CYBER LEGAL ADVOCACY BRIEF

A Preventive Law Series
Cyber Center of Excellence Office of the Staff Judge Advocate
Legal Assistance Division, Fort Gordon

DIVORCE MYTHS DEBUNKED

IS THERE A "MILITARY" DIVORCE THAT IS DIFFERENT FROM A CIVILIAN DIVORCE?
No. There is no such thing as a "military divorce," only a civilian state court judge can grant a divorce. A military attorney cannot represent you in your divorce and you cannot file divorce paperwork through the Army or the Fort Gordon Legal Assistance Office. However, the Fort Gordon Legal Assistance Office can offer general legal advice, provide self-help forms, and, for more complicated cases, can provide you with a referral list of local civilian attorneys.

DO I HAVE TO FILE FOR DIVORCE IN THE STATE WHERE WE WERE MARRIED?
No. In fact, there is a chance that you cannot file for divorce where you were married because you no longer meet their residency requirement and thus that state's courts no longer have jurisdiction over you. However, it is also possible for you to have a choice in where to file because multiple states have jurisdiction over you. Each state has their own residency requirements, and you would need to reference each potential state's laws in order to determine which has jurisdiction.

MY SPOUSE AND I HAVE NOT BEEN MARRIED LONG, CAN WE JUST GET AN ANNULMENT?
Most of the time, annulment is not an option. In many states, annulments can only be granted if you are able to show that your marriage was not "valid" due to a legal defect. Generally, this could include if one spouse lacked the mental capacity to enter into the marriage at the time, one spouse lacked the ability to physically consummate the marriage, a spouse was underage and did not have parental consent to marry, or the marriage was a result of fraud/duress. If you think you may qualify for an annulment, you should speak with a legal assistance attorney prior to filing for an annulment.

SHOULD I FILE FOR A LEGAL SEPARATION INSTEAD OF A DIVORCE?
It is very rare that a legal separation accomplishes the goals you have in mind. Some states do not even offer legal separations. A separation is only a "legal separation" if a judge signs a court order to that effect. Merely signing a Separation Agreement with your spouse does not make you legally separated. Also, getting a court ordered legal separation will not change a spouse's status in DEERS and they would still be entitled to full benefits and family support under AR 608-99, unless and until you obtained a divorce. If you think a legal separation is right for you, please speak with a legal assistance attorney.

DOES MY MILITARY SPOUSE OWE ME ALL OR SOME OF THEIR BAH?
Technically, no. BAH is an entitlement of the service member and no amount of BAH is "owed" to a spouse. However, a service member is always required to provide adequate support to family members. For the Army, if a Soldier is physically separated from their dependents, AR 608-99 will likely require financial support, unless there is an applicable exception or waiver (Please see the **AR 608-99 Dependent Support Legal Info Paper**). To determine the amount of dependent support a Soldier must pay, AR 608-99 uses the DFAS Non-Locality BAH chart, which is where this myth comes from. However, the obligation to provide financial support to family members exists regardless of whether a Soldier is actually receiving BAH. Therefore, even a Soldier who receives no BAH because they are assigned to the barracks or on-post housing may still have AR 608-99 support obligations.

NOTE: AR 608-99 only applies if you don't have an oral or written financial support agreement with your spouse or court order containing a financial support provision.

AS A JUNIOR ENLISTED SOLDIER, DO I NEED 51% CHILD CUSTODY TO KEEP RECEIVING BAH?
Whether you receive BAH is not entirely dependent on child custody. However, if you list yourself in court documents as the primary physical custodian of a minor child, you should actually be the parent the child lives with the majority of the time. If you do not have primary custody, whether you can keep receiving BAH can be dependent on the amount of child support you pay, and also can be influenced by the rules for residing in government quarters (barracks) at your base. Additionally, the duty status of each parent can be a BAH factor and, if either remarries, even the duty status of their

new spouse. Visit your local Defense Military Pay Office (DMPO) for more information. *Also See* **Financial Management Regulation, Vol. 7a, Ch. 26.**

CAN I GET DIVORCED IF MY SPOUSE REFUSES TO SIGN ANYTHING?
Yes. Even if your spouse refuses to sign documents, effectively avoids service, or simply cannot be located, every state has procedures to allow a divorce to proceed. It may take longer than if your spouse was participating, but you can still get divorced.

