

Questionable Dependent/PPC Legal Approval

Overview

Introduction

This guide provides procedures to request determinations from PPC LGL (LGL) to add certain categories of dependents to a member's BAH/Dependency Data Form, formerly known as the CG-4170. Prior to contacting PPC LGL, refer to [Chapter 3-D and Figure 3-8 of the Coast Guard Pay Manual, COMDTINST M7220.29 \(series\)](#), and consult with the unit SPO supervisor. PPC-Legal only determines dependency; PPC LGL does not establish BAH Type. Ensure all required documents are completed and included upon submission to PPC-LGL for expeditious processing.

The dependent must be listed on the member's BAH/Dependency form. Selecting the BAH eligible box and entering eligibility date will allow the questionable dependent to be printed on the BAH/Dependency form without initiating pay actions. Those dependents that require PPC-LGL approval will be entered as dependents but will not have the entitlements portions completed. The form **must not** be signed by the requesting member until **after** PPC LGL approves the dependent. Once the data is entered and saved, it can be printed on a BAH/Dependency Report. See [BAH/Dependency Data / Emergency Contact Data Form Print Procedure](#) for more information.

References

- Unit SPO supervisor
 - [Chapter 3-D and Figure 3-8 of the Coast Guard Pay Manual, COMDTINST M7220.29 \(series\)](#)
 - [Dependent Information User Guide](#)
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Request to PPC

Reference Refer to [Chapter 3-D and Figure 3-8 of the Coast Guard Pay Manual, COMDTINST M7220.29 \(series\)](#) and discuss with the unit SPO supervisor for guidance and requirements for dependency approval. Send request for dependency determinations by mail, fax, submit by Heat Ticket or email 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
PHONE: 785-339-3595
FAX: 785-339-3788

**PPC-Legal
Processing
Information**

- PPC LGL will assign the request for dependency determination to a paralegal specialist once it is received.
 - The paralegal will review the request and supporting documentation to ensure that the packet is complete. If further documents or information are required, the paralegal will contact the member and/or SPO.
 - The paralegal will determine whether the questionable dependent is approved or denied and will provide the SPO and member with a memo containing the decision & the BAH/Dependency form. When the approval memo is received, the SPO will have the member sign the BAH/Dependency form & the SPO can adjust the member's appropriate entitlements. If the dependency is denied, the SPO will provide the member with a copy of the determination and will advise the member about how to re-apply if the reasons for the 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. Please note that 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 BAH/Dependency Data report.
 - Retiree's must confirm support of the dependent every 4 years. Any changes and updates should be made to the Pay and Personnel Center Retiree and Annuitant Services Office (PPC/RAS) at 785-339-3441.
 - Dependency processing takes approximately two weeks at PPC-LGL once all required documentation is received.
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Dependency Types

Information **Questionable Dependent descriptions & checklists providing guidance for SPO's are provided on the following pages.**

Illegitimate Child 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 live with the member, a dependency determination by PPC-LGL is required. The SPO determines dependency for illegitimate children that do reside with the member. If at any time during the member's career the child does not continue living with the member, a dependency determination is required by PPC-LGL.
If a member divorces the other parent of the child, the child is not then considered illegitimate.

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. (A power of attorney giving the member custody of the child is not sufficient; a court order is required.) 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 over one-half of their living expenses. A dependency determination through PPC-LGL is required for legal wards.

Link to Checklist: [Legal Ward](#)

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 one half of the child's living expenses.

Two determinations are required. (1) PPC-LGL determines dependency eligibility and (2) a Medical Review at PSC-PSD-MED makes the decision about the child's medical incapacity. These determinations can be done concurrently.

Link to Checklist: [Incapacitated Child](#)

Continued on next page

Dependency Types, Continued

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 step parent parents or a member's parent-in-law or step parent-in-laws. 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. It is not necessary for the parent to live with the member to be considered the member's dependent.

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

NOTE: PPC LGL will send a CG-1758 (Parent Dependency Affidavit) to the parent/parent-in-law. The form must be completed, signed, notarized and returned to PPC LGL before a final dependency determination can be made.

