



## **Military Divorce FAQ**

*Can you file for divorce while your spouse is on active duty?*

- Yes, you can file for divorce while your spouse is on active duty in the military. However, it's important to be aware of the protections provided by the Servicemembers Civil Relief Act (SCRA) for active-duty service members. The SCRA safeguards service members from being blindsided by legal obligations while on active duty. It allows them to request a stay or postponement of civil proceedings if their military service significantly impacts their ability to participate.

*What are the 10/10, 20/20/20, and 20/20/15 rules?*

- **10/10 Rule:** This rule specifies that if a marriage lasted at least 10 years and the service member completed at least 10 years of creditable military service overlapping with the marriage, the former spouse may be eligible to receive a portion of the military retirement pay directly from the Defense Finance and Accounting Service (DFAS).
- **20/20/20 Rule:** Under this rule, an un-remarried ex-spouse may be eligible for certain military benefits if the marriage lasted at least 20 years, the service member completed at least 20 years of creditable military service, and the marriage overlapped with at least 20 years of the military member's service. Benefits may include access to healthcare (TRICARE) and commissary/exchange privileges.
- **20/20/15 Rule:** This rule comes into play if the marriage lasted at least 20 years, the service member completed at least 20 years of creditable military service, and the marriage overlapped with at least 15 years (but less than 20 years) of the military member's service. Under this rule, the ex-spouse may be eligible for one year of TRICARE medical benefits after the divorce.

*Do I need a lawyer for a military divorce?*

- When facing a military divorce, seeking guidance from an experienced legal team like Christensen Law is crucial. With over 30 years of expertise in family law, our attorneys can offer essential support and protection, ensuring you understand your rights and obligations throughout the complex legal process. Trust Christensen Law to advocate for you and your family's best interests during this challenging time.