

Family Law Services at the Kaiserslautern Legal Services Center

by Mark Christensen

Most folks in the Army community are aware that Army legal offices provide advice and assistance in divorce cases to Soldiers, retirees, civilian employees (overseas), and their family members. The process can be long and traumatic, and can affect spouses, children, and coworkers in different ways. This article provides commanders, supervisors, colleagues, or friends of someone whose family is experiencing a marital separation or divorce some basic information about what that family may be going through.



Marital separation is an unfortunate reality in the delivery of our legal services. So far this fiscal year, lawyers at the Kaiserslautern Legal Services Center have drafted 321 separation agreements. One out of every three appointments for legal advice is for divorce. Since only one party to a dispute can be advised at our office, the other spouse often obtains legal advice from the Baumholder, Wiesbaden, or Heidelberg Army legal assistance offices, or from a CONUS legal assistance office or a private lawyer. While Air Force legal offices do not provide divorce advice and assistance, our Army legal assistance offices are open to Air Force personnel and their family members.

In OCONUS locations, we do not have American courts where divorces can be processed. Most couples, unless one of them is a German national, will not use the German courts to get divorced. That means a divorce trial or final hearing will eventually take place in a state where one of the spouses is a legal resident. We try to help our clients obtain and prepare state court divorce forms they might be able to use without hiring a private lawyer back home.

Most of our assistance in divorce cases centers on negotiating separation agreements. A separation agreement is a contract between the husband and wife about what will happen until they either reconcile or are divorced. A separation agreement can settle the same issues a divorce decree addresses, including division of property and debts, child custody, visitation and child support, and spousal support. A couple can also determine tax filing rights, name changes, and responsibility for legal bills. For a non-military spouse, the separation agreement might be a step towards getting orders for early return of dependents (ERD) so the spouse can travel back to the U.S. from the OCONUS duty station.

Someone in your unit, office, or social circle going through a marital separation or divorce may be stressed, depressed, anxious, or angry. They'll be looking for support, answers and information on how they can plan for the transition. A divorce affects child care, school and extracurricular activities for children, transportation and housing arrangements, as well as general life security issues most of us take for granted.

If you know someone facing a separation or divorce, insure they have talked to a lawyer about legal options and plans. Talking to an Army legal assistance attorney can help someone identify and focus on manageable and important issues as they go through this difficult transition.

For more information on family law services, or to set up an appointment to speak to a legal assistance attorney, call DSN 483-8848 or Civilian 0631-411-8848.