

Questionable Dependent / PPC Legal Approval

Overview

Introduction

This guide provides the procedures to request determinations from PPC's Legal Branch (PPC-LGL) to add certain categories of dependents to a member's Dependency profile. Prior to contacting PPC-LGL, refer to [reference \(a\)](#), Chapter 3.D and Figure 3-8, and consult with the unit's P&A supervisor.

All requests for dependency changes **MUST** be submitted through the member's supporting P&A Office (CC: SPO), who will route them to PPC-LGL. The P&A **MUST** ensure all required documents are completed and included with the submission to PPC-LGL. The P&A should also provide a point of contact at the P&A in the event PPC-LGL requires additional information.

References

- (a) [Coast Guard Pay Manual, COMDTINST M7220.29 \(series\), Chap 3.D and Figure 3-8](#)
 - (b) [Dependent Information User Guide](#)
 - (c) Unit SPO Supervisor
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Request to PPC

PPC-LGL Contact Information

Refer to [reference \(a\)](#), Chapter 3.D and Figure 3-8 and discuss with the unit SPO supervisor for guidance and requirements for dependency approval. Send requests for dependency determination by mail, fax, email, or Customer Care ticket to:

Commanding Officer (LGL)
U.S. Coast Guard
Pay & Personnel Center
444 S.E. Quincy Street
Topeka, KS 66683-3591

PPC-DG-LGL@uscg.mil
Toll Free at 866-772-8724

PPC-LGL Processing Information

- PPC-LGL will assign the request for dependency determination to a paralegal specialist upon receipt.
 - The paralegal will review the request and supporting documentation to ensure the packet is complete. If further documentation or information is required, the paralegal will contact the P&A.
 - The paralegal will determine whether the questionable dependent is approved or denied and will provide the P&A, SPO and member with a memo containing the decision. Upon receipt of the approval memo, the P&A can now adjust the member's appropriate entitlements and submit to the SPO for approval. If the dependency is denied, the P&A will provide the member with a copy of the determination and will advise the member about how to re-apply if the reasons for denial can be corrected.
 - To add the approved dependent(s) to DEERS, the member will need to take the approval memo, along with the approved dependent(s), and the dependent's photo I.D. to their local RAPIDS/DEERS office. **NOTE:** It is the member's responsibility to provide dependency changes and status updates regarding support to the dependent. Annually, beginning in October and not later than 30 November, members must validate their housing allowance entitlement by verifying their Direct Access (DA) BAH/Dependency Data Report.
 - Retiree's must confirm support of the dependent every 4 years. Any changes and updates should be made to PPC's Retiree and Annuitant Services Branch (PPC-RAS) at 866-772-8724.
 - Dependency processing takes approximately two weeks at PPC-LGL once all required documentation has been received.
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Dependency Types

Information Questionable Dependent descriptions and checklists, providing guidance for P&As, are provided on the following pages.

Illegitimate Child P&As are now authorized to make dependency determinations for illegitimate children. A child born to a member out of wedlock is considered an illegitimate child. Illegitimate children are considered primary dependents; however:

- If the child does **NOT** reside with the member, a thorough review of proof of parentage and proof of support by the P&A will be required. The P&A office will need to determine if the member has proof of parentage and proof of support in the amount equal to or exceeds BAH diff.
- If the child **DOES** reside with the member, the P&A will determine dependency as if the child is legitimate and add the child as the member's dependent for as long as the child resides with the member.
- If at any time during the member's career, the child does NOT continue living with the member, a dependency determination the P&A office will need to do a determination.

NOTE: If the member is married to the child's mother at the time of the child's birth and later divorces, the child continues to remain legitimate under the law and a dependency determination is not required by PPC-LGL or the P&A office.

Link to Checklist: [Illegitimate Child](#)

Legal Ward A legal ward is an unmarried child under 21 years of age who is placed in the member's legal and physical custody by order of a court of competent jurisdiction in the United States (see NOTE).

