

DIVORCE AND MILITARY PENSIONS

If either of you is an active or a retired member of the military, including the National Guard, you have assets to share in a military divorce.

Divorces involving an active or retired member of the military (including reserves) create special issues. The Uniform Services Former Spouses' Protection Act gives states discretion as to how to divorce military pensions. In addition to retirement pay, the act also covers commissary and exchange privileges and medical care provisions.

Retirement pay, medical care provisions, commissary and exchange privileges and certain emergency child support orders fall under federal - not state laws. The federal law will supercede your settlement agreement or state laws, but don't assume the benefits are automatically yours. You have to ask for them.

Things to Know:

- Federal law considers military retirement pay as marital property but states don't handle it the same way.
- A state order is not enough to establish your benefits.
- You only have one year after the divorce to claim your share.
- Benefits may be restored if your new marriage ends in death or divorce.

If you cannot afford an attorney Mr. Radoff will be happy to prepare the necessary documents for you to represent yourself and provide you with the legal advice you need in any court in California.

For more information order Mr. Radoff's Divorce Checklist now!

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