Definition of a Dependent

Travel, Transportation and Housing Allowances
P.L. 103-160 signed into law on November 30, 1993 and P.L. 103-337 signed into law on October 5, 1994 added additional categories of dependents under Title 37 “Pay and Allowances of the Uniformed Services” and Title 10 “Armed Forces.”

Title 37, Section 401 now includes:
1. spouse of the member
2. an unmarried child of the member who:
   a) is under 21 years of age or
   b) is incapable of self-support because of mental or physical incapacity and is dependent on the member for more than one-half of the child’s support or
   c) is under 23 years of age, enrolled in a full-time course of study in an institution of higher education and is dependent on the member for more than one-half of the child’s support

The term “child” includes:
- a stepchild of the member
- an adopted child of the member, including a child placed in the home of the member by a placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the person by the member
- an illegitimate child of the member if the member’s parentage of the child is established in accordance with criteria prescribed by the Service Secretary

3. a parent of the member if:
   a) the parent is dependent on the member for more than one half of the parent’s support
   b) the parent has been so dependent for a period prescribed by the Service Secretary or became so dependent due to a change of circumstances arising after the member entered active duty

The term “parent” includes:
- the natural parent of the member
- a stepparent of the member
- a parent of the member by adoption
- a parent, stepparent, or adopted parent of the spouse of the member
- any other person, including a former stepparent who has stood in loco parentis to the member at any time for a continuous period of at least five years before the member became 21 years of age

4. Effective July 1, 1994: an unmarried person who is placed in the legal custody of the member as a result of a court order for a period of at least 12 consecutive months; is dependent on the member for over one-half of the person’s support; and resides with the member, if the person is:
   a) under 21 years of age, or
   b) incapable of self-support because of a mental or physical incapacity that occurred while considered a dependent of the member, or
c) under 23 years of age and enrolled full time in an institution of higher learning

Health Care
Title 10 Chapter 55
The definitions of dependency for determining entitlement to military health care are more complicated than the definition of a dependent for travel, transportation and housing allowances. For instance, dependent parents and parents-in-law are eligible for space-available medical care in a Military Treatment Facility, but not under CHAMPUS. Certain unremarried former spouses are eligible for military health care for their lifetime at either Military Treatment Facilities or, if under age 65, under CHAMPUS. Other unremarried former spouses are eligible for one year of military health care and still others are not eligible for military health care at all. (See NMFA’s Former Spouse Fact Sheet for additional information)

P.L. 102-484, effective October 23, 1992, extended full entitlement to military health care, including CHAMPUS eligibility, to children age 21 to 23 who become incapable of self-support because of a mental or physical incapacity that occurs while they are dependent on the member or former member for over one-half of their support and while they are enrolled in a full-time course of study at an institution of higher learning. (Prior to the enactment of P.L. 102-484 only dependent children who became incapable of self-support because of a mental or physical incapacity before age 21 were eligible for military health care, including CHAMPUS coverage.)

P.L. 103-160, effective November 30, 1993, extended eligibility to care in a Military Treatment Facility (effective July 1, 1994) to an unmarried person placed in the legal custody of a member or former member as a result of a court order for a period of at least 12 consecutive months, if that person is:
1. under 21 years of age or
2. incapable of self-support because of a mental or physical incapacity that occurred while considered a dependent of the member or
3. under 23 years of age and enrolled full time in an institution of higher learning

P.L. 103-337, effective October 5, 1994, extended eligibility for CHAMPUS and the Dependent’s Dental Program to those described above who are in the legal custody of the member or former member.

P.L. 103-337 also extended eligibility for military health care to include care in a Military Treatment Facility, CHAMPUS and the Dependents’ Dental Program to a child placed in the home of a member or former member by a placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the person by the member or former member.

Travel and Transportation Only
Title 37 Chapter 7
P.L. 104-106 allowed students “who by reason of age or graduation from (or cessation of enrollment in) an institution of higher education, would otherwise cease to be a dependent of the member while the member was serving at the station (OCONUS), shall still be considered as a dependent of the member” for travel and transportation purposes.