

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 Attorney in Utah

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](#).***