

Military Divorce Attorney in Utah

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The men and women who serve in the U.S. Armed Forces take on an enormous responsibility. That strain can reach beyond active military duty and impact life with their civilian spouses and children. **When marriages break down, soldiers must manage potential deployment, child care and visitation, retirement resources and the unique guidelines that come with defending freedom.** While divorce presents a difficult challenge and uncertain time for any couple, military personnel face additional hurdles. **That's why it's important to work with experienced Utah military divorce attorney [Eric M. Swinyard](#) who can guide you through any of the following issues:**

Filing For Divorce

In order to file a [divorce](#) in Utah, one of the parties must reside in the state for at least six continuous months. Being stationed at a military installation qualifies as state residency. **Although deployment can make that requirement difficult on the service member's part, a civilian spouse can also meet the court's standard.**

The courts generally require that the divorce is filed in the "military spouse's" place of residence in order to have jurisdiction over things such as retirement plans. This can be where a home is located, a federal tax address or voter registration is filed. Military divorces enjoy some flexibility in the courts. *The key issue is that a state court has jurisdiction to issue an actionable divorce decree.*

Military Child Custody and Support

Deployment may be the single biggest challenge to military people spending time with their children. The non-military spouse often assumes child placement and the role of custodial parent because of it. *Consistency has long been held to be in a child's best interest. Reasonable visitation and facilitating the best parent-child bond possible is also fundamental.* **In military divorces, courts tend to be more flexible in approving [child custody](#) and [visitation plans](#). In some cases, those rights can be transferred to a close family member when the service member is overseas.**

In terms of [child support](#), the military has a set of guidelines that can be implemented with regards to child support payments while a divorce is pending. Again, active duty may require a soldier to be out of state for an extended period of time. **A formula is used to calculate benefits that includes salary, housing allowances and non-cash payments. These funds can automatically be garnished from the soldier's paycheck. The amount may also fluctuate to account for one parent taking on a larger role while the other is deployed.**

The life of a soldier makes child support, visitation and custody a comprehensive issue to address in divorce.

Unique Military Privileges

The U.S. military recognizes the difficulties service places on families and has created specialized privileges for ex-spouses who meet certain criteria. The **20/20/20 rule**, for example, allows a **divorced spouse full access to base commissaries and exchanges if the couple was married for 20 or more years and the military service was also for 20 years or longer**. An ex-spouse may enjoy these base privileges **until he or she remarries**. Similarly, **children retain these privileges until they are 23 years old**, even if the marriage was less than 20 years.

Divorcees also may retain access to military health care known as Tricare. Sometimes called the **20/20/15 rule**, the difference for ex-spouses to be eligible is that only a 15-year overlap is needed. **After the divorce is final, a divorced spouse enjoys 12 month of Tricare benefits**. However, there may be opportunities to apply for 36 months of coverage in some cases. **Children can stay on the program** until they turn 23 years old.

Military Retirement Benefits

One of the perks to military service is that after 20 years you earn a life-long retirement package. On the other hand, they pose a complicated issue during a divorce. Under the **Uniformed Services Former Spouse's Protection Act**, courts have considerable flexibility in the [division of this asset](#). **After 10 years of marriage, a spouse may be entitled to 50 percent of the pension**. But that number is not set in stone. A court could award the non-service member a greater portion. **Pension moneys may also be traded and other assets to consider include:**

- Survivor's Benefit Plan
- Thrift Saving Plan
- Servicemembers Group Life Insurance

Utah Military Divorce Attorney Eric M. Swinyard

Obtaining a divorce while a spouse is in the military can be an immensely complicated process. *The smallest details can have a significant impact on a fair and equitable divorce decree*. That's why **it's important to work with an experienced military divorce attorney in Utah**. If you are considering a military divorce, [contact Eric M. Swinyard Attorney at Law](#) for a **free consultation** today.