

STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 West Dublin Granville Road
Columbus, Ohio 43235-2789

* AGOR 600-23 (Army)

**AGO REGULATION
NO. 600-23 (Army)**

1 December 1995

Personnel - General
FAMILY CARE COUNSELING AND PLANS

Local supplementation of this regulation is prohibited.

1. REFERENCES.

- a. AR 600-20
- b. AR 135-175
- c. AR 135-178
- d. AR 135-91
- e. NGR 600-200
- f. NGR 635-100

2. PURPOSE. The purpose of this regulation is to establish policy and identify soldiers required to maintain a family care plan, and to assist commanders in answering questions regarding family care plans (applicability, submission, approval, etc.).

3. POLICY. Reserve component soldiers are subject to these policies and regulations during periods of annual training (AT), regularly scheduled unit training assemblies, emergency deployment and mobilization or other types of active duty. The DA Form 5305-R (Family Care Plan) documents that the soldier has provided for the care of his/her family members when military duties prevent the soldier from doing so. The plan will include proof that the guardians agree to provide care and have the legal authority and means to do so. Proof will be provided by attaching appropriate documents to the DA Form 5305-R such as: the legal judgment entry from the court in the case of a single service member with minor children, DA Form 5841-R (Special Power of Attorney for Guardianship) or equivalent delegation of legal control, DA Form 5840-R (Certificate of Acceptance as Guardian), a computer generated DD Form 1172 (Application for Uniformed Service Identification Card), if needed, and a DD Form 2558 (Authorization to Start, Stop or Change Allotments) or other support plan. The soldier has the primary responsibility to implement the family care plan, and to ensure the care of dependent family members (See appendix A).

4. SCOPE. Commanders of soldiers will, regardless of the soldier's rank, ensure that family care plan counseling is conducted and require a family care plan to be completed when any of the following apply:

a. A pregnant soldier who:

- (1) Has no spouse; is single, divorced, widowed or separated; or resides without her spouse.

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(2) Is married to another service member of the active or reserve component of any service.

b. A soldier, regardless of marital status, who has joint or full legal and physical custody of one or more children under age 18 or has adult dependent family member(s) who are incapable of self care, regardless of age.

c. A soldier married to another military member (dual service couple) of the active or reserve component who has joint or full legal and physical custody of one or more children under age 18 or has adult dependent family member(s) who are incapable of self care, regardless of age.

5. RESPONSIBILITY.

a. Unit commander:

(1) Will ensure that members listed in paragraph 4 are counseled using DA Form 5304-R (Family Care Plan Counseling Checklist) and will recertify DA Form 5305-R at least annually during the soldier's annual record review.

(2) Is the approving authority for DA Form 54304-R and 5305-R, and will ensure that they are completed and approved within 60 days of counseling. The soldier may be authorized an additional 30 days for completion, to include approval, of DA Form 5305-R.

(3) Must be satisfied that the family care plan meets the requirements and is reasonable, and should disapprove the DA Form 5305-R if the required attachments are not present. Any extenuating circumstances that exist must be approved in writing by the State Family Program Coordinator. Disapproved plans require continuing effort by the soldier and commander to reconcile the shortcomings until a plan is approved.

(4) Will provide the soldier 30 days from the date of disapproval to submit additional documentation or evidence to support the family care plan, and should initiate involuntary separation proceedings against soldiers who deliberately misrepresent information in a family care plan.

(5) Should initiate a bar to reenlistment against soldiers who fail to manage personal, marital or family affairs; or who fail to provide or maintain a family care plan. (para 7-20c(11), NGR 600-200, and para 5-5d(2), AR 600-20).

(6) Should be aware of other situations which may create changes in the dependency status of their soldiers, such as:

(a) Death of a spouse.

(b) Divorce proceedings awarding full custody of a child to the soldier, or custody involving extended visitation rights, such as having a child reside with soldier three months out of the year.

(c) Adoption or foster care, and guardianship for children or adults residing with the soldier.

(d) Extended periods of absence by the spouse for schooling, hospitalization, etc.

(7) Will ensure that plans, approved or disapproved, are filed in the soldier's mobilization packet. A copy of the plan will be provided to the soldier.

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(8) Will encourage soldiers to prepare a will (may be executed with the assistance of military legal assistance). The family care plan does not require a will and soldiers will not be ordered to obtain one. When a will is executed, it will not be retained in the unit files, although the family care plan may contain information regarding the location of the soldier's will.

(9) Maximum testing of the validity of family care plans will be accomplished (i.e., during exercises, alerts, and other unit activities) to ensure information on a soldier's DA Form 5305-R is correct and workable. Family care plans found to be invalid during the above testing will be revised/recertified within 60 days of the finding.

b. Soldiers meeting the criteria in para 4:

(1) Ensure that arrangements have been made for dependent family members that will meet all circumstances required by membership in the Ohio Army National Guard (i.e., weekend drills, field training exercises, annual training and mobilization).

(2) Revise the family care plans after any event requiring a change in family care arrangements.

(3) Pregnant soldiers must complete DA Form 5305-R and have it approved showing their intentions for family care at least 60 days prior to the date of birth of the child. DA Forms 5840-R and 5841-R or other guardianship documents, and, when necessary, DD Form 1172 and DD Form 2558 will be completed and the DA Form 5305-R recertified no later than 45 days after the birth of the child.

6. INVOLUNTARY OR VOLUNTARY SEPARATION.

a. Enlisted soldiers will be counseled on involuntary and voluntary separation whenever parenthood interferes with military responsibilities (see Appendix C) under provisions of:

(1) AR 135-178.

(2) NGR 600-200.

b. Officers will be counseled on involuntary and voluntary separation whenever parenthood interferes with military responsibilities (see Appendix C) under provisions of:

(1) AR 135-175.

(2) NGR 635-100.

c. Pregnant soldiers will be counseled in accordance with AR 135-91, as soon as pregnancy is identified on DA Form 5305-R, but at least 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 responsibilities if she chooses to remain on duty.

d. Military members who are unable to deploy because of parental responsibilities will be processed for separation by their unit commander under the provisions of:

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(1) AR 135-178 for enlisted soldiers.

(2) AR 135-175 for officers.

e. Specific reasons for separating because of parenthood include inability to perform prescribed duty satisfactorily, repeated tardiness or absenteeism, and inability to perform any type of military assignment.

f. Married soldiers, as well as single females, who become parents may also request voluntary separation on grounds of hardship when the roles of parent and soldier are incompatible and the soldier cannot fulfill his/her military obligations without neglecting the child or children.

7. DA Forms 5304-R and 5305-R (locally reproduce.)

a. DA Form 5304-R will be signed during inprocessing or after any event requiring the adoption of a family care plan, by the following:

(1) Pregnant soldiers, at least 90 days prior to the expected date of birth of the child.

(2) Single and dual service couples with dependent family members.

(3) Both members of a dual service couple with their unit commander(s). This assures that both unit commander(s) and service members have made necessary arrangements for the escort and temporary and principal guardianship care of dependent family members. Dual service couples with dependent family members will be counseled together when practicable.

(4) Unit commander and held in the unit files pending completion of DA Form 5305-R. It will be returned to the soldier when no longer needed for suspense action.

b. DA Form 5305-R will be:

(1) Completed and approved within 60 days from the date of counseling, and signed by dual service couple and spouse's unit commander.

(2) Recertified periodically by initialing and dating the form. This will be done during the soldier's annual records review or after any change in family care arrangements (see para 5a(6) above.)

(3) Recertified with attendant documents prior to embarkation when soldiers are performing AT overseas, to show care for their dependent family members during their absence and in the event their return to Ohio is delayed. Soldiers unable to provide required documentation will not deploy overseas.

(4) Filed with attachments (see para 3 above) in the soldier's mobilization packet and destroyed 90 days after the soldier departs the unit. When a soldier is transferring to a new unit, the losing unit will place a copy of the plan in the Military Personnel Records Jacket, which accompanies the departing soldier to the gaining unit.

(5) Encouraged to be completed for all married soldiers who have dependent family members to assist the spouse, commander or next of kin in providing care for the family. **Counseling is not required.**

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8. RECOMMENDATIONS AND/OR QUESTIONS. Recommendations for improvement to or questions about Ohio Army National Guard Family Care Counseling and Plans should be directed to: The Adjutant General's Department, Attention: AGOH-MPMO-MP-FA, 2825 West Dublin Granville Road, Columbus, Ohio 43235-2789, or telephone 614-889-7192, DSN 273-7192.