- The member must be awarded guardianship of the ward for a period of at least 12 consecutive months starting from the date the order was signed.
- The ward must be dependent on the member for more than 50% of their living expenses.
- A dependency determination through PPC-LGL is required for legal wards.
- Legal Ward must live with member sponsor unless separated by military necessity or to receive institutional care as a result of a disability.

NOTE: A power of attorney giving the member custody of the child is NOT sufficient; a court order is required.

Link to Checklist: [Legal Ward](#)

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Dependency Types, Continued

Incapacitated Child

To be considered an incapacitated child, the child must be incapable of self-support due to a mental or physical incapacity which occurred or originated while the child was a dependent of the member. The member must contribute more than 50% of the child's living expenses. The incapacitated child does NOT need to reside with the member to be approved as an incapacitated child.

Requests from members to add an incapacitated child as a dependent should be forwarded to PPC-LGL **no earlier than 90 days before the child's 21st birthday or before the member's retirement.**

Link to Checklist: [Incapacitated Child](#)

Adoption / Pre-Adoption

Adopted children under 21 years of age are considered primary dependents. A dependency determination is NOT required for adopted children. Adopted dependents require legal documents signed by a court order or certified state placement agency that clearly state the child is adopted. Child(ren) placed in the home of the member by a placement agency for the purpose of adoption (pre-adoption) require PPC-LGL dependency approval.

Link to Checklist: [Adoption / Pre-Adoption](#)

Parent / Parent-In-Law

PPC-LGL determines dependency for a member's biological or stepparent(s) or a member's parent-in-law(s) or stepparent-in-law(s). The member must provide more than 50% of the parent's living expenses and the parent must provide less than 50% of their own living expenses. The parent must live with the member to be approved as the member's dependent.

Link to Checklist: [Parent / Parent-In-Law](#)

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Dependency Types, Continued

In Loco Parentis

In Loco Parentis refers to someone who intentionally assumed the parental rights and responsibilities over the member for a minimum of five continuous years before the member's 21st birthday, or before entry into Active Duty, whichever is earlier. During the In Loco Parentis period, a biological parent must not have resided in the same home, unless the parent was mentally incompetent. The spouse of the member is not authorized to claim an In Loco Parentis dependent.

Link to Checklist: [In Loco Parentis](#)

Determination NOT Required by PPC-LGL

The following categories of dependents do **NOT** require PPC-LGL approval:

- Legitimate children
- Children under 23 years of age and enrolled in college full-time
- Stepchildren
- Member who divorces from spouse with legitimate children
- Legal marriages
- Foreign marriages (see **NOTE**)

NOTE: Marriages by proxy, telephone, common-law marriages, and remarriage within prohibited periods following divorce are considered cases of doubtful relationship and require PPC-LGL review. See reference (a) for additional information.

Link to Checklist: [Foreign Marriage](#)

P&A Checklists

Illegitimate Child Guidance for P&A

Proof of Parentage:

- Member must provide proof of parentage. Proof of parentage can include:
 - ✓ Member listed on original birth certificate
 - ✓ Court Order acknowledging member as parent (i.e., Child Support Order)
 - ✓ Official DNA results
 - ✓ Paternity acknowledgement IAW state law

Proof of Support:

- Person having physical custody of child must be recipient of support **AND** support **MUST** be solely for the child (Must be in the amount of BAH DIFF or greater).
- Member must show proof *for each month* support was given. Types of proof accepted:
 - ✓ Cancelled checks
 - ✓ Money orders
 - ✓ Receipts
 - ✓ Income Withholding orders
 - ✓ Voluntary allotments
 - ✓ VENMO, ZELLE and other apps.

