OR PRINTED NAME OF COMMANDER															
5. Recertification	<table border="1"> <tr> <td>a. INIT.</td> <td>DATE</td> <td>b. INIT.</td> <td>DATE</td> <td>c. INIT.</td> <td>DATE</td> <td>d. INIT.</td> <td>DATE</td> <td>e. INIT.</td> <td>DATE</td> </tr> </table>					a. INIT.	DATE	b. INIT.	DATE	c. INIT.	DATE	d. INIT.	DATE	e. INIT.	DATE
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PART IV - SOLDIER AND COMMANDER CERTIFICATION

A. Soldier: I (We) have made arrangements and will maintain arrangements for the care of my(our) family member(s) in all circumstances required by my(our) commitment to the military and my(our) family.

1. SIGNATURE OF SOLDIER	2. DATE (YYYY/MM/DD)										
3. TYPED OR PRINTED NAME OF SOLDIER	4. SSN										
5. Recertification	<table border="1"> <tr> <td>a. INIT.</td> <td>DATE</td> <td>b. INIT.</td> <td>DATE</td> <td>c. INIT.</td> <td>DATE</td> <td>d. INIT.</td> <td>DATE</td> <td>e. INIT.</td> <td>DATE</td> </tr> </table>	a. INIT.	DATE	b. INIT.	DATE	c. INIT.	DATE	d. INIT.	DATE	e. INIT.	DATE
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B. Commander: I have reviewed the Family Care Plan, and I am satisfied that the members have made adequate family care arrangements that will allow for a full range of military duties and for worldwide availability as defined here.

1. SIGNATURE OF COMMANDER	2. DATE	3. UNIT ADDRESS													
4. TYPED OR PRINTED NAME OF COMMANDER															
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a. INIT.	DATE	b. INIT.	DATE	c. INIT.	DATE	d. INIT.	DATE	e. INIT.	DATE						

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 08-1176

BY REPRESENTATIVE(S) Labuda, Borodkin, Carroll M., Frangas, Gallegos, Gardner B., Lambert, Looper, Lundberg, Marostica, Massey, Middleton, Mitchell V., Rice, Stafford, and Todd;
also SENATOR(S) Ward, Boyd, Brophy, Cadman, Gibbs, Groff, Isgar, Kester, Kopp, Morse, Penry, Renfroe, Romer, Sandoval, Schultheis, Schwartz, Shaffer, Spence, Tapia, Taylor, Tochtrop, Tupa, Wiens, and Williams.

CONCERNING THE MODIFICATION OF THE ALLOCATION OF PARENTAL RESPONSIBILITIES OF CERTAIN DEPLOYED SERVICE MEMBERS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 10 of title 14, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

14-10-131.3. Modification of the allocation of parental responsibilities and parenting time based upon military service - legislative declaration - definitions. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(I) AN ARMED FORCES RESERVES OR STATE NATIONAL GUARD MEMBER WHO IS CALLED TO ACTIVE DUTY FACES UNIQUE CHALLENGES WITH

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

RESPECT TO PARENTING HIS OR HER CHILD WHILE AT THE SAME TIME MEETING HIS OR HER OBLIGATION TO SERVE IN THE MILITARY;

(II) THE ALLOCATION OF PARENTAL RESPONSIBILITIES AND THE PARENTING PLAN FOR A CHILD IS OFTEN MODIFIED AS A RESULT OF A PARENT BEING DEPLOYED OR CALLED TO FEDERAL ACTIVE DUTY. IT IS IMPORTANT THAT SERVICE MEMBERS, CHILDREN, AND OTHER PARENTS SHARE THE SAME EXPECTATION AS TO WHAT THE PARENTAL RESPONSIBILITIES AND PARENTING TIME ORDERS WILL BE WHEN THE SERVICE MEMBER PARENT RETURNS AND THAT THE RELATIONSHIP BETWEEN A SERVICE MEMBER PARENT AND HIS OR HER CHILD WILL NOT BE UNFAIRLY IMPACTED DUE TO MILITARY SERVICE.

