

Military Benefits After a Divorce for Active Duty Service Members

Does anything happen to a service member's pay after divorce?

No, a service member may have to pay child support or alimony (spousal support) after a divorce, but their pay rate remains the same. If the service member neglects to pay child support or alimony, the court may order that their paychecks be garnished (money taken out).

42 U.S.C. § 659



What happens to GI Bill education benefits?

The ex-spouse may continue to use GI benefits only if the service member agrees and transfers the benefit before the divorce. This education benefit may not be treated as property and cannot be listed as an item to divide during the divorce proceedings.

38 U.S.C. § 3319 (f)-(g)



Do my children keep getting military benefits after the divorce?

Yes, all benefits continue for dependants. It may be in the best interest of children over 14 years old and who are enrolled in the Defense Enrollment Eligibility Reporting System (DEERS) to apply for a military ID card. A military ID can be presented as proof when applying for programs, such as Tricare Young Adult.

We live in military housing. Does my ex have to move immediately?

Most often, ex-spouses have up to 30 days to leave military housing after a divorce is final. There may be some exceptions made if a domestic violence investigation is taking place or special consideration is requested and granted by command.

When do health and commissary benefits end for an ex-spouse after a divorce?

It depends on:

1. How long the marriage has lasted
2. How long the service member was in active-duty, and
3. How many year the marriage and service overlapped.

20/20/20 Rule (20 years married/ 20 years in service/ 20 years overlap):

No loss of Tricare coverage or commissary benefits for the ex-spouse. Benefits remain the same as if the marriage was not ended.

20/20/15 Rule

(20 years married/ 20 years in service/ 15 years overlap):

The ex-spouse is eligible for 1 year of Tricare coverage after the divorce is finalized, but loses commissary benefits.

Ex-spouses that do not qualify under the 20/20/20 or 20/20/15 lose benefits at midnight on the day the divorce is finalized.

They may purchase Continued Health Care Benefits for 3 years.



Branch Housing Policies



Air Force

Family Housing
Paragraph 6.3.5



Army Facilities
Management
Paragraph 3-18(a)



Navy Housing...
Criteria
Paragraph 2.c..1, 3,j



Ex-spouses do not receive Basic Allowance for Housing (BAH) payments. BAH payments may change for the service member based on the new number of dependents in the household.

37 U.S.C. § 403, 37 U.S.C. § 401(a)