

The Foreign Service Family And Divorce

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Table of Contents

Introduction	3
<i>Chapter 1</i>	
Counseling.....	4
<i>Chapter 2</i>	
Departure from Post	7
<i>Chapter 3</i>	
Support and Jurisdictional Consideration.....	14
<i>Chapter 4</i>	
Legal Assistance	18
<i>Chapter 5</i>	
Children and Divorce	27
<i>Chapter 6</i>	
Retirement and Health Benefits.....	34
<i>Chapter 7</i>	
Financial and Privacy Considerations.....	39
<i>Chapter 8</i>	
Resources	42

Introduction

Divorce in the Foreign Service can often be more stressful and complicated than it is for individuals living in the U.S. When one or both parties are assigned overseas, lack of access to information can further complicate divorce issues such as domicile, child custody, visitation, support, and pension benefits. This Family Liaison Office (FLO) publication, “The Foreign Service Family and Divorce”, was first issued in 2000 to provide basic information about separation and divorce for Foreign Service couples. It also serves as a general guideline for Community Liaison Office Coordinators, Management Officers, and Deputy Chiefs of Mission (the officially designated post Family Advocacy Officers), who are often asked to assist individuals with divorce or separation issues.

This thoroughly revised edition of the handbook includes updated and new information on many topics and provides a number of additional new resources. The publication includes a real life scenario and statements by Foreign Service employees and spouses who have experienced separation and divorce. We hope these will help readers evaluate their choices as they pursue separation or divorce.

It is important to note that the Department of State views divorce as a personal matter and does not provide legal services to employees or spouses. The Family Liaison Office’s Crisis Management and Support Officer acts as an information and referral source for separation and divorce questions. The services of the Crisis Management and Support Officer are available to employees and spouses.

This guidebook is not a legal guide. Divorce and separation are legal matters that require the advice and services of an attorney. The topics in this guidebook have been selected to reflect the unique circumstances divorce presents to the Foreign Service family.

Divorce and separation are governed by state laws that can differ widely in their provisions and applicability. Family status and location abroad may further complicate the situation. Therefore, this guidebook cannot be relied upon as definitive with respect to any particular situation. Also, with constantly evolving and changing federal and state laws, this guidebook may become outdated in one or more respects at any time. Finally, although the handbook has been approved by relevant Department of State offices, including the Bureau of Legal Affairs, the Office of Medical Services, and the Office of Retirement, the material in this guidebook is not to be construed as regulatory or policy setting. Applicable laws, regulations, policies and procedures take precedence.

We hope you will find this handbook useful as you navigate the difficult and painful process of separation and divorce.

Leslie Teixeira
Director, Family Liaison Office

Chapter 1

Counseling

Scenario

“Yesterday, Tom came home from work and announced that he wants a divorce. He wants to get separated right away and for the children and me to leave post immediately. I was devastated! It is the middle of the school year and only the second year of our three-year tour. I had NO idea this was coming and am in a state of shock. My first thought is about our children, especially Beth, the middle one, who has special needs. How will they respond and get through this? Many thoughts are flying through my head about the dissolution of our marriage and family. How could this have happened when I thought everything was going along so well? All of us had adjusted well to this post, the kids were reasonably comfortable at school, and I had finally found a job I liked in the Embassy. Who can I talk to about counseling to try to put this back together?”

At Post

Scenario

“My post is so small and such a fish bowl that I have been afraid to talk to anyone because I know that the word will get around fast...Although I am miserable, I still don’t want to put my husband’s career in jeopardy.”

You may feel comfortable discussing your situation first with the Community Liaison Officer, Embassy Medical Doctor (RMO), Nurse Practitioner and/or the Regional Psychiatrist (RMO/P). They may refer you to an approved counselor at post, specializing in family practice. Also, the Employee Consultation Service (ECS) has licensed clinical social workers available to help work through family crises ((202) 663-1815). This service is completely confidential.

If child or domestic abuse is involved you should contact the RSO or Family Advocacy Officer, who is generally the Deputy Chief of Mission, right away (3 FAM 1810). Domestic abuse is defined as “any act or threat of violence against a victim (other than a child) that results or threatens to result in physical or mental injury to the victim” (3 FAM 1811.4). The Family Advocacy Team at post consists generally of the DCM, MED, and the RSO.

In the Department/Headquarters

You may want to contact someone in the Department right away. The Family Liaison Office (FLO), particularly the Crisis Management and Support Officer, is available to help you. Also the Employee Consultation Service (ECS) has licensed clinical social workers available to help work through family crises. This service is completely confidential. In some cases you may want to contact MED Mental Health Services (M/MED/MHS). Both offices respect confidentiality: they consider employees and spouses to be independent clients. Members of tandem couples may prefer to select different counselors.

Where to Get Information

Scenario

“I don’t know where to start. I am reading FLO’s “The Foreign Service Family and Divorce”. Where else can I get information about divorce and where my husband or I might file if we can’t work things out?”

FLO’s information on divorce (<http://www.state.gov/m/dghr/flo/c23129.htm>) and the Office of Retirement’s “Former Spouse Benefits Under the Foreign Service Retirement Systems” (<http://www.state.gov/m/dghr/flo/c23129.htm>) provide information on a variety of subjects related to separation and divorce, including those related to retirement benefits and former spouse Federal Employee Health Benefits (FEHB) enrollment. Also, Information Quest (IQ) is a great free resource and referral service, available to all direct hire State Department employees and family members as part of the Employee Assistance Program (Intranet <http://hrweb.hr.state.gov/prd/hrweb/er/worklife/dependentcare/ig/informationquest.cfm> and Internet www.worklife4you.com). This is managed through Human Resources/Employee Relations (HR/ER). You may contact an IQ Specialist in any work/life area and receive initial free counseling and legal consultation. To request these enhanced services or any other customized research and referrals, email the Specialist directly at Specialist@LifeCare.com or call IQ:Information Quest’s easy-to-remember toll-free number: 1-866-552-IQ4U (4748) or TTY/TDD 800-873-1322. Specialists are available any time of the day or night, every day of the year. Most other agencies have a similar WorkLife contract; consult with the management officer or HR officer at your agency to find out how to access yours.

There are a variety of resources on divorce available outside the government as well. See Chapter 9 “Resources” for some suggestions. Many private insurance companies offer guides in this area. The American Association of Matrimonial Lawyers “Divorce Manual: A Client Handbook” http://www.aaml.org/files/public/Divorce_Manual.htm provides useful information. You may feel most comfortable contacting your religious institution for information and guidance first. This is a very emotional issue, so it is a good idea to try to get several sources of information to best prepare yourself.

What About Legal Counsel?

You may be working hard to save the relationship, while at the same time thinking you should be consulting a lawyer, just in case. Even if you are overseas *it is important that **each party consult an attorney in the state where the divorce action may be filed*** in order to be informed about the legal details/requirements pertaining to such actions. The best way to protect right to call an attorney. The Department of State’s Office of Legal Adviser does not provide such advice. At the very least, the spouse should try to have a telephone conversation with an attorney **before leaving post**. The attorney can give specific guidance on separation agreements and the types of documents that should or should NOT be signed before departure. Most importantly, the lawyer can advise the party about actions that may protect the party against charges of family desertion, or assist in temporary child-custody issues. Be aware that

some attorneys will require a retainer agreement before offering such guidance.

The Family Liaison Office has a short list of lawyers in the Washington, D.C. area who are familiar with the Foreign Service. It is available upon request and is intended to be a place to start, not a recommendation of a particular attorney or attorneys. The American Foreign Service Association (AFSA) at www.afsa.org also has a list of attorneys. Whomever you select to represent you should have some background in this area to enhance their ability to effectively represent you. For basic legal information regarding divorce actions in the relevant state, you could also begin with initial free legal consultation through Information Quest (IQ). They may be able to help you with questions related to jurisdiction to grant a divorce. (See Chapters 3 and 4 for further information on jurisdiction, lawyers, mediation and arbitration.)

What About children?

Scenario

“And the children? What do I tell them? I don’t want to worry them but it will be hard to hide my anxiety. Tom and I will surely be arguing about everything at this point.”

Your children may sense that the relationship between their parents has changed, and that there is some tension between the two of you. According to various counseling materials, it is important to explain to your children that you are not getting along, and may be considering separation and divorce. Hopefully you will have agreed to seek counseling before going any further and can share that fact at this time with your children. It is generally best if both you and your spouse are present and that you explain it to all of your children at the same time so that they have a feeling of support from each other. Reassure them regularly that you both still love them and that it is not their fault their parents are not getting along and may divorce. When talking with your children keep their ages in mind; you may want to rehearse what you will say and anticipate questions so that you are consistent.

Chapter 2

Departure from Post

Scenario

“If counseling fails, will I be able to stay in the official Embassy residence for a while and, if not, would the Embassy find me alternate housing? What would determine how long I could remain at post? If I go back to the U.S. with the kids, will the government pay our way? And what about HHE?”

A former spouse states:

“I would like to share my experience with other spouses who face this situation:

- *Don’t allow yourself to be forced out of your home, unless you are concerned about your safety (a possible abuse situation).*
- *Don’t leave post until:*
 - ▶ *You have Advance Return of Family travel orders, which covers the cost of plane tickets home and allows for the shipment of HHE.*
 - ▶ *Your spouse signs a statement of mutual consent indicating that you are not abandoning or deserting your spouse and/or your family. Make sure that a U.S. Consular Officer serves as witness.*
 - ▶ *Your spouse signs an Authorization to Receive Goods Shipped from Post.*
 - ▶ *Your spouse signs a Joint Property Statement, which covers what you have in storage, so that this can be released to you.*
 - ▶ *You have the powers of attorney you need, including a limited power of attorney from your bank or credit union.*
 - ▶ *You have plans and resources in place. (Contact your bank/credit union to make sure that you will not be closed out of joint accounts without your written permission, which has been notarized).*

Without these documents in place, it may be more difficult to set up a home and take care of yourself and your children.” — Susan

At this point

What is the process?

