

Military Divorce in PA

Getting divorced is much more complex when one spouse is serving in the military. It is important to note that procedural rules vary by county, so you should always be sure to check your local rules for the necessary forms and other unique requirements.

One of the first questions people have is where to file the Complaint in Divorce. If you want to do it in Pennsylvania, you and your spouse must live in and be stationed within the state. If your spouse is not stationed here, it is usually enough if he or she consents to Pennsylvania having jurisdiction over the divorce.

Once you file the Complaint, you will need to serve your spouse. Generally, Pennsylvania requires that a military member is served within the state, in-person, in order for a court to have jurisdiction. However, if the spouse is deployed, he or she can sign and file a waiver affidavit acknowledging the divorce, instead.

Unlike regular civilians, active service members are entitled to legal representation during divorce proceedings. If you are filing for divorce in Allegheny County, you must petition the court to appoint an attorney to represent your spouse when you file the Complaint in Divorce.

In addition to the various local rules that apply in these scenarios, state and federal law also govern these proceedings. Federal law allows the court to postpone the proceedings while the spouse is on duty, and for up to 60 more days after he or she gets home. These federal rules are designed to ensure that those who bravely protect our nation are shielded against default judgments entered in their absence.

The rules may also vary in the equitable distribution and support contexts. Equitable distribution is the way in which Pennsylvania courts divide the parties' marital property upon divorce. In many cases, this could include divvying up pensions and other retirement benefits. Under federal law, the court will not distribute military retirement benefits to the non-serving spouse if the parties have not been married for at least ten years while the other spouse has been on active duty. When it comes to child support, military spouses are subject to the same child support guidelines as regular civilians. However, under Pennsylvania law, orders for child support and alimony may not exceed 60% of a military member's pay.

Other than these procedural differences, the parties may choose any ground for divorce that is available under Pennsylvania law. This would include both fault and no-fault grounds.

*(For more information on this topic or any topic in divorce, custody, mediation, child support, collaborative law, PFA matters, alimony, or other family law matters, visit www.Pittsburgh-Divorce-Lawyer.com or contact **Notaro & Associates, PC** at **412-281-1988** for a free phone consultation with an attorney. You can also schedule online by clicking [here](#).)*