IS THERE A MANDATED FORMULA FOR DIVIDING MILITARY RETIREMENT?
Not exactly, but there is a law that limits how much of a military retirement can be divided in a divorce. A federal law (10 U.S.C. §1408), referred to as the "Frozen Benefit Rule," applies to all divorces finalized after 23 Dec 2016. The law "freezes" the active duty military member's retirement benefit at the time of entry of a divorce order, as if the military member retired on the date of divorce. The amount divided will be "frozen in time" at the retired pay the military member would have received at their rank and time in service at the time the divorce order was entered (typically with all future cost of living (COLA) adjustments).

As long as you both agree, you and your spouse can decide on whether to divide military retirement for the amount of retirement that overlapped the marriage. If you can't decide whether or how to divide military retirement, the judge will decide for you. Judges will often divide the military retirement earned during the marriage equally between the parties (50/50), but that is case-specific and up to the discretion of the judge. There are other ways to divide military retirement, such as a flat dollar amount instead of a percentage, but a percentage division is the most common.

IF I'VE BEEN MARRIED FOR MORE THAN 10 YEARS, DOES MY SPOUSE AUTOMATICALLY RECEIVE HALF OF MY MILITARY RETIREMENT?
No, there is no "automatic" amount of time to be married for a spouse to receive a portion of your military retirement. While it is considered marital property, there is no point at which a spouse is "entitled" to a Soldier's retirement. Courts have significant powers and wide latitude when it comes to division of property in a divorce. The Court can only divide the amount of retirement that was earned during the marriage, but is not ***required*** to divide it, depending on the circumstances. So, though both scenarios are very unlikely, a judge could award the spouse of an E-1 who has been married for one year a portion of the military retirement or could decline to divide the military retirement for a spouse who was married for 30 years overlapping military service. Generally, the longer a couple has been married, and the more time during that marriage a spouse was in military service, the more likely a court will award a spouse part of the Soldier's retirement. The 10 year myth is a product of the following fact: **IF** a court awards a spouse part of the Soldier's retirement in a divorce, and they were married for at least 10 years while the Soldier was in the military, the spouse can receive their check directly from DFAS instead of relying on their ex-spouse to send them a check every month (the 10/10 rule).

This Information Paper from the Fort Gordon Legal Assistance Office contains general legal information on a topic upon which Legal Assistance Attorneys typically advise. The information provided is general in nature and does not constitute formal, specific legal advice. If you wish to receive legal advice specific to your situation, please consult an attorney. You may schedule a legal assistance appointment by calling the Fort Gordon Legal Assistance Office at 709-791-7812/7813.

CYBER LEGAL ADVOCACY BRIEF

A Preventive Law Series
Cyber Center of Excellence Office of the Staff Judge Advocate
Legal Assistance Division, Fort Gordon

GEORGIA DIVORCE FAQs

WHAT ARE THE GROUNDS FOR DIVORCE IN GEORGIA?
In Georgia there are 13 grounds for divorce. One ground is "irretrievably broken" (sometimes referred to as the "no-fault" ground). The other 12 grounds for divorce in Georgia are "fault" grounds, such as adultery and cruel treatment.

IS THERE A RESIDENCE REQUIREMENT FOR GETTING A DIVORCE IN GEORGIA?
Yes, one spouse must have lived in the state of Georgia for six months or Georgia must have been the last domicile of the marriage. If the parties live on-post in Georgia, there is a twelve month residency requirement instead of six.

MUST THE SPOUSES LIVE IN SEPARATE HOMES WHEN A DIVORCE COMPLAINT IS FILED?
No, but the spouses must be considered separated in a legal sense before one can file for a divorce. Spouses may be considered separated even if they are living in the same house if they are not sharing the same room and/or not having a sexual relationship.

HOW DOES ONE "FILE FOR A DIVORCE?"
The process and documents needed to file for a divorce depend on many factors, the main factor being whether the divorce is contested or uncontested. The paperwork and procedure is vastly different between a contested divorce and uncontested divorce. Generally, the person seeking the divorce (the plaintiff) will file a document called a "complaint" with the appropriate Superior Court. This complaint includes information on the marriage including present living arrangements, children of the marriage, assets and debts, and the specific reason claimed for seeking a divorce. A copy of the complaint will be served on the other spouse (the defendant) by the sheriff for a contested divorce, or the defendant can accept service by agreement.