NOTES:

- If the child resides with the member or is separated by military orders, the member's P&A will make the determination.
- If the child's residence changes and no longer resides with the member, a dependency determination will be required by the P&A office.
- If the child does NOT reside with the member, the P&A office will be required to make a dependency determination.
- VENMO, ZELLE, Cash Payments must include supporting documents and transaction details. Screen shots of transactions must be supported by a monthly report listing the details of the transaction. The Custodial parent must submit a notarized statement confirming payments, payment dates and payment amounts.
- The effective date of the dependency will be the earliest date that proof of support and proof of parentage can be determined.
- The P&A office may seek guidance from PPC-Legal when there is an issue due to a court order, questions regarding proof of parentage or proof of support. On rare occasions if the illegitimate child is born or resides in a foreign country PPC-Legal may assist with the request.

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P&A Checklists, Continued

Illegitimate Child Guidance for P&A, continued

SUBMITTED		REQUIREMENT
YES	NO	
		CG Form 2020A/ or DD 137 TBD
		Child's birth certificate.
		Proof of parentage (see acceptable proof).
		Proof of support (see acceptable proof). The level of support MUST meet or exceed the member's BAH differential.

Legal Ward Checklist

Ward must be:

- Unmarried
- Have not attained 21 years of age (or 23 years of age *if* enrolled full time in college)
- Reside with the member unless:
 - Separated by necessity of military service, or
 - To receive institutional care, or
 - To attend college

Ward's Income:

- Be less than 50% of their living expenses (includes trusts or support received from other than member), and
- Member must provide more than 50% of the ward's living expenses.

Court Order:

- Court Order must be signed by a judicial official (Power of attorney affidavits and notarized statements that parents sign giving custody to member will not satisfy requirements).
- Gives member physical and legal custody.
- Places Ward in member's permanent custody **OR** for a minimum of 12 consecutive months.

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P&A Checklists, Continued

**Legal Ward
Checklist, continued**

SUBMITTED		REQUIREMENT
YES	NO	
		DD 137 Legal Custody Ward- follow instructions on page 3.
		Previous year IRS tax return or Worksheet for Determining Financial Support.
		Ward's birth certificate.
		Member's notarized statement certifying: (1) Ward physically resides with member. (2) Ward does not provide more than 50% of Ward's living expenses. (3) Member provides at least 50% of Ward's living expenses.
		If Ward is between 21 and 23 years of age, proof Ward is enrolled in college full time.
		Court Order signed by judge included with determination request and orders: (1) Member is named in the Court Order as sole or co-guardian, and (2) Guardianship is permanent or <i>for a period of at least 12 consecutive months.</i>

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P&A Checklists, Continued

Incapacitated Child Checklist

MEDICAL SUFFICIENCY STATEMENT REQUIRED

- PPC-LEGAL will make dependency determinations for incapacitated children 6 months prior to the child turning 21. Requests for incapacitated children prior to 6 months before the child's 21st birthday will be closed without determination.

- In order to make an appropriate determination as to whether a dependent child can be declared as a dependent incapacitated child, you must submit a physician's statement certifying to the fact that your child is fully incapacitated (medically or mentally). Correspondence from a physician must have a letter head. The medical evaluation must have been completed within 90 days of the dependency request. Additionally, the physician must answer the following:
 - (a) The history of the specific medical condition(s), including references to findings from previous examinations, treatment, and responses to treatment to include a record of hospitalizations and current medications.
 - (b) Clinical findings from the most recent medical evaluation for your child's condition, including any of the following which have been obtained: findings of physical examination, results of laboratory tests, X-rays, EKGs, and other special evaluations or diagnostic procedures.
 - (c) Diagnosis, including your child's current clinical status.
 - (d) Prognosis, including plans or recommendations for future treatment and an estimate of the expected date of full or partial recovery, if applicable.
 - (e) An explanation of the impact of the medical condition on overall health and activities, to include overall functional level or impairment of executive functions including employment history, ability to manage own finances, ability to obtain or maintain a driver's license, shop for, and prepare own meals, and manage own laundry needs.
 - (f) Narrative explanation of the medical basis for any conclusion that the medical condition has or has not become static or well stabilized and the likelihood that you may experience sudden or subtle incapacitation as a result of the medical condition.

