

## **Military Legal Assistance**

Each branch of the military has a legal assistance office which can answer some general questions about separation and divorce for both the military member and the spouse. Some of the branches may even help with your paperwork. Contact your specific branch for more information. **If your branch's office is already assisting your spouse, you can go to another branch's office.**

## **Military Family Advocacy**

Each branch of the military also has Family Advocacy Centers. These can provide additional services such as counseling and can also refer the client to other military agencies.

## **Housing**

You and your spouse can only stay in military housing as long as you both live there. If the military member moves out of the house, the non-military spouse may receive notice to vacate military housing **within 30 days**.

Military housing may grant you an exception to policy if you have a specific plan, such as

1. you can show a plan of when you will both be back in housing (for example: a counseling plan and date spouse will return to housing) or
2. you can show a date you will be leaving (such as through early return of dependents).

Plan ahead if you are thinking about divorce. You must have somewhere to go. Otherwise, you (and your children) could end up without housing.

### **Military Shelter (655-8608)**

- Accepts victims of any abuse (physical, mental, emotional, and financial).
- Accepts those needing to "cool off."
- Children are admitted with a parent.
- Stays are up to 10 days.
- Both men & women are allowed.

## **Separation Contracts**

Separation contracts are simply an agreement between the spouses on issues regarding military spouses' separation.. Most of the military legal assistance offices offer help in drafting a separation contract.

- A separation contract can help you and your spouse start working out the issues you will have to deal with in a divorce.
- It may also be helpful to show the commanding officer irreconcilable differences (for decisions the commanding officer will make such as early return of dependents).
- The separation contract is just a contract, it is **not the same as a formal separation through the court system**.

## **Support of Family Members**

While you are still married, even if separated, you are a family member of the military member. The military member is required to support you. The military has regulations concerning support of family members. These include guidelines for how much the military member should pay, depending on the number of family members. The military branches have enforcement procedures to ensure support is provided. If you are not receiving any support, contact the member's commanding officer.

Once you are divorced and have a support order entered, the military will help you enforce it. The military will usually send the court-ordered payments directly to the former spouse. You should contact the personnel office to see how to arrange this.

## **Military Retirement Pay**

The Uniformed Services Former Spouses Protection Act guides the states in how to divide retirement. Hawai'i treats military retirement pay like other pensions and may award up to 50% of the retirement pay accrued during the marriage to the spouse. Your legal assistance office can explain this more.

Military retirement pay is considered property to be divided in a divorce. If you were married more than 10 years, the military will pay the money directly to you. If you were married less than 10 years, then the military pays the money to the spouse and the spouse mails it to you.

## **Military Benefits for Spouses**

Former spouses of military members may be entitled to some benefits. You may receive medical benefits if you were married for more than 20 years, or 15 years in some circumstances, while your spouse was in the military. 20/20 spouses are entitled to commissary benefits. If you were married less than fifteen years, you may be able to continue health insurance if you pay the premium, but you should check the current regulations.

## **Military Benefits for Children of Military Members**

Children remain family members of military members regardless of the divorce. This means they keep their benefits such as medical and commissary or exchange privileges (depending on the branch). Children need an identification card. If they do not already have one, either the military member can get them one, or the former spouse can take a copy of the divorce decree and get one for them.

## Useful Names & Numbers

**Legal Aid Society of Hawai'i**  
924 Bethel Street  
Honolulu, HI 96813  
536-4302

**Family Court of the First Circuit**  
777 Punchbowl St. (near Restaurant Row)  
General information: 539-4200  
Matrimonial Actions: 539-4496

**Military Shelter** ..... 655-8608

### Military Legal Assistance Offices

#### Army

Schofield Barracks ..... 655-8607  
..... 655-8608  
Fort Shafter ..... 438-2845

#### Air Force

Hickam AFB ..... 449-1737  
..... 449-1738

#### Marines

Marine Corps Base Hawai'i .. 257-4037

#### Navy

Pearl Harbor ..... 471-8061

### Military Family Advocacy Offices

#### Army

Schofield Barracks ..... 433-6606

#### Air Force

Hickam AFB ..... 449-6284

#### Marines

Marine Corps Base Hawai'i .. 257-3655

#### Navy

Pearl Harbor ..... 471-9458



Legal Aid Society of Hawai'i  
924 Bethel Street  
Honolulu, HI 96813



**Legal Aid  
Society  
of Hawai'i**

## Military Issues in Divorce

If you or your spouse are in the military and you are thinking about separation or divorce, you can read this brochure. This brochure discusses some of the specific issues you will face. For more complete information about the military issues, talk to the appropriate military service.

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