(b) THE GENERAL ASSEMBLY THEREFORE FINDS THAT THE INTERESTS OF THE PARENTS AND THE CHILD ARE BEST SERVED WHEN:

(I) MODIFICATIONS OF PARENTAL RESPONSIBILITIES AND PARENTING TIME THAT ARE BASED SOLELY UPON THE DEPLOYMENT OR FEDERAL ACTIVE DUTY OF RESERVE OR NATIONAL GUARD MEMBERS ARE LIMITED IN DURATION; AND

(II) UPON THE SERVICE MEMBER PARENT'S RETURN FROM DEPLOYMENT OR ACTIVE DUTY, THE ALLOCATION OF PARENTAL RESPONSIBILITIES AND PARENTING TIME REVERTS TO THE ORDERS IN PLACE AT THE TIME THE SERVICE MEMBER WAS DEPLOYED OR CALLED TO FEDERAL ACTIVE DUTY.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ACTIVE DUTY" MEANS FULL-TIME SERVICE IN:

(I) A RESERVE COMPONENT OF THE ARMED FORCES; OR

(II) THE NATIONAL GUARD FOR A PERIOD THAT EXCEEDS THIRTY CONSECUTIVE DAYS IN A CALENDAR YEAR.

(b) "ARMED FORCES" INCLUDES THE RESERVE COMPONENTS OF THE UNITED STATES ARMY, NAVY, MARINE CORPS, AIR FORCE, AND COAST GUARD.

(c) "PARENT" MEANS PARENT, LEGAL GUARDIAN, OR PERSON AWARDED PARENTAL DECISION-MAKING RESPONSIBILITIES OR PARENTING TIME.

(d) "SERVICE MEMBER" MEANS A MEMBER OF A RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES OR A MEMBER OF A STATE NATIONAL GUARD.

(3) (a) IF A MOTION TO MODIFY AN ORDER CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME IS FILED EITHER PRIOR TO OR DURING A SERVICE MEMBER PARENT'S ACTIVE DUTY DEPLOYMENT, AND THE COURT FINDS THAT THE SERVICE MEMBER PARENT'S ACTIVE DUTY DEPLOYMENT IS THE SOLE BASIS FOR THE MODIFICATION, ANY RESULTING ORDER SHALL BE AN INTERIM ORDER.

(b) UPON A SERVICE MEMBER PARENT'S FILING OF WRITTEN NOTICE WITH THE COURT OF HIS OR HER RETURN TO COLORADO FROM ACTIVE DUTY DEPLOYMENT, AND SERVICE OF THE NOTICE ON THE OTHER PARENT, THE INTERIM ORDERS ARE VACATED, AND THE ORDERS CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES AND PARENTING TIME THAT WERE IN EFFECT AT THE TIME THE INTERIM ORDERS WERE ENTERED SHALL BE IMMEDIATELY REINSTATED WITHOUT THE NEED FOR COURT ACTION.

(4) NOTHING IN THIS SECTION RESTRICTS THE RIGHT OF A PARENT TO:

(a) CONSENT TO A MODIFICATION OF THE ALLOCATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME THAT CONTINUES BEYOND THE END OF THE SERVICE MEMBER PARENT'S ACTIVE DUTY DEPLOYMENT; OR

(b) FILE A MOTION, PURSUANT TO APPLICABLE LAW, SEEKING A MODIFICATION OF THE ALLOCATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME AFTER THE INTERIM ORDERS ARE VACATED.

(5) A SERVICE MEMBER PARENT'S AGREEMENT TO A MODIFICATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME ON AN INTERIM BASIS, DUE TO HIS OR HER ACTIVE DUTY DEPLOYMENT, SHALL NOT BE CONSIDERED AGREEMENT TO A MODIFICATION OR CONSENT TO THE INTEGRATION OF THE CHILD INTO THE OTHER PARENT'S HOUSEHOLD FOR THE PURPOSE OF A MOTION FILED PURSUANT TO SECTION 14-10-129 (2) OR 14-10-131 (2).

