

- (6) USARC/CONUS Army/installation/Joint Forces Headquarters (JFHQ)/RSC commanders at all levels will provide an environment that encourages an effective Family readiness system and will, at a minimum—
- (a) Ensure command emphasis to the unit level.
  - (b) Ensure the appointment of a Family readiness liaison point of contact as an additional duty in each unit below installation/JFHQ/RSC/level.
  - (c) Identify and input fiscal and personnel resource requirements for programs and services as part of the command operating budget process.
  - (d) Provide for Soldier, DA Civilian, retiree, and Family member awareness of available programs and services.
  - (e) Provide for Soldier, DA Civilian, retiree, and Family member access to entitlements, Family programs, and Family services for which they are eligible.
  - (f) Provide for Soldier, DA Civilian, retiree, and Family member participation in quality of life programs.
  - (g) Ensure inclusion of single Soldiers in quality of life programs and initiatives.
  - (h) Installations/JFHQs will ensure/facilitate appropriate coordination of program and service elements for all components within their geographical area of responsibility during peacetime and at any level of contingency or mobilization.
- (7) Unit commanders at all levels will provide an environment that encourages an effective Family readiness system and will, at a minimum—
- (a) Appoint a Family readiness liaison point of contact as an additional duty.
  - (b) Complete an annual Family readiness evaluation and ensure subordinate commands complete their Family readiness evaluations annually. Provide pre-deployment, sustainment, and reunion briefings as required by rotational assignments.
  - (c) Provide for Soldier and Family member awareness of available programs and services.
  - (d) Provide for Soldier and Family member access to entitlements, Family programs, and Family services for which they are eligible.
  - (e) Actively engage in the sponsorship of new Soldiers, Families, Youth, and DA Civilians arriving to their units.
  - (f) Ensure the proper documenting and monitoring of personal affairs readiness of Soldiers, to include Family care plans (see para 5–3).
  - (g) Ensure inclusion of single personnel in quality of life programs and initiatives.
  - (h) Maintain, as appropriate to the needs of their units, a unit Soldier and Family Readiness Group (SFRG) to encourage self-sufficiency among its members by providing information, referral assistance, and mutual support. Refer to AR 608–1, appendix J, for information pertaining to SFRG fundraising, reporting, and informal funds activities.
- (8) Army Community Service Directors will—
- (a) Advise the commander concerning the impact of programs and services on retention, readiness, training, and rotational assignments.
  - (b) Coordinate the development of programs and services according to needs assessment.
  - (c) Coordinate the development of resource requirements to support programs and services.
  - (d) Coordinate public/community/employer awareness and support of programs and services.
  - (e) Serve as command liaison with military and civilian agencies involved in resourcing and supporting programs and services.
- (9) Soldiers bear primary responsibility for their own individual readiness and resiliency and that of their Families. At a minimum, Soldiers will—
- (a) Keep themselves and their Families informed concerning key (unit) personnel information, benefits, and programs.
  - (b) Support and, where appropriate, encourage their Family members to participate in programs, services and activities that develop, strengthen and sustain the quality of life and well-being of all members of the Army Family, for example, Soldier and Family Readiness Groups, deployment cycle support training, and Army Family team building.

### **5–3. Family care plans**

- a. The DCS, G–1 is responsible for policy on Family care plans as follows:
  - (1) Commanders oversee mission, readiness, and deployability as they affect RA and USAR Soldiers who are: single parents; dual-military couples with dependent Family members; married with custody or joint custody of children whose non-custodial biological or adoptive parent is not the current spouse of the Soldier, or who otherwise bears sole responsibility for the care of children under the age of 18 or others unable to care for themselves in the absence of the Soldier; or primarily responsible for dependent Family members. Plans must be made to ensure Family members are properly and adequately cared for when an RA Soldier is deployed, on TDY, or otherwise not available due to military requirements. USAR Soldiers will implement Family care plans during any period of absence for annual

training, regularly scheduled unit training assemblies, emergency mobilization and deployment, or other type of active duty. Members of the Department of Defense Expeditionary Civilian Workforce who meet the criteria in AR 690–11 must develop and maintain a current Family care plan in accordance with DoDI 1342.19.

