

Compulsory German Military Service

by Joerg Moddelmog

Being a German citizen by birth (due to his biological German parent), your son might be concerned about compulsory German military service when he turns 18. In fact, he will get notification thereof sometime after his 17th birthday.

Compulsory military service in Germany lasts nine months. Conscientious objectors may opt for nine months of non-military service. Women may serve in the

Armed Forces only on a voluntary basis. However, while compulsory German military service will not endanger your son's US citizenship, any voluntary(!) military service in the US Forces can deprive him of his German citizenship.

If your son enjoys SOFA status as your dependent, you will be interested to know that Article 7 of the Signatory Protocol to the Supplementary Agreement and the NATO Status of Forces Agreement

provides some comfort. Your son will be exempt from compulsory German military service as well as non-military service, provided he intends to PCS with you to the USA later on.

If your son receives a request to perform military service from the German Armed Forces, contact your Legal Assistance Office for help in drafting an appropriate response to any such German request.



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Contact us at DSN 483-8848 or 0631-411-8848 for answers to your legal assistance questions.

Is This Where I File for a Legal Separation? by CPT Ryan Krohn

As an attorney in the Legal Assistance Office, this is a question I get daily. The short answer is no. The long answer is still no. Let me explain.

A legal separation, like a divorce, can only be granted by a court of law. The court will issue an order stating the married couple no longer lives together and all issues regarding the marriage, such as child support and property distribution, have been resolved. However, unlike a divorce, the couple is still married. Spouses are not free to marry other individuals as they are still married. Also, service members should be aware that a legal separation is not a ticket to go out and date again. In the eyes of the military, the spouses are still married and service

members who date or live with members of the opposite sex can face UCMJ charges.

The biggest advantage of a legal separation is the fact that it is a court order. If a party does not perform as obligated under the court order, such as not paying child support, a garnishment order can be issued by a court or obtained through a state's Child Support Enforcement Agency. With the garnishment order, the amount owed can be taken directly out of paychecks and bank accounts. Also, in extreme circumstances, if one spouse does not follow the court order, they can be held in contempt of court and face fines and jail time.

By now, you may be asking yourself, "Why did my First Sergeant tell me to go

to legal to get a legal separation?" Well, while we cannot do a legal separation, we can prepare a separation agreement for you. A separation agreement is essentially a contract between spouses who want to separate for a time. The separation agreement, like a legal separation, may resolve issues regarding child support, spousal support, child visitation, and property distribution. The agreement is valid until the parties reconcile, a divorce is finalized, or a court order changes the terms of the agreement. Also, as is the case with a legal separation, after signing a separation agreement, you are still married.

Up until this point, the legal separation and the separation agreement are very similar. However, if a party

does not follow the separation agreement, the other spouse's remedy is to file suit in a court of law for breach of contract. Any award would be the result of a broken contract, but the court is not going to issue a contempt order for failing to pay under an agreement.

What a separation agreement can do is help when you are applying for an Early Return of Dependents and changing your pay rate after your family has returned to CONUS. It can also help protect you in the future if a claim is made to your command that you are not adequately supporting your dependents. For further information, contact Legal Assistance and make an appointment to speak with an attorney.