



---

## Uploaded to VFC Website

▶▶▶ July 2013 ◀◀◀

---

This Document has been provided to you courtesy of Veterans-For-Change!

Feel free to pass to any veteran who might be able to use this information!

For thousands more files like this and hundreds of links to useful information, and hundreds of "Frequently Asked Questions, please go to:

[Veterans-For-Change](http://www.veteransforchange.org)

---

*Veterans-For-Change is a 501(c)(3) Non-Profit Corporation  
Tax ID #27-3820181*

***If Veteran's don't help Veteran's, who will?***

We appreciate all donations to continue to provide information and services to Veterans and their families.

[https://www.paypal.com/cgi-bin/webscr?cmd=\\_s-xclick&hosted\\_button\\_id=WGT2M5UTB9A78](https://www.paypal.com/cgi-bin/webscr?cmd=_s-xclick&hosted_button_id=WGT2M5UTB9A78)

---

**Note:**

VFC is not liable for source information in this document, it is merely provided as a courtesy to our members.



# **Military & Veteran Divorce**

## **Do You Really Want a Divorce?**

Making a marriage work is hard. Many factors contribute to marital stress and dissatisfaction, but before you shout “divorce,” you need to decide whether the marriage needs serious help or whether it's truly over. This section will help you find ways to reach and cope with this important decision. It will outline your options for trying to save your marriage, and it includes resources for ending your marriage if that is your ultimate decision.

## **You've Decided to Divorce**

At this point you're convinced you've taken all possible steps to save the marriage, and they didn't work. You've made the difficult decision that your marriage is probably over and you want to separate and probably divorce. Now you need to tell your spouse. There is not a right time to do this, and the longer you drag it out, the harder it will likely be on your spouse. Be sensitive because your spouse may be taken by surprise, especially if there's been denial about marital problems.

## **What about the Children?**

Children will both enrich and complicate your divorce. They'll be there to hug you when the going gets tough, make you laugh when you most need it, and give continued meaning to your life. However, they will need your care, support, and reassurance at a time when you have little energy left after taking care of yourself. Parenting during this time is likely to present new challenges. Stay calm and make an effort to work with your spouse to make it as easy as possible on your children.

## **Deciding Whether to Hire a Lawyer**

Whether you decide to represent yourself or obtain an attorney, you should start the process by doing some research. Once you have a basic understanding of the process, you should obtain legal advice even if you decide to go it alone. There are many decisions to make regarding children, support, property, and assets that should not be made without knowing the laws of your state and how they are applied. It is critical that you understand your rights before you navigate the emotional and complex waters of a divorce action.

## **Hiring and Working with Your Lawyer**

You've interviewed several lawyers and decided to hire one. Now it's time to meet with him and sign a retainer agreement which will govern how you work together. Now is the time to start to form goals and objectives for resolving your divorce. You will need to find out all of your possible options and the different strategies the lawyer might use to help achieve your goals. By knowing what to expect and how to work together, you can have a positive and productive experience.

## **What Courts Can and Can't Do**

Many divorcing couples are mistaken about what courts can do for them. They expect a judge to right the wrongs of the marriage, see only their point of view, give them the kids and the assets, and make it clear to the other spouse just how awfully he behaved during the marriage. Courts provide a great way to resolve issues when you can't agree with your spouse. However, you forfeit some control over your situation when you put your life in the hands of a judge.

## **Alternative Dispute Resolution**

Alternative dispute resolution is a great way to divorce with dignity and control and with a minimum of emotional upset and cost. You and your spouse can resolve your issues outside of court, because you're the ones who have the information needed to make the decisions. Committed and knowledgeable professionals will help you along the way, but you and your spouse will maintain control. If you make the decisions, you'll put your energies into making those decisions work. Plus, you'll stay out of court.

