



DoD INSTRUCTION 1342.30

DEPENDENCY DETERMINATIONS FOR INCAPACITATED ADULT CHILDREN

Originating Component: Office of the Under Secretary of Defense for Personnel and Readiness

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Approved by: Steve Feinberg, Deputy Secretary of Defense

Purpose: This issuance:

- Establishes policy, assigns responsibilities, and prescribes procedures for determining the dependency status for incapacitated adult children (INCAP).
- Assigns oversight responsibilities for INCAP dependency determinations for pay and allowances, and enrollment in the Defense Enrollment Eligibility Reporting System (DEERS).
- Establishes standardized enrollment and adjudication criteria for INCAP dependency determinations among all uniformed services.
- Authorizes the development of implementing guidance and forms necessary for adjudicating INCAP dependency determination applications and operating the INCAP enrollment process.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

This issuance applies to:

a. OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

b. The Commissioned Corps of the U.S. Public Health Service (USPHS), under agreement with the Department of Health and Human Services, and the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration (NOAA), under agreement with the Department of Commerce.

1.2. POLICY.

INCAPs will be identified and enrolled in DEERS to obtain eligibility for benefits, privileges, and entitlements. Service members and retired Service members who are the sponsor of an INCAP must apply for their INCAP to receive authorized medical care, other benefits, and pay and allowances, as applicable. The INCAP application and enrollment process will be standardized across the uniformed services.

SECTION 2: RESPONSIBILITIES

2.1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS (ASD(M&RA)).

Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the ASD(M&RA):

- a. Consults with the Secretaries of the Military Departments, as appropriate, to direct the standardized development, implementation, and monitoring of an effective INCAP enrollment process across the DoD.
- b. Through the Deputy Assistant Secretary of Defense for Military Personnel Policy (DASD(MPP)), provides oversight of the INCAP enrollment process, to include enrollment, tracking, and provision of necessary benefits, and resolves disputes among the DoD Components regarding the implementation of procedures in this issuance.
- c. Convenes a process review committee meeting at least annually to review the implementation of this issuance and designates a representative from the offices of ASD(M&RA) and DASD(MPP) to attend.
- d. Establishes and maintains a single web-based INCAP application portal for use by all uniformed services for INCAP enrollment and recertification. The portal allows for the submission, tracking, and management of INCAP applications to include information related to financial and medical status of INCAPs.
- e. Directs that records and information established and created in accordance with this issuance are retained in accordance with DoD Instruction (DoDI) 5015.02 and DoD Component records management disposition schedules.

2.2. ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS (ASD(HA)).

Under the authority, direction, and control of the USD(P&R), the ASD(HA):

- a. Advises the USD(P&R) on medical issues related to this issuance and to establish criteria to determine physical or mental incapacitation.
- b. Ensures dissemination of policies and guidance for implementing the INCAP enrollment eligibility process.
- c. Ensures that policies and procedures are in place within the Military Health System to safeguard personally identifiable information and protected health information collected during the medical processes required by this issuance and in accordance with DoDIs 5400.11, 6025.18, and 8580.02, and DoD 5400.11-R.

d. Ensures records and information established and created in accordance with this issuance are retained in accordance with DoDI 5015.02 and DoD Component records management disposition schedules.

2.3. DIRECTOR, DEFENSE HEALTH AGENCY (DHA).

Under the authority, direction, and control of the USD(P&R), through the ASD(HA), the Director, DHA:

a. Develops standardized criteria and procedures to identify and document physical or mental incapacitation as part of the determination process for INCAP enrollment eligibility.

b. Develops a standardized process to document the determination that an individual is mentally or physically incapacitated.

c. Requires military medical treatment facility personnel and appropriate medical support personnel to be trained on the policies and procedures in this issuance.

d. Develops a standardized form in accordance with DoDI 7750.07 and DoD Manual 7750.08 for use by all military medical treatment facility personnel and appropriate medical personnel to screen for physical or mental incapacitation.

e. Ensures military medical treatment facility personnel and appropriate medical personnel complete the medical screening for INCAP utilizing the standardized criteria and procedures to identify and document physical or mental incapacitation as part of the determination process for INCAP enrollment eligibility.

f. Ensures private sector care providers are informed on a periodic basis on the INCAP enrollment process.

g. Ensures military medical treatment facility or TRICARE managed care support contractor medical case management services are available, as appropriate, to eligible INCAP beneficiaries.

h. Designates a representative to attend the annual process review committee meeting. Section 3 defines the process review committee participants and requirements.

i. Ensures records and information established and created in accordance with this issuance are retained in accordance with DoDI 5015.02 and DoD Component records management disposition schedules.

