

# Why Military Divorces are Special

Just as service members are governed by their own set of rules and regulations relating to the conditions of their military service, military divorces have their own unique considerations. There also are many myths and misconceptions that have become accepted as "truths" within the military community. For this reason, it is crucial that you be represented by an attorney with military divorce experience.

Here are a few of the problem areas:

~There is a myth that a spouse is not entitled to a portion of the service members' retirement until the parties have been married for 10 years. This only concerns when direct payment will be made from the Finance Center. After 10 years the Finance Center will pay the spouse their portion directly. The spouse is entitled to 50% of the "marital portion" (part during which marriage and active duty service overlap) unless all or part of this is waived.

~The Survivors' Benefit Plan (SBP) which provides coverage for the surviving non-military spouse for his/her share of the retirement often is ignored or the documents are not sent in within the one year period. In some cases, it may be more cost-effective to purchase private insurance coverage. Also, SBP ends if the spouse remarries before age 55 but can be reinstated if that marriage ends in death, divorce or annulment. Do not have the service member agree to name the former spouses as beneficiary under his/her SGLI because this can be changed (Ridgeway case from US Supreme Court). The issue should be addressed in some manner, however.

~Do not forget another retirement component that may exist-Thrift Savings Plan(TSP). Voluntary contributions can be made and accumulate tax free.

~Remember the VA waiver. The spouse is not entitled to any of the disability pay that is received from the VA that is set-off dollar for dollar against the retirement.

~Do not be hasty in finalizing a divorce. Consider the implications for current and future benefits. These days especially you cannot underestimate the value of medical coverage!