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P&A Checklists, Continued

**Incapacitated
Child Checklist, continued**

SUBMITTED		REQUIREMENT
YES	NO	
		DD FORM 137 follow instructions on page 3.
		Prior year's tax return or Worksheet for Determining Financial Support
		Child's birth certificate.
		Member's marriage license (if stepchild).
		DD Form 2870 (Authorization to release medical information).
		Medical Sufficiency Statement & supporting documents (see Required Information). Any medical statements from medical professionals should be printed on a letter head.
		Copy of one photo ID for child (DEERS requirement).

**Adoption /
Pre-Adoption/Foster Children Checklist**

SUBMITTED		REQUIREMENT
YES	NO	
		DD 137.
		Adoption document submitted (See NOTE): <ul style="list-style-type: none"> • Final adoption decree, • Pre-adoption Court Order, or • State agency placement letter (MUST be on agency letter head).

NOTE: Member **MUST** provide a certified English translation for any document in a foreign language.

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P&A Checklists, Continued

**Parent /
Parent-In-Law
Checklist**

Determination based on DD137: Member is entitled to BAH on behalf of a dependent parent if:

- The member contributes more than 50% of the parent’s monthly living expenses,
- The parent’s income, not counting the member’s contribution is less than 50% of their monthly living expenses.
- In order to receive USIP benefits the parent must reside with the member.

Effective Date of Dependency:

- A member is authorized a housing allowance for any Active Duty period during which the parent dependency is shown to exist. If dependency arises due to changed circumstances, and the facts show the member has started to contribute more than 50% of the parent’s support, a housing allowance is authorized from the date the contribution began.

NOTES:

- A stepparent/stepchild relationship ends upon divorce from the blood parent, but not necessarily upon the blood parent’s death. A housing allowance for a stepparent may be established after the blood parent’s death.
- Six months of parent dependency is *not required* to qualify as a dependent.
- The parent *does not* have to be carried as the member’s tax dependent.
- P&As should advise members about the limited medical care that is available to approved parent dependents. Full medical care benefits are not available.
- Parents not living with the member are not eligible for medical care.

**Parent /
Parent-In-Law Checklist, continued**

SUBMITTED		REQUIREMENT
YES	NO	
		DD 137
		Prior year tax return or Worksheet for Determining Financial Support.
		Member’s birth certificate (if parent of the member).
		Member’s marriage license (if parent of the member’s spouse).
		Member’s spouse’s birth certificate (if parent of member’s spouse).

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P&A Checklists, Continued

In Loco Parentis Checklist

Determination based on DD 137: Member is entitled to BAH on behalf of a dependent parent if:

- The member contributes more than 50% of the parent’s monthly living expenses,
- The parent’s income, not counting the member’s contribution is less than 50% of their monthly living expenses.

SUBMITTED		REQUIREMENT
YES	NO	
		DD Form 137 follow instructions on page 3.
		Previous year’s IRS tax return or Worksheet for Determining Financial Support.
		Member’s birth certificate (if parent of the member).
		Member’s marriage license (if parent of the member’s spouse).
		Member’s spouse’s birth certificate (if parent of member’s spouse).

Foreign Marriage Checklist

Foreign Divorces:

- Foreign marriages do not ordinarily require PPC-LGL review. Prior to marrying a foreign spouse, the member must request permission and receive approval from their Commanding Officer. Only requests that involve the remarriage of a member to a foreign spouse following a foreign nation divorce require PPC-LGL review.
- Marriages by proxy, telephone, common-law marriages, and remarriages within prohibited periods following a divorce are considered cases of doubtful relationship and should be reviewed by PPC-LGL.

NOTES:

- Contact PPC-LGL at 866-772-8724 or PPC-DG-LGL@uscg.mil for assistance in requesting review of a foreign marriage.
- Member **MUST** provide a certified English translation of any document in a foreign language.

SUBMITTED		REQUIREMENT
YES	NO	
		Certified Marriage license (certified English translation if in a foreign language).
		Written approval from member’s Command, per COMDTINST M1700.1, paragraph 1.K.2.