

Military Academy Students Can Now Retain Parental Rights

Department of Defense Options for Managing the Change

Prior to 2023, U.S. Department of Defense (DoD) policy prohibited cadets and midshipmen at the U.S. military service academies from having dependents while enrolled. Parenthood has been considered incompatible with the demands of life at the academies. Cadets or midshipmen who became parents while enrolled had to sever their legal obligation to support their children, resign from the academy, or face disenrollment.

With the passage of the National Defense Authorization Act for Fiscal Year 2022 (FY 2022 NDAA), Congress directed DoD to change its policy and allow cadets and midshipmen the option to retain parental rights when enrolled in a military service academy.

The ramifications of such a change are considerable, with potential implications for guidance, benefits and services provided, housing, and child

care, as well as associated costs. RAND researchers explored these topics—by reviewing relevant laws and regulations, talking to stakeholders and subject-matter experts, and modeling costs—to inform the policy options that DoD could consider in implementing the change mandated by the FY 2022 NDAA. This brief presents the highlights of that work.

Setting Policy

DoD can take a variety of paths to respond to the congressional direction. Changing DoD policy to allow cadets and midshipmen to preserve their parental rights has implications for policies on a host of issues. The requirements in the FY 2022 NDAA give DoD a lot of leeway in determining how to respond. The potential policy options include

- making minimal changes to comply with the law
- creating guidance to ensure consistent implementation by the military service academies
- providing benefits, programs, and services that match or more closely mirror those provided to other active-duty personnel—such as dependent health care, family housing, and new-parent support programs

What Is Dependency?

Department of Defense Instruction 1322.22, *Service Academies*, 2015, defines *dependency* as “Any person for whom an individual has a legally recognized obligation to provide support including but not limited to spouse and natural, adoptive, or stepchildren.”

- lifting other related prohibitions, such as those prohibiting marriage, having children upon entering an academy, or having other types of dependents.

At the time of this study, DoD was developing guidance to ensure consistent implementation, and some of the military service academy policies were already aligned with or applicable to the new requirements.

State, cross-state, and federal laws will help ensure the parental rights of cadets and midshipmen. Cadets and midshipmen are full-time students who live in on-campus dorms and have mandatory training and professional development activities throughout the year (including summers). Their educational expenses are fully funded by Congress, and they receive a small stipend. Even if DoD does not provide additional pay or benefits to the new parents, it is unlikely that state courts would involuntarily terminate parental rights of cadets and midshipmen on the grounds of too little financial support or time spent with their children. State laws strongly uphold parental rights. Even in circumstances in which a child's physical custody needs to be transferred to a caregiver, parents do not have to relinquish parental rights.

Moreover, the Servicemembers Civil Relief Act, which extends certain financial and legal protections to all service members, may temporarily shield cadets and midshipmen who are sued by their co-parents for custody or financial support. However, these cadets and midshipmen could still incur significant legal expenses.

Considering Different Needs of Different Parents

DoD's policy decisions could enhance the ability of cadet and midshipman parents to meet the needs of their children, succeed in school, and become exemplary military officers. The needs of these parents will vary depending on such factors as whether they are the biological mother of the child or the biological father, their tenure at the academy when they become parents, and whether they have family or other outside supports that could cover child care or the child's health care insurance (e.g., if the co-parent is an active-duty service member). These varying circumstances have important implications for the variety of supports that might be needed, including pay and benefits, family care, housing, child care, medical care, leaves of absence, and

accommodations for needs during the pregnancy and postpartum period.

Understanding Potential Costs

The costs of parental-rights policy options depend on the diverse characteristics and support needs of cadet and midshipman parents, but no reliable and centralized data source captures this history. There is no requirement to collect such data, identification of new instances of parenthood is challenging, and the significant consequences of disenrollment could have caused cadets and midshipmen to be reluctant to report pregnancy or parenthood status. Lacking these data, the research team instead modeled costs under a series of hypothetical scenarios that varied parents' characteristics and assumed different levels of support provided. In all scenarios, cadets and midshipmen were assumed to live in dorms on campus and to not have physical custody of their children.

The potential magnitude of costs could vary widely, with aggregate estimated costs for ten parents ranging from \$33,000 to \$1.8 million across the various scenarios. At the low end of individual costs, a student might become a parent in their last year of the academy; in this case, health care expenses would be the only added cost. A high-end cost scenario might involve a cadet or midshipman who becomes pregnant during the first year of school; takes a yearlong leave of absence; receives TRICARE for themselves during the absence; and receives TRICARE, an additional support stipend, and child care for their child until graduation. Costs are lower if the cadet or midshipman is the father, if the child is born during their last year at the academy, and if a cadet or midshipman enters the academy with a child.

Costs could be characterized as sizable for an individual but small in the aggregate. In the hypothetical scenarios, costs could be a significant share of the cost of four years of education for one cadet or midshipman (ranging from 3 to 58 percent), while aggregate costs could be a small share of the roughly \$1.4 billion cost of four years of education for a graduating cohort (less than 1 percent in the hypothetical scenarios). Total health care costs could also be a small share of the approximate \$72 million cost of four years of TRICARE for an entire cohort (less than 1 percent in the hypothetical scenarios).

