

Hiring a Military Divorce Attorney in Utah

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Military service members are highly trained to endure the most challenging and stressful of events, but all their extraordinarily developed abilities do not make divorce any less difficult. There are numerous specific issues affecting [military families going through a divorce](#). If you are facing a divorce proceeding while you or your spouse is serving in the armed forces, you will need an experienced Utah military divorce attorney. A knowledgeable military divorce lawyer will help you navigate the legal process of divorce in the Utah family courts and make sure that *all* your rights are protected.

Compounding the already rough family and financial complications of a civilian divorce, people in the armed forces face possibly being deployed. There are also special regulations regarding retirement benefits and other serious matters uniquely affecting [military families going through a divorce](#).

The challenge is to identify a military divorce lawyer who knows how to make sure that you receive *everything* to which you are legally entitled, and that *all* issues in your military divorce are resolved appropriately.

What Does “Military Divorce” Mean?

There is no special proceeding in military courts for a “military divorce.” The divorce is in a regular family court with civilian judges and lawyers. To have a “military divorce” just means that one or both spouses are active or retired members of the U.S. military. That distinction means simply that there are certain military-specific issues involved in the divorce. A military divorce attorney is not necessarily a military member, but a lawyer with specialized knowledge and experience in this kind of divorce and all that it entails.

In What Ways is a Military Divorce Different from a Civilian Divorce?

There are a number of ways that a military divorce is different. The overarching difference is that, unlike other divorce proceedings, it will be governed by federal laws in addition to the usual state-level divorce laws. Federal laws, for example, affect the ways marital assets are divided between the parties, how military pensions are distributed, and other critical court decisions.

Finding the Best Military Divorce Attorney

Figuring out who is the best Salt Lake City military divorce lawyer for your case can be difficult. You'll need a family law attorney who actually understands the military and who is an expert in divorce law and the Utah court system.

Your military divorce lawyer also needs to keep fully current on the many new developments over recent years. Your divorce attorney needs to have a clear understanding of the unique legal circumstances affecting a divorce when one or both spouses are in the military.

Judge Advocate General's Corps (JAG) military legal assistance attorneys are great resources for providing, for example, a good reference for SBP or answers to military retirement questions. But, they may not be licensed to practice law in the same state as the base where they're stationed. They're also unlikely to have ever handled a Utah family law case in a state court.

Some lawyers may advertise as military divorce attorneys, but still may not necessarily be fully versed in the laws governing military divorces. They may have little or no actual experience in litigating such matters in the Utah family law courts. To locate the best military divorce attorney Utah has to offer for your case:

- **Interview several attorneys.** — Meet with lawyers who appear to best understand special military issues affecting matters of family law. Perhaps you know someone who has been through a military divorce and can refer you to an excellent lawyer they worked with.
- **Visit attorneys websites.** — Family law attorneys or divorce lawyers whose sites do not feature their experience with military divorces are unlikely to specialize in this area of legal practice.
- **Do your research in advance.** — By asking the right questions, like those listed below, you will probably be able to determine fairly quickly, within just minutes, whether or not a lawyer really has the level of knowledge in military divorce matters needed for your case.

6 Questions to Ask Before You Choose a Military Divorce Attorney

Write down all questions you want to ask during your interviews to choose the right military divorce lawyer for your case. To help you build your list of questions, here are some basics that an attorney for military divorce in Utah needs to know, in order to succeed in Utah family courts:

How many divorce cases have you completed for members of the military?

A well-experienced military divorce lawyer has successfully handled *many* military divorces, all together involving the gamut of military-related matters regarding child custody, child support, benefits issues, and other unique issues.

How are pay, retirement, and benefits affected in divorcing a military member?

For a spouse married at least 20 years overlapping with a minimum of 15 years military service, a transitional year of medical benefits is applicable. With 20 years of marriage and 20 years of military service fully overlapping, then full 20/20/20 benefits are applicable.

Where is the most practical place in Utah to file for a military divorce, and why?

Often, in a military divorce, a spouse may choose a preferred location to file for divorce, whereas a civilian normally does not have that option. Certain relevant state laws can apply in a military divorce, based on the location at which your military divorce lawyer opts to file your divorce petition. This can make the filing location a significant choice.

What are the unique concerns about child custody in a military divorce?

In Utah, there is no standard preference of one parent or the other in child custody decisions. But, when frequent deployment causes shared custody to be an impractical alternative for one of the spouses, the law makes unique visitation provisions for military spouses and their families in this situation.

How is child support calculated in a military divorce, vs. in a civilian case?

Under Utah law, alimony and child support are limited to a maximum of 60 percent of a military member's pay and/or any allowances. The Utah state guidelines for determining child support in civilian cases are applicable to child support in military family law cases.

How does the new blended retirement system work?

This system just went into effect in 2018, so its future impact on divorced couples is not yet entirely clear. However, a knowledgeable military divorce attorney should know such basics as the percentage of reduction in the retirement multiplier, and the government match for the TSP, the duration of continued pay, and other essentials.

Take Away Message

Military divorces are inherently more complex than civilian divorces. They are complicated by matters that are not encountered in civilian divorce processes. It is important to hire a military divorce lawyer who is familiar with the process for military

divorce in Utah, to help ensure that all your rights are protected and that you receive all that you are entitled to.

These and other additional questions to ask your military divorce attorney are included in our [Military Divorce Frequently Asked Questions](#).

Attorney David Pedrazas, Salt Lake City, UT

For the past 23 years, [David Pedrazas](#) has been helping military families in Utah through the tough process of divorce. He is committed to assisting people in making informed decisions and moving on toward happier times beyond divorce.

David has been [named one of Salt Lake City's best divorce attorneys](#) by the American Academy of Trial Attorneys, the American Institute of Family Law, and the National Academy of Family Law Association.

To schedule a free legal consultation and case assessment, just call the Law Office of David Pedrazas, PLLC, Salt Lake City Utah, at [\(801\) 263-7078](tel:8012637078), or use our [online request for information](#).
