

DIVORCE IN THE MILITARY: WHAT YOU NEED TO KNOW

Divorcing is an emotional and overwhelming experience no matter your circumstances, and service members and military spouses face unique and confusing challenges. Here's what to know before you embark on this journey.

FIRST Contact your legal assistance office for advice on child custody, spousal support, and other military divorce settlement entitlements. This service is available to service members and their spouses.

YOUR RESIDENCY MATTERS

When it comes to divorce, state laws can vary dramatically and the state you divorce in can have a big impact on the outcome of your divorce. Consider researching divorce laws in your home state before declaring residency where you currently live.

YOU HAVE MORE TIME IF YOU'RE ACTIVE DUTY



The Servicemembers Civil Relief Act provides legal protection for a spouse on active duty. You can request a "stay" or delay to divorce proceedings up to 90 days and service members can request the court to extend the stay.

20 YEARS is the magic number to qualify for military divorce entitlements under The Uniformed Services Former Spouse Protection Act.

EVERYTHING IS NEGOTIABLE IN A DIVORCE

10-10 Rule: Division of a service members pension is negotiable, even if you're married less than 10 years.

Survivor Benefit Plan: As part of your settlement, you can require your spouse to pay into an SBP. This will ensure continued payments if your ex-spouse were to die during service.

CONSIDER WHERE YOU'LL LIVE

If you're living on base, you will lose your housing. If you initiate the divorce, make sure you have a place to go within 30 days of your divorce.



SHOULD YOU KEEP YOUR HEALTH INSURANCE?

You may be able to continue your health insurance with the Continued Health Care Benefit Program, but it may be costly. Explore alternate coverage through your employer or state and make the best financial decision for yourself and your family.



CHILD CUSTODY

All 50 states include provisions to protect the rights of service members in child custody disputes and your active duty status will not factor negatively into custody battles.

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