Who needs to be involved?

What resources are available?

Eventually, your spouse could indicate that you should leave post with your children, if you have any at post, or perhaps alone. As long as you are still married and on the employee's travel orders, however, USG-owned or leased housing may be provided, if available. You should consult with the Management Officer about the possibility of obtaining temporary housing. You may be able to stay in such housing until you have had an opportunity to make basic plans and, if you have children enrolled in a school at post, possibly until the end of the school year.

A spouse who leaves post before the tour of duty ends can use advance travel authority. Post management considers the best outcome for the family, whenever feasible. The spouse may receive travel orders and a ticket for return to the U.S., and is eligible for HHE and air freight shipments. The HHE and airfreight should be shipped from post in the spouse's name. The weight of the advance shipment is then subtracted from the total weight allowed at the employee's next transfer. Airfreight is authorized per person traveling.

The separating spouse is not eligible for Separate Maintenance Allowance. This allowance is not intended for situations of marital separation or divorce (DSSR 263.3).

As long as the couple has not yet divorced and the spouse is on the employee's travel orders for the post where the employee is assigned, the spouse is entitled to hold a diplomatic passport. A spouse who is not a U.S. citizen may not have a U.S. passport, diplomatic or tourist (Title 22, CFR Section 51.3).

Some couples consider foreign divorces. Foreign marriages and divorces, however, may not always be recognized in the U.S. courts. Also, the DOS may not recognize provisions for former spouse benefits that may be included in a foreign divorce decree (Title 22, Part 19, Section 19.2 (f)).

A former spouse states:

"Please make sure to remind any spouse who leaves post early because of separation or divorce that they should not go on their own dime; advance travel orders can cover their departure. Also, they shouldn't leave without signing a statement of mutual consent, which is notarized. I was so glad we did this so my ex couldn't accuse me of abandoning him later, though he was the one who had insisted I go." — Mary

The Statement of Mutual Consent

Sign a Statement of Mutual Consent Before Departure

Regardless of whether you are asked to leave post or you decide to leave (possibly in order to fulfill residency requirements for filing for divorce in the U.S.), it is important to have a simple statement drawn up, signed by you and your spouse, indicating that this separation is by mutual consent and that neither of you is abandoning or deserting each other. A U.S. Consular Officer should witness any such statement signed overseas. Check with an attorney in the state where the divorce will occur before signing the statement to make sure that it corresponds with what would be valid or acceptable in that state. **You should not leave post until a statement of mutual consent has been signed and travel orders issued.**

The Separation Agreement

Check With an Attorney First

A separation agreement is a legal document drawn up by parties to the marriage and witnessed, usually by a notary public. It can be general or specific and address either some or all of the divisions which occur during a separation. Before writing and signing an extensive separation agreement which divides property and addresses child custody, be sure to consult an attorney.

Scenario

“I heard that sometimes the employee won’t let the spouse do things like leave, take the children, take certain items, etc. unless the spouse signs a waiver to future benefits, etc. How can I protect myself and my children?”

Use Extreme Caution Before Agreeing to Sign Waivers!

Carefully review any document you are asked to sign by your spouse which could possibly jeopardize future annuity, survivor annuity (separate from annuity), or Federal Employees Health Benefits (FEHB) for yourself or your children. You may want to consult an attorney before you sign any such document.

Advance Return of Family Travel

Authorized by Employee, Post Management, or Head of Agency at Post

According to 14 FAM 532.8 “Return travel of an employee’s spouse may be authorized to the employee’s service separation address in the United States (see definition of “United States” in 14 FAM 511.3) or any other location in the United States on a cost-constructive basis from the employee’s post of origin to the employee’s separation address when a permanent marital separation or divorce is intended. Generally, a separation agreement should exist, but in the absence of an agreement, the Chief of Mission or head of agency’s establishment abroad may determine that such travel is warranted and may initiate authorization action. The circum-

stances on which this determination is based should be summarized in writing and retained at post in accordance with 5 FAH-4, Records Management Handbook.”

How is Advance Travel Paid For?

Advance return travel to the service separation address may be included in the first travel authorization issued to the employee authorizing travel of the family after an agreement to separate or divorce is reached (14 FAM 532.8-b). Before any expenses are incurred for the return travel of the EFM spouse, the spouse must sign an agreement stating that he/she understands that travel back to the same post will not be authorized at USG expense and that the agreement is signed voluntarily (14 FAM 532.8-d). The employee has to sign a repayment agreement (14 FAM 532.3-4) agreeing to pay back the cost of the ticket in case the employee does not complete the service period required to become eligible for travel at USG expense.

The employee may also pay personally for the return travel of the separating EFM spouse. Later when the employee has been issued travel orders for his/her next departure, he/she may claim reimbursement for the ticket he/she purchased for the departing EFM spouse. The reimbursement amount will be limited to the amount the USG would have paid for the EFM spouse if the spouse had departed with the employee on orders to the employee’s next post of assignment.

What If Things Improve and We Agree I Could Return to Post?

Only one-way transportation is authorized (14 FAM 532.8-c). If the employee later requests travel of the spouse at U.S. government expense back to the same or a subsequent post where the employee is assigned, and the total cost of this return and subsequent travel is greater than the employee’s authorized travel, the employee will have to pay the difference.

Scenario:

I can’t believe it! Tom has told me to leave but I can’t take the children!! They are my children as much as his! I am the one who takes care of them while he works long hours, weekends and is away on TDY. What are my rights? What are the children’s rights in this case.”

Does Advance Travel Cover the Travel of the Children?

It is important to note that travel of dependent children of an employee may be authorized under this provision *only if a legal custody agreement exists or the employee otherwise agrees in writing to permit the children to leave the post permanently with the spouse (14 FAM 532.8-e)*. This is true regardless of whether it is the employee or the spouse who initiates the separation. Travel entitlements, like most others, go to the employee. When the employee agrees that the children may leave post under advance travel he/she must also submit a revised Form OF-126, Residence and Dependency Report, to declare as a loss those children for whom return travel is requested under this provision. Absent the authorization of the employee, the spouse may choose to seek a court order which may enable them to leave post.

How Do I Obtain HHE from Post and Storage?

Scenario

“If necessary, I am going to get a lawyer and a court order so I can bring the kids back to the States. Then, of course, we will need their things from post and I will have to get furniture out of storage to set up a house. We need their computers and as many of their things as possible to try to make them feel as comfortable as possible. This is really tough on all of us.”

The Transportation Division of the employee’s agency requires the following for the spouse to arrange for a delivery of HHE from either an overseas shipment or storage:

- Travel orders
- Employee’s consent (power of attorney or joint property authorization) or valid court order for property in the United States Agency’s authorization based on the orders

Important Note: HHE can be removed from an overseas location or from storage (if stored at U.S. Government expense) *only* with the employee’s consent or a valid court order.

Employee Cooperation is Necessary

The employee has to request advance travel and advance shipment of household effects (HHE) on behalf of his or her family members. This must be supported by an approved justification. Post Management may also authorize the family member travel in lieu of the employee request (14 FAM 532.3). For State Department employees, the request is sent from post to HR/CDA; for employees from other agencies the request is sent to the appropriate bureau of their agency. When approved, the travel orders are issued in Washington, D.C. by the employee’s agency; if travel occurs before these orders are issued the employee must pay the expenses and request reimbursement.

Before leaving post, obtain a notarized “Authorization to Receive Goods Shipped From Post”

This is required by the Transportation Division in order to sign for the delivery of goods shipped from post, if the employee cannot be present.

Sample Authorization to Receive Goods Shipped From Post:

I declare that the property being shipped from (name of post) _____
to (destination) _____
under travel authorization # _____ may be delivered to:
(name) _____
Employee signature: _____
Date: _____

Important Note: If the employee will not cooperate in requesting this advance travel/shipment, contact the Crisis Management and Support Officer in the Family Liaison Office for guidance. On July 11, 2007, the Director General sent a cable to all posts entitled “Requirement for Employees to Provide Adequately for Spouse and Children Due to Separation and/or Impending Dissolution of Marriage”. It states that “failure to adequately arrange for a spouse or children’s transition from post can reflect adversely upon the U.S. government. Moreover, the Chief of Mission (COM) and the Department have a legitimate concern in the welfare of family members accompanying employees to post.

Once the advance orders are approved, the weight of the advance shipment is then subtracted from the total weight allowed at the employee’s next transfer. Air freight is authorized per person traveling. (14 FAM 618.c)

Also, before leaving post, obtain a notarized “Joint Property Statement” to obtain HHE from storage

When signed by both parties and notarized, this Joint Property Statement (JPS) or its equivalent will allow either spouse to access goods held in storage. Each spouse should keep a copy. It does not, however, make the Department liable for costs pertaining to the access, transportation, or separation of these items before the regularly authorized time of removal, which would generally occur when transfer orders were approved and issued for the employee’s onward assignment. **The employee (or spouse) must pay all costs associated with access and removal, which can then be claimed against the employee’s future orders.** The spouse must present a copy of the JPS to the Transportation Division who will then contact the storage company to authorize access for the spouse. (See sample on page 13.)

Sample Joint Property Statement:

We declare that the property being stored at government expense is the joint property of _____ and _____ and either party may have access to these effects.