WHERE DOES ONE FILE FOR A DIVORCE?
Generally, a complaint for divorce should be filed in the Superior Court of the defendant's county of residence or, if the defendant has recently moved from the state of Georgia, in the county of the plaintiff's residence. With the defendant's consent, the complaint may be filed in the plaintiff's county of residence regardless of whether the defendant has moved Georgia or not.

WHAT SHOULD I DO IF I RECEIVE A COMPLAINT FOR DIVORCE THAT MY SPOUSE HAS FILED?
The spouse who receives the complaint should promptly consult a lawyer. The spouse may contest the reason claimed for the divorce or contest the claims for child custody, child support, alimony, or property/debt division by filing an answer with the court. If, however, an answer is not filed within 30 days, the right to contest the complaint may be lost.

IS THERE A WAY TO LIVE APART WITHOUT GETTING A DIVORCE?
A party who wishes to live apart, but who does not want to get a divorce, may file a "separate maintenance" action. The spouses will remain legally married although living apart. Generally, the court may enter an order regarding almost everything a divorce would typically cover, except the divorce itself.

WHAT IS AN ANNULMENT?
Unlike a divorce, which dissolves a valid marriage, an annulment is a legal decree that the marriage is now void and was invalid from its inception. Annulments must meet strict legal guidelines and are therefore rare.

WILL I HAVE TO GO TO COURT FOR A HEARING ON MY DIVORCE?
Not in every case. Spouses may be able to reach an agreement resolving all issues arising from the marriage, including finances, division of property/debts, and custody and support of children. The agreement is presented to the court as a settlement agreement and, upon approval, made an order of the court. The court's order, called a final judgment and decree, concludes the lawsuit. It is up to the judge whether to have a hearing in a divorce case, even an uncontested case. If the parties cannot reach an agreement, the divorce is contested, and their will definitely be a court hearing, likely several.

HOW LONG DOES IT TAKE TO GET A DIVORCE?
If there is agreement between the parties, the divorce is considered uncontested. An uncontested divorce may be granted 31 days after the defendant has been served with the complaint for divorce. If there is disagreement as to any matter, the divorce will be obtained when the court proceedings are finished, which can take several months or longer, though typically a judge will enter a temporary court order to cover immediate issues while the case is proceeding.

WHAT IS DECIDED AT FINAL TRIAL IN A CONTESTED DIVORCE?
If the parties do not agree, a trial is held, at which both spouses present testimony, evidence, and/or witnesses to support their position. Most divorce cases are decided by a judge, but certain types of cases can also be heard by a jury. The decision rendered by a judge or jury is written into a court order that is binding upon both parties.

WHO WILL GET CUSTODY OF THE CHILDREN?
The judge looks at the best interests of the child in determining the proper parent to have custody. The judge considers many factors when deciding custody. Those factors include the age and sex of the child, compatibility with each parent, and the ability of each parent to care for and nurture the child. A child over 14 years of age can choose which parent will have custody, with the consent of the court. The court considers it important for a child to maintain a relationship with both parents; therefore, visitation rights are usually awarded to the parent who is not given primary physical custody of the child.

MAY THE PARENTS SHARE JOINT CUSTODY?
There are two types of joint custody. Joint *legal* custody means that both parents have equal rights and responsibilities for major decisions concerning the child (though the primary physical custodian typically has final decision-making authority); joint *physical* custody means that physical custody is shared by the parents in such a way to assure the child substantially equal time and contact with both parents. The most common scenario is for the judge to award both parents joint legal custody, primary physical custody to one parent, and visitation to the other parent.

HOW IS CHILD SUPPORT DETERMINED?
In Georgia, both parents are required to support their children until a child graduates from high school, dies, marries, is emancipated, or joins the military, whichever event occurs first. The non-custodial parent will be required to pay a reasonable amount of child support to the custodial parent. Child support may also include such items as health insurance and payment of medical and dental expenses. Typically support lasts until the age of 18 unless the child is still enrolled in high school. For service members, Georgia includes base pay, BAS, recurrent special pay, and BAH as income; however, only non-locality BAH is considered (not actual BAH). The Georgia child support calculator can be found here: https://csc.georgiacourts.gov/.

WHAT IS ALIMONY?
Alimony is payment by one spouse to the other for the other's support and maintenance. The parties can agree regarding an alimony amount and duration (or agree to no alimony), or the court can grant alimony to a party (or order no alimony). Alimony may be for a specific time or until the spouse receiving alimony dies or remarries. There is no set calculator for alimony; it is case and fact-specific. Alimony is based on the requesting spouse's "need" and the other spouse's "ability to pay."