(2) DA Form 5305 (Family Care Plan) is not a legal document that can change a court-mandated custodial arrangement, nor can it interfere with a parent's right to custody of their child. Its sole purpose is to document for Army purposes the plan by which Soldiers will provide for the care of their Family members when military or civilian duties prevent them from doing so. It will include proof that guardians and escorts have been thoroughly briefed on the responsibilities they will assume and the procedures for accessing military and civilian facilities and services on behalf of the Family members of the Soldier. It will attest that the guardian and escort agreed to provide care and have been provided all necessary legal authority and means to do so. It will include proof that the Soldier has obtained consent to the planned designation of guardianship from all parties with a legal interest in the custody and care of the minor child, or proof that reasonable efforts have been made to obtain consent to such designation.

(3) At a minimum, proof will consist of the following attachments to DA Form 5305:

(a) DA Form 5841 (Power of Attorney) or equivalent delegation of legal control.

(b) DA Form 5840 (Certificate of Acceptance as Guardian or Escort).

(c) DD Form 1172–2 (Application for Identification Card/DEERS Enrollment) for each Family member.

*Note.* AR 600–8–14 directs that identification cards will be issued for children under age 10 who reside with a single parent or dual-military couple.

(d) DD Form 2558 (Authorization to Start, Stop, or Change an Allotment) for active duty or retired personnel, unsigned until deployment, or other proof of financial support arrangements.

(e) A letter of instruction to the guardian/escort (see DA Form 5304 (Family Care Plan Counseling Checklist)).

(f) If appropriate, DA Form 7666 (Parental Consent) as evidence of consent to the Family care plan from all parties with a legal interest in the custody of the minor child.

(4) Soldiers are responsible for implementing the Family care plan and thus ensuring the care of their Family members. When operational or security considerations prevent them from implementing the plan, it will be used by appropriate military or civilian authorities to obtain care for such Family members. DA Form 5305 may be executed at any time when conditions warrant and Family care is necessary due to the required military absence of the Soldier.

b. Commanders of RA and USAR Soldiers, regardless of the members' rank, will conduct or arrange for Family care plan counseling and require a Family care plan be completed when any of the following apply:

(1) A pregnant member who—

(a) Has no spouse; is divorced, widowed, or separated; or is residing without her spouse.

(b) Is married to another Soldier of an RA or USAR of any Service (Army, Air Force, Navy, Marines, or Coast Guard).

(2) A 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.

c. Soldiers must arrange for the care of their Family members in order to be—

(1) Available for duty when and where the needs of the Army dictate.

(2) Able to perform assigned military or civilian duties without interference of Family responsibilities.

d. Enlisted Soldiers will be counseled on voluntary and involuntary separation whenever parenthood interferes with military responsibilities (see DA Form 5305) under provision of—

(1) AR 635–200 for RA Soldiers.

(2) AR 135–178 for ARNG and USAR Soldiers.

(3) AR 135–91 for ARNG and USAR Soldiers.

e. Officers will be counseled on voluntary and involuntary separations whenever parenthood interferes with military responsibilities (see DA Form 5305) under provision of—

(1) AR 600–8–24 for RA, USAR, ARNG Soldiers and officers serving on active duty or on active duty for training for a period in excess of 90 days.

(2) AR 135–175 for ARNG and USAR Soldiers, except for officers serving on active duty or on active duty for training for a period in excess of 90 days.

*f.* Pregnant Soldiers (who meet the criteria established in paragraph 5–3*b*(1)) will be counseled—

(1) In the RA, according to AR 600–8–24 for officers and AR 635–200 for enlisted Soldiers.

(2) In the ARNG and USAR, according to AR 135–91.

(3) On costs of maternity care obtained from civilian sources and the limitations concerning maternity care in military medical facilities.

