

Questionable Dependent / PPC Legal Approval

Overview

Introduction

This guide provides the procedures to request determinations from PPC's Legal Branch (PPC-LGL) to add certain categories of dependents to a member's BAH/Dependency Data Form, formerly known as the CG-4170. Prior to contacting PPC-LGL, refer to [reference \(a\)](#), Chapter 3.D and Figure 3-8, and consult with the unit's SPO supervisor.

All requests for dependency changes **MUST** be submitted through the member's supporting SPO, who will route them to PPC-LGL. The SPO **MUST** ensure all required documents are completed and included with the submission to PPC-LGL. The SPO should also provide a point of contact at the SPO in the event PPC-LGL requires additional information.

The dependent must be listed on the member's BAH/Dependency Form. Selecting the BAH eligible box and entering the eligibility date will allow the questionable dependent to be printed on the BAH/Dependency Form without initiating pay actions. Those dependents that require PPC-LGL approval will be entered as dependents but will not have the entitlement portions completed. The form must **NOT** be signed by the requesting member until **AFTER** PPC-LGL approves the dependent. Once the data is entered and saved, it can be printed on a BAH/Dependency Report.

NOTE: See the [BAH/Dependency Data Emergency Contact Data Form print procedures](#) for more information. Additionally, review the DA help guides for assistance with this process.

References

- (a) [Coast Guard Pay Manual, COMDTINST M7220.29 \(series\), Chap 3.D and Figure 3-8](#)
 - (b) [Dependent Information User Guide](#)
 - (c) Unit SPO Supervisor
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Request to PPC

PPC-LGL Contact Information

Refer to [reference \(a\)](#), Chapter 3.D and Figure 3-8 and discuss with the unit SPO supervisor for guidance and requirements for dependency approval. Send requests for dependency determination by mail, fax, email, or Customer Care ticket to:

Commanding Officer (LGL)
U.S. Coast Guard
Pay & Personnel Center
444 S.E. Quincy Street
Topeka, KS 66683-3591

PPC-DG-LGL@uscg.mil
Phone: 785-339-3595
Fax: 785-339-3788

PPC-LGL Processing Information

- PPC-LGL will assign the request for dependency determination to a paralegal specialist upon receipt.
 - The paralegal will review the request and supporting documentation to ensure the packet is complete. If further documentation or information is required, the paralegal will contact the SPO.
 - The paralegal will determine whether the questionable dependent is approved or denied and will provide the SPO and member with a memo containing the decision and the BAH/Dependency Form. Upon receipt of the approval memo, the SPO will have the member sign the BAH/Dependency Form. The SPO can now adjust the member's appropriate entitlements. If the dependency is denied, the SPO will provide the member with a copy of the determination and will advise the member about how to re-apply if the reasons for denial can be corrected.
 - To add the approved dependent(s) to DEERS, the member will need to take the approval memo, along with the approved dependent(s), and the dependent's photo I.D. to their local RAPIDS/DEERS office. NOTE: It is the member's responsibility to provide dependency changes and status updates regarding support to the dependent. Annually, beginning in October and not later than 30 November, members must validate their housing allowance entitlement by verifying their Direct Access (DA) BAH/Dependency Data Report.
 - Retiree's must confirm support of the dependent every 4 years. Any changes and updates should be made to PPC's Retiree and Annuitant Services Branch (PPC-RAS) at 785-339-3441.
 - Dependency processing takes approximately two weeks at PPC-LGL once all required documentation has been received.
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Dependency Types

Information Questionable Dependent descriptions and checklists, providing guidance for SPOs, are provided on the following pages.

Illegitimate Child A child born to a member out of wedlock is considered an illegitimate child. Illegitimate children are considered primary dependents; however:

- If the child does **NOT** reside with the member, a dependency determination by PPC-LGL is required.
- If the child **DOES** reside with the member, the SPO will determine dependency and add the child as the member's dependent for as long as the child resides with the member.
- If at any time during the member's career, the child does **NOT** continue living with the member, a dependency determination is required by PPC-LGL.