2.4. DIRECTOR, DEPARTMENT OF DEFENSE HUMAN RESOURCES ACTIVITY (DODHRA)

Under the authority, direction, and control of the USD(P&R), the Director, DoDHRA:

- a. Through the Director, Defense Manpower Data Center (DMDC), provides oversight of the INCAP enrollment process, to include DEERS enrollment, benefit eligibility tracking, and provision of necessary benefits.
- b. Designates a representative from the DMDC to attend a process review committee meeting at least annually to review the implementation of this issuance.
- c. Ensures records and information established and created in accordance with this issuance are retained in accordance with DoDI 5015.02 and DoD Component records management disposition schedules.

2.5. DIRECTOR, DEFENSE FINANCE AND ACCOUNTING SERVICE (DFAS).

Under the authority, direction, and control of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense, the Director, DFAS:

- a. Collaborates with the USD(P&R) to establish criteria in Paragraph 3.1.1.2., Chapter 26, Volume 7A of DoD 7000.14-R for defining support requirements and proving financial dependency necessary to qualify for INCAP benefits, in accordance with Section 1072 of Title 10, United States Code (U.S.C.).
- b. Ensures consistent application of financial support and dependency criteria needed to enroll individuals with the INCAP designation in DEERS across all uniformed services.
- c. Designates a representative to attend the annual process review committee meeting. Section 3 defines the process review committee participants and requirements.
- d. Ensures records and information established and created in accordance with this issuance are retained in accordance with DoDI 5015.02 and DoD Component records management disposition schedules.

2.6. GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE.

The General Counsel of the Department of Defense designates a representative to attend the annual process review committee meeting. Section 3 defines the process review committee participants and requirements.

2.7. SECRETARIES OF THE MILITARY DEPARTMENTS.

The Secretaries of the Military Departments:

- a. Establish guidance within their respective Departments consistent with this issuance and ensure leadership oversight at all levels of military command for implementing, monitoring, and evaluating this issuance.
- b. Program, budget, and allocate sufficient funds and other resources, including staffing, to meet the policy objectives of this issuance.
- c. Establish a formal INCAP enrollment and management process within their respective Military Departments that uses the INCAP enrollment web-based portal managed by the DASD(MPP).
- d. Notify INCAP enrollees of the required 4-year redetermination process to maintain eligibility.
- e. Ensure Service members are referred to the Service-specific INCAP point of contact, secondary dependency determination office, and the Service exceptional family member program (EFMP) identification and enrollment point of contact if a family member is identified with a medical condition that meets the criteria for INCAP eligibility and also meets EFMP enrollment criteria in accordance with DoDI 1315.19.
- f. Participate in the development and deployment of a data management system, including appropriate interfaces that support the INCAP process application.
- g. Publish guidelines that define INCAP eligibility, documentation, and redetermination procedures on appropriate Service websites and ensure that all installation websites link to official information.
- h. Establish generic organizational e-mail addresses to ensure Service members and their family members have easy access to support capabilities. Individuals to receive INCAP organizational e-mail addresses include:
 - (1) Installation INCAP personnel.
 - (2) Medical offices supporting INCAP.
- i. Adhere to policies and procedures to safeguard personally identifiable information and protected health information for INCAP.
- j. Establish a process for a Service-level, second independent higher-level review of any INCAP application that is denied. The second-level review is performed by an independent supervisor or other manager who is familiar with the INCAP enrollment process and was not involved in the initial eligibility determination.

k. Ensure application of the financial screening standards established by DFAS and the medical screening established by DHA to ensure and maintain uniformity across the uniformed services.

l. Ensure annual education and training is provided to key personnel, including uniformed service personnel responsible for the referral, review, and approval of INCAP applications. Training entails the policies and procedures in this issuance and on topics appropriate to providing INCAP support services, including enrollment eligibility, enrollment process, and benefits provided from INCAP enrollment.

m. Designate a representative to attend the annual process review committee meeting. Section 3 defines the process review committee participants and requirements.

n. Ensure records and information established and created in accordance with this issuance are retained in accordance with DoDI 5015.02 and DoD Component records management disposition schedules.

2.8. COMMANDANT OF THE UNITED STATES COAST GUARD; DIRECTOR, USPHS; AND DIRECTOR, NOAA.

The Commandant of the United States Coast Guard; the Director, USPHS; and the Director, NOAA each designate a representative to attend the annual process review committee meeting. Section 3 defines the process review committee participants and requirements.