WHAT HAPPENS TO OUR PROPERTY AND DEBTS IN A DIVORCE?
Marital property is all property acquired during the marriage, except for very few specific exceptions. Any debt acquired during the marriage is also considered marital debt. Each spouse is entitled to an equitable share of all marital property acquired during the marriage and must pay an equitable share of the debt. If the parties cannot decide how to divide their property and debt, the judge or jury will decide for them. Marital property and debt will be divided equitably (not necessarily equally) between the parties regardless of how the title to the property/debt is held. There is no set formula or percentage used to divide marital property and debt in Georgia.

WHAT DO I DO IF I AM THE VICTIM OF FAMILY VIOLENCE?
Georgia has laws protecting victims of family violence. The parties do not have to be married in order for a victim to ask the court for relief. However, the parties generally have to reside in the same household. A victim of family violence can file a petition with the Superior Court that family violence has occurred in the past and is likely to occur in the future. The court can issue a temporary order granting a variety of remedies, including eviction of the offending party from the residence or providing suitable alternate housing for the victim and children, as well as financial relief. The victim does not need a lawyer to file a Family Violence Petition. In the Augusta area, SafeHomes of Augusta and Georgia Legal Services both provide free assistance with preparing protective order applications for domestic violence victims to present to the court.

This Information Paper from the Fort Gordon Legal Assistance Office contains general legal information on a topic upon which Legal Assistance Attorneys typically advise. The information provided is general in nature and does not constitute formal, specific legal advice. If you wish to receive legal advice specific to your situation, please consult an attorney. You may schedule a legal assistance appointment by calling the Fort Gordon Legal Assistance Office at 709-791-7812 / 7813.

CYBER LEGAL ADVOCACY BRIEF
A Preventive Law Series
Cyber Center of Excellence Office of the Staff Judge Advocate
Legal Assistance Division, Fort Gordon

GEORGIA UNCONTESTED DIVORCE PROCESS

If you and your spouse agree to all the terms of a divorce, you are eligible to file for an "uncontested" divorce. However, if there is even one issue that the two of you can't agree on, that makes the divorce "contested" and the contested process is different than the below outline. If you are involved in a contested divorce, you are strongly encouraged to retain a private attorney.

The following information assumes you and your spouse are appearing "pro se," that is without hiring an attorney, for an uncontested divorce in one of the following Georgia counties: Richmond, Columbia, or Burke. To start the uncontested divorce process, you and your spouse first need to agree on all of the terms of the divorce. In a marriage without children, the terms of divorce mainly involve the division of marital assets and debts; in a marriage with children, you must also agree on child custody, visitation, and support. The Fort Gordon Legal Assistance Office (LAO) can provide you with a Settlement Agreement worksheet that will help you and your spouse identify many of the necessary terms that need to be agreed upon. Once you have completed that worksheet, you or your spouse (but not both of you, LAO can only meet with one of you per legal ethical rules) can make an appointment to meet with an attorney to seek advice and/or assistance in drafting a Settlement Agreement. The Settlement Agreement is your core document that outlines what you and your spouse have agreed upon. A Settlement Agreement does not make you "legally separated" for civilian or military purposes, it is just an agreement between you and your spouse outlining how you intend to dissolve your marriage. There are several other documents that also need to be completed to file for divorce, all of which can be found at http://www.eighthdistrict.org/pro_se.htm under the "Divorce" section, except for the Child Support Worksheet at http://csc.georgiacourts.gov/ and the Child Support Addendum and Parenting Plans (if applicable) at https://www.augustabar.org/forms/ under the "State Courts- Local" and "Domestic Court Orders" section. Some forms are also available at https://augustafamilybar.com/ and https://www.columbiacountyga.gov/286/Superior-Court-Forms. If you do not have web access, you can obtain the divorce forms for a fee from the Richmond County Law Library, located on the second floor of the Augusta Judicial Center at 735 James Brown Blvd., Augusta, GA. If you are filing in Richmond or Burke County, you should use the Augusta forms. If you are filing in Columbia County, you should use the Columbia County forms.