Moreover, the support provided could help cadet and midshipman parents, who otherwise might have

left the academy because of parenthood, complete their education and service commitment. The new policy presents an opportunity for DoD to preserve or even expand the pool of talented officers commissioning from the military service academies.

Recommendations

It will be challenging for some cadet and midshipman parents to meet their responsibilities as parents while successfully meeting the rigorous demands of academy programs. Thus, these recommendations focus on structuring policy changes and leveraging existing support structures to help cadet and midshipman parents balance parenthood and succeed as military officers.

Adopt policy options for cadets and midshipmen that are consistent with policies for other active-duty personnel. DoD could provide additional pay and benefits and leverage existing Military Family Readiness System programs and services to help ensure the health and well-being of cadets and midshipmen and their ability to focus on professional and academic responsibilities. These supports might be particularly important for cadets and midshipmen who do not have financial or family support systems that can help provide for their children. This type of policy could be structured in a way that attracts and retains quality officers and improves DoD's return on investment in the education and training of cadets and midshipmen. For example, DoD could link additional pay and benefits for parents to additional service obligations, assist parents in transitioning to the Reserve Officer Training Corps, or provide options for enlisted service with an opportunity to reapply to the academy. Such programs could be modeled after programs already in use by the service academies.

Create detailed policies on military service academy practices related to pregnancy, childbirth, and postpartum care. Local academy guidance will be necessary for such issues as logistics for prenatal medical appointments, permissions for the father to attend childbirth, and accommodations for pregnancy and postpartum needs (including morning sickness and lactation). The academies could coordinate to establish standardized policies to the degree possible, understanding that these policies may need to be tailored to the location and needs of the individual member. Such coordination and guidance from senior leaders in DoD, the military departments, and the service academies

could help prevent inconsistency and dangerous or discriminatory actions.

In the short term, take steps to ensure the health and well-being of cadets and midshipmen who are becoming parents and their children. DoD should provide medical or administrative leave with health care spanning a cadet or midshipman's period from pregnancy to postpartum care and health care coverage for the child. Because cadets and midshipmen are categorized as active-duty personnel in some respects, it seems that DoD could make this change. DoD provides health care for the children of active-duty personnel, and federal law does not explicitly prohibit the children of cadets and midshipmen from receiving health care. However, the FY 2022 NDAA language regarding the parental rights of cadets and midshipmen did not explicitly address health care issues. Moreover, in some cases, laws specify cadet and midshipman requirements that are exceptions to active-duty personnel requirements, so additional legislative clarity from Congress may be needed to confirm or provide eligibility.

Develop and implement plans to ensure that applicants, cadets, and midshipmen understand new policies regarding their parental rights and responsibilities. DoD and the military service academies will need to develop a communication strategy to ensure that students understand the new parental-rights policy, as well as additional policies that might be implemented or modified in support of the change—such as options for continuing or discontinuing enrollment and policies regarding leave and pregnancy—and available local, state, federal, and military resources. A communication strategy should include not only direct communication with cadets and midshipmen but also a publicized and easily accessible repository where the information will be housed.

Conduct or support further qualitative research to evaluate possible changes to housing, child development centers, and cadet and midshipman privileges. Some policy options that DoD might consider should be further studied to fully understand their implications and avoid unintended consequences. Changes that are intended to support the health and well-being of cadets, midshipmen, and their families could also affect their studies and professionalization, fellow students, and the availability of housing and child care for academy faculty and staff. Evaluating the policy and cost implications of changes to housing and child care options would require a more comprehensive effort to understand implications for parents and

their fellow students, as well as logistics and feasibility at the academies. The potential consequences of granting additional privileges because of parenthood, such as having a car, missing activities, or leaving campus to visit their child, need to be thoroughly explored before being adopted.

Collect, monitor, and analyze data on parenthood status of cadets and midshipmen and the potential impacts of the policy changes. As new and revised policies are being established and implemented, DoD and the military service academies need to begin collecting data on the parenthood status of cadets and midshipmen. Without adequate data, it is not possible

to fully analyze the implications of parental-rights policies. Data are needed to understand the demographic characteristics of cadet and midshipman parents and to examine patterns related to their enrollment, performance, and retention. Continual review of these data, such as on an annual basis, will provide insights that can be used to improve policies and practices. The military service academies should also collect and analyze data to assess the implementation of parental-rights-related policy changes and to understand the impact of the changes on the academies' ability to execute their missions and on the culture, morale, and quality of life among the student body.

This brief describes work done in the RAND National Defense Research Institute and documented in *Ensuring Parental Rights of Military Service Academy Cadets and Midshipmen: Policy and Cost Implications*, by Laura L. Miller, Stephanie Rennane, Jaime L. Hastings, Anthony Jacques, Tara Laila Blagg, Daniel B. Ginsberg, and Barbara Bicksler, RR-A2059-1, 2023 (available at www.rand.org/t/RR-A2059-1). To view this brief online, visit www.rand.org/t/RBA2059-1. The RAND Corporation is a research organization that develops solutions to public policy challenges to help make communities throughout the world safer and more secure, healthier and more prosperous. RAND is nonprofit, nonpartisan, and committed to the public interest. RAND's publications do not necessarily reflect the opinions of its research clients and sponsors. **RAND**® is a registered trademark.

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