

FAMILY CARE PLANS



prepared by

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INTRODUCTION

Every Air Force family should establish family care arrangements in case of deployment. However, certain personnel are *required* to develop a written family care plan (FCP), to be maintained by their chain of command, indicating who will care for the member's dependent children in the member's absence. These plans help to provide a smooth, rapid transfer of childcare responsibilities while the member is deployed or absent. Recent changes to DoD policy, as reflected in DoDI 1342.19 and AFI 36-2908, have expanded the requirements regarding both who must establish an FCP, and the process for doing so.

WHO MUST ESTABLISH A FAMILY CARE PLAN?

The following members are required to document their family care plan by completing AF Form 357:

- Single parents.
- Dual-military member couples with dependents.
- Married service members who have custody of a child whose parent is not the current spouse of the service member.

- Those fully responsible for dependent family members.
- Civilian employees and contractor personnel in emergency essential positions, who are not CEW, are also strongly encouraged to establish family care plans.

Failure to produce a family care plan, if required, may lead to disciplinary or administrative action that may lead to separation from the service.

WHAT'S CHANGED?

If a dependent child's step-parent does not have legal custody of the child, an FCP is required. Furthermore, the service member must attempt, to the greatest extent possible, to obtain the consent of the non-custodial biological or adoptive parent to any FCP that would leave the service member's child in the custody of a third party, such as a step-parent. The absence of such consent must be explained, and the service member is required to acknowledge the availability of legal assistance regarding this issue.

THE IMPORTANCE OF PRE-PLANNING FOR DEPLOYMENT

Remember, an FCP or power of attorney CANNOT establish or modify legal custody. It is imperative that service members whose spouse does not have legal custody of the service member's children address this issue in the child custody order. Preferably, this would be addressed in the original order. Alternatively, the custody order should be modified prior to deployment. Service members should not assume, in their absence, that a power of attorney or FCP will be sufficient to establish custodianship on the part of their non-custodian spouse. Failure to properly plan for deployment could result in the non-primary custodial parent gaining custody of the children for the duration of the service member's deployment.

QUESTIONS?

Gunfighter Legal Assistance Attorneys are prepared to advise you on the potential consequences of not obtaining non-custodial parental consent to your FCP, and the benefits of having custody arrangements validated in court prior to deployment. Contact the Gunfighter Legal Office at (208) 828-2238 to make an appointment.

***This handout is general in nature. It is not a substitute for legal advice from an attorney regarding individual situations. (August 2021)**

For additional information on this and other legal topics, see the Air Force Legal Assistance Website:
<https://aflegalassistance.law.af.mil>