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](#)

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Dependency Types, Continued

Foreign Marriages

Prior to marrying a foreign spouse, the member must request permission and be approved by the member's Commanding Officer. PPC-LGL approval is not required unless the request involves the remarriage of a member following a foreign nation divorce. 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 the Coast Guard Pay Manual, COMDTINST M7220.29 (series), for additional information.

Link to Checklist: [Foreign Marriage](#)

Determinations NOT Required by PPC-LGL

The following categories of dependents do not need PPC-LGL approval:

- legitimate children
- children that are under age 23 and enrolled in college full-time
- stepchildren
- member who divorces from spouse with legitimate children
- legal marriages

Please contact the SPO unit supervisor for questions regarding questionable dependency.

SPO Checklists

Illegitimate Child

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 show proof *for each month* support was given.
- Types of Proof accepted:
 - Cancelled checks
 - Money orders
 - Receipts
 - Income Withholding orders
 - Voluntary allotments

NOTES:

- If child resides with member or is separated by military orders the member's SPO makes the determination.
- If the child's residence changes and no longer resides with the member, a dependent determination through PPC/LGL is required.
- If the child **does not reside** with member PPC/LGL makes determination.
- The effective date of the dependency will be the earliest date that proof of support and proof of parentage can be determined.

NOTE: Member will sign dependent data form only after it is approved by PPC/LGL.

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SPO Checklists, Continued

**Illegitimate
Child,**
continued

SUBMITTED		REQUIREMENT
YES	NO	
		Dependent Data Form (Dependent must be listed as “Illegitimate child”)*
		CG Form 2020
		CG Form 2020A
		Child’s birth certificate.
		Proof of parentage (see acceptable proof)
		Proof of support (see acceptable proof)

*** Marking the BAH eligible box and entering eligibility date will allow the requested dependent to be printed on the BAH/Dependency form without initiating Pay actions. Requested dependents requiring PPC Legal approval will be entered as dependents but WILL NOT have the entitlements portions completed until AFTER approval is received from PPC Legal. Once the data is entered and saved, it can be printed on a BAH/Dependency Form.**

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SPO Checklists, Continued

Legal Ward

Ward must be:

- Unmarried
- Have not attained the age of 21 (or attained age of 23 *if* enrolled full time in College)
- Reside with 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 requirement)
- Gives member physical and legal custody
- Places ward in member's **permanent** custody *or* for a minimum of **12 consecutive** months.
- If state statute does not provide permanent guardianship and the order is silent on time, ward will be eligible for BAH determination *only after* they have resided with member for 12 consecutive months.

NOTE: Member will sign dependent data form only after it is by PPC/LGL.

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SPO Checklists, Continued

Legal Ward, continued

SUBMITTED		REQUIREMENT
YES	NO	
		Dependent Data Form (Dependent must be listed as Legal Ward)*
		CG Form 2020
		CG Form 2020A
		Ward's birth certificate.
		Member's notarized statement certifying:
		(1) Ward physically resides with member (Unless separated by military orders)
		(2) Ward does not provide over 50% of their own living expenses
		(3) Member provides at least 50% of Ward's living expenses
		If ward is between 21 & 23 years old, Proof ward is enrolled in college full time provided
		Court Order signed by a judge included with determination request and orders that the
		Member is named in court order as sole or co-guardian
		Guardianship is permanent <i>or</i> for a period of <i>at least 12 consecutive months</i>

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SPO Checklists, Continued

Incapacitated Child

MEDICAL SUFFICIENCY STATEMENT REQUIRED

1. In order for Coast Guard Medical Officers to make an appropriate medical 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). The medical evaluation must have been completed within 90 days of 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.

NOTE: Member will sign dependent data form only after it is approved by PPC/LGL.