Date: _____

Signature: _____

Date: _____

Signature: _____

Name of storage company: _____

Address: _____

Date entered into storage: _____

Invoice No. _____

Notarized by: _____

Date: _____

Chapter 3

Support and Jurisdictional Consideration

Scenario

“Wow, where should I consider living in the United States, with the children...to stay with my parents in Iowa? The kids and my parents adore each other and they would get plenty of support from the community in Ames but...What about moving back to D.C. where we were before? The kids know the schools, Beth could get back into her gymnastics program, I could get help from FLO with my job search...But, then I would have to use the special “Foreign Service clause” to oust our tenants who have been so good about keeping things up. Then, there is our official separation address in Florida which we have kept it all these years. That may be where the divorce is filed and one of us at least has to live there for six months.”

Take a deep breath and be as practical as possible because you are going to need to maintain a clear head. Your first instinct may be to choose a location where you would find emotional support, perhaps where there are family and friends. **Jurisdiction** considerations, where either party would be filing for divorce, should also be included in your relocation decision. In some cases you may have married overseas, not have property in the States, and believe it would be easier to divorce overseas as well. However, this divorce might not be recognized in your legal residence in the U.S. should you return.

State Residency

To get a divorce in the United States, one of the parties must be a resident of one of the U.S. states or possessions. This is true even if you are assigned overseas at the time. No matter where you are living you are considered to have a residence in the United States.

“Residence” has two meanings:

Place of Abode - where you are both physically present and currently living

Domicile - where you are considered to reside for tax purposes

Some states refer to “domiciled residents” and “domiciled non-residents”. For example a family posted to Kenya has two residences: their place of abode is Kenya and their domicile is their home leave state or the state to which they pay income taxes.

Jurisdiction to grant a divorce is usually based on domicile. Most states require that only one of the parties be domiciled in the state in order to file for divorce. Some states, such as Virginia, require physical presence for a certain period of time, in addition to domicile. So it would be necessary to return and live in Virginia for that time before you or your partner would be able to file.

Important Note: Anyone contemplating divorce should consult an attorney practicing in their state of domicile to determine that state's requirement for initiating a divorce action, including possible residency requirements. Also, it may be important to learn early on if the state where the divorce will be filed is a communal property (where all property is divided 50-50%) or an "equitable distribution" state. This basic information may be obtained free during initial consultation with an attorney, through IQ: Information Quest for Department of State employees or through equivalent WorkLife programs for other agencies.

Foreign Divorces

Scenario

"You know I wonder if it wouldn't be easier if we just got divorced overseas where we are. We might as well just get it over with and then the kids and I could start fresh when we get back home, wherever we decide that will be."

Before pursuing a foreign divorce (divorce overseas), consult an attorney in your U.S. state of domicile to ensure that the foreign divorce decree will be enforceable in that state. If it is not, the other spouse may be able to file for divorce in that state also, and receive a conflicting judgment. Keep in mind that the divorce (marriage dissolution) is separate from division of property, custody, etc.

Divorce can be obtained in many countries with relative ease and short residency periods. However:

- Some U.S. courts may not recognize a foreign divorce decree, and it may be difficult to have the terms enforced in the United States even though it is a valid termination of a marriage contract. This is because most courts in the United States will not recognize a divorce when neither party was "domiciled" in the jurisdiction where it was obtained.
- There may be concern regarding whether each party had adequate notice of the pending action and an opportunity to participate fully in discussion and decisions related to the resolution, child support, alimony, custody, and property settlements.
- A foreign court may hold certain biases based on the culture and society of that country. Custody, support agreements, retirement annuity eligibility, or health benefits may not be treated as they would in a U.S. court.

What About Diplomatic Immunity?

Neither a Foreign Service employee nor a spouse posted abroad may obtain a divorce in the country of assignment, unless the U.S. government formally waives the individuals' diplomatic or consular immunity. This immunity exists for the benefit of the U.S. Government and can be waived only with Department of State consent; the individual does not control his or her own

immunity. Guidelines for the waiver of immunity in divorce cases are in the Foreign Affairs Manual 2 FAM 221.5. All requests for waivers of immunity and questions concerning these waivers should be sent to:

Office of Assistant Legal Advisor for
Diplomatic Law and Litigation (L/DL)
Room 5420
Department of State
Washington, D.C. 20520
Phone: (202) 647-1074
Email: legal-dl-dl@state.gov

The 2 FAM 222.5 covers guidelines pertaining to some, but not all, domestic relations cases. These include divorce, separation, maintenance, child custody, and child support.

Requests for waivers of immunity may be considered:

- 1) If both parties consent and the action is pursued in the United States.
- 2) If one party is in the U.S. and the other is at post, for the purpose of allowing service of process on the party at post, if that person consents.
- 3) If one party is in the U.S. and the other at post, to allow services on the person at post, without that party's consent, ONLY if the waiver is necessary to prevent undue hardship on that party or family members seeking service, AND if the action will be pursued in the U.S.
- 4) To allow a domestic relations action to be pursued in the host country if both parties consent and the prosecution of the action will not adversely affect the interests of the U.S. Government.

Service of Papers Abroad

Scenario

"What happens if we get back to the U.S. and I stop hearing from him? I have heard about other spouses who didn't know how to get the papers served when the employee is overseas. It would be good to know how that works, just in case. Who knows, he may go to Iraq or Afghanistan next and it could be difficult to reach him."

The plaintiff (party initiating the divorce action) serves papers on the defendant (the other party). State laws, including court rules of procedure, govern service of papers. It is easier to serve papers on a spouse physically present in the state of domicile than on a spouse who is serving overseas. Because state laws differ on these procedures it is important for you to seek legal advice. If you retain an attorney, he or she will usually arrange for the service of papers. There are various methods of serving legal papers, some of which are listed below. Again, it is

important that you seek competent legal advice on issues regarding proper service. Otherwise, service could be invalid and you may be wasting your time and money.

Two important points:

- 1) Foreign Service employees should not use an overseas assignment to avoid service of process (22CFR 172.2(d)). Such behavior reflects adversely on the U.S. Government. Post management, preferably the Deputy Chief of Mission, should counsel and encourage employees to accept service of process. Employees who refuse this service of process may risk having their diplomatic status removed if determined to be in the best interests of the U.S. government. If the individual continues to evade legitimate attempts at service, it may result in the employee's curtailment from post and/or possible disciplinary action.
- 2) Department of State regulations (22 CFR 92.85) prohibit Foreign Service officers from serving process or legal papers or appointing others to do so except when directed by the Department of State.

Methods of Serving Papers:

- 1) If the state permits the service of papers by registered mail: (a) a registered letter may be sent to a post with an APO/FPO address; or if not (b) the papers may be sent via international registered mail.
- 2) If the country is party to the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters, papers can be served by the central authority which is generally the Ministry of Justice. The Bureau of Consular Affairs, Office of American Citizen Services, can tell you which countries have signed the Hague Convention and how to transmit a request to the foreign central authority for this service.
- 3) The Inter-American Convention on Letters Rogatory and Additional Protocol is another multilateral treaty on service of documents in force in many countries. Check the Consular home page: <http://travel.state.gov>, under Judicial Assistance for up-to-date information.
- 4) In countries not covered by the Hague Convention, it is possible to hire a local attorney, or an attorney's agent, to serve the documents. (See Chapter 4 "Legal Assistance" on Choosing a Lawyer and CA's information brochure "Retaining a Foreign Attorney" on <http://travel.state.gov/retainforeignattorney.html>).
- 5) **Letters rogatory** can also serve as formal requests for service of process in countries that prohibit service of foreign court papers. A letter rogatory is a request from a U.S. court to a court in a foreign country requesting international judicial assistance. This often takes a great deal of time and may not be practical. It is not possible if the defendant has diplomatic immunity. The Bureau of Consular Affairs has information on the preparation of these letters: <http://travel.state.gov/lettersrogatory.html>.

CHAPTER 4:

Legal Assistance

Scenario

"I have a friend who divorced recently and really liked her lawyer. Her case was very different from ours though. I need to ask around and do some research on legal assistance. I understand that you can do a lot of this on line but I really want to speak to a person. I don't want to make mistakes. I can imagine that there must be other Foreign Service families going through this. I can't be the first one."

A former spouse states:

"My husband and I are separating. He wasn't interested in the jobs available overseas and doesn't want to be the "trailing spouse" anymore. I am wondering if I need to bid on a domestic assignment next as we work this through with the lawyers. I want to make sure I get full custody of the kids, or if it is joint custody that they remain on my orders. There are so many things to think about." --Amy

Lawyers

Good legal advice is essential in divorce cases. As mentioned earlier, if the couple is overseas and considering separation, it is very important that **each spouse** consult an attorney in the state where the divorce action may be filed to learn about specific laws which may have an impact on the case. The spouse should call the attorney **before leaving post** as he/she can:

- Give specific guidance on separation agreements and the types of documents that should or should not be signed before departure.
- Advise the party about actions that may protect him/her against charges of desertion.
- Assist in temporary child-custody issues.

Choosing a Lawyer

It is important that the lawyer be familiar with the Foreign Service Act of 1980, as amended, which provides pension benefits to certain Foreign Service spouses. FLO has a short list of some of these lawyers in the Washington, D. C. area (the list is for information purposes only and is not a recommendation), and the American Foreign Service Association (AFSA) has a list of lawyers with this experience as well. If you choose a lawyer who is not familiar with this Act, you may want to suggest that the lawyer calls someone on one of these lists to provide him/her with background information. For an initial, free, basic legal consultation on separation/divorce in the state of jurisdiction from an attorney practicing in that area, you can also

contact IQ: Information Quest. You will need an attorney at some point regardless of whether you choose litigation (in the courts), mediation, or arbitration for your case.