## **Beginning the Divorce Process**

You've decided divorce is the only option and now you're wondering how a divorce begins. What happens next? Who will pay which expenses? Where will your kids live? Will you have to move? When it comes to finding out about divorce, don't ask your best friend who went through it or rely on information from an Internet website or some other source. You should take your million questions to the lawyer you have carefully selected.

## **The Discovery Process**

When you went to see your lawyer at the beginning of the divorce process, you talked about the information needed to work out the details of your divorce. Discovery is the process lawyers use to get information from the other side. There are many different kinds of discovery and different ways it can be used to your benefit and detriment. This will be a very important part of the divorce process, so you will need to work closely with your lawyer to make sure you gather all the necessary information.

## **Custody and Visitation**

Custody and visitation are the traditional words used to describe parenting during and after the divorce. These words sound unpleasant and inappropriate for talking about raising children. The word "custody" carries the connotation of ownership or incarceration, and "visitation" is what you do at a funeral home. Nevertheless, these are the words found in the statutes across the nation. Try to think of these as legal terms that simply provide guidelines about how you and your spouse will share your children once you are no longer living as one family.

## **Child Support and Spousal Maintenance**

Divorce means that you are going to create two households with two sets of rent or mortgage payments, two sets of utility bills, and on and on. Figuring out how to pay for all of these additional expenses is going to prove challenging as you move through the divorce process. Child support and spousal support are the two methods that help equalize the division of income and hopefully make it possible for everyone in the family to continue living at approximately the same standard as before the divorce.

## **The Marital Estate and How to Divide It**

We've talked about the emotional divorce and the legal divorce, and we've considered how you'll parent your children during a divorce. Here and there you've seen references to marital and nonmarital property and equitable division of property. Now it's time to take a closer look at all of the pieces of your financial situation. At the end you'll have a much better idea of what your financial situation will look like after the divorce.

## **Moving Toward Trial**

At some point after you file the summons and petition to begin your divorce, the court system will decide it's time for you to come to court. Assuming you haven't already had some pretrial proceeding, the court system will take over and try and move your case along. In some states, nothing will happen unless you file something asking for a hearing, but in others you will eventually be sent a court date. You and your lawyer will need to meet and prepare for going to court.

## **The Trial**

Most people have some preconceived notion of what a trial will be like. Whether you've seen one on television or heard stories from your friends, nothing can fully prepare you for the uncertainty and emotional roller coaster of a trial. In a perfect world, a trial offers you the chance to present what you believe to be a slam dunk case. The problem is that after hearing all the evidence, the judge may find that it was really your spouse who had the slam-dunk case.

## **The Judge Rules**

The trial is over. The attorneys have submitted all arguments and the judge is considering the case. When will the judge decide, and what will you do with the decision once you get it? Is your life about to be turned upside down or will justice prevail? Chances are the judge's decision will fall somewhere in between. Whatever the outcome, you'll need to review the decision with your lawyer to determine your next move. Hopefully, you're almost finished and ready to embark on your new life.

## **Being Parents after a Divorce**

Now that you're divorced, you need to develop your plan for being parents to your children until they're legally adults. This may be extremely difficult if you had a very contentious divorce, but try and put the past behind you and move forward in a positive way. Learn from your divorce and try to leave the battleground mentality behind — for the benefit of your children if nothing else.

## **Special Considerations in Divorce Actions**

While many divorce actions result because couples just can't get along, have grown in different directions, or found new partners, others are a product of much more grave issues. If domestic violence, child abuse, physical disability, mental health disability, or substance abuse is a factor in your divorce, be sure to read this chapter. Whether any of them is a direct cause of your divorce or just one problem among many, you and your lawyer need to closely evaluate these special considerations as you navigate a divorce.

## **Moving On**

It's really over. Your divorce is final, and one way or another you have your judgment and decree. If you negotiated that decree, you can hit the ground running toward a new life. If you went to court and suffered through an appeal or two, you may be less ready to move on. But move on you must. Start over without the hostility of the past and you will find the future will be a much brighter place.