

RESOURCES: WEBSITES

Related to Military Family Law Issues

Last updated June 3, 2011

I. SERVICEMEMBERS CIVIL RELIEF ACT (SCRA)

Finding out if a person is in the military

<https://www.dmdc.osd.mil/appj/scra/scraHome.do>

The Army JAG School's booklet on SCRA

<http://www.abanet.org/legalservices/lamp/downloads/SCRAguide.pdf>

<http://www.abanet.org/family/military/scrajudgesguidecklist.pdf>

Primer on SCRA. Intended as a benchbook for judges.

http://www.abanet.org/family/military/silent/scra_summary.pdf

summary of SCRA provisions related to family law issues

II. CUSTODY ISSUES

a. Working through custody issues

Good articles on custody issues with a battering parent

http://www.lundybancroft.com/?page_id=142

<http://www.abanet.org/family/military/silent/custodyvisitation.pdf>

Custody and visitation issues with a military parent

http://www.abanet.org/family/military/silent/singleparent_enlist.pdf

Custody and single parent enlistment

<http://www.abanet.org/family/military/silent/travelcosts.pdf>

Visitation and travel costs

b. UCCJEA

<http://www.nccusl.org/Act.aspx?title=Child%20Custody%20Jurisdiction%20and%20Enforcement%20Act>

A map of all states which have enacted the UCCJEA

c. Records for use in custody proceedings

- i. Leave and Earnings Statement shows leave used and leave available; time left in the military

How to Read your LES – separate links for Army, Navy, Air Force, National Guard/Reserve.

<http://www.dfas.mil/dfas/militarymembers.html>

ii. Family Care Plan

http://www.jointservicessupport.org/Documents/FP/DA_5305R_Family_Care_Plan.pdf

DoD form for a Family Care Plan

<http://www.dtic.mil/whs/directives/corres/pdf/134219p.pdf>

Department of Defense Instructions on Family Care Plans issued May 7, 2010

III. MAXIMIZING BENEFITS FOR MILITARY FAMILIES

<http://www.public.navy.mil/bupers->

[npc/career/payandbenefits/Documents/NAVYPAYANDBENEFITSGUIDEFINAL01JUL10.pdf](http://www.public.navy.mil/bupers-npc/career/payandbenefits/Documents/NAVYPAYANDBENEFITSGUIDEFINAL01JUL10.pdf)

a. UNIFORM FORMER SPOUSES PROTECTION ACT: Generally

<http://www.military.com/benefits/legal-matters/usfpa-overview>

i. Division of Military Retirement

<http://www.dfas.mil/dfas/garnishment/usfspa/legal.html#>

Fact sheet and FAQ's from Defense Finance and Accounting Service on dividing military pensions.

<http://www.dfas.mil/dfas/garnishment/usfspa/faqs.html>

FAQ's on dividing military pensions.

http://www.abanet.org/family/military/silent/mpd_spouse.pdf

The Spouse's strategy

ii. Basics on Military Retirement

<http://militarypay.defense.gov/retirement/index.html>

Basics on the various types of military retirement

<http://www.defenselink.mil/militarypay/retirement/calc/index.html>

Calculators to figure out retirement pay under the 3 different calculations

iii. Dividing Pension as Marital Property is a State Law Issue

<http://www.dfas.mil/dfas/garnishment/usfspa/attorneyinstructions.html>

Defense Finance and Accounting Services' Guide for Attorneys

<http://www.military-divorce-guide.com/division-military-retirement.htm>

Private lawyer's description of division of military pension

http://www.abanet.org/family/military/silent/pension_division.pdf

Getting your order honored by the military

<http://www.dfas.mil/dfas/garnishment/usfspa/apply.html>

Instructions on how to apply and the DoD form

<http://www.dfas.mil/dfas/garnishment/usfspa/receivepay.html>

DoD form required for direct payment from DFAS

WARNING: these DoD forms have been given to the battering former spouse – they contain personal information with address and bank account numbers.

iv. Waiving Military Pension to Receive VA Disability

http://www.benefits.va.gov/WARMS/docs/regs/38cfr/bookb/part3/s3_750.doc

Concurrent Receipt of Military Pension and VA Disability

<http://www.military.com/benefits/military-pay/retired-pay/retired-concurrent-receipt-overview> more information

v. Retention of Pension Benefits for Victims of Domestic Abuse

<http://www.dfas.mil/dfas/garnishment/usfspa/legal.html>

5th paragraph on the page

<http://www.military-divorce-guide.com/domestic-violence-victim-benefits.htm>

Discusses both pension benefits and transitional compensation

b. SURVIVOR BENEFIT PLAN/ANNUITY

Explanation of the Survivor Benefit Plan

<http://www.military.com/benefits/survivor-benefits/survivor-benefit-plan-explained>