Now that you and your spouse have completed, signed, and notarized the applicable paper forms, the next step is to e-file your paperwork with the Clerk of Superior Court. **The clerks cannot give you any legal advice**. If you are filing in Columbia County, the clerk is located at 640 Ronald Reagan Dr., Evans, GA 30809 and the filing fee is $214. If you are filing in Richmond County, the clerk is located at 735 James Brown Blvd., Augusta, GA 30901 and the filing fee is $214. **You must e-file your documents**, you cannot file the original paper documents in most cases. You still need to complete the paper documents as outlined above, because those are the documents that you will scan in to e-file. The instructions for e-filing in Richmond County are located at https://www.augustaga.gov/2354/eFiling, under the "Civil and Domestic e-Filing" tab, which will direct you to the online e-filing service (www.peachcourt.com). You will use the same e-filing service if you

are filing in Columbia or Burke County. If you e-file from your own computer, the fee is $30 and you do not need to physically go to the clerk of court's office; you can do all of your filing from your computer. However, if you wish to avoid the additional e-filing fee (currently $30) or if you don't have access to a document scanner or the internet, you can e-file your documents in person using a self-service computer and scanner at the clerk of court office in the county in which you are filing. Methods of allowable payment include credit/debit card or cash (no personal checks), and payment is due at the time of filing.

Next, if you and your spouse have children together, you both must attend a Children of Divorce seminar. Army Community Service on Fort Gordon offers a free class to service members and spouses once a month. You must register in advance for the seminar by calling 706-791-3579. If you can't attend the seminar on post, LAO has a list of private companies that also offer the class for a fee. You can take this class any time before the divorce is final, but the judge generally won't finalize the divorce until you both have taken this class (or a very similar class if you or your spouse don't live in this area). Once you have completed the class, you must e-file the Completion Certificate with the same clerk of court with whom you filed your other paperwork.

After 31 days from the day you e-file the divorce paperwork (assuming the Children of Divorce seminar has been completed, if children are involved), if you have not gotten notice of a court hearing yet, the Plaintiff should write a short letter to the Clerk of Superior Court (and send a copy to the Defendant) that lists the case number and judge's name assigned to your case, informing the clerk that 31 days have elapsed since the Complaint for Divorce was filed, and asking the clerk to forward the file to the judge for review. (In some cases, the clerk may instruct you to contact the judge's office directly). The Plaintiff may be required to e-file that letter in the same manner as they filed the other documents in the case. **If you don't submit this letter, your file may not be sent to the judge**.

The judge's office will then review the file, contact the parties as necessary, and may set a court hearing, especially if there are children involved. The judge may possibly approve your divorce without a court hearing but be prepared to have an in-person court hearing if you are not represented by a private attorney. This hearing is usually scheduled several weeks after the initial 31 days has expired, but the exact timing depends on the judge's schedule.

If you do have a court hearing, both parties are expected to attend and the judge will either grant your divorce or will instruct you to make changes to your paperwork. If one person cannot attend the hearing, that person needs to get permission from the judge's office in advance to be absent or to attend by telephone or video conferencing. When attending court, the parties should bring $44 cash ($22 each) for the court reporter.

When the judge signs your Final Decree of Divorce and the clerk of court files the Final Decree, your divorce is then final.

This Information Paper from the Fort Gordon Legal Assistance Office contains general legal information on a topic upon which Legal Assistance Attorneys typically advise. The information provided is general in nature and does not constitute formal, specific legal advice. If you wish to receive legal advice specific to your situation, please consult an attorney. You may schedule a legal assistance appointment by calling the Fort Gordon Legal Assistance Office at 709-791-7812/7813.

CYBER LEGAL ADVOCACY BRIEF

A Preventive Law Series
Cyber Center of Excellence Office of the Staff Judge Advocate
Legal Assistance Division, Fort Gordon

CHILD CUSTODY IN GEORGIA

Child custody and visitation are very important topics for parents who are separating or divorcing. Common questions about child custody and visitation in Georgia are answered below.

WHAT IF MARRIED PARENTS BOTH WANT CUSTODY AFTER THEY SEPARATE?
Both parents have equal rights to custody of a child born during their marriage, so a Court will have to decide how to divide custody and visitation in the event of a separation or divorce if the parents cannot agree. Divorcing parents in Georgia are required to submit a Parenting Plan to the Court for approval, or the Court will create a Parenting Plan if the parents cannot agree. Templates of standard Parenting Plans can be found at www.augustafamilybar.com under the "Forms" tab.

WHAT IF THE CHILD WAS BORN OUT OF WEDLOCK?
Generally, the mother has all rights to custody of the child, even if the father has signed the child's birth certificate and even if the father is paying child support.