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SPO Checklists, Continued

**Incapacitated
Child,**
continued

SUBMITTED		REQUIREMENT
YES	NO	
		Dependent Data Form (Dependent must be listed as Incapacitated Child)*
		CG Form 2020
		CG Form 2020A
		Child's birth certificate
		Member's marriage license (if step child).
		CG Form 1754C
		DD Form 2870 (Authorization to release medical information)
		Medical Sufficiency Statement & supporting documents (see Required Info.)
		Copy of one photo ID for child (DEERS Requirement)
		Copy of Social Security Card (DEERS Requirement)

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SPO Checklists, Continued

Adoption/Pre-Adoption

SUBMITTED		REQUIREMENT
YES	NO	
		Dependent Data Form (Dependent must be listed as “Adopted son/daughter”*)
		CG Form 2020
		<i>Adoption document submitted:</i>
		Final adoption decree
		Pre-adoption court order
		State agency placement letter (must be on agency letter head)

Member must provide a certified English translation of any document that is in a foreign language.

Member will sign dependent data form only after it is approved by PPC/LGL

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SPO Checklists, Continued

Parent/ Parent-In-Law **Determinations based on 1758 parent affidavit:** 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 parents' income, not counting the member's contribution is less than 50% of their monthly living expenses.

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 over one-half of the parents' support, a housing allowance is authorized from the date the contribution began.

NOTE:

- 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 dependent
- Parent *does not* have to be carried as the member's dependent tax dependent

NOTE: PPC LGL will send a CG-1758 (Parent Dependency Affidavit) to the parent/parent-in-law. The form must be completed, signed, notarized and returned to PPC LGL before a final dependency determination can be made.

NOTE: Member will sign dependent data form only after it is approved by PPC/LGL.

SUBMITTED		REQUIREMENT
YES	NO	
		Dependent Data Form (Dependent must be listed as "Mother/Father/Mother in Law/Father in Law")*
		CG Form 2020
		CG Form 2020a
		Member's birth certificate if parent of member
		Member's marriage certificate if parent of member's spouse
		Member's spouse's birth certificate if parent of member's spouse
		1758 Parent Affidavit

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SPO Checklists, Continued

In Loco Parentis **Determinations based on 1758 parent affidavit:** 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 parents’ income, not counting the member’s contribution is less than 50% of their monthly living expenses.

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 over one-half of the parents’ support, a housing allowance is authorized from the date the contribution began.

NOTE:

- 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 dependent
- Parent *does not* have to be carried as the member’s dependent tax dependent

NOTE: Member will sign dependent data form only after it is approved by PPC/LGL.

SUBMITTED		REQUIREMENT
YES	NO	
		Dependent Data Form (Dependent must be listed as “Mother/Father/Mother in Law/Father in Law”)*
		CG Form 2020
		CG Form 2020a
		Member’s birth certificate if parent of member
		Member’s marriage certificate if parent of member’s spouse
		Member’s spouse’s birth certificate if parent of member’s spouse
		1758 Parent Affidavit

* Marking the BAH eligible box and entering eligibility date will allow the requested dependent to be printed on the BAH/Dependency form without initiating Pay actions. Requested dependents requiring PPC Legal approval will be entered as dependents but WILL NOT have the entitlements portions completed until AFTER approval is received from PPC Legal. Once the data is entered and saved, it can be printed on a BAH/Dependency Form.

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SPO Checklists, Continued

Foreign Marriage

Foreign Divorces

Prior to marrying a foreign spouse, the member must request permission and be approved by the member's Commanding Officer. Any request that involves the remarriage of a member following a foreign nation divorce requires a PPC LGL determination. Marriages by proxy, telephone, common-law marriages and remarriage within prohibited periods following divorce are considered cases of doubtful relationship.

Link to Checklist:

NOTE: Member must provide a certified English translation of any document that is in a foreign language.

Member will sign dependent data form after it is approved by PPC/LGL.

SUBMITTED		REQUIREMENT
YES	NO	
		Dependent Data Form (Dependent must be listed Spouse)*
		CG Form 2020
		CG Form 2020a
		Certified Marriage License (Certified English translation if in foreign language)
		Written approval from member's command. Per COMDTINST M1700.1, paragraph 1.K.2.

*** Marking the BAH eligible box and entering eligibility date will allow the requested dependent to be printed on the BAH/Dependency form without initiating Pay actions. Requested dependents requiring PPC Legal approval will be entered as dependents but WILL NOT have the entitlements portions completed until AFTER approval is received from PPC Legal. Once the data is entered and saved, it can be printed on a BAH/Dependency Form.**