<http://www.defenselink.mil/militarypay/survivor/sbp/index.html>

Department of Defense information on SBP

<http://www.military-divorce-guide.com/sbp-survivor-benefit-plan.htm>

c. LIFE INSURANCE

<http://www.insurance.va.gov>

Basics on military life insurance. SGLI and VGLI

http://www.military.com/ResourcesAlmanac/ResourcesKeyIndex/0,14015,6-mil_status_active-1,00.html

Info on various military insurance programs

d. MEDICAL BENEFITS

Retention of medical benefits upon divorce: the 20-20-20 rule and the 20-20-15 rule

<http://www.military-divorce-guide.com/benefits-20-20-20.htm>

http://usmilitary.about.com/od/divbenefits/a/idcardshousing_2.htm (also covers base housing)

COBRA coverage

<http://www.military-divorce-guide.com/benefits-cobra-health-care.htm>

<http://www.dfas.mil/dfas/garnishment/childsupportalimony/medicalsupport.html>

Obtaining medical support from Military Personnel

<http://www.tricare.osd.mil/>

Military medical insurance when military facilities are not used. Called TRICARE.

http://www.military.com/Resources/Index/0,13926,5-mil_status_active-1,00.html

Website with many TRICARE links.

e. CHILD SUPPORT

<http://www.dfas.mil/dfas/garnishment/childsupportalimony/faqs.html>

FAQ's from Defense Finance and Accounting Service

A Caseworker's Guide to: CHILD SUPPORT ENFORCEMENT AND MILITARY PERSONNEL [updated: January, 2011] Very comprehensive publication

http://www.acf.hhs.gov/programs/cse/newhire/employer/publication/military_quick_guide.htm

http://www.abanet.org/family/military/silent/child_support.pdf

Advising clients about child support when one parent is in the military.

i. Understanding military pay

<http://militarypay.defense.gov/Pay/index.html>

Understanding the various types of military pay

1. Basic pay—understanding pay charts

<http://militarypay.defense.gov/Pay/activedutypay.html>

Current Year Active Duty Pay Chart

<http://militarypay.defense.gov/Pay/basicpay.html>

Understanding Basic Pay

<http://www.defenselink.mil/militarypay/pay/bp/index.html>

Understanding Basic Pay

2. Incentive and special pay [professional pay, jump pay, flight pay, etc]

<http://militarypay.defense.gov/Pay/special.html>

3. Allowances

Generally: <http://militarypay.defense.gov/Pay/Allowances.html>

a. Basic Allowance for Housing

<http://www.defenselink.mil/militarypay/pay/bah/index.html>

<http://militarypay.defense.gov/Pay/BAH.html>

Department of Defense site explaining BAH

<http://www.defensetravel.dod.mil>

Calculators for various rates and allowances. Click on the box below Housing Allowance which applies. Typically, "Continental US" for actual BAH based on rank and zip code

b. Separate Rations [BAS]

<http://www.defenselink.mil/militarypay/pay/bas/index.html>
Current year BAS rates for officers and enlisted

4. Taxability

<http://www.defenselink.mil/militarypay/pay/tax/index.html>
Department of Defense site explaining what is taxable

http://militarypay.defense.gov/pay/tax/01_allowances.html
Calculator which will calculate tax advantages to the Servicemember and convert the numbers to a civilian wage.

<http://www.irs.gov/publications/p3/index.html>
IRS Publication – Armed Forces Tax Guide

5. Leave and Earnings Statements—a wealth of information.

How to Read your LES – separate links for Army, Navy, Air Force, National Guard/Reserve.

<http://www.dfas.mil/dfas/militarymembers.html>

f. SPOUSAL SUPPORT

<http://www.dfas.mil/dfas/garnishment/childsupportalimony/faqs.html>
FAQ's from Defense Finance and Accounting Service

g. TRANSITIONAL COMPENSATION

<http://www.usmc-mccs.org/transcomp/index.cfm?sid=fl&smid=5>
Nice web site that explains transitional compensation

<http://www.usmc-mccs.org/transcomp/faqs.cfm?sid=fl&smid=2>
FAQ's on transitional compensation

http://ww2.dcmilitary.com/stories/012011/pentagram_28357.shtml
Change in transitional compensation that allows family members of enlisted servicemembers to receive transitional compensation for up to 36 months