(4) Using DA Form 5304 as soon as pregnancy is identified, but no later than 90 days prior to the expected date of birth of the child. Pregnant Soldiers should receive Family care plan counseling at the time of pregnancy counseling to ensure the Soldier is informed of the responsibilities if she chooses to remain on active duty.

(5) That they must complete and have an approved DA Form 5305 showing their intentions for Family care no later than 60 days prior to the date of the birth of the child. DA Form 5840 and DA Form 5841 or other guardianship documents, DD Form 1172–2, and DD Form 2558, will be completed, and DA Form 5305 recertified no later than 45 days following the date of birth of the child.

*g.* The unit commander or supervisor—

(1) May designate an authorized representative to conduct Family care plan counseling using DA Form 5304, and to initial and sign the counseling form in the commander’s behalf. The commander or authorized representative will use DA Form 7667 (Family Care Plan Preliminary Screening) to identify those members whose Family care plan may be at risk for failure in the event the plan is activated and who should consult with an attorney.

(2) Is the sole approving authority for DA Form 5305. This responsibility will not be delegated.

(3) May authorize an additional 30 days (60 days total from date of counseling) to all RA Soldiers and 60 days (90 days total from the date of counseling) to all USAR Soldiers for completion, including submission and final approval of DA Form 5305 with attendant documents.

(4) Ensure that all required documents are in order, and must be satisfied that the Family care plan meets the requirements and appears to be workable and durable.

(5) Should disapprove DA Form 5305 if the required attachments are not present unless extenuating circumstances exist.

(6) May consider extenuating circumstances in approving DA Form 5305, but must understand that the Soldier is considered nondeployable until a Family care plan is validated and approved.

(7) Must adequately test the validity and durability of the Family care plan, to include contacting the designated guardian(s) prior to final approval or recertification.

(8) Will provide the Soldier 30 days from date of the first disapproval to submit additional documentation or evidence to support the Family care plan.

(9) Will provide the Soldier a reasonable period of time to attempt to rework a Family care plan found to be deficient at time of mobilization, processing for overseas movement, or deployment. Ordinarily, a Soldier will be afforded at least 30 days to correct deficiencies in a plan unless a shorter period is specified by the unit commander due to the urgency and/or nature of the deployment, or due to the nature of the deficiencies.

(10) May authorize leave per AR 600–8–10 for a deployed Soldier to return home when circumstances beyond the Soldier’s control preclude the designated guardian from exercising those responsibilities.

(11) Should consider initiating a bar to reenlistment against Soldiers who fail to properly manage personal, marital, or Family affairs, or who fail to provide or maintain adequate Family care plans.

(12) Should consider initiating involuntary separation proceedings against Soldiers who fail to provide and maintain adequate Family care plans.

(13) Should take action to ensure they are aware of other situations that may create changes in the status of their Soldiers with regard to the Soldier’s responsibility to support Family members. These include, but are not limited to, the following:

(*a*) Death or disability of spouse.

(*b*) Legal separation when initial agreements have identified the Soldier as custodial parent or guardian of one or more Family members.

(*c*) Divorce proceedings awarding joint or full custody of Family members to the Soldier.

(*d*) Court decrees awarding visitation rights to the Soldier for more than 30 days.

(*e*) Adoption.

(*f*) Assumption of foster care responsibilities.

(*g*) Guardianship agreement for children or adults incapable of self-care to temporarily or permanently reside with the Soldier.

(h) Extended periods of absence by the spouse for situations including, but not limited to, schooling, hospitalization, and employment.

(i) Expiration of current power of attorney, change in guardianship due to PCS, change of temporary care provider.

(14) Will review copies of all child custody orders or marital separation agreements currently in effect to ensure the Family care plan is not inconsistent with any such legal documents. If the Family care plan is inconsistent with any existing court orders, decrees, or marital separation agreements, or if the commander cannot determine if an inconsistency exists, the commander will seek advice from the servicing legal office and may advise the Soldier to contact a legal assistance attorney or an attorney they have retained at no expense to the government.