To locate a lawyer in the United States, even if both spouses are overseas:

- 1) Get personal references from trusted family members, friends, clergy or business associates. This is often the best way to find a competent attorney. The attorney selected must be practicing in the jurisdiction where the divorce action was filed.
- 2) Research the lawyer and information service in your city on the city website or through the county or city government offices.
- 3) Check the Martindale-Hubbell Law Directory for members of the U.S. and Canadian bar associations; it provides a biographical sketch of many lawyers and the legal specialties of the firms. www.Martindale.com
- 4) Contact the American Academy of Matrimonial Lawyers at office@aaml.org or visit them at: www.aaml.org. They publish a list of certified fellows; these lawyers are listed by state for easy reference..
- 5) Visit the American Bar Association website at: <http://www.abanet.org>

Retaining a Foreign Attorney

Should you decide to pursue a divorce overseas after thinking about the considerations mentioned in Foreign Divorces in Chapter 3, the Consular Section of the U.S. Embassy or Consulate can provide you with a list of foreign attorneys with which post is familiar (the list is maintained for information purposes and is not a recommendation). You should contact several of them and describe the type of services you are seeking. Be sure to request a written schedule of fees charged for the necessary service and ask about his/her fluency in English. Check with the foreign bar association or similar body regarding the attorney's education and licensing. It is important that you feel confident that the attorney understands your situation and has agreed to handle the case before you decide to turn over documents or funds. If you are not satisfied with your association with the attorney, a U.S. consular officer can contact the attorney on your behalf to try to improve your mutual communication. Complaints against foreign counsel on the Consular list can result in removal of their names.

Other Types of Legal Counsel Overseas:

- 1) **Legal Aid Associations.** Some countries have facilities for low cost or free legal services. The Consular list may include information on these legal aid associations. Otherwise check with the local bar association or the Ministry of Justice.
- 2) **Barristers and Solicitors.** In some foreign cities (or districts or provinces) you may need the services of both a "solicitor" and a "barrister". Barristers may appear in court, including superior and courts of appeal. Solicitors are allowed to advise clients, represent them in lower courts, and prepare cases for barristers to try in the higher courts.

- 3) **Notaries Public, “Notaires”, and “Huissiers”.** In certain foreign countries the “notaires” and “huissiers” can perform many of the functions performed by attorneys in the U.S. They can draft instruments, wills, and conveyances. In some countries, a notary is a public official appointed by the Ministry of Justice; their functions include not only the preparation of documents, but also the administration and settlement of estates. These notaries may serve as repositories for wills and can serve legal documents. Huissiers serve documents in some countries. Notaries, “notaires”, and “huissiers” are specialized members of the legal profession. However, they are not lawyers and may not plead cases in court.

How to Deal With a Foreign Attorney

The American Citizen Services in the Bureau of Consular Affairs suggests that you:

- 1) Find out the attorney’s **qualifications and experience.**
- 2) **Find out how the attorney plans to represent you.** Ask specific questions and expect the attorney to explain legal activities in language that you can understand.
- 3) Ask **what fees are charged and how the attorney expects to be paid.** “Notaires” and “huissiers” are usually government officials who must charge government-established fees. Some attorneys may expect to be paid in advance; some may demand payment after each action taken on your behalf, refusing to take further action until they are paid; and, some may take the case on a percentage basis, collecting a prearranged percentage of the monies awarded to you by the foreign court.
- 4) Ask **your attorney to keep you informed of the progress of the case according to a pre-established schedule.** Remember that most foreign courts work rather slowly. You may request that the attorney send you monthly reports, even though no real developments have ensued, simply to satisfy your doubts about the progress of the case.
- 5) Have your attorney analyze your case, giving you the positive and negative aspects and probable outcome.
- 6) Do not expect your attorney to give a simple answer to a complex legal problem. **Be sure that you understand the technical language in any legal document prepared by your attorney before you sign it.**
- 7) Keep your attorney fully informed of any new developments in the case.
- 8) **Consider having complex or technical documents translated into the country’s native language before you provide them to your attorney.** Remember, an elementary knowledge of English may not be enough to enable the attorney to understand the documents you provide.
- 9) **Be honest with your attorney.** Tell the attorney every relevant fact in order to get the best representation of your interests.

- 10) **Find out how much time the attorney anticipates the case may take to complete.** In some countries the courts recess for a period of several months. In addition, even if the case is resolved, currency control laws, in the foreign country may delay the transferring of funds awarded to you for an indefinite period of time.
- 11) **Request copies of all letters and documents prepared on your behalf.**

The Lawyer-Client Relationship

Whether you hire an American or a foreign attorney, it is important to remember that you are in control and that the lawyer works for you. During your first conversation, gauge how you feel talking to the attorney about the details of your case, and listen to his or her responses to you. It is essential to communicate easily and effectively with the lawyer, and to have confidence and trust that your interests will be well served.

Remember that you are paying for the expertise of the lawyer to properly advise you in the legal implications of the divorce action. **Your lawyer should have a definite understanding of the courts in the jurisdiction and a thorough working knowledge of possible rulings in your particular case.**

If you are not satisfied with your initial conversations, continue your search until you find an acceptable lawyer – one who meets your criteria. Careful attention to the selection of a lawyer should serve to eliminate serious client-lawyer controversy later.

The lawyer-client relationship is extremely important. The client must trust the attorney and feel comfortable following the advice given. To ensure a more effective relationship:

- 1) Be absolutely truthful with the attorney, even if the facts appear to be detrimental to your case;
- 2) Ask effective questions if choices are presented or advice is not understood;
- 3) Organize your questions and all materials to be presented to the attorney;
- 4) Distinguish between poor legal representation and correct, but distasteful, advice;
- 5) Recognize that you are paying for legal advice, not for therapy; and,
- 6) Do not make major decisions without first consulting your attorney.

The initial interview with the attorney of your choice is extremely important, and you should be thoroughly prepared for it. The attorney will need information about your case; the nature and extent of your property, other assets, and debts acquired during the marriage; and, the relationship of both spouses to any children. You will have specific questions to ask the attorney (see below). Doing your homework before this meeting will give the attorney a clearer picture of your particular circumstances.

To help you organize your papers, it may be useful to label sections in a binder or file folder for: general information, home information, bank and investment folder, retirement, income taxes, and insurances. The following information, which may not be available at post, is useful, but not essential, for the initial contact with an attorney. However, you will eventually need:

- 1) Information on gross salary of each spouse, rank, identification of income from other sources (a copy of a recent earnings statement will be very useful).
- 2) Annuity payments.
- 3) Copies of recent income tax returns (at least two years) and other business returns, if applicable.
- 4) Information on all joint or individually held bank accounts, certificates of deposit, money market accounts, treasury bills or notes, etc., including types of accounts, balances, and account numbers.
- 5) List of all debts, such as credit cards and outstanding loans. Include account numbers, balance due, and monthly payment schedule.
- 6) List of stocks and bonds: name and number of shares, cost, date purchased, where located, and titleholder.
- 7) Copies of insurance policies including life, homeowner's or renter's, auto, health or major medical, and others indicating the policy number, parties insured, amount of the premiums, and the owner and beneficiary for each policy. Some insurance policies may be purchased through an employer; there may also be supplemental policies which should be considered.
- 8) Inventory of household furnishings, appliances, and other acquired personal property with description of item, when and by whom acquired, cost at purchase, current value, and current location of property.
- 9) List of real estate holdings including address and description of property, date of purchase, cost at purchase date, current appraisal, mortgage balance, and titleholder.
- 10) Descriptions of all vehicles and boats including date purchased, cost at purchase, current market value, titleholder, and loan balance, if any.
- 11) Location and contents of joint safe deposit boxes.
- 12) Knowledge of location and contents of will, living will, living trusts, and powers of attorney.

Average Monthly Living Expenses

- 1) Rent/mortgage, taxes, and insurance on the residence
- 2) Utilities: heat, air-conditioning, water, electricity, gas, and telephone
- 3) Food and sundry items

- 4) Automobile: gas, oil, maintenance, license, and insurance
- 5) Clothing (separate estimates for self and children)
- 6) Medical: doctors, dentists, drugs, and insurance
- 7) Education: tuition, books, activities, camps, uniforms, and lunches
- 8) Other miscellaneous expenses, as appropriate

Property (or Marital) Settlement Agreement

Scenario

“What areas should I be sure to include when we are thinking about the property settlement agreement?”

A former spouse states:

When my husband and I were talking about who would get what in the property settlement, he said that I could have the house if I agreed to sign a waiver on receiving part of his annuity. It sounded okay as it would provide a roof and stability for the kids but in the end it was such a mistake. I had to continue to pay the mortgage, taxes, upkeep etc. so there wasn't much left over for living expenses...and, of course, I had lost the possibility of receiving part of his annuity. Each case may be different but this was not wise for us.” --Sally

The five key areas for a property settlement agreement are: (a) spousal support, (b) child support, (c) child custody, (d) a division of assets, (e) and the situation of the house. The preliminary property settlement may be informal. Both parties may decide on it together, it can be decided between the attorneys hired by the parties, or a judge can make the decision. When considering the property settlement it is important to remain practical, and manage the emotions you are feeling. What do you need to survive and take care of yourself, the children (and pets)? It is important to write out your preliminary property settlement, review it a few days later, and if you agree you are ready to bring it to the attorneys, sign it before a notary.

Three methods to arrive at a property settlement are:

- Mediation (see below)
- Negotiation (attorneys discuss a case around a table, most common when parties prefer not to face each other)
- Litigation. (before a judge, less than 5% of cases, most expensive)

Regardless of which method you choose, you may need an attorney to:

- 1) **File for the divorce**
- 2) **Prepare the final decree**
- 3) **Prepare any division of retirement**

Mediation

If both parties to the divorce are in the United States, they may wish to use the formal process of mediation. Family mediation is designed to help couples involved in separation and divorce reach a fair and realistic agreement. For mediation to succeed it is important that both parties in the divorce trust each other. Mediation offers couples a non-adversarial means of settling the issues raised by their separation and can help reorder the couple's lives into separate ones. Couples are assisted by an impartial professional who is trained in conflict resolution and is knowledgeable about the legal, personal, and practical aspects of separation and divorce. It encourages communication between the parties in resolving property division, financial support, and child custody issues.