NOTE: If the member is married to the child's mother at the time of the child's birth and later divorces, the child continues to remain legitimate under the law and a dependency determination is not required by PPC-LGL.

Link to Checklist: [Illegitimate Child](#)

Legal Ward A legal ward is an unmarried child under 21 years of age who is placed in the member's legal and physical custody by order of a court of competent jurisdiction in the United States (see NOTE).

- The member must be awarded guardianship of the ward for a period of **at least 12 consecutive months starting from the date the order was signed.**
- The ward must be dependent on the member for more than 50% of their living expenses.
- A dependency determination through PPC-LGL is required for legal wards.

NOTE: A power of attorney giving the member custody of the child is NOT sufficient; a court order is required.

Link to Checklist: [Legal Ward](#)

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Dependency Types, Continued

Incapacitated Child

To be considered an incapacitated child, the child must be incapable of self-support due to a mental or physical incapacity which occurred or originated while the child was a dependent of the member. The member must contribute more than 50% of the child's living expenses. The incapacitated child does NOT need to reside with the member to be approved as an incapacitated child.

Requests from members to add an incapacitated child as a dependent should be forwarded to PPC-LGL **at least three months before the child's 21st birthday or before the member's retirement.**

Link to Checklist: [Incapacitated Child](#)

Adoption / Pre-Adoption

Adopted children under 21 years of age are considered primary dependents. A dependency determination is NOT required for adopted children. Adopted dependents require legal documents signed by a court order or certified state placement agency that clearly state the child is adopted. Child(ren) placed in the home of the member by a placement agency for the purpose of adoption (pre-adoption) require PPC-LGL dependency approval.

Link to Checklist: [Adoption / Pre-Adoption](#)

Parent / Parent-In-Law

PPC-LGL determines dependency for a member's biological or stepparent(s) or a member's parent-in-law(s) or stepparent-in-law(s). The member must provide more than 50% of the parent's living expenses and the parent must provide less than 50% of their own living expenses. The parent must live with the member to be approved as the member's dependent.

NOTE: PPC-LGL will send a CG-1758 (Parent Dependency Affidavit) to the parent/parent-in-law and to the SPO. The form must be completed, signed, notarized, and returned to PPC-LGL before a final dependency determination can be made.

Link to Checklist: [Parent / Parent-In-Law](#)

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Dependency Types, Continued

In Loco Parentis

In Loco Parentis refers to someone who intentionally assumed the parental rights and responsibilities over the member for a minimum of five continuous years before the member's 21st birthday, or before entry into Active Duty, whichever is earlier. During the In Loco Parentis period, a biological parent must not have resided in the same home, unless the parent was mentally incompetent. The spouse of the member is not authorized to claim an In Loco Parentis dependent.

Link to Checklist: [In Loco Parentis](#)

Determination NOT Required by PPC-LGL

The following categories of dependents do **NOT** require PPC-LGL approval:

- Legitimate children
- Children under 23 years of age and enrolled in college full-time
- Stepchildren
- Member who divorces from spouse with legitimate children
- Legal marriages
- Foreign marriages (see **NOTE**)

NOTE: Marriages by proxy, telephone, common-law marriages, and remarriage within prohibited periods following divorce are considered cases of doubtful relationship and require PPC-LGL review. See reference (a) for additional information.

Link to Checklist: [Foreign Marriage](#)

SPO Checklists

Illegitimate Child Checklist

Proof of Parentage:

- Member must provide proof of parentage. Proof of parentage can include:
 - ✓ Member listed on original birth certificate
 - ✓ Court Order acknowledging member as parent (i.e., Child Support Order)
 - ✓ Official DNA results
 - ✓ Paternity acknowledgement IAW state law

Proof of Support:

- Person having physical custody of child must be recipient of support **AND** support **MUST** be solely for the child.
- Member must show proof *for each month* support was given. Types of proof accepted:
 - ✓ Cancelled checks
 - ✓ Money orders
 - ✓ Receipts
 - ✓ Income Withholding orders
 - ✓ Voluntary allotments

NOTES:

- If the child resides with the member or is separated by military orders, the member's SPO will make the determination.
- If the child's residence changes and no longer resides with the member, a dependent determination through PPC-LGL is required.
- If the child does NOT reside with the member, PPC-LGL will make the determination.
- The effective date of the dependency will be the earliest date that proof of support and proof of parentage can be determined.
- The member will sign the BAH/Dependency Data Form only after dependency is approved by PPC-LGL.

