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**Uniform Services Former Spouses Protection Act**

**1. What is the USFSPA?**

The Uniformed Services Former Spouses' Protection Act (USFPA) accomplishes two things:

- a. It recognizes the right of state courts to distribute military retired pay to a spouse or former spouse and
- b. It provides a method of enforcing these orders through DFAS.

**2. When should I start thinking about protecting my rights to the SM's pension?**

As soon as you begin to think about filing for divorce you need to discuss with your divorce attorney your desire to obtain a portion of your former spouses' military retirement. It is important at the early stages of divorce proceedings because different states have different laws regarding the division of military pensions. The state in which you decide to file for divorce in can have major consequences on the amount of military retirement pay you may receive. You need an attorney to closely review the options for you.

**3. My former spouse and I are already divorced and we did not include anything about his/her military pension in our divorce decree. Can the USFSPA help me get some of his/her military retired pay?**

Probably not. The USFSPA does not automatically entitle you to a portion of your former spouse's military retired pay. You must be awarded a portion of the SM's military retired pay as property in your final divorce for the USFSPA to offer any protections. If the reason why you lost the right to retired pay was a result of abuse then the USFSPA can help you. Please inform your attorney of this issue and they can help advise you on what to do next.



**4. Can the USFSPA help me with anything else besides military retired pay?**

Yes. The USFSPA provides a method of enforcing current and/ or previously owed child support and current alimony awarded in the court order.

**5. My former spouse and I were only married for 2 years. Do I qualify for protection under the USFSPA?**

No. A servicemember and former spouse must have been married to each other for 10 years or more during which the servicemember performed at least 10 years of military service creditable towards retirement eligibility. Various states may order the division of a military retirement under state law, but the USFSPA will not apply.

**6. How can legal assistance help me?**

When dealing with complicated divorce issues it is best to hire a private attorney to make sure that you properly protected. Coming to see a legal assistance attorney early on can help you know the right questions to ask your private attorney. It can also help you know what to what protections you are entitled and the information you should tell your private divorce attorney when meeting with them. A legal assistance attorney can also help you determine if you need to hire a private attorney to handle your divorce or claim for military retired pay.