Scenario

"I heard that mediation may not be the best way to go if the divorce is complicated. Is that true?"

Actually, mediation can help resolve issues that a judge has no jurisdiction to order. For example, regarding what happens to the house if one party wants to remain there and cannot afford to buy the other party out. With mediation you might be able to remain in the house, keep the other party on the mortgage for a few years until you sell it, and you would both be able to share the equity. If the case had gone to court, the judge may have ordered you to buy out your spouse in six months, remove that person from the mortgage (which would be more expensive for you to make the payments), or sell the house immediately. Under mediation you can structure a college payment plan or a pre-pay plan; the court might order either party to pay. In the case of spousal support, if the case had been decided in court and the person providing the support died, the spousal support payments end. However, under mediation it is possible to restructure the payment plan so that the support would continue for a longer period of time.

Mediation can be helpful at any stage of the dissolution of a relationship to provide either a preliminary separation agreement or a final comprehensive settlement. It is important to consult your attorney before signing the final mediation agreement, however.

After a divorce is finalized, mediation may also be useful in negotiating remaining problems or new issues that arise. (The services of a mediator are generally less expensive than that of negotiators and litigators). Good mediation may enable a couple to achieve the following:

- 1) Less bitterness and hostility during and after divorce (and sometimes a sense of empowerment and mutual respect by communicating);
- 2) A more constructive way of resolving future conflicts; and
- 3) A settlement that creates the best possible ongoing parent-child relationship.

The Mediation Process

At the beginning of the mediation process, both parties should meet with their attorneys to be informed of their legal rights. The process may go more smoothly if both attorneys are familiar with and supportive of the mediation process, but mediation can still be a good idea even if they are not. If both spouses agree to mediation, they attend an orientation session to explain the mediation process. Under the guidance of the mediator, the couple negotiates and resolves the specific issues (e.g., child custody, property division, financial support). The mediator helps the parties to assess the practicality of their proposals and to anticipate future situations. With mediation both parties can make a decision on an issue, give themselves time to think it over and if one or both change their minds they can renegotiate before coming to an agreement.

Before your first meeting with a mediator write down your:

- Goals
- Concerns
- Emergency issues (i.e. outstanding debt)

Mediators can answer questions about the law in general, about the law in the state where they are practicing and the divorce is filed, and about their experience in court. You will need your attorney to review any documents (before you sign them) related to commitments, obligations, benefits, and what you have decided to concede. The mediator may offer alternate approaches to facilitate agreement. Mediators may meet both jointly and individually with the parties. Once an agreement has been reached, the mediator will prepare a memorandum of the resolution of issues. Both parties should review the agreement with their attorneys who may make additional suggestions before signing. Do not sign an agreement and then be surprised that it did not contain what you are looking for, for example, no survivor benefits. It is helpful to work with attorneys who are “mediation friendly”.

The Mediator’s Role

The mediator’s role is to:

- 1) Ensure that both parties have access to the same financial information;
- 2) Prevent either party from dominating the other in negotiations;

- 3) Assure that decisions are made willingly; and
- 4) Promote an equitable agreement.

Mediation is a fairly new profession, and clients should inquire carefully about the mediator's qualifications. Some information you may want to find out are the mediator's:

- 1) Number of years of mediation experience;
- 2) Training in mediation and conflict resolution techniques;
- 3) Expertise in family dynamics, parenting issues, and the divorce process; and
- 4) Knowledge of family finances, property, and tax issues.

The Association for Family and Conciliation Courts in Madison, Wisconsin ((608) 251-4001 or www.afccnet.org) has directories of private and public mediators. Contact them directly for their directories. This site has a list of mediators by state: <http://www.divorcehq.com/mediatordir.html>. The list is not comprehensive and is for information purposes only and is not a recommendation. Also, The Women's Center of Vienna, VA, is one of the centers in the Washington, D.C. area, with mediators with extensive experience.

Chapter 5

Children and Divorce

A former spouse states:

"My wife and I are a tandem couple and we have decided to call it quits. We tried to keep our family together until the children finished school, but they are just in the 6th and 7th grades and we are having a hard time hiding the tension we feel already. Custody is going to be a big issue for us. We each have a different idea of what is best for the children. How do we talk to the kids about all of this?" --Charles

Talking to Your Children About Divorce

Once you have made the decision to divorce, it is important for both of you to explain this to your children, just as it was when you were having difficulties and had decided to try counseling and/or a separation to see if that would help your relationship get back on track. Again, if you have more than one child try to explain it to all of them at the same time so that they have a feeling of support from each other. Reassure them regularly that you both still love them and that the divorce is not their fault. Explain how the situation will work, allow plenty of time for questions at the time and anytime later, and make it clear that the decision is final.

Divorce affects each child differently, but there are some common childhood reactions to stressful family events you should look out for which include: (1) disorganization (following directions, solving problems, using good judgment); (2) regression (bedwetting, baby talk, being clingy); (3) acting out (irritable or defiant); (4) physical symptoms (headaches, stomachaches, muscle cramps or changes in eating, sleeping or toileting habits). To help them, be understanding and provide extra love and attention, regardless of how you may be feeling at the time. If this continues, you can consult your pediatrician or the medical providers at your post including the RMO, RMO/P, and Nurse Practitioner. Many employers offer an Employee Assistance Program (EAP) that provides free emotional support for these and other issues. Ask your Human Resources (HR) representative if EAP services are available to you through your agency. You can also contact the clinical social workers at the Department of State's Employee Consultation Service (ECS) on (202) 663-1815 or e-mail MedECS@state.gov.

Tips to Help Your Children Cope

Infants and Toddlers: (1) Keep your children's daily routine as consistent as possible, (2) make sure both parents maintain regular contact with the children, (3) be aware of how conflict in your household is affecting their moods and sleeping patterns, (4) spend more time with your children including cuddling, reading or listening to music to ensure that they feel safe and secure, and (5) keep all caregivers apprised of your family situation and ask them to let you know if your children are acting differently.

Preschoolers: (1) Communicate openly with your children about the divorce and encourage them to be honest about their feelings (they are likely to believe it is their fault); (2) look for changes in their behavior such as aggression, anger, and sadness; (3) maintain consistency and predictability in your children's care arrangements and inform the caregivers of your family situation so they can be sensitive to changes in their behavior; (4) seek help from your children's medical provider (or MED at post, or the ECS) if they maintain changes in behavior or mood.

School-Aged Children: (1) Make sure children maintain frequent contact with their non-custodial parent; (2) monitor your children's schoolwork carefully and inform their teachers about the situation; (3) discuss custody arrangements with your children; (4) listen carefully to your children and encourage them to talk to you about how they are feeling; (5) don't force the children to take sides; (6) watch for signs of aggression, anger or sadness; and (6) have them speak to a professional if their grief continues for an extended period.

Pre-Teen and Teens: (1) Talk to your teens about the divorce as chances are they suspect problems in the family; (2) keep your children actively involved in custody decisions; (3) be alert for at risk behaviors, especially alcohol and drugs; (4) watch for changes in their performance; and (5) seek help if necessary from a professional counselor.

Custody Considerations

Scenario

"What type of custody should I be thinking about, considering the fact that Tom will be moving in and out of the U.S. every few years? Should I go for sole custody or would the kids benefit more from joint custody? There are such great private schools overseas, the special education allowance is adequate (though special education programs are not consistent overseas), they have a better chance of getting into college, I hear, if they apply from overseas...and yet, I would probably be able to devote more time and attention to them. I know I would miss them terribly, even if one of them were to travel with their father. I am trying to keep their best interests in mind."

Making child custody arrangements may be the most difficult aspect of the divorce. Unless one parent is considered unfit or dangerous to the children, custody arrangements should include frequent contact between the children and both parents, when possible. Generally it is important to keep the custody schedule as predictable as possible, avoid placing the children in the center of any disputes, and encourage your children to maintain contact with your ex-spouse. Allow older children to have a say about when they will see their other parent, within the rules of any legal custody arrangement, as they often adapt better when they feel they have some control. If you have difficulty reaching a mutually agreed upon arrangement you may want to consult a mediator who can help both of you work through your conflicts. Otherwise, get help from a family court, which would determine a custody arrangement that is in the best interests of the children.

The Foreign Service employee's frequent moves and overseas assignments must be taken

into consideration in any discussion of child custody. Traditional interpretations of sole or joint custody with frequent or equal visitation rights become meaningless if the divorced parents are half a world apart. This is further complicated when a tandem couple divorces. If there is joint custody, the couple may decide to keep the children on one of the spouse's orders for consistency, or make changes depending on the schools available at post, security and health factors, etc.

Unaccompanied Tours pose special challenges. Children will not be able to go to post; they will not be on the parent's travel orders during this period. They will be able to see their parent when the parent comes home to visit them, and can also meet the parent at a midway point under the Children of Separated Families travel regulations (3 FAM 3750) (See below). The cost of an accompanying parent is not covered, however. Questions related to support for families experiencing an Unaccompanied Tour can be sent to FLOASKUT@state.gov.

Important Note: Children of divorced employees or spouses cannot be listed on travel orders unless a copy of the divorce decree establishing that the employee/spouse has joint or sole physical custody (or the equivalent) of the children is on file in the appropriate personnel office. Whether there is joint custody or sole custody, a notarized statement from the former spouse authorizing the child to reside abroad also is required. (See Instructions to OF-126). Requests for exceptions to this policy will be reviewed on a case-by-case basis.

Sometimes the non-employee spouse will argue that custody should not be granted to the employee spouse because of the difficulties of raising children overseas and the risks that a mobile EFM lifestyle poses to the educational and emotional stability of the child. However, parents should bear in mind that the best interests of the child, including the quality of parental care, should always be the most important factor in deciding custody.