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SPO Checklists, Continued

Illegitimate Child Checklist, continued

SUBMITTED		REQUIREMENT
YES	NO	
		Does the child reside with the member? If yes, a dependency determination from PPC-LGL is NOT required.
		BAH/Dependency Data Form (Dependent must be listed as "Illegitimate child"). **
		CG Form 2020.
		CG Form 2020A.
		Child's birth certificate.
		Proof of parentage (see acceptable proof).
		Proof of support (see acceptable proof). The level of support MUST meet or exceed the member's BAH differential.

** Marking the BAH eligible box and entering the eligibility date will allow the requested dependent to be printed on the BAH/Dependency Data Form without initiating Pay actions. Requested dependents requiring PPC-LGL approval will be entered as dependents but will **NOT** have the entitlements portion completed until **AFTER** approval is received from PPC-LGL. Once the data is entered and saved, it can be printed on a BAH/Dependency Data Form.

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SPO Checklists, Continued

Legal Ward Checklist

Ward must be:

- Unmarried
- Have not attained 21 years of age (or 23 years of age *if* enrolled full time in college)
- Reside with the member unless:
 - Separated by necessity of military service, or
 - To receive institutional care, or
 - To attend college

Ward's Income:

- Be less than 50% of their living expenses (includes trusts or support received from other than member), and
- Member must provide more than 50% of the ward's living expenses.

Court Order:

- Court Order must be signed by a judicial official (Power of attorney affidavits and notarized statements that parents sign giving custody to member will not satisfy requirements).
- Gives member physical and legal custody.
- Places Ward in member's permanent custody **OR** for a minimum of 12 consecutive months.
- If state statute does not provide permanent guardianship and the order is silent on time, the Ward will be eligible for BAH determination *only after* they have resided with the member for 12 consecutive months.

NOTE: Member will sign BAH/Dependency Data Form *only after* dependency has been determined by PPC-LGL.

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SPO Checklists, Continued**Legal Ward
Checklist**, continued

SUBMITTED		REQUIREMENT
YES	NO	
		BAH/Dependency Data Form (Dependent must be listed as a “Legal Ward”).
		CG Form 2020.
		CG Form 2020A.
		Ward’s birth certificate.
		Member’s notarized statement certifying: (1) Ward physically resides with member (unless separated due to military orders). (2) Ward does not provide more than 50% of Ward’s living expenses. (3) Member provides at least 50% of Ward’s living expenses.
		If Ward is between 21 and 23 years of age, proof Ward is enrolled in college full time.
		Court Order signed by judge included with determination request and orders: (1) Member is named in the Court Order as sole or co-guardian, and (2) Guardianship is permanent or <i>for a period of at least 12 consecutive months.</i>

** Marking the BAH eligible box and entering the eligibility date will allow the requested dependent to be printed on the BAH/Dependency Data Form without imitating Pay actions. Requested dependents requiring PPC-LGL approval will be entered as dependents but will **NOT** have the entitlements portion completed until **AFTER** approval is received from PPC-LGL. Once the data is entered and saved, it can be printed on a BAH/Dependency Data Form.

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SPO Checklists, Continued

**Incapacitated
Child Checklist****MEDICAL SUFFICIENCY STATEMENT REQUIRED**

In order to make an appropriate determination as to whether a dependent child can be declared as a dependent incapacitated child, you must submit a physician's statement certifying to the fact that your child is fully incapacitated (medically). The medical evaluation must have been completed within 90 days of the dependency request. Additionally, the physician must answer the following:

- (a) The history of the specific medical condition(s), including references to findings from previous examinations, treatment, and responses to treatment to include a record of hospitalizations and current medications.
- (b) Clinical findings from the most recent medical evaluation for your child's condition, including any of the following which have been obtained: findings of physical examination, results of laboratory tests, X-rays, EKGs, and other special evaluations or diagnostic procedures.
- (c) Diagnosis, including your child's current clinical status.
- (d) Prognosis, including plans or recommendations for future treatment and an estimate of the expected date of full or partial recovery, if applicable.
- (e) An explanation of the impact of the medical condition on overall health and activities, to include overall functional level or impairment of executive functions including employment history, ability to manage own finances, ability to obtain or maintain a driver's license, shop for, and prepare own meals, and manage own laundry needs.
- (f) Narrative explanation of the medical basis for any conclusion that the medical condition has or has not become static or well stabilized and the likelihood that you may experience sudden or subtle incapacitation as a result of the medical condition.

NOTE: Member will sign the BAH/Dependency Data Form only after dependency has been determined by PPC-LGL.

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SPO Checklists, Continued

Incapacitated Child Checklist, continued

SUBMITTED		REQUIREMENT
YES	NO	
		BAH/Dependency Data Form (Dependent must be listed as “Incapacitated Child”). **
		CG Form 2020.
		CG Form 2020A.
		Child’s birth certificate.
		Member’s marriage license (if stepchild).
		CG Form 1754C.
		DD Form 2870 (Authorization to release medical information).
		Medical Sufficiency Statement & supporting documents (see Required Information).
		Copy of one photo ID for child (DEERS requirement).
		Copy of Social Security Card (DEERS requirement).

** Marking the BAH eligible box and entering the eligibility date will allow the requested dependent to be printed on the BAH/Dependency Data Form without imitating Pay actions. Requested dependents requiring PPC-LGL approval will be entered as dependents but will **NOT** have the entitlements portion completed until **AFTER** approval is received from PPC-LGL. Once the data is entered and saved, it can be printed on a BAH/Dependency Data Form.

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SPO Checklists, Continued

Adoption / Pre-Adoption Checklist

SUBMITTED		REQUIREMENT
YES	NO	
		BAH/Dependency Data Form (Dependent must be listed as “Adopted son/daughter”). **
		CG Form 2020.
		Adoption document submitted (See NOTE): <ul style="list-style-type: none"> • Final adoption decree, • Pre-adoption Court Order, or • State agency placement letter (MUST be on agency letter head).

NOTE: Member **MUST** provide a certified English translation for any document in a foreign language.

** Marking the BAH eligible box and entering the eligibility date will allow the requested dependent to be printed on the BAH/Dependency Data Form without imitating Pay actions. Requested dependents requiring PPC-LGL approval will be entered as dependents but will **NOT** have the entitlements portion completed until **AFTER** approval is received from PPC-LGL. Once the data is entered and saved, it can be printed on a BAH/Dependency Data Form.

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SPO Checklists, Continued

Parent / Parent-In-Law Checklist

Determination based on CG-1758 Parent Affidavit: Member is entitled to BAH on behalf of a dependent parent if:

- The member contributes more than 50% of the parent's monthly living expenses,
- The parent's income, not counting the member's contribution is less than 50% of their monthly living expenses, and
- In order to add a parent, parent-in-law, or in loco parentis as a dependent, the dependent **MUST** reside with the member.

Effective Date of Dependency:

- A member is authorized a housing allowance for any Active Duty period during which the parent dependency is shown to exist. If dependency arises due to changed circumstances, and the facts show the member has started to contribute more than 50% of the parent's support, a housing allowance is authorized from the date the contribution began.

NOTES:

- A stepparent/stepchild relationship ends upon divorce from the blood parent, but not necessarily upon the blood parent's death. A housing allowance for a stepparent may be established after the blood parent's death.
- Six months of parent dependency is **not required** to qualify as a dependent.
- The parent **does not** have to be carried as the member's tax dependent.
- SPOs should advise members about the limited medical care that is available to approved parent dependents. Full medical care benefits are not available.
- If not submitted by the SPO, PPC-LGL will send a CG-1758 (Parent Dependency Affidavit) to the parent/parent-in-law. The form **MUST** be completed, signed, notarized, and returned to PPC-LGL before a final dependency determination can be made.

