



OFFICE OF THE JUDGE ADVOCATE GENERAL LEGAL ASSISTANCE POLICY DIVISION



FAMILY CARE PLANS

A Family Care Plan (FCP) is a method by which the U.S. Army ensures a Soldier's "Family Member(s)" are taken care of when the Soldier is absent due to military requirements. Pursuant to the FCP, the Soldier will appoint a "guardian" for the family member or members to act in the Soldier's place while he or she is unavailable and take other actions needed to ensure the family is taken care of. Army Regulation (AR) 600-20, paragraph 5-3, governs FCP responsibilities.

For purposes of the FCP, who are "Family Members" and what is a "Guardian"?

A Family Member is defined as a child under the age of 19 or any other family member who is incapable of self-care and dependent on the sponsor for total support and/or care.

A Guardian is a person appointed by the Soldier to take care of the Family Member's health, safety, and welfare when the Soldier is unable to do so. The Soldier should discuss with the guardian all the responsibilities, rights, and entitlements to which the Family Member is entitled. The guardian is not entitled to access military facilities, or obtain military services, or other military benefits for personal use, unless they are otherwise entitled to do so due to their individual status as a current Servicemember, military retiree, or other authorized position.

What a Family Care Plan *is not*.

A FCP is *not* a legal document that can change an existing court order regarding custody, nor can a FCP interfere with a natural parent's right over custody of a child. Soldiers should complete their FCP considering any existing custody arrangements. If your selections on your FCP conflict with an existing court order or if the FCP names someone other than the child's natural parent as the guardian, please contact local Legal Assistance Office for assistance.

Who needs a Family Care Plan?

The U.S. Army strongly encourages that ALL Soldiers and emergency-essential civilians with Family Members have a FCP in place. However, a FCP is **MANDATORY** for the following:

- 1) A pregnant Soldier who has no spouse, is divorced, widowed, or separated or residing without her spouse and/or is married to another Servicemember of a Regular Army or U.S. Army Reserve of any service (Army, Air Force, Navy, Marines, Space Force, or Coast Guard;
- 2) Soldier who has no spouse or is residing apart from his or her spouse; who has joint or full legal custody as well as physical custody of one or more Family members under the age of 18; or who has adult Family members incapable of self-care regardless of age.
- 3). A Soldier who is divorced, and who has visitation rights by court decree that allows Family members to be solely in the member's care in excess of 30 consecutive days.

- 4). A Soldier whose spouse is incapable of self-care or is otherwise physically, mentally, or emotionally disabled so as to require special care or assistance.
- 5). A Soldier categorized as half of a dual-military couple of the RA or USAR of any Service (Army, Air Force, Navy, Marines, or Coast Guard) who is married to a Soldier, who has joint or full legal custody of one or more Family members under age 19, or who has adult Family members incapable of self-care regardless of age.

For additional information please contact your local legal assistance office to speak with an attorney.

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