



INFORMATION ON THE UNIFORMED SERVICES FORMER SPOUSES' PROTECTION ACT

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The information displayed in this handout is meant for the sole use of Active Duty service members, retirees, their families and other personnel eligible for legal assistance from the Goodfellow AFB Legal Office. The information is general in nature and presented to assist those eligible persons prepare for a legal assistance appointment with a professional in the legal office. Rights and responsibilities vary widely according to the particular set of circumstances in each case. Laws can vary across states, services, and civilian jurisdictions and laws are changed from time to time. Do not rely upon the general restatements of background information presented here without discussing your specific situation with a legal professional.

Navigating Military Divorce: Key Information for Military Members and Their Spouses

Divorces involving military members or retired military members come with unique challenges and questions. This guide aims to address common concerns about the division of retired pay, commissary and exchange privileges, medical care, and Survivor Benefit Plan (SBP) coverage.

The Uniformed Services Former Spouses Protection Act (USFSPA)

Enacted by Congress in 1982, the USFSPA provides certain benefits to former spouses of military members. Here's what you need to know:

- **Division of Retired Pay:** The USFSPA allows state courts to divide disposable military retired pay as marital property during a divorce. "Disposable military retired pay" is the service member's monthly retired pay minus qualified deductions. The amount awarded is at the discretion of the state court, and there is no fixed formula for division.

Benefits Available Under the USFSPA

The benefits a former spouse receives depend on their status, which is determined by the length of the marriage and the military service overlap:

- **20/20/20 Spouse:** If the military member has completed at least 20 years of service, the marriage lasted at least 20 years, and there was at least a 20-year overlap between the marriage and military service:
 - Benefits: Commissary and exchange privileges, full medical benefits.
 - Conditions: If the spouse remarries, their benefits will be suspended. However, should the subsequent marriage end, the spouse will regain base privileges only. Medical benefits will not be reinstated.
- **20/20/15 Spouse:** If the military member has completed at least 20 years of service, the marriage lasted at least 20 years, and there was at least a 15-year overlap between the marriage and military service:
 - Benefits: Full medical benefits for one year post-divorce, after which the spouse can purchase a DoD-negotiated conversion health policy.
 - Conditions: Benefits are suspended if the spouse remarries and are not reinstated unless the subsequent marriage is annulled.
- **10/10 Spouse:** If the military member has completed at least 10 years of service, and the marriage lasted at least 10 years with a 10-year overlap between the marriage and military service:
 - Benefits: May receive payment directly from the Defense Finance and Accounting Service (DFAS) if eligible. Eligibility is determined by a state court.

Additional Benefits

- **Survivor Benefit Plan (SBP):** Former spouses may be eligible for SBP coverage, which provides continued income after the death of the military retiree.
- **Separation Incentives:** Certain separation incentive programs may also provide benefits to former spouses.
- **Domestic Abuse Situations:** Special provisions and protections exist for former spouses in cases of domestic abuse.

NOTE: This guide is intended for general informational purposes only and does not constitute legal advice. It is advisable to periodically verify this information and consult with a legal professional for the most current and applicable advice. If you have any questions or need to schedule an appointment with a legal assistance attorney, please call the Legal Office at 325-654-3203.

References:

Defense Finance and Accounting Service Fact Sheet at <http://www.dfas.mil/garnishment/usfspa/legal.html#>
DD Form 2293