

FAMILY SUPPORT GROUPS
STAFF JUDGE ADVOCATE PERSPECTIVE

1. References:

- a. DoD 5500.7-R, Joint Ethics Regulation (JER)
- b. DoDI 1000.15, Private Organizations on DoD Installations
- c. AR 210-1, Private Organizations on DA Installations (Rescinded 20 Apr 98)
- d. AR 215-1, Morale, Welfare, and Recreation Fund Management
- e. AR 600-29, Fund-Raising Within DA
- f. DA Pam 608-47, A Guide to Establishing Family Support Groups
- g. AR 25-30, The Army Integrated Publishing and Printing Program

2. Introduction. What is a Family Support Group?

The FSG is not an official Army organization, although it is made up of family members and soldiers, some who volunteer their time and efforts for FSG programs and some who just participate. A basic goal of the FSG is to support the military mission through provision of support, outreach, and information to family members. The commander supports the FSG, but the FSG belongs to the members. Membership is voluntary. An FSG is similar to a private organization, but it is generally characterized as an “informal fund.”

3. Rescission of AR 210-1

a. Community and Family Support Center Memo, 20 April 1998, Policy Governing Private Organizations on Army Installations, formally rescinded AR 210-1. Why?

- (1) Timely implementation of DoD guidance;
- (2) Consistent application of rules;
- (3) Compliance with DoD policy and public law;
- (4) Regulatory reduction;
- (5) Cost savings (developmental staffing, printing, distribution).

b. Interim Guidance for “Informal funds“ [such as Family Support Groups],
(Almost identical to guidance in the rescinded AR 210-1):

(1) Certain unofficial funds may operate on DA installations, provided they do not exceed a net worth of \$1,000.

(2) Subject to following:

- (a) One individual responsible for custody, accounting, and documentation;
- (b) Conduct fund business during off-duty time;
- (c) Annual (or more frequent) report to military rater or civilian supervisor concerning fund’s existence, purpose, financial status, or upon occurrence or suspicion of irregularities associated with the fund;
- (d) Use is limited to expenses consistent with the purpose and function of the fund and is not to be expended in any way that is or appears to be improper or contrary to Army interests - not for benefit of specific individuals;
- (e) Use of funds should not duplicate what other agencies provide (such as Army Community Service, Army Emergency Relief).

4. Special authority for Family Support Groups: DA Pam 608-47

a: Generally do not have to apply for formal PO status

FSG’s are not in the business of collecting and maintaining funds, but are established to provide activities and support that will enhance the flow of information, morale, and esprit de corps within the unit.

b. If net worth exceeds \$1,000 - apply for formal recognition as a PO (Directorate of Community Activities, Financial Management Division)

c. Participation should be strongly encouraged but cannot be mandated. Although the FSG has strong command support and backing, it must belong to the unit FSG members. DA Pam 608-47, paragraphs 2-1f and 2-1h.

5. Fund-raising

a. Five types of fund-raising are authorized::

- (1) Combined Federal Campaign) On-the-job and
- (2) Army Emergency Relief) Officially Endorsed

(3) Local fund-raising

(a) Morale, Welfare, and Recreation

(b) *On-post Private organizations [Family Support Groups]*

(4) Other limited fund-raising to assist the unfortunate

(5) Religious fund-raising

b. Truly voluntary

c. No coercive activity

d. When FSGs engage in fund-raising, they are “private organizations.”

(1) **Off-post** - The Army cannot officially endorse FSG fund-raising outside of the Army community. When off-post, do not imply that the Army officially supports or endorses external fund-raising. JER 3-209.

FSG members may solicit donations of goods, coupons, and the like from private commercial vendors in their strictly private capacities. Soldiers who solicit off-post must be off-duty and should be out of uniform. They must disclaim any official Army involvement. They must act exclusively outside the scope of their official duties. JER 3-300.

(2) **On-post** - The FSG may receive official encouragement and support when conducting fund-raising among members of the Army community. JER 3-210a(6). Soldiers may be released to support the event, and Army equipment may be used so long as it does not interfere with the mission requirements. JER 3-211 and DA Pam 608-47, paragraph 3-6.

(3) Location of on-post fund-raisers: Must not take place “on the federal workplace” - as determined by the Installation or Garrison Commander. JER 3-300a.