(15) Will ensure consent has been obtained pursuant to DA Form 7666 under appropriate circumstances, or proof of notice and/or reasonable efforts having been made to obtain consent to the Family care plan from all parties having a legal interest in the custody and care of the minor child. If consent has been denied, the commander will seek advice from the servicing legal office and may advise the Soldier to contact a legal assistance attorney or an attorney they have retained at no expense to the government.

h. The IRR, Individual Mobilization Augmentee, Standby Reserve, Category I and II retirees, and inactive ARNG personnel who meet the criteria outlined in paragraph 5–3b(1) through 5–3b(5) are required to maintain valid Family care plans to ensure their availability for active duty during a mobilization. Therefore—

(1) The CG, HRC will establish specific procedures for counseling, submission, validation, and recertification of Family care plans for USAR personnel and category I and II retirees.

(2) The CNGB, will establish specific procedures for the counseling, submission, validation, and recertification of Family care plans for inactive ARNG personnel.

i. All married Soldiers who have Family members are encouraged to complete and maintain a Family care plan, even if not specifically required to do so by this regulation. To do so assists the spouse, commander, rear detachment commander, Family assistance center, or next of kin providing care for dependent Family members in the event the spouse is injured, ill, incapacitated, or otherwise unable to provide care for the dependent Family member. Counseling of such is also encouraged.

j. Soldiers must use the utmost care and consideration in the designation of guardians to care for Family members.

(1) The parent of any minor children normally has a superior right to the custody of the minor children. If the Soldier designates an individual other than a parent for guardianship in the Family care plan, the Soldier member must attempt, to the greatest extent possible, to obtain consent from the parent to such designation using the DA Form 7666.

(a) If this individual does not consent, the Soldier should explain the absence of such consent in writing and acknowledge the availability of legal counsel to discuss the associated risks and the best possible courses of action (including the possibility of incorporating the Family care plan into a temporary order by a court of competent jurisdiction).

(b) While such consent is not binding upon a court of law, it demonstrates the other parent is aware of the custodial arrangements set forth in the Family care plan and agrees with those arrangements. Should a Soldier designate a person contrary to the provisions of an existing Family law legal document (such as a divorce decree, court order, or marital separation agreement) the Soldier should seek legal assistance to modify the legal document.

(2) Guardians should be persons to whom the Soldier would have no reservations entrusting the total welfare of his or her child or other Family member. Guardians should be persons who are able to exercise that responsibility over extended periods of time, if necessary.

(3) Soldiers have the responsibility to thoroughly brief guardians on arrangements made by the Soldier, location of all pertinent documents, and procedures for accessing military and civilian facilities, services, entitlements, and benefits on behalf of the dependent and eligible Family members. Guardians should be made aware that such designation does not authorize them access to any of the military facilities, services, entitlement, or benefits for personal use, but only as the agent for the dependent and eligible Family members for whom they have been designated guardian. SCs are authorized to issue agents' letters to designated guardians upon request and presentation of proper documentation (such as DA Form 5841, DA Form 5840, children's identification cards, or application for same).

(4) If the guardian is located in an overseas area other than where the Soldier is stationed, the Family member's attendance at DoD dependent schools and other schools may require an exception to policy because of the lack of command sponsorship. The Soldier and/or guardian must request the exception; it is not automatic.

(5) Soldiers must attempt, to the greatest extent possible, to inform the non-custodial biological or adoptive parent of his or her children, as applicable and as far in advance as practicable, of his or her impending absence due to military orders.

k. The following procedures will be used for completing DA Form 5304 and DA Form 5305. For all assignments, CONUS and OCONUS:

(1) The DA Form 5304 will be used for counseling Soldiers who fall into categories outlined in paragraph 5–3*b*, as soon as possible upon arrival at the unit of assignment, and it will be initialed and signed—

(*a*) During unit in-processing, after any event requiring completion of a Family care plan, or at pre-deployment processing.

(*b*) By pregnant Soldiers no later than 90 days prior to the expected date of birth of the child.

(*c*) By single parents, parents exercising custody pursuant to a court order or marital separation agreement, parents residing apart from their spouse and dual-military couples with Family members.

(*d*) By both members of the dual-military couple and the respective commanders or designated representative. (This assures both unit commanders that Soldiers and their military spouses have made necessary arrangements for the escort, temporary, and primary guardianship responsibilities for Family member. Dual-military couple Soldiers with Family members will be counseled together when practicable.)

(*e*) By the unit commander or a designated representative and held in the unit suspense files pending completion of DA Form 5305. (It will be returned to the Soldier when no longer needed for suspense action.)

(2) The DA Form 5305 will be—

(*a*) Completed and approved within 30 days for RA Soldiers and 60 days for ARNG and USAR Soldiers from the date of counseling.

(*b*) Signed by both members of a dual-military couple and, if possible, by both commanders. The same plan should be submitted by both members of the dual-military couple, and neither member should be identified in the plan as the temporary or long-term guardian. Once both commanders have approved and signed the plan, the commander whose Soldier is least likely to deploy should retain the original plan and forward a copy of the complete plan to the other commander. If both members are equally likely to deploy, but one is a Soldier and the spouse is a member of another Service, the original plan should be kept on file in the Soldier's unit and a copy forwarded to the spouse's unit. If both are Soldiers and equally likely to deploy, it is inconsequential which commander has the original copy of the plan.

(*c*) Recertified at least annually by initialing and dating the DA Form 5305. This must be done during the anniversary of the Soldier's birth month, after any change of circumstance requiring a change in the Family care plan, or whenever the Soldier is mobilized, deployed, or processed for pre-deployment. Commanders should ensure that all information is current and all documents are still up-to-date and legally valid.

(3) OCONUS assignment and deployment procedures are as follows:

(*a*) All Soldiers in categories outlined in paragraph 5–3*b* who receive assignment instructions for an OCONUS assignment will be counseled again and have their DA Form 5305 recertified no later than 30 days before the final out-processing date at the losing installation. If an adequate Family care plan is not submitted within 30 days, the Soldier is not considered deployable, will not depart the command, and the commander will consider initiating involuntary separation proceeding. A copy of the approved DA Form 5305 will be filed in the Soldier's out-processing file. The losing unit commander will retain a copy for 90 days after the Soldier departs.

(*b*) Soldiers will arrange for an escort and transportation for Family members and a guardian in CONUS or United States territory to care for their Family members in the event their Family members are evacuated from OCONUS. If noncombatant evacuation operation procedures are not initiated and Soldiers are alerted for deployment, Soldiers residing in government quarters may request approval for guardians to reside in those quarters in their absence. Non-combatant evacuation operation standing operations should make maximum use of Family care plans to ensure successful operations. Soldiers may also request that they, as a single parent or one member of a dual-military couple, be authorized to personally escort Family members back to CONUS-located guardian. They will be given the opportunity provided time allows and advanced return or early return of Family member paperwork is initiated per local command policies, the Joint Travel Regulation, and Department of Defense Foreign Clearance Guide guidance.

(*c*) Soldiers unable to provide the unit commander with the required DA Form 5305 and attendant documents will be ineligible for overseas assignment. They should be considered for processing for separation from the Army. Policies regarding eligibility for overseas assignment are contained in AR 614–30.

(*d*) Enlisted Soldiers without adequate Family care plans should be considered for separation processing by their unit commanders.

(*e*) The USAR Soldiers performing duty on an active duty status (annual training, active duty for training, active duty for special work, temporary tour of active duty, and AGR) OCONUS will re-certify DA Form 5305 with attendant documents before embarkation to show that adequate care for their Family members has been provided for during their absence and in the event that their return to CONUS is delayed. Soldiers unable to provide the required documentation will not deploy to perform annual training OCONUS.

*l.* DA Form 5305 with attachments will be filed in the unit files and destroyed 90 days after the Soldier departs on PCS orders. In CONUS and OCONUS, if the PCS move is a "same-installation" move and the Soldier can maintain the same Family care plan, the Soldier will be allowed to take the original DA Form 5305 to the gaining unit and need

not generate a new DA Form 5305. The gaining commander should certify the existing DA Form 5305 when the Soldier arrives in the new unit.

(1) Provide a copy of the DA Form 5305 to the Soldier, dual-military couple spouse, and dual-military spouse's commander.

(2) Place a copy of the DA Form 5305 in the out-processing record that accompanies the departing Soldier to the gaining unit.

(3) Ensure that, in the event of deployment, the Family care plan files remain with the rear detachment or, if no rear detachment remains, with the Family assistance center servicing the departing unit. ARNG and USAR commanders will ensure Family care plan files are transferred to JFHQ or the RSC before departing home station.

*m.* A copy of DA Form 5305 with copies of DA Form 5840 and DA Form 5841, and/or other appropriate documents, will be provided to the Child and Youth Services Program if the Child and Youth Services certified Family child care provider is designated as temporary guardian. AR 608–10 requires that a copy of DA Form 5305 be on file at the military Child Development Center if the Soldier's Family members are enrolled in the day care or extended care program.

*n.* Commanders and supervisors will stress the obligation of Soldiers to both them and to their Family members. Moreover, they will ensure Soldiers understand they will not receive special consideration in duty assignments or duty stations based on their responsibilities for Family members unless enrolled in the Exceptional Family Member Program (see AR 608–75 for more information).

*o.* Commanders will encourage Soldiers to consult with a legal assistance attorney about having a will prepared. The Family care plan does not require a will, and Soldiers will not be ordered to obtain a will. When a will is prepared, it will not be retained in the unit files. Soldiers will be encouraged, but not required, to ensure that information regarding the location of a Soldier's will is contained in the Family care plan.

*p.* Commanders will ensure that Soldiers who are required to have a Family care plan in accordance with paragraph 5–5*b* comply with the requirement. Commanders will utilize Army human resources data systems, such as the electronic military personnel office, the USAR Automation System, the Integrated Personnel and Pay System-Army, and other human resource computerized systems, in addition to local unit records, to identify Soldiers required to have a Family care plan.

*q.* Maximum feasible testing of the validity and durability of Family care plans will be accomplished (for example, during exercises, alerts, pre-deployment processing, mobilization, deployment, annual training, and other unit activities) to ensure information in a Soldier's DA Form 5305 is accurate, current, and executable. Family care plans found to be invalid during the above testing will be revised/recertified within 30 days of the finding. For ARNG and USAR Soldiers, it will be revised/recertified within 60 days, unless mobilization mission requirements preclude authorizing that amount of time.

*r.* As requested by the commanders or Soldiers, Family readiness services provide assistance in developing Family care plans in accordance with DoDI 1342.19.

#### **5–4. Command aspects of medical readiness and medical care**

The proponent for prevention against disease and injury is the OTSG. However, commanders at all levels are responsible and accountable for the health of their command in accordance with AR 40–5 and DA Pam 40–11. Roles of the commander with respect to medical readiness and medical care include the following—

*a. Preventive medicine.* Ensure that the health of all personnel in their command is sustained and protected in all military activities through aggressive implementation of preventive medicine activities. Command Preventive Medicine Program responsibilities include—

- (1) Training on prevention of disease and injury (as determined by the commander).
- (2) Hazard control.
- (3) Proper use of personal protective measures and protective clothing and equipment.
- (4) Immunization and chemoprophylaxis.
- (5) Health risk and hazard communication.
- (6) Worksite, occupational health, and environmental health surveillance.
- (7) Workplace violence prevention.
- (8) Incorporation of elements of preventive medicine into contingency and operational plans.

*b. Improving and sustaining.* Provide leadership and personal example in improving and sustaining individual and unit health and fitness.

*c. Risk management.* Minimize health risks using Army composite risk management principles.

*d. Commanders' responsibilities with respect to medical readiness.* See AR 220–1, and DA Pam 220–1 for reference. Commanders are responsible to—