Important Note: A student cannot receive an education allowance to attend school in the United States if the non-employee parent resides in the United States, except where the employee establishes that the parent residing in the U.S. is divested of custody of the child, is mentally or physically unfit to care for the child, or in the case of a step-parent, is estranged from the employee. (DSSR 276.3)

The Emotional Effects of Divorce on Children

Marriage difficulties are very hard on children. They may not readily show their distress or even realize the implications that a separation or divorce may have for them. Parents need to explain to children in an honest and simple way what is happening and why. Over time, children will bring up new questions concerning the breakup that will also need to be addressed. Children need to feel that they are unconditionally loved by both parents, and that this love will continue throughout their lives, even if the parents are divorced or no longer living together. No matter how much distress there may be between spouses, the children love both parents

and should be allowed to continue to be with both of them without guilt. When working out a visitation schedule, keep in mind that in most cases, children desperately want to have a meaningful relationship with both parents. Thus, each party should try to maintain objectivity, allow frequent and flexible visitation rights, and not erect barriers between parent and child. Severe restrictions may generate hostility, anger, and guilt within a child. Understanding behavior by both parents during a divorce can teach children to be self-assured even under life's most trying and adverse circumstances.

Raising a Child on Your Own

If you have sole or joint custody you will be spending some time raising the child(ren) on your own. Try to allow yourself and your children enough time to adjust to the single parent situation and keep in mind that every problem your child has is not because you are a single parent. Boost your child's self esteem; let him/her know that the absent parent is not rejecting him/her and that you will not abandon him/her. Encourage your child to share his/her feelings and allow him/her to have his/her memories, but not live in the past. Try not to lean too much on your child for support. Maintain a sense on continuity as much as possible. Try to spend quality time with your child everyday, provide a sense of security, respect your child, and be consistent with rules and discipline. You are the primary role model for your child, so try to live the values you want him/her to learn. Being positive is important but don't worry about trying to be a super parent, both father and mother.

Travel of Children of Separated Families

The Foreign Affairs Manual, 3 FAM 3750, outlines the yearly travel benefit for children of a Foreign Service employee stationed overseas. This regulation provides for payment of one round trip per year for an unmarried child under the age of 21 to visit either of the child's parents, subject to certain criteria. The benefit can be used for the employee's natural, adoptive, step-children and children under legal guardianship or comparable permanent custody arrangement. Travel can be approved from post to another overseas point, but it is computed on a cost-constructive basis. Travel authorization should be obtained at post. The employee must sign a statement that this travel is not inconsistent with any applicable court order and/or separation agreement.

Cost construction involves a comparison of two amounts: (1) the cost to the USG for travel or sending goods as prescribed in the travel authorization; and (2) the cost for the employee to travel or send goods in a way which is dictated by personal preference. Only in cases where the second cost is more than the first does the employee pay the difference personally.

The child may travel to visit the Foreign Service parent abroad if the child does not regularly reside with that parent, and if the Foreign Service parent is not receiving an educational allowance, educational travel allowance, or separate maintenance allowance for the child. The child may travel to visit the non-Foreign Service parent if that parent resides in a country other than

the country to which the Foreign Service parent is assigned, and the child regularly resides with the Foreign Service parent and does not regularly attend school in the country in which the other parent resides (3 FAM 3752).

When both parents are foreign affairs agency employees, the non-custodial parent should apply for the travel of children of separated families' benefit (3 FAM 3753.2).

Child Support and Alimony Enforcement

The salary or pension of a Federal employee, including members of the U.S. Armed Forces, may be garnished for the purpose of enforcing a legal obligation to provide child support or alimony (see 42 USC 659). *The party requesting garnishment must provide evidence of the legal obligation such as a court order or custody/divorce decree in accordance with 5 CFR Part 581.* For information on how to have a Foreign Service employee's wages or annuity garnished, see Chapter 7: Financial and Privacy Act Considerations. The Office of the General Counsel, Department of Defense, Washington, D.C. 20301, may be able to offer further assistance regarding garnishment of salary or pension of military personnel.

The Department expects its employees to fulfill their financial obligations. 3FAM 4139.9, which governs financial responsibility, states, in part, that an agency may take disciplinary action for financially irresponsible behavior. Specifically, "disciplinary action may be warranted where an employee's failure to pay financial obligations will result in embarrassment and/or discredit to the agency or Government".

Any individual who is certified by Health and Human Services as owing over \$2,500 in child support is prohibited by public law from receiving a U.S. passport. This prohibition, as stated in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), was amended in October 2006 to reduce the amount triggering the statutory bar from \$5,000 to \$2,500. The prohibition includes diplomatic and official passports, both new issuances and renewals. The Department has no authority to waive this statutory requirement. For more information, contact:

Office of Passport Policy, Planning and Advisory Services
Suite 917, SA-1
Department of State
Washington, D.C. 20522-0917
Telephone: (202) 663-2662
Fax: (202) 663-2654

"The Personal Responsibility and Work Opportunity Reconciliation Act also includes provisions regarding international child support enforcement. Section 371, Section 659A and Section 654 (32) of the Act provide for a declaration by the Secretary of State, with the concurrence of the Secretary of Health and Human Services, that a foreign country has procedures in place for child support enforcement owed to persons who are residents of the United States. The De-

partment of State has undertaken bilateral discussions with many countries and formal arrangements are now in place for specific foreign countries on the subject. For information about international child support enforcement developments, see the Bureau of Consular Affairs' home page at (<http://travel.state.gov/childsupport.html>).

Parental Child Abduction

The International Parental Kidnapping Crime Act of 1993 (IPKCA) made child abduction from the United States a federal crime. Also the Hague convention on the Civil Aspects of International Child Abduction, to which the United States became party in 1988, is currently in force between the U.S. and certain other countries. The Hague Convention provides a legal mechanism for the return of internationally abducted children to their country of habitual residence. A court order of custody is not necessary to violate IPKCA or for an abduction to occur under the Hague Convention. Most criminal abductions under IPKCA and most abductions under the Hague Convention happen before any court order of custody is issued. However, a well-written custody decree is an important line of defense against parental child abduction. The National Center for Missing and Exploited Children (NCMEC) has developed recommendations for writing custody decrees to help prevent the abduction of a child. Their addresses may be found in Chapter 8: Resources. The parent with custody should obtain several certified copies of the custody decree. These copies can be used in the following ways to prevent abduction:

- 1) Give a certified copy to the child's school. This will give the school a basis for refusing to release a child to a non-custodial parent and for notifying both the custodial parent and the police if a problem should arise.
- 2) To prevent the issuance of a U.S. passport for the child, a copy of the custody decree and a written request that the child not be issued passport must be sent to:

Office of Children's Issues (CA/OCS/CI)
Department of State
Washington, DC 20520
FAX: 202-663-2674
www.travel.state.gov

Either parent can request the Office of Children's Issues to notify them if the other parent applies for a passport for the child.

Important Note: A passport already issued to your child will not be revoked if it was issued appropriately, but a court of competent jurisdiction can order that it be turned over to the Department or another person.

- 1) Effective fall 2000, the application for issuance of a U.S. passport to a child under the age of 14 requires, with certain very limited and narrow exceptions, the signature of both parents. Under a Notice of Proposed Rulemaking published by the Department in March

2007, the age requiring two parental signatures on a passport application will be raised from under 14 to under 16. It is expected that the new age limit will take effect on or about March 2008.

- 2) The request for passport notification or denial should include the child's full name, date and place of birth, the requesting parent's address and phone numbers, and must be signed by the requesting parent. If a court order is sent, it should be the entire order.
- 3) To prevent the issuance of a foreign passport or a foreign visa for the child, a certified copy of the custody decree and a written request that a passport/visa not be issued to the child must be sent to the foreign embassy. In your letter, inform them that you are sending a copy of this request to the Department of State. No international law requires compliance with such request, but many countries will comply voluntarily.

The Bureau of Consular Affairs has published a booklet, *International Parental Child Abduction*, that contains useful information and a checklist for parents. For a copy, write to:

Office of Children's Issues (CA/CI)
Department of State
Washington, DC 20520
www.travel.state.gov

Chapter 6

Retirement and Health Benefits

A former spouse states:

I thought at the time that I should accept the annuity benefits but decided to waive the survivor benefits, in case my wife decided to marry again. It seemed reasonable at the time. I didn't realize what a mistake I was making. -- George

Pension and Survivor Benefits

Scenario

"We have been married for 20 years. Most of that time I was home taking care of the children and being the flexible partner, re-inventing myself over and over at each post. This divorce has come as a shock. I hadn't planned on being on my own at this stage. I heard something about being entitled to annuity benefits. How does that work? What about continuing my health coverage?"

Under sections 814 and 861 of the Foreign Service Act of 1980, as amended, unless otherwise expressly provided for by any spousal agreement or court order, **a former spouse who was married to a Foreign Service officer during at least 10 years of his or her creditable federal service (five while a member of the Foreign Service), is entitled to both pension and survivor benefits unless those benefits are waived.** A former spouse is entitled to these benefits if he/she was divorced after February 15, 1981, **and there is no court order or notarized spousal agreement that provides otherwise.** A former spouse annuity ends if he/she remarries before becoming 55 years of age.

The pension benefit is a *pro rata* share of up to 50% of the Foreign Service pension and the survivor benefit is a *pro rata* share of the regular survivor annuity. This comes to 55% of the annuity under the old retirement Foreign Service Retirement and Disability System (FSRDS) and 50% under the new Foreign Service Pension System (FSPS). A *pro rata* share reflects the percentage of time the former spouse was married to the officer during his or her years of creditable service. For example, if married during all of the officer's creditable years of service, the former spouse is entitled to 50% of the pension. If married for half of the years of creditable service, the spouse is entitled to 25% of the pension.