SECTION 3: PROCEDURES

3.1. PROCESS REVIEW COMMITTEE.

Representatives from the following will participate in and attend a process review committee meeting at least annually:

- a. Office of the ASD(M&RA).
- b. DASD(MPP).
- c. Office of the General Counsel of the Department of Defense.
- d. Secretaries of the Military Departments.
- e. DFAS.
- f. DHA.
- g. DoDHRA.
- h. United States Coast Guard.
- i. USPHS.
- j. NOAA.

3.2. PARTICIPANT REQUIREMENTS.

Participants will:

- a. Represent functional areas including military medical, personnel, and financial services and determinations.
- b. Review uniformed service reports on INCAP enrollments, to include the data requirements outlined in this issuance.

SECTION 4: DOD CRITERIA FOR IDENTIFYING INCAPS

4.1. CRITERIA OF ELIGIBILITY REQUIREMENTS.

a. Criteria for meeting medical and financial eligibility requirements for INCAP enrollment is in accordance with Section 401 of Title 37, U.S.C.; Section 1072 of Title 10, U.S.C.; and Part 161 of Title 32, Code of Federal Regulations, and will be published and made available to all Service members.

b. As a minimum requirement to establish medical incapacitation and financial dependency for INCAP enrollment, the adult child must be:

(1) Unmarried.

(2) Incapable of self-support because of a physical or mental incapacity that:

(a) Occurred while listed as a dependent of the Service member or former Service member and existed before the child's 21st birthday or because of a physical or mental incapacity that occurred between the ages of 21 and 23 while the child was enrolled as a full-time student; or

(b) Has a dependency relationship to the sponsor and the incapacitation occurred after reaching age 21, or after 23 if a full-time student (INCAPs described in Paragraph 4.1.b.(2)(b) are not eligible for medical benefits in accordance with Section 1072 of Title 10, U.S.C. but are eligible for non-medical benefits in accordance with Section 401 of Title 37, U.S.C.).

(3) Dependent on the sponsor for over one-half (i.e., more than 50 percent) of their financial support or was at the time of the sponsor's death.

4.2. ELIGIBILITY DOCUMENTATION.

a. Eligibility documentation required for an INCAP is pursuant to Part 161 of Title 32, Code of Federal Regulations, and includes:

(1) Dependent documentation that establishes their relationship to the sponsor if the relationship has not been previously established.

(2) A medical sufficiency statement issued by a qualified medical provider assigned to a military medical treatment facility or authorized TRICARE provider. If applicable, the physician's statement must reflect that the incapacitation occurred after the 21st birthday but before the 23rd birthday, while the dependent was a full-time student.

(3) A financial dependency determination from DFAS, or the uniformed service equivalent pay office, acknowledging that the sponsor is providing more than 50 percent of the dependent's support, or was at the time of the sponsor's death. To establish financial

dependency, sponsors may submit their Federal financial tax return revealing that the INCAP was identified as a dependent.

b. Financial dependency for continued INCAP enrollment must be redetermined every 4 years. On receipt of a DMDC e-mail advising the sponsor that redetermination is due, an appointment must be made at a DoD identification card site to complete the simplified process.

c. The ASD(HA), the Director, DFAS, and the Secretaries of the Military Departments will periodically review the minimum criteria and provide improvements to the INCAP determination procedures to the USD(P&R).

SECTION 5: PROVISION OF INCAP SUPPORT SERVICES REPORTING

5.1. INCAP SUPPORT.

Each uniformed service will:

- a. Identify INCAP enrollment support personnel who are a part of and operate in conjunction with each uniformed service's secondary dependency determination office. Those personnel will provide information to family members and Service retirees with an INCAP that may meet INCAP enrollment eligibility.
- b. Refer eligible Service member families who meet EFMP enrollment in accordance with criteria in DoDI 1315.19 to the uniformed service's point of contact for EFMP enrollment.
- c. Educate families who have serious or complicated medical issues about options regarding medical case management.
- d. Conduct ongoing outreach with military units, Service members and their families, other health service providers, and military and community organizations to promote an understanding of INCAP enrollment criteria and procedures and encourage families with an INCAP to seek INCAP enrollment.