Assuming the father has not married the mother or adopted the child since the child's birth, to either get custody or visitation rights, the father must prove he is the child's father by filing a court case to legitimate the child and to request custody or visitation. Note - if the child was born between July 1, 2005 and July 1, 2016, the child may have been administratively legitimated if the parents signed the Paternity Acknowledgement / Legitimation Form shortly after the child's birth.

WHAT CAN GRANDPARENTS AND OTHER RELATIVES DO?
Grandparents and certain other relatives may ask a Court for visitation with a child, but they must show that denying the visitation would be harmful to the child's welfare and best interest.

WHAT CAN THE DEPARTMENT OF FAMILY AND CHILDREN SERVICES (DFCS) DO?
DFCS can ask the Juvenile Court for custody if they believe the child is dependent (i.e. deprived or neglected by one or both parents). Essentially, DFCS must prove to the Juvenile Court, by clear and convincing evidence, that a parent is unfit to raise the child.

In Juvenile Court, an indigent (i.e. no income or very low-income) parent has the right to a free lawyer. Therefore, if you cannot afford a lawyer, ask for one in writing and give the request to the clerk of the Juvenile Court as soon as you know about your case.

WHAT FACTORS DOES THE COURT CONSIDER TO DECIDE CUSTODY?
The Court will decide what is in the "best interest of the child" to determine which parent will receive custody. Some questions the Court will likely ask are:

- Which parent cared for the child in the past? Which parent will be best able to care for the child in the future?
- Who watches the child? Who feeds the child? Who plays with the child? Who helps the child with homework? Who has the contact information for the child's school or teachers?

- Does one parent drink excessively or do drugs? Does one parent have a criminal record?

WHAT TYPE OF INFORMATION SHOULD I BRING TO COURT AS EVIDENCE?
You will need witnesses who can testify you will best be able to take care of the child, such as family members, neighbors, teachers, friends, and members of religious groups.

School, medical, police, and possibly DFCS records can also be used as evidence that you would be the better custodial parent. Be prepared to subpoena the owner/custodian of these records to Court to verify these documents if you plan to use them in your case.

The Court will need to know if there has been any domestic violence involving either of the parents, because the Court may consider evidence of domestic violence when deciding custody.

You should also take evidence of income (such as pay stubs and tax returns), TANF (food stamps), Social Security benefits, financial help from relatives or friends, and child support you receive for any other children. Financial information is important because the parent who has primary custody of the child will in most cases be entitled to child support from the other parent.

WHAT KINDS OF CUSTODY ARE THERE?
Legal Custody: This is typically shared between the two parents and includes the right to obtain the child's medical and school records, and to make legal/administrative decisions for the child while the child is in your custody.

Physical Custody: Typically, one parent is named the primary physical custodian (i.e. the parent with whom the child lives most of the time), and one parent is awarded visitation. Joint physical custody is also possible, in which both parents share equal time with the child, though that arrangement is not typical. Sole physical custody, where one parent has 100% physical custody, and the other parent has no visitation at all is also possible, though extremely rare.

DO I NEED 51% CUSTODY OF MY CHILD TO QUALIFY FOR BAH-WITH DEPENDENTS?
No, this is a myth. Per the Financial Management Regulation, a service member without primary custody may still qualify for BAH-With Dependents if he or she is not assigned to Government Quarters, and is paying child support greater than the BAH-Diff rate.

CAN THE CHILD DECIDE WHICH PARENT THEY WANT TO LIVE WITH?
Yes, once the child is 11 years old, the child has input into who they wish to live with, and at 14 years or older the child's choice of which parent they want to live with is presumptive. However, the Court can still refuse the child's decision if the Court determines that living with the chosen parent is not in the child's best interest.

WHAT IF A PARENT IS ILLEGALLY KEEPING A CHILD?
It is a crime, called Interference with Custody, for a parent to keep a child without having permission or custody/visitation rights. If a parent is illegally keeping a child and refuses to return the child to the child's lawful custodian upon request, you may report any illegal acts to the proper law enforcement authorities. The Court may consider a parent's illegal activities when deciding custody.

This Information Paper from the Fort Gordon Legal Assistance Office contains general legal information on a topic upon which Legal Assistance Attorneys typically advise. The information provided is general in nature and does not constitute formal, specific legal advice. If you wish to receive legal advice specific to your situation, please consult an attorney. You may schedule a legal assistance appointment by calling the Fort Gordon Legal Assistance Office at 709-791-7812/7813.