

# Introduction

Military personnel carry no exemption from the family-related travails that visit their civilian brothers and sisters. Many of them are separated or divorced. They have, or want to obtain, custody or wish to exercise visitation rights. They might be paying support, be behind on support, or be in need of adequate support. When property division occurs, either in negotiations or at trial, the issue of military pension division looms large and is puzzling for most practitioners because, like many other domestic relations issues involving military personnel, the rules are illogical, arcane, and counterintuitive.

For example, custody is a particularly thorny problem when a military parent is added to the dispute. How does the high level of mobility affect the child of a military parent? If a wife leaves her military husband overseas to avoid an abusive situation, taking the children with her, is that considered an international kidnapping? Can a servicemember thwart the court process in determining custody by requesting a stay of proceedings because he or she is overseas and unable to take leave? How do you determine the residence of a child for custody jurisdiction purposes when the child is constantly moved around? What is the best visitation arrangement when the military parent might be nearby, halfway across the continent, or halfway around the world in the next six months or six years? These are only a few of the military-related nuances that are brought to custody and visitation—just one area of family law. The complexities pervade the entire spectrum of family law matters—divorce, child support, alimony, pensions, and property division.

This book will help the family law practitioner to understand and solve family law problems in the military context. Due to the large number of Guard/Reserve mobilizations in today's world, military-related variations to the typical domestic relations case are not confined to the lawyer who practices just outside the gates of Joint Base Lewis-McChord near Seattle, or Fort Hood, Texas. These problems will come to face lawyers in large cities

and small towns across the United States, in Guam and Puerto Rico, and elsewhere.

Your client could be stationed in Iraq, bedding down among the sand fleas and scorpions at LSA Anaconda, a logistical support area, or FOB Cobra, a forward operating base. Your client could be running a computer at Command Post Tango, a military headquarters carved deep inside a mountain south of Seoul, South Korea, or driving a truck at Camp Red Cloud, near the Korean DMZ (demilitarized zone). Your client could be a jumpmaster in the airborne brigade located at Vicenza, Italy, or the crew chief for a helicopter at an Army base at Diego Garcia in the Indian Ocean. You could receive a phone call at 7:30 a.m. from your client in a post office near Munich or an e-mail from a frigate near Iceland.

Practicing in this area can be challenging and rewarding. Knowing how to do it well marks the difference between merely adequate (or sometimes inadequate) representation and excellence, and often will make a significant difference in the life of the client involved. The purpose of this book is to assist the civilian lawyer on the journey to that standard of excellence. Numerous Practice Tips are included to illustrate important points, and detailed information is provided for the practitioner on where to go for more information.

The Internet, for example, is an invaluable tool for further research on military matters, and this book provides numerous Uniform Resource Locators (URLs) for further study. Although every attempt has been made to be accurate, it is not uncommon for a URL to become outdated as its owner restructures its website. To mitigate the resulting problems, detailed descriptions on navigating the various websites referenced in this book are regularly provided so that the information may still be accessed in spite of a website redesign.

In addition, the reader should be mindful of the fact that the area of family law is constantly changing, even more so when a servicemember is involved. New statutes, regulations, and case law are regularly issued; updated memoranda and guidelines are published. Accordingly, the civilian lawyer should consider this book a starting point and check for any changes to or variations in the law in his or her state.

I hope this book proves to be a valuable resource to you on your journey toward excellence in advocating for the rights of servicemembers, military retirees, and their family members.

Mark E. Sullivan