6. Logistic Support of Family Support Groups

a. According to Reference 1b, DoDI 1000.15, “DoD Components may provide logistical support to private organizations with appropriated Federal Government resources in accordance with” the JER.

b. Newsletters and Flyers

(1) FSGs may use Government printing supplies and equipment and Government postage, when approved by the commander, for command authorized newsletters containing official information. Newsletter content is official when it is educational, promotes unit cohesion, and is related to unit mission, family support programs, and family and unit readiness.

(2) Expressly prohibited items include personal and social information and information about private organization activities, fund-raisers, and business ventures.

(3) Newsletters containing primarily official information and incidental unofficial information may be published using Government printing and equipment.

(4) Government (appropriated) funds are not available for mailing unofficial information, which is information that is nonmission-related, such as promotions, births, retirement announcements, and recipes.

(5) Funds generated by the FSG or Nonappropriated funds, if available, may be used for mailing unofficial newsletters and to mail newsletters containing official information when Government (appropriated) funds are not available. AR 215-1, paragraph 4-6j(7).

(6) Publications printed with Government (appropriated) or Nonappropriated funds will not contain advertising or material that implies in any manner that the Government endorses or favors any commercial product, commodity, or service. AR 25-30, paragraph 11-16 and JER 3-209.

(7) Disclaimers. If the FSG wants to publish a flyer or other publication using Nonappropriated or FSG funds and wishes to thank any contributors of coupons, goods, or services in the flyer or publication, the FSG should include a disclaimer, such as “Publication of the names or logos of commercial firms do not constitute official Army endorsement.”

(8) Note: Titles or Duty Positions. When dealing strictly with FSG matters, do not use your official title or duty position. You may use your rank, e.g., Thomas Jefferson, Captain, U.S. Army.

c. Mail - Official, mission-related, approved by commander

d. Electronic communications: Garrison Commander's Policy Memo dated 1 April 1997, Authorizes Use of Information Resources

(1) General Rule: Use only for conducting official government business.

(2) Exception: Personal telephone calls are authorized as in the best interest of the government when placed during lunch, break or reduced usage periods when the calls do not interrupt or interfere with the conduct of official business.

(3) E-mail. Non-toll, personal electronic mail messages are authorized as in the best interest of the government when sent during periods of reduced usage (as for telephones) when the messages do not interrupt or interfere with the conduct of official business.

(4) Internet. **For official business only** due to limited capacity of Internet circuits. Cruising Internet for personal or entertainment purposes is not authorized.

(5) Facsimile. Reserved for official business only.

(6) Copy Machines. Reserved for official business only.

(7) Official Mail. Official government business only.

e. Volunteers:

(1) Government facilities. .FSG volunteers may use government facilities (offices, desks, chairs, equipment,. supplies, phones) to accomplish assigned tasks.

(2) Government vehicles may be used when the commander determines that the use of the vehicle is for an official purpose and that failure to provide such support would have an adverse effect on soldier morale. The driver must have valid license. Use of the vehicle must not defer unit mission.

(3) Funding Support (Appropriated and Nonappropriated)

(a) Training and Travel. For volunteers. To improve their effectiveness in their assigned roles. DA Pam 608-47, paragraph 3-6c(1).

(b) Reimbursement of Incidental expenses. Child care, telephone, similar expenses. DA Pam 608-47, paragraph 3-6c(2). See AR 608-1 and AR 215-1.

(c) Awards, banquets, and/or mementos. Nonappropriated funds are authorized for volunteer recognition programs.

7. Other Matters of Interest

a. Liabilities: Volunteers are considered to be employees of the United States for certain purposes:

(1) Federal Workers compensation program for work-related injuries (Title 5, US Code, Chapter 81)

(2) Tort claims (Title 28, Chapter 171, Federal Tort Claims Act) - Claims filed against the Government for injuries caused by Federal employee performing official duties.

b. Tax Matters

(1) If funds are invested in interest bearing account, the FSG may have to pay income taxes. "Although FSGs may qualify for exemption from Federal income tax, pursuant to section 501 of the Internal Revenue Code, the savings to be achieved may not equal the time and effort required to obtain an exemption."

(2) Tax-Exempt Status. Probably more complicated than it is worth due to the time and effort to obtain status and relatively modest amount of returns.

(3) Obtain necessary forms from IRS and Georgia Department of Revenue

(4) Must prove purpose of organization is educational or charitable.

(5) Constitution and bylaws must support this assertion.

(6) Must seek private legal counsel.

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