



## Region Legal Service Office, Mid Atlantic Legal Assistance Department

### Navy Family Care Plan IAW OPNAVINST 1740.4D

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#### 1. What is a Family Care Plan?

A **Family Care Plan** (FCP) designates one or more caregivers who agree to provide for the servicemember's minor children and/or adult dependents when the servicemember is unavailable. The FCP includes provisions for both long-term and short-term absences and ensures the family's financial, medical, and legal stability.

#### 2. Why is a Family Care Plan required?

The nature of naval service dictates that servicemembers must be ready to deploy throughout the world, on short notice, and be able to fully execute their military duties. For servicemembers with minor children, the ability to meet this requirement is directly related to the degree of prior family care planning. Ensuring proper care for the servicemember's minor children reduces stress on the servicemember and strengthens a deployable asset for the command.

#### 3. When do I need a Family Care Plan?

You must have an FCP if you are a:

- Servicemember with **primary or shared physical custody of a minor child or children** who is not married to the other natural or adoptive parent of the minor child or children; or
- Member of a married **dual military couple** where one or both have primary or shared physical custody of a minor child or children; or
- Servicemember who is **legally responsible for an adult** family member who is incapable of providing for themselves in the servicemember's absence.

If you are in one of these categories, you must submit a FCP as well as a new or updated FCP within 90 days of a major change in circumstances, such as the change of a previously designated caregiver; birth, adoption, or assumption of guardianship of a child; assumption of sole care for an elderly or disabled family member; a change in personal or family circumstances (e.g., divorce); reporting to a new duty station; and when the Navy issues a new FCP instruction. Your commanding officer may grant an additional 120 days to submit an acceptable FCP.

#### 4. How do I document a Family Care Plan?

- Submit NAVPERS 1740/6 and NAVPERS 1740/7 to the chain of command as part of the FCP package. Also submit legal documents, such as powers of attorney prepared for the caregiver (these will be reviewed but not retained).
- Log on to NSIPS to document your FCP online. The following site provides instructions: [http://www.public.navy.mil/bupers-npc/support/21st\\_Century\\_Sailor/readiness/Pages/FamilyCarePlan.aspx](http://www.public.navy.mil/bupers-npc/support/21st_Century_Sailor/readiness/Pages/FamilyCarePlan.aspx).

#### 5. What is the difference between a Family Care Plan and a child custody order?

An FCP is simply a document that states your custody plan to the military. It must comply with existing court orders and laws. If someone violates an FCP, the FCP is unenforceable and a custody order is needed:

- FCPs are subject to—and should mirror—court orders addressing child custody or support. FCPs cannot change, modify, or supersede existing court orders.
- The FCP is not legally binding on third parties, or on non-military personnel/institutions.
- To be effective, FCPs must consider and comply with applicable state and federal laws governing child custody and parental rights. FCPs must be signed by both parents if there is no court order.

FCPs are made functional in the REAL WORLD by court orders. The process to turn a custody agreement into a court order can take 30 to 120 days. Start planning early and seek legal assistance to get guidance on the legal aspects of your custody situation.

**This handout is for information purposes only and is not intended to be legal advice. If you need legal advice and assistance you may see legal advice from your Legal Assistance Office. Legal Assistance Offices can be located at <http://legalassistance.law.af.mil/content/locator.php>**