5.2. REPORTING.

Each uniformed service will submit an annual report (not later than January 15) to the ASD(M&RA) identifying:

- a. The total number of Service members or sponsors who enrolled an INCAP dependent in the program, including active duty, Reserve, National Guard, and retired Service members.
- b. The total number of INCAP enrolled in the program.
- c. The total number of applications received for enrollment in the INCAP program.
- d. The total number of INCAP applications approved.
- e. The total number of INCAP applications denied, and the general reasons for disapproval.
- f. A process that will ensure information on this issuance is provided to all Service members and their families, including:
 - (1) Eligibility criteria for INCAP.
 - (2) How to connect with the cognizant uniformed service secondary dependency determination office for assistance and direction on INCAP enrollment.
 - (3) Procedures on how to complete the application for INCAP.

(4) Procedures on how to obtain a medical appointment with a military medical treatment facility qualified medical provider or TRICARE authorized private sector care provider to complete the medical documentation requirement for the INCAP application.

(5) Procedures on how to submit the INCAP application along with supporting documentation to the respective uniformed service secondary dependency determination office for adjudication.

5.3. ADMINISTRATIVE PROCEEDINGS.

a. INCAP enrollment is not mandatory, but is required for eligibility for benefits and entitlements, including medical care for the INCAP.

b. A Service member who fails or refuses to provide the required information for a family member for whom the Service member is a personal representative for health information, may be subject to a denial of enrollment or disenrollment, the denial of command sponsorship or loss of command sponsorship, and other administrative consequence

GLOSSARY

G.1. ACRONYMS.

ACRONYM	MEANING
ASD(HA)	Assistant Secretary of Defense for Health Affairs
ASD(M&RA)	Assistant Secretary of Defense for Manpower and Reserve Affairs
DASD(MPP)	Deputy Assistant Secretary of Defense for Military Personnel Policy
DEERS	Defense Enrollment Eligibility Reporting System
DFAS	Defense Finance and Accounting Service
DHA	Defense Health Agency
DoDHRA	Department of Defense Human Resources Activity
DoDI	DoD instruction
DMDC	Defense Manpower Data Center
EFMP	exceptional family member program
INCAP	incapacitated adult child
NOAA	National Oceanic and Atmospheric Administration
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
U.S.C.	United States Code
USPHS	United States Public Health Service

G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

TERM	DEFINITION
INCAP	<p>An INCAP must meet three requirements for INCAP enrollment:</p> <p>The INCAP is unmarried.</p> <p>The INCAP is incapable of self-support because of (1) a physical or mental incapacity that occurred while a dependent of the member or former member and existed before the child's 21st birthday, or (2) because of a physical or mental incapacity that occurred between the ages of 21 and 23 while the child was enrolled as a full-time student, or (3) because of a physical or mental incapacity that occurred after reaching age 21, or after 23 if a full-time student (except that INCAPs described in (3) are not eligible for medical benefits in accordance with Section 1072 of Title 10, U.S.C. but are eligible for non-medical benefits in accordance with Section 401 of Title 37, U.S.C.), and the condition occurred after October 23, 1992.</p> <p>The INCAP is dependent on the sponsor for over one-half (i.e., over 50 percent) of their financial support or was at the time of the sponsor's death.</p>
family member	<p>A dependent (a spouse and certain children, in accordance Section 1072 of Title 10, U.S.C., and Section 401 of Title 37, U.S.C.).</p>
personal representative	<p>A person under State law who has authority to act on behalf of an adult in making decisions related to health care.</p>
physical or mental incapacitation	<p>Those conditions which make an adult child incapable of self-support, to include activities of daily living.</p>

REFERENCES

- Code of Federal Regulations, Title 32, Part 161
- DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007
- DoD 7000.14-R, Volume 7A, "Department of Defense Financial Management Regulation: Military Pay Policy - Active Duty and Reserve Pay," current edition
- DoD Instruction 1315.19, "Exceptional Family Member Program," June 23, 2023
- DoD Instruction 5015.02, "DoD Records Management Program," February 24, 2015, as amended
- DoD Instruction 5400.11, "DoD Privacy and Civil Liberties Programs," January 29, 2019, as amended
- DoD Instruction 6025.18, "Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Compliance in DoD Health Care Programs," March 13, 2019
- DoD Instruction 7750.07, "DoD Forms Management Program," April 19, 2022
- DoD Instruction 8580.02, "Security of Individually Identifiable Health Information in DoD Health Care Programs," August 12, 2015
- DoD Manual 7750.08, "DoD Forms Management Program Procedures," February 25, 2020, as amended
- United States Code, Title 10
- United States Code, Title 37, Section 401