(6) MODIFICATION OF CHILD SUPPORT MAY BE APPROPRIATE WHEN AN INTERIM ORDER IS ENTERED BASED UPON A SERVICE MEMBER PARENT'S ACTIVE DUTY DEPLOYMENT. IN ANY MOTION FILED PURSUANT TO THIS SECTION, IT IS THE PARTIES' RESPONSIBILITY TO ADDRESS CHILD SUPPORT AT THAT TIME PURSUANT TO SECTIONS 14-10-115 AND 14-10-122.

(7) MOTIONS FILED PURSUANT TO THIS SECTION SHALL NOT QUALIFY AS MOTIONS FILED FOR PURPOSES OF THE TWO-YEAR LIMITATION ON MOTIONS CONTAINED IN SECTIONS 14-10-129 AND 14-10-131.

SECTION 2. 14-13-102 (7), Colorado Revised Statutes, is amended to read:

14-13-102. Definitions. As used in this article, unless the context otherwise requires:

(7) (a) "Home state" means the state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of a child-custody proceeding. In the case of a child less than six months of age, the term means the state in which the child lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of the period.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (7), "HOME STATE" DOES NOT MEAN A STATE IN WHICH A CHILD LIVED WITH A PARENT OR A PERSON ACTING AS A PARENT ON A TEMPORARY BASIS AS THE RESULT OF AN INTERIM ORDER ENTERED PURSUANT TO SECTION 14-10-131.3.

SECTION 3. Applicability. This act shall apply to motions filed on or after the effective date of this act.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or

part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Peter C. Groff
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

THE PETITIONER, by and through his undersigned attorney, hereby requests a stay of all proceedings in the above-captioned case, and as grounds, states the following:

1. Statement of Compliance. On _____, counsel for the moving party discussed this issue with opposing counsel, who indicated that ***he/she does not oppose this motion.
2. A Permanent Orders hearing is currently scheduled for *****.
3. The Respondent is a ***** on active duty with the U.S. Army. On or about *****, he was deployed to Iraq (Deployment Order attached as Attachment 1). The deployment is open-ended, with no termination date yet set, but is expected to last about a year. Counsel for the Respondent will advise the Petitioner and the Court upon learning of a return date.
4. This deployment materially affects the Respondent's ability to participate in the proceedings in that while he is deployed, he is prohibited from taking leave to appear, and his ability to communicate with his attorney is severely curtailed. A letter from his commander is attached as Attachment 2.
5. The pertinent portions of the Servicemembers Civil Relief Act, 50 U.S. Code App. § 202, read:

(a) APPLICABILITY OF SECTION- This section applies to any civil action or proceeding in which the defendant at the time of filing an application under this section--

(1) is in military service or is within 90 days after termination of or release from military service; and

(2) has received notice of the action or proceeding.

(b) STAY OF PROCEEDINGS-

(1) AUTHORITY FOR STAY- At any stage before final judgment in a civil action or proceeding in which a servicemember described in subsection (a) is a party, the court may on its own motion and shall, upon application by the servicemember, stay the action for a period of not less than 90 days, if the conditions in paragraph (2) are met.

(2) CONDITIONS FOR STAY- An application for a stay under paragraph (1) shall include the following:

(A) A letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the servicemember's ability to appear and stating a date when the servicemember will be available to appear.

(B) A letter or other communication from the servicemember's commanding officer stating that the servicemember's current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the letter.

6. The Respondent has met the SCRA requirements for a mandatory stay: he is on active duty, he submitted this written motion which sets out how his military duties

materially affect his ability to appear, and he has attached the required letter from his commanding officer.

WHEREFORE, the moving party requests that the ***** hearing be vacated, and that all further proceedings in this case stayed until such time that has redeployed back to the United States and his ability to participate in the case is not materially affected.