AGOH-MPMO-MP-FA

BY ORDER OF THE GOVERNOR:

OFFICIAL:

RICHARD C. ALEXANDER
Major General
The Adjutant General


JOHN S. MARTIN
Brigadier General
Asst Adj Gen for Army

APPENDIX A - Family Care Plan Procedures

- B - Procedures for Unit, Escort and Guardians
- C - Separation Procedures
- D - DA Form 5304-R (Sep 89) Family Care Plan Counseling Checklist
- E - DA Form 5305-R (Sep 89) Family Care Plan
- F - DA Form 5840-R (Sep 89) Certificate of Acceptance as Guardian
- G - DA Form 5841-R (Sep 89) Special Power of Attorney Guardianship

DISTRIBUTION:

A

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APPENDIX A

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FAMILY CARE PLAN PROCEDURES

<u>DOCUMENT</u>	<u>COMMANDER</u>	<u>SOLDIER</u>	<u>OTHER INVOLVEMENT</u>
DA Form 5304-R (Family Care Plan Counseling)	Initiates	Receives	Spouse & Spouse's commander
DA Form 5305-R (Family Care Plan)	Approves	Initiates/ Provides	Spouse & Spouse's commander
DA Form 5841-R (Special Power of Attorney for Guardianship)	Requires	Executes	Legal assistance, Guardian receives
DA Form 5840-R (Certificate of Acceptance as Guardian)	Requires	Secures from Guardian	Guardian completes, notarizes & returns to soldier
DA Form 1172 (Application for Uniformed Service Identification Card)	Requires	Executes	
DD Form 2558 (Authorization to Start, Stop or Change Allotments)	Requires	Executes	
Will	Recommends	Executes	Legal Assistance

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APPENDIX B

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PROCEDURES FOR UNIT, ESCORT, AND GUARDIANS

1. Procedures for unit and escort
 - a. Family Care Plan is filed [location]
 - b. Power(s) of Attorney is/are filed [location]
 - c. Name and address of individual with access to will [optional]
 - d. Location of will [optional]
 - e. Medical records are located at [state location]
 - f. Local child care provider's address and phone number [insert information]
 - g. Financial arrangement instructions are located [state location]
 - h. Special care instructions for dependent family member(s)
 - i. Spouse's name, address, phone number, and unit address and phone number
2. Procedures for Guardians
 - a. Family Care Plan copy attached
 - b. Power(s) of Attorney attached
 - c. Name, address and phone number of local child care provider
 - d. Financial arrangement instructions
 - e. Medical records are located at [state location]
 - f. Special care instructions for dependent family member(s)
 - g. Spouse's name, address, phone number, unit address and phone number
 - h. Commander's name, unit address and phone number (both commanders for dual service couples)
 - i. Address of nearest military installation and medical facility
 - j. Instructions for securing military identification cards
 - k. Other important information

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SEPARATION PROCEDURES

OFFICERS

<u>ACTION</u>	<u>AUTHORITY</u>	<u>COMMAND AUTHORITY</u>	<u>RESULT</u>
Involuntary	AR 135-175 Ch 2 NGR 635-102	ARPERCEN State HQ, NGB	
Voluntary	AR 135-175 Ch 6 NGR 600-100 Ch 5	ARPERCEN State HQ, NGB	

ENLISTED

<u>ACTION</u>	<u>AUTHORITY</u>	<u>COMMAND AUTHORITY</u>	<u>RESULT</u>
Involuntary	AR 140-111 Ch 1	ARPERCEN	Bar to Reenlistment
Discharged	AR 135-178 Ch 4	ARPERCEN	
	NGR 600-200 Ch 8	State HQ, NGB	Discharged
Voluntary	AR 135-178 Ch 12	ARPERCEN	Discharged
	NGR 600-200 Ch 6	State HQ, NGB	Discharged

Note: This list does not restrict commanders from using authorities other than those cited here to separate soldiers unable or unwilling to comply with provisions of AR 60-20, para 5-5.