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SPO Checklists, Continued

Parent / Parent-In-Law Checklist, continued

SUBMITTED		REQUIREMENT
YES	NO	
		BAH/Dependency Data Form (Dependent must be listed as “Mother/Father/Mother-In-Law/Father-In-Law”). **
		CG Form 2020.
		CG Form 2020A.
		Member’s birth certificate (if parent of the member).
		Member’s marriage license (if parent of the member’s spouse).
		Member’s spouse’s birth certificate (if parent of member’s spouse).
		CG Form 1758 Parent Affidavit

** Marking the BAH eligible box and entering the eligibility date will allow the requested dependent to be printed on the BAH/Dependency Data Form without imitating Pay actions. Requested dependents requiring PPC-LGL approval will be entered as dependents but will **NOT** have the entitlements portion completed until **AFTER** approval is received from PPC-LGL. Once the data is entered and saved, it can be printed on a BAH/Dependency Data Form.

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SPO Checklists, Continued

In Loco Parentis Checklist

Determination based on CG-1758 Parent Affidavit: Member is entitled to BAH on behalf of a dependent parent if:

- The member contributes more than 50% of the parent's monthly living expenses,
- The parent's income, not counting the member's contribution is less than 50% of their monthly living expenses.

Effective Date of Dependency:

- A member is authorized a housing allowance for any Active Duty period during which the parent dependency is shown to exist. If dependency arises due to changed circumstances, and the facts show the member has started to contribute more than 50% of the parent's support, a housing allowance is authorized from the date the contribution began.

NOTES:

- A stepparent/stepchild relationship ends upon divorce from the blood parent, but not necessarily upon the blood parent's death. A housing allowance for a stepparent may be established after the blood parent's death.
- Six months of parent dependency is *not required* to qualify as a dependent.
- The parent *does not* have to be carried as the member's tax dependent.

SUBMITTED		REQUIREMENT
YES	NO	
		BAH/Dependency Data Form (Dependent must be listed as "Mother/Father/Mother-In-Law/Father-In-Law"). **
		CG Form 2020.
		CG Form 2020A.
		Member's birth certificate (if parent of the member).
		Member's marriage license (if parent of the member's spouse).
		Member's spouse's birth certificate (if parent of member's spouse).
		CG Form 1758 Parent Affidavit

** Marking the BAH eligible box and entering the eligibility date will allow the requested dependent to be printed on the BAH/Dependency Data Form without imitating Pay actions. Requested dependents requiring PPC-LGL approval will be entered as dependents but will **NOT** have the entitlements portion completed until **AFTER** approval is received from PPC-LGL. Once the data is entered and saved, it can be printed on a BAH/Dependency Data Form.

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SPO Checklists, Continued

Foreign Marriage Checklist

Foreign Divorces:

- Foreign marriages do not ordinarily require PPC-LGL review. Prior to marrying a foreign spouse, the member must request permission and receive approval from their Commanding Officer. Only requests that involve the remarriage of a member to a foreign spouse following a foreign nation divorce require PPC-LGL review.
- Marriages by proxy, telephone, common-law marriages, and remarriages within prohibited periods following a divorce are considered cases of doubtful relationship and should be reviewed by PPC-LGL.

NOTES:

- Contact PPC-LGL at 785-339-3596 or PPC-DG-LGL@uscg.mil for assistance in requesting review of a foreign marriage.
- Member **MUST** provide a certified English translation of any document in a foreign language.

SUBMITTED		REQUIREMENT
YES	NO	
		BAH/Dependency Data Form (Dependent must be listed as “Spouse”). **
		CG Form 2020.
		CG Form 2020A.
		Certified Marriage license (certified English translation if in a foreign language).
		Written approval from member’s Command, per COMDTINST M1700.1, paragraph 1.K.2.

** Marking the BAH eligible box and entering the eligibility date will allow the requested dependent to be printed on the BAH/Dependency Data Form without imitating Pay actions. Requested dependents requiring PPC-LGL approval will be entered as dependents but will **NOT** have the entitlements portion completed until **AFTER** approval is received from PPC-LGL. Once the data is entered and saved, it can be printed on a BAH/Dependency Data Form.