Scenario

"But I don't quite qualify exactly under these regulations. Are there any other provisions?"

A former spouse who does not meet the eligibility requirements for pension or survivor benefits under Section 814 of the Act, may still be entitled to receive a portion of the member's annuity, if this is provided for in a valid court order (Section 820(b)(2)). In addition, P.L. 100-238 of January 8, 1988, extended eligibility for survivor benefits to former spouses married to Foreign

Service members between 9 months and 10 years, provided that the survivor benefit is either elected by the employee or ordered by the court.

A former spouse divorced before 1981 may have entitlement to a pro rata share of pension and survivor benefits in accordance with the provision of P.L. 100-204, December 22, 1987, and P.L. 100-238, January 8, 1988. While application for these benefits expired June 22, 1990, HR/RET will review any requests for waiver of this deadline on a case-by-case basis.

Important Note: An employee who remarries should review his/her designations for annuity and survivor benefits.

Scenario

“My husband was married previously. Does that make any difference to the survivor benefits I am entitled to?”

The maximum possible combined total of all current and former spouse survivor annuities is 55% of an FSRDS annuity and 50% of an FSPS annuity. As a result, a court order awarding a survivor annuity to a former spouse may reduce the amount that can be paid to the spouse married to the annuitant at the time of death.

In the case of the death of a spouse or former spouse who is entitled to a survivor annuity, if there is no surviving spouse, the department will restore the retiree's annuity to its full amount. In the event there is a surviving spouse eligible for a survivor annuity, there is no adjustment.

Health Benefits

A former spouse's federal health benefits (FEHB) as a family member end on the day of divorce, subject to a temporary 31-day extension of coverage and conversion privilege to convert to a non-group contract with the same health carrier. In order to maintain continuity of FEHB coverage, the former spouse must submit FEHB application or a letter within 31 days of the date of divorce. Alternatively, a former spouse may apply for spouse equity FEHB health plan enrollment within 60 days of the date of divorce or 60 days of the HR/RET notification letter of eligibility if he or she:

- was covered as a family member during 18 months prior to the divorce,
- has a current or future entitlement to an FSRDS or FSPS pension, survivor benefit, or apportionment payable,
- has not remarried prior to becoming 55, and
- divorced on or after May 7, 1985.

A former spouse who is not eligible for this enrollment may be eligible for temporary continuation of health benefits coverage for 36 months.

The following list of questions to ask an attorney is offered as a guide. It focuses on priorities, is by no means comprehensive, and includes questions that may or may not be appropriate for a foreign attorney.

- 1) Are charges made by the hour or by the case? How much are the charges?
- 2) Will there be a retainer fee? How much and when will it be due? Can you expect a letter outlining the fee arrangements?
- 3) Will the lawyer be the sole attorney handling the case? If not, when can you meet the other members of the firm who will assist?
- 4) How long has the lawyer practiced law and specifically matrimonial law?
- 5) How many contested trials has the attorney been involved with?
- 6) If children are involved, what experience does the attorney have with contested custody proceedings?
- 7) How long will your case take to resolve?
- 8) What does the attorney require of you as a client?
- 9) Which U.S. state will have paramount interest in the marital status of the parties?
- 10) What are the residency requirements in order to file for divorce in a particular state?
- 11) If a foreign divorce is contemplated, will it be enforceable in the home state?
- 12) If a simple separation agreement is written to indicate that the separation is by mutual consent, will this document be legal in the home state?

You will need to provide the attorney with a clear picture of the income and property of the marriage. The following list, although not complete, describes the types of information that you must furnish your attorney. Be sure to hand-carry this information with you if you are coming from overseas.

- **General information for each spouse**
 - Name, date of birth
 - Home and work address
 - Academic background
 - Employment history
 - Military service
- **History of relationship/marriage**
 - Date of marriage
 - Any previous separations or divorce proceedings
- **General information for each child**
 - Name, date of birth/adoption

Special needs/talents
Health
School/academic information

- **Relief sought**

A brief description of your thoughts on custody, support, and property distribution.

Assets/Liabilities

Scenario

"I have no idea where to start gathering our financial information, or how to organize it to get it ready for the lawyer. I don't know how much my spouse makes, as he always does the taxes. I know this can take a lot of the lawyer's time which can get really expensive!"

A former spouse states:

I came to the D.C. area when we separated at post. I really felt adrift and had few financial resources to live on or work with. I came back on advance travel orders but that was the only cost that was covered. I relied on support sent from family and friends. I needed legal help from someone who was patient, understanding, and willing to help someone in my situation, but while at the same time experienced, skillful and with a record of success. It was a lot to ask but I found it in spades at a local Women's Center. The team of people they suggested, which included a divorce and financial planner, helped me to get my financial picture organized which was a great help. Eventually, my spouse and I were able to work with the planner and a mediator for most of what we needed to resolve. Sure, we needed a lawyer for certain things but this helped reduce what would have been huge costs to a manageable amount. Plus, we both came out of it empowered. From my experience, I highly recommend the outstanding professional financial planners, mediators, and lawyers connected with The Women's Center. It is especially great if you can get a team who often work together. I am sure there are similar centers, which are excellent as well." --Jennifer

As mentioned in the above individual's story, one option to help you organize your financial picture - especially if you have already returned to the United States - is to check with your city/county (or IQ: Information Quest) for a list of reputable investment advisory representatives who are divorce and financial planners. The hourly rate may be one-third to one-half that of an attorney. They can provide you with a sample property agreement (check your country/state website to see if a sample is available online) and work with you until it is completed and ready to present. The Investment Advisory Representatives who work with the Women's Center in Vienna, VA, for example, have years of experience working with parties who are preparing to divorce, and offer seminars on the subject for a modest fee. (See contact information under Chapter 8 Resources)

The Foreign Service Act of 1980, as amended, provides annuity and survivor annuity benefits

Within 60 days after the dissolution of the marriage, the former spouse must enroll in an approved health benefits plan as an individual or self and family. The former spouse must pay the full subscription charge of the enrollment (both the government and self-share). The spouse is free to choose any of the companies under the FEHB, and the Office of Retirement will provide information on the costs of the different policies.

The spouse is entitled to remain as a family member on the employee's coverage until the divorce is final. *Regardless of custody, the child(ren) can remain as a family member on the employee's coverage. However it is important to note that, in this case, the insurance companies will reimburse payment for medical bills to the employee, even if the spouse has incurred the expense.* It is sometimes possible for the spouse to make arrangements with the insurance carrier to have the company reimburse the parent who makes the payment. This issue should be addressed in advance by both parties in the divorce.

FEHB Temporary Continuation of Coverage

Former spouses who do not have an entitlement to a pro rata share or court-ordered share of the employee's retirement annuity have an alternate way of retaining government health benefits. On January 1, 1990, a new law (P.L.100-654) went into effect that will temporarily continue coverage under the FEHBP for certain former spouses.

A former spouse may be eligible to continue FEHB coverage if he or she was enrolled in a regular FEHB plan as a family member at the time of the divorce or annulment (on or after January 1, 1990). The former spouse may choose self-only enrollment or a family enrollment that will cover the former spouse and children of that spouse and the Federal employee. Coverage will continue for a maximum of 36 months, or until covered by other health insurance, whichever comes first. The cost of FEHB enrollment will be the full premium (the self and government shares) plus a two percent administrative charge. Either the employee or the former spouse should notify the employee's agency within 60 days after the divorce or annulment is finalized to apply for these health benefits. Further information on the FEHB TCC Program for former spouses is available from the post HR office or the State Department Retirement Office:

HR/RET, H620 SA-1
Department of State
Washington, DC 20520
Telephone: 202-261-8960

For USAID, the employee or former spouse must contact the Human Resources Office, in writing

M/HR/POD
USAID RRB/ITC
Washington, DC 2523-2700
Telephone: 202-712-4174

Chapter 7

Financial and Privacy Considerations

Garnishment of Wages/Annuity

If the employee fails to make U.S. court-ordered alimony or child support payments, the former spouse may be able to have the employee's wages or annuity garnished. The former spouse must contact his or her lawyer or the court to have a writ of garnishment issued. If the writ does not state that it is for child support or alimony, an original or certified copy of the divorce decree must be attached to the writ. Garnishment may be for back or ongoing support. The original or a certified copy of the writ is sent to the appropriate office.

For State: Office of the Executive Director
Office of the Legal Adviser (L/EX)
Room 5519
Department of State
Washington, DC 20520

For USAID: AID/GC/L
USAID RRB/ITC Room 606B
Washington, DC 20523-2700

Access to Employee Information

During the separation and divorce process, both employee and spouse should be aware that certain information about former and present Federal employees is available to the public. According to Office of Personnel Management regulations (5 CFR 293.311), the following information from both the Official Personnel Folder and employee performance file system folders, their automated equivalent records, and from other personnel record files that constitute an agency record are considered available to the public:

- 1) Name;
- 2) Present and past position titles and occupational series;
- 3) Present and past grades;
- 4) Present and past annual salary rates (including performance awards, merit pay amount, Meritorious or Distinguished Executive Ranks, and allowances and differentials);
- 5) Present and past duty stations (includes room numbers, office designations, or other identifying information regarding buildings or places of employment); and

- 6) Position descriptions, identification of job elements, and those performance standards (but not actual performance appraisals), the release of which would not interfere with law enforcement programs or severely inhibit agency effectiveness. Performance elements and standards (or work expectations) may be withheld when they are so intertwined with performance appraisals that their disclosure would reveal an individual's performance appraisal.

