



# MILITARY BENEFITS AFTER DIVORCE



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### 1. Spouses: Entitlement to medical care and other privileges for former spouses is based upon:

- duration of the marriage,
- number of years in service, and
- number of years that the marriage overlaps with service.

In addition, all former spouses lose eligibility to medical care, both CHAMPUS and through Military Medical Treatment facilities (MTF's), if they are enrolled in an employer-sponsored health plan, regardless of age. However, at age 65, former spouses only lose eligibility to CHAMPUS if they become eligible for Medicare, Part A. They do remain entitled to an ID card reflecting eligibility for medical care in MTF's.

### 2. Spousal Benefits:

Maximum "20/20/20" benefits are available to an unmarried former spouse of a member (or former member):

- who was married to that member for a least 20 years,
- whose spouse performed at least 20 years of creditable service in determining eligibility to retired pay, and;
- 20 years of marriage overlapping 20 years of creditable service.
- "20/20/20" benefits include medical care in both civilian and military facilities, commissary, theater and exchange privileges.

Limited "20/20/15" benefits are available to an unmarried former spouse of a member (or former member):

- who was married to that member for at least 20 years,
- whose spouse performed at least 20 years of creditable service in determining eligibility to retired pay, and;
- at least 15 years of marriage overlapping the 20 years of creditable service.
- "20/20/15" benefits include medical care in civilian and military facilities (but not commissary, theater or exchange privileges).

Generally, an unmarried former spouse is fully covered for medical care for one year, with an option to participate in a group insurance plan with limited coverage for one additional year. There is no coverage after 2 years.

### 2. Children: (natural or adopted) continue to be entitled to military identification cards and certain military benefits after the divorce. Step-children (of the member) will not be entitled to benefits after the divorce.

- **Medical/Dental care:** unmarried children under age 21 continue to be entitled to medical care in both civilian and MTFs. Unmarried children over 21, if enrolled full-time in an accredited institution of higher learning, remain eligible to receive medical care until graduation or age 23, whichever is earlier. Also, the sponsor must provide over 50 percent of the child's support. The entitlements for incapacitated children are handled under special rules.

- Commissary: children residing in the household of a separated spouse continue to be eligible for commissary privileges until the divorce is final. Once the divorce is final, children residing with the former spouse, who is not authorized commissary privileges, are not considered to be members of the authorized sponsor's household for purposes of commissary privileges, even if the sponsor provides or maintains the household.
- Exchange and Theater: children continue to be entitled to use the exchange and theater if they are dependent on the sponsor for over 50 percent of their support.

For further information concerning procedures for obtaining identification cards, contact the Customer Service Element in the Military Personnel Flight at the nearest military installation.

THIS HANDOUT PROVIDES A GENERAL EXPLANATION OF MILITARY BENEFITS AFTER DIVORCE. DO NOT RELY EXCLUSIVELY ON THIS PAMPHLET. FOR ANSWERS TO SPECIFIC QUESTIONS AND ADVICE IN DETAIL FOR MILITARY MEMBERS, RETIREES AND DEPENDENTS, CONTACT THE LEGAL ASSISTANCE OFFICE AT (803) 895-1560.