

FAMILY CARE PLAN



Prepared by:
Legal Assistance Department
Region Legal Service Office Southwest



WHAT IS A FAMILY CARE PLAN?

Family Care Plans (FCPs) are the cornerstone for readiness for members of the Armed Forces who have dependents. A FCP is a "blueprint" that shows your command how your family will be cared for in your absence — whether you are deployed, on temporary duty, or otherwise unavailable because of military obligations. It allows for a smooth transition of responsibilities to a caregiver when a service member must leave for short or long periods of time and ensures that the child is well taken care of through an arrangement that will remain constant and strong throughout the duration of the deployment.

The plan is made up of instructions that you write and certain legal documents, such as a power of attorney. A power of attorney for the care of your children is called an *in loco parentis* power of attorney, which you may obtain from the Legal Assistance Office. This type of power of attorney will enable the person you name as your agent to do things like obtain medical care for your child or register them for school.

It is important to understand; however, that an FCP by itself will not change or override child custody determinations made by a state court, or override a biological parent's right to visitation and custody during a deployment. The FCP simply lets your command know that you have properly planned for the care of your dependents while you will be away. You are still responsible for making all actual arrangements for their care.

WHO NEEDS A FAMILY CARE PLAN?

Any service member, including Reserve component members and members of the DoD Civilian Expeditionary Workforce who are:

1. Single parents.
2. Dual-member couples with dependents.
3. Married with custody or joint custody of a child whose non-custodial parent is not the current spouse of the Member.
4. Solely responsible for the care of another person, such as housing, medical, logistical, financial, food, clothing, or transportation. This category includes, but is not limited to, a situation where a service member's spouse is injured, chronically sick, or otherwise unable to care for family members or other dependents; and service members who are sole caregivers for elderly, disabled, or chronically sick family members.
5. Primarily responsible for dependent family members.

Failure to produce a Family Care Plan when required may result in disciplinary or administrative action that could be as severe as separation from the Service.

RESPONSIBILITIES OF A DEPLOYING MEMBER RELATING TO FAMILY CARE PLANS

You are responsible for the care of dependent family members during deployments and temporary duty, as at all other times.

Rev. March 2016

In addition to this basic responsibility, if you are required to have a FCP you must also:

1. Discuss with your Commander the necessity for, and what is needed to develop, an adequate FCP.
2. Inform the non-custodial parent of your children as far in advance as possible of your upcoming absence.
3. Attempt to obtain the consent of the non-custodial parent to any FCP that would leave the child or children in the custody of a third party. NOTE – *Failure to do this can undermine the FCP because you cannot delegate child custody to a third party without the other parent's consent. Changing custody arrangements that were set by a court will require going back into court to do so.*
4. Certify the FCP annually with your Commander.

Your preparation for deployment doesn't stop there. Before deploying you should ensure that whatever caregiver you have chosen for your children has copies of all your important documents such as power(s) of attorney, wills, birth certificates, etc. You will also want to provide them with any medical or school information about your children and see that they are aware of any military benefits your dependents may be entitled to. The caregiver(s) should have access to base services such as the exchange, commissary, and medical facilities for your dependents. You should also make sure that all of your dependents' information is current in DEERS and that their military IDs are not set to expire while you will be away.

It is also important to ensure that you have a valid will that designates a guardian(s) for the permanent care of your dependents in case something happens to you and neither you nor the non-custodial parent are able to care for your dependents. A legal assistance attorney can help you draft these documents.

Proper planning and communication are vital for smooth transition and continuity of care for your dependents while you are away. Putting together your FCP and making arrangements for the care of your dependents is not only required; it will give you peace of mind and ensure that your family is properly taken care of in your absence.

RESOURCES

DODINST 1342.19

OPNAVINST 1740.4D

DON Family Care Plan Certificate NAVPERS 1740/6

Family Care Plan Arrangements NAVPERS 1740/7

Military One Source – www.militaryonesource.com

Fleet and Family Services Center –

http://www.cnic.navy.mil/ffr/family_readiness/fleet_and_family_support_program.html

Rev. March 2016