



MOUNTAIN POST LEGAL BRIEF

A Preventive Law Service of the Office of the Staff Judge Advocate
Headquarters, Fort Carson
Keeping You Informed On Personal Legal Affairs



SECONDARY DEPENDENCY

Consider these questions and answers to determine your rights in claiming a Secondary Dependent.

Q: WHAT IS SECONDARY DEPENDENCY?

A: There are times when your dependents may include more than your spouse and children. These added dependents can increase your financial responsibilities. If you're responsible for the financial support of other family members, you may be eligible to add them as your secondary dependents.

Q: WHO IS ELIGIBLE TO BECOME A DEPENDENT USING SECONDARY DEPENDENCY?

A: Secondary Dependent Status can be given to the following people, as long as they also meet the dependency status outlined in the next question:

- **Parent, parent-in-law, step-parent, parent by adoption**, or any person who stood 'in-loco parentis' (in the place of a parent) to you for at least five years prior to your emancipation.
- **Unmarried children ages 21 and 22** who are enrolled in an accredited institution of higher education on a full-time basis.
- **Ward of the court**, unmarried, and placed in the permanent legal physical custody of the member, or if not permanent (temporary) custody for a period of at least 12 consecutive months. Note: This does require Court documentation and cannot be achieved through a Power of Attorney.
- **Unmarried child over age 21 incapable of self-support** because of mental or physical incapacity that occurred while the child was considered a dependent of yours as a member or retired member, or is considered the dependent of a deceased member (while under age 21 or under age 23 and a full-time student).

Q: WHAT ARE THE OTHER REQUIREMENTS TO ESTABLISH DEPENDENCY EXISTS?

A: To qualify as a secondary dependent, the individual's income, not including your contribution, must be less than one-half of the actual living expenses. The law requires the individual to be 'in fact' dependent on you, the service member. Your contribution must be more than one-half of the dependent's actual monthly living expenses. This means you cannot be just providing over 50 percent of their income, you have to be paying 50 percent of their living expenses each month.

Q: WHAT INFORMATION WILL I NEED TO FILE FOR SECONDARY DEPENDENCY?

A: You will need to compile the necessary paperwork to support your claim of dependency. This includes proof of income as well as proof of household or personal expenses.

Income will include ALL income and monetary support received by dependent from ANY source other than yourself, such as alimony, spousal support, grants, scholarships, wages, settlement payments, etc.

Personal expenses include services such as cell phones, tuition payments, car payments, insurance, etc.

Household expenses include ALL expenses related to the home for **all persons in the home** regardless of who pays for them. Expenses can include: **full rent/mortgage or the fair rental value; tax and insurance; food; utilities; furniture/appliance; repairs; and other.** Please refer to this website for more info on expenses:

https://www.dfas.mil/militarymembers/SecondaryDependency/SDC/SDC_FAQ.html

Q: WHAT PAPERWORK DO I NEED TO FILE WITH DFAS AND THE ARMY TO CLAIM A SECONDARY DEPENDENT?

A: The paperwork necessary to claim a secondary dependent is based on the type of secondary dependent you are trying to claim. The list for each type can be found at the following website with links to the forms:

https://www.dfas.mil/militarymembers/SecondaryDependency/secondarydependency_Army/claims_packages_Army.html

Q: HOW OFTEN DO I NEED TO RENEW THE SECONDARY DEPENDENT'S STATUS?

A: Once your secondary dependency claim for BAH support has been approved, you will be required to submit forms and documents to maintain dependent status and eligibility. This **MUST** be done **annually** in order to continue your BAH payments uninterrupted. Should your secondary dependent status lapse and your BAH is stopped or reduced, you will **not** be authorized back payment of BAH for the period during which the individual(s) were not officially recognized as in a dependent status.

Q: IF I HAVE MORE QUESTIONS WHERE CAN I GET ANSWERS?

A: General Information regarding Secondary Dependency can be found here:

<https://www.dfas.mil/militarymembers/SecondaryDependency/SDC.html>

Army specific information can be found here:

https://www.dfas.mil/militarymembers/SecondaryDependency/secondarydependency_Army.html

There is also a Helpful Hints section here:

https://www.dfas.mil/militarymembers/SecondaryDependency/secondarydependency_Army/help_Army.html

As well as a Frequently Asked Questions page here:

https://www.dfas.mil/militarymembers/SecondaryDependency/SDC/SDC_FAQ.html

Please also keep in mind that your personnel or finance office can help get you answers to Secondary Dependency questions.

Q: F MY CLAIM FOR SECONDARY DEPENDENCY IS DENIED, WHAT DO I NEED TO DO FOR IT TO BE RECONSIDERED?

A: If your claim was disapproved, you will receive a letter including the reason for disapproval and action(s) needed for correction. Upon completing the correction(s), resubmit your claim and supporting documentation on a new ticket. There is no waiting period to submit a new claim.

MOUNTAIN POST LEGAL BRIEF is one of a series of informative handouts from the Fort Carson Legal Assistance Division containing general information on topics that legal assistance attorneys frequently advise on. Information provided is general in nature and does not constitute legal advice. Consult an attorney for specific legal advice for your particular situation. You may schedule a legal assistance appointment by calling the Legal Assistance Division at 719-526-5572.