

Military Divorce Lawyer in Utah

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People serving in the military understand stressful situations, but that does not make divorce any easier for them than their civilian counterparts. *What makes divorce more difficult for members of the armed forces is that they must deal with possible deployment, special [retirement benefit regulations](#) and other matters pertaining only to the military.* At [Wall & Wall Attorneys at Law](#), Salt Lake City, *let our expertise in the field of military divorce get you through this distressing period with the best possible representation.*



We can offer our *knowledge and expertise* with the following issues that are brought up in a military divorce:

-Where to File for a Military Divorce

In Utah, the grounds for a military divorce do not differ from those of the civilian variety. Military divorces differ from civilian divorce in *one significant way: **Military spouses often have a choice of where to file for divorce***, while civilian spouses seldom do. ***Both military spouses do not have to establish residency in a state.*** In Utah, *one spouse must either reside in the state or is currently stationed there.*

-Child Custody Issues in Military Divorce

Under Utah law, neither parent receives automatic preference in custody matters. However, **frequent deployment makes joint custody impractical for the military spouse.** Of course, deployment makes physical visitation impossible. For *noncustodial, deployed parents*, Utah law allows that *“his or her parent-time rights may be exercised by a family member with a close and substantial relationship to the minor child for the duration of the service member’s absence.”*

-Child Support Issues in Military Divorce

Utah law *prohibits alimony and child support from exceeding 60 percent of a military person’s pay and/or allowances.* The same guidelines for Utah civilian child support payments hold true for military child support.

-Military Divorce Retirement Pay, Pensions and Benefits

The federal Uniformed Services Former Spouses’ Protection Act (USFSPA) governs many of the regulations regarding a former spouse’s rights in a military divorce. However, Utah state law also applies.

In order for a non-military spouse to receive any portion of their *former military spouse’s retirement pay directly*, the couple must have been **married at least 10 years** and the **military member must have been on active duty during that time.** That does not mean, under Utah law, that spouses from shorter marriages cannot receive retirement pay. Utah treats retirement pay and pensions as marital assets, but if the non-military spouse is **married**

less than 10 years, the ex-spouse must make the payments, rather than the Defense Finance and Accounting Service.

As for **Tri-care** and other **health benefits** for a former spouse, the USFSPA goes by the **20/20/20** rule for full eligibility. That means the ***military spouse served for at least 20 years***, the ***marriage lasted at least 20 years*** and ***the two – marriage and service – overlapped by at least 20 years***. If the marriage overlapped by up to 15 years, the spouse may receive health benefits for one year post-divorce. This rule basically ensures that with young divorcing couples in which only one serves in the military, the spouse is ineligible for health benefits. ***To learn more about military retirement, visit our [military retirement and divorce page](#).***

Wall & Wall Attorneys at Law: Salt Lake City Military Divorce Attorney

Military divorce is more complicated than civilian divorces. Hiring an attorney unfamiliar with military divorce law is a huge mistake. At **Wall & Wall Legal Solutions**, ***we specialize in military divorce and know the in-and-outs of military retirement decrees and other situations not found in civilian divorces.*** Contact **Wall & Wall Attorneys at Law** to schedule a ***free initial consultation*** by ***filling out our online form*** or by calling us at **801-263-7078**.