The portion of the employee's performance appraisal pertaining to spouses (pre-1971) or any of the information listed above can be requested by writing to one of the following addresses:

For State: Office of Information Resource Management
Programs and Services (A/RPS/IPS)
SA-2, Room 6001
Washington, DC 20522-6001

For USAID: M/AS/IRD
USAID RRB/ITC Room 2.7C
Washington, DC 20523-2701
202-712-5027

In addition, a written request for an estimate of pro rata pension share can be requested from the Office of Retirement. (When the spouse makes a written request for this information, it will then be sent to the employee as well.) A written request for the name and number of the health benefits policy for family members can also be requested from the Office of Retirement ((202) 261-8960).

Other personal information regarding employees, spouses, or dependents covered by the Privacy Act can only be released with the consent of the individual concerned or for other specified "routine uses," as published in the Federal Register (<http://www.gpoaccess.gov/fr/index.html>) pursuant to the Privacy Act, or pursuant to a court order, or pursuant to another specific statutory exception of the Privacy Act.

Credit Union Membership

A divorced spouse can have an account at either the State Department Federal Credit Union (SDFCU) or the Lafayette Federal Credit Union (USAID) if she or he:

- 1) Has an account in his or her own name prior to the divorce; or
- 2) Has a blood relative (such as a child) with an account.

For more information, contact:

State Department Federal Credit Union
1630 King Street
Alexandria, VA 22314-2745

Chapter 7 Financial and Privacy Considerations

Telephone: (703) 706-5000 (Washington metropolitan area)
(800) 296-8882 (continental United States) or

Lafayette Federal Credit Union
3535 University Boulevard
West Kensington, MD 20895
Telephone: (301) 929-7990, (800) 888-6560

Chapter 8

Resources

General Resources

Lawyer referral services in Washington metropolitan area:

Alexandria County (703) 548-1105
Arlington County (703) 228-3390
District of Columbia (202) 879-1261
Fairfax County (703) 246-3780
Montgomery County (301) 279-9100

The American Academy of Matrimonial Lawyers
150 North Michigan Avenue, Suite 2040
Chicago, IL 60601
Telephone: (312) 263-6477
<http://www.aaml.org/i4a/pages/index.cfm?pageid=3267>

National Center for Missing and Exploited Children
699 Prince Street
Alexandria, VA 22314
Telephone: (703) 235-3900
(703) 274-3900
1-888-246-2632
<http://www.missingkids.com>

Sources of Help

- 1) Associates of the American Foreign Service Worldwide (AAFSW) sponsors a support group, *Women in Transition*, for separated and divorced Foreign Service spouses in the Washington area. You need not be a member of AAFSW to attend. The Family Liaison Office (FLO) has information and contact names. You can contact the FLO at (202) 647-1076/800-440-0397
- 2) The Employee Consultation Service (ECS), an office of the Department of State, provides short-term counseling and referrals for State Department and AID employees and family members. This is a confidential, free service staffed by licensed clinical social workers. They are located in Room H246, Columbia Plaza. Telephone: (202) 663-1815.
- 3) The Fairfax County Office for Women focuses on eight areas – employment, violence, families in transition, money management, health, education, dependent care, and community outreach. Their address is: 12000 Government Center Parkway Suite 318 Fairfax, VA

22035 Telephone: (703) 324-5720

- 4) Montgomery County Commission for Women: Counseling and Career Center is the Montgomery County organization that provides personal, financial, and career counseling, and general legal information and referrals as needed for divorcing women. They work with both Maryland and Washington, DC residents. Their address is: 255 North Washington Street 4th Floor, Bank America Building Rockville, MD 20850 Telephone: (301) 279-1800 Web site: <http://www.montgomerycountymd.gov/cfwtml.asp?url=/content/cfw/CFWCCC.asp>
- 5) The Women's Center runs excellent workshops on the financial and legal aspects of separation and divorce in Virginia and has a volunteer lawyer who will answer questions by telephone. They have several Certified Divorce Financial Analysts, mediators and lawyers who are associated with the Center and often work in teams. They also have Certified Counselors on staff. Fees are generally reasonable, and may be negotiated in some cases for those with very limited financial resources. Their address is: 133 Park Street, NE Vienna VA 22180 Telephone: (703) 281-2657 Web site: <http://www.montgomerycountymd.gov/cfwtml.asp?url=/content/cfw/CFW.asp>

Advocacy Resources in the Washington D.C. Area

Note: This is a list of advocacy resources the Family Liaison Office (FLO) has compiled, but does not constitute an endorsement nor a recommendation of any of these organizations by FLO or the Department of State. A number of the women's organizations, including The Women's Center in Vienna, Virginia, have extensive experience with men and couples as clients as well.

- **AAFSW Foreign Born Spouses Group**

<http://www.aafsw.org/aafsw/fbspouses.htm>

The AAFSW Foreign Born Spouses Group is a close-knit group of members from far and wide, from various cultures and countries. The organization is a resource especially for the foreign-born spouse living in the greater Washington, D.C. area for the first time. It provides members with an opportunity to meet other spouses who are in similar situations. Some members say that attending the FBS Group meetings gives them that wonderful feeling of being overseas once again.

Contact Information:

AAFSW

5555 Columbia Pike, Suite 208

Arlington, VA 22204-3117

Tel: (703) 820-5420

Fax: (703) 820-5421

Email: office@aafsw.org (general) or fbspouses@aafsw.org (FBS group)

- **Alexandria Office of Women**

<http://alexandriava.gov/oow/>

The Alexandria Office on Women is dedicated to empowering women and their families by promoting equality, safety, and access to opportunities and services through advocacy and education.

Contact Information:

Office on Women
421 King Street, Suite 400
Alexandria, VA 22314
Tel: (703) 838-5030
Fax: (703) 838-4976
Sexual Assault Hotline: (703) 683-7273
Domestic Violence Hotline: (703) 838-4911

- **American University – Women and the Law Clinic**

<http://www.wcl.american.edu/clinical/women.cfm>

Student attorneys in the Women and the Law Clinic begin representation of clients in child support, domestic violence, and child neglect cases.

Contact Information:

Clinical Program:
4801 Massachusetts Avenue, NW, Suite 417
Washington, DC 20016
Tel: (202) 274-4140
Fax: (202) 274-0659

- **American University – Domestic Violence Clinic**

<http://www.wcl.american.edu/clinical/domestic.cfm>

Student attorneys in the Domestic Violence Clinic (DVC) represent victim/survivors of domestic violence seeking civil protection orders and/or self-petitioning to change their immigration status.

Contact Information:

Clinical Program
4801 Massachusetts Avenue, NW, Suite 417
Washington, DC 20016
Tel: (202) 274-4140
Fax: (202) 274-0659

- **Asian Pacific American Legal Resources Center (APALRC)**

<http://www.apalrc.org/>

The APALRC seeks to fulfill its mission of advancing the legal and civil rights of Asian Americans in the Washington, D.C. metropolitan community through activities in two core program areas of direct legal services and advocacy.

Contact Information:

1600 K St. NW, Mezzanine Level
Washington, DC 20006
Hotline Main number: (202) 393.3572 ext. 22
Chinese: ext. 18
Hindi/Urdu: ext. 19
Vietnamese: ext. 20
Korean: ext. 21
Fax: (202) 393-0995
Email: hotline@apalrc.org

- **Asian Pacific Islander Domestic Violence Resource Project (DVRP)**

<http://www.dvrp.org/>

Asian/Pacific Islander Domestic Violence Resource Project (DVRP) is a local non-profit organization in the Washington, D.C. metropolitan area that is committed to ending domestic violence in the Asian/Pacific Islander communities. Through direct assistance, community engagement and training of service providers, DVRP strives to address and prevent domestic violence in a manner that supports survivors of domestic violence and promotes cultural competency to meet the diverse needs of our communities. They have advocates who speak Cantonese, Farsi, Hindi, Hmong, Japanese, Korean, Mandarin, Nepali, Punjabi, Tagalog, Thai, Urdu, and Vietnamese.

Contact Information:

Asian/Pacific Islander Domestic Violence Resource Project
P.O. Box 14268
Washington, DC 20044
Tel: (202) 464-4477 (M-F, 10am-6pm)
Fax: (202) 986-9332
Email: info@dvrp.org

- **Asian Women's Self-Help Association (ASHA)**

<http://www.ashaforwomen.org/>

ASHA, which means "Hope" in several South Asian languages, is a non-profit women's organization committed to ending all forms of violence against women and enhancing the status of South Asian women living in the metropolitan Washington, DC area. (South Asia includes Bangladesh, India, Pakistan, Nepal, Sri Lanka and Bhutan). ASHA, founded in 1989, is the only organization in the Washington, DC area dedicated to providing culturally specific, multi-lingual support and referral services to women of South Asian descent.

Contact Information:

ASHA
P.O. Box 2084
Rockville, MD 20847-2084
Helpline: 1-888-417-2742
Tel: (202) 207-1248
Fax: (202) 296-2318
Email: coordinator@ashaforwomen.org

• **Ayuda**

<http://www.ayudainc.org/pages/page.cfm?id=1>

Ayuda is a D.C. source of multi-lingual legal and social assistance for low-income Latinos and foreign-born persons in immigration, human trafficking, domestic violence, and family law. Their overall goals are to improve the ability of their clients to live safe, violence-free lives and become fully participating members of our community. They have people on staff who speak Spanish, French, and English.

Contact Information:

Ayuda, Inc.
1707 Kalorama Road, N.W.
Washington, DC 20009
Tel: (202) 387-4848

• **Catholic Community Services, Washington DC**

<http://www.ccs-dc.org>

Catholic Community Service is the largest private social service organization in the Washington, D.C. area. Their mission is to strengthen the lives of those in need by giving help that empowers and hope that lasts. They assist individuals and families in need, especially those who are most vulnerable. They focus on prevention when possible, intervention when needed, and advocacy when resources or opportunities are either inadequate or unfair.

Contact Information:

Catