Family Care Plan

Please note that this Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with a Legal assistance Attorney.

What is a Family Care Plan?

A Family Care Plan (FCP) is a method by which the 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 to act in the Soldier's place while he or she is unavailable. The governing regulation is AR 600-20.

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 Solider to take care of the Family Member's health, safety, and welfare when the Soldier is unable to do so. The Solider should discuss with the guardian all responsibilities, rights, and entitlements the Family Member is entitled to. 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 status as a current Servicemember, military retiree, and so forth.

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 their child. Soldiers should complete their FCP taking into account any existing custody arrangements. If your selections on your FCP conflict with an existing court order or names someone other than the child's natural parent as the guardian, please contact the Fort Carson Legal Assistance Office at (719) 526-5572, 1633 Mekong Street, Building 6222, Fort Carson, CO 80913.

Who needs a Family Care Plan?

The Army recommends 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—
    a. Has no spouse; is divorced, widowed, or separated; or is residing without her spouse.
    b. Is married to another Servicemember of an AA or RC of any Service (Army, Air Force, Navy, Marines, or Coast Guard).

2. A Soldier who has no spouse; is divorced, widowed, or separated, or is residing apart from his or her spouse; who has joint or full legal and physical custody of one or more Family Members under the age of 19; or who has adult Family Members incapable of self-care regardless of age.

3. A Soldier who is divorced and not remarried, and who has liberal or extended visitation rights by court decree that allows Family Members to be solely in the Soldier's care in excess of thirty (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 AA or RC of any Service (Army, Air Force, Navy, Maries, or Coast Guard) 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.

Where and when do I file my Family Care Plan?

FCPs are approved by the Soldier's unit commander and kept in the unit files. Depending on a Soldier's situation, there are either one or two steps to completing an FCP, and timing requirements vary.

If the Soldier *is not* required to have an FCP but wishes to put one into place they may do so at any time. If the Soldier *is required* per regulation to have a FCP (as discussed above), the following steps must be taken:

1. The Soldier will be counseled using DA Form 5304 as soon as possible upon arriving at their assigned unit.
2. That Soldier, if on active duty, must have the DA Form 5305 completed and approved within thirty (30) days of being counseled. National Guard and reservists have sixty (60) days from the date of counseling to complete DA Form 5305.

What happens if I don't have a Family Care Plan or my parental responsibilities interfere with my military duties?

It is the Soldier's responsibility to implement a FCP and ensure their Family Members are taken care of when the Soldier is unavailable. Should a Soldier's parental responsibilities interfere with their service obligations, they will be counseled on voluntary and involuntary separation procedures. This is true for both officers and enlisted personnel.

What constitutes a valid Family Care Plan?

Depending on the Soldier's circumstances, the documents needed to have a complete FCP packet will vary. However, a FCP packet that evidences a Soldier has made adequate arrangements for their Family Members includes:

1. DA Form 5305 – *Family Care Plan*
2. DA Form 5841 – *Power of Attorney for Guardianship** (or other power of attorney or legal document designating guardian(s) for the Family Member)
3. Notarized DA Form 5840 – *Certificate of Acceptance as Guardian or Escort* (to be completed by the guardian named in the DA Form 5841 or other document)
4. Completed DD Form 1172-2 – *Application for Identification Card/DEERS Enrollment* (to be completed for each dependent Family Member of the Soldier)
5. Completed DD Form 2558 – *Authorization to Stop, Start, or Change Allotment** (or proof of other adequate financial arrangements for care of dependents)
6. Letters of instruction containing additional pertinent information for guardian(s)
7. Completed DA Form 7667 – *Family Care Plan Preliminary Screening*
8. Copies of any child custody order or marital separation agreements, currently in effect, that impact custody of minor children
9. Completed DA Form 7666 – *Parental Consent* (when appropriate)

* - these forms remain unsigned until the Soldier deploys

Conclusion

If you have questions regarding an FCP, please schedule an appointment with the Fort Carson Legal Assistance Office at (719) 526-5572, 1633 Mekong Street, Building 6222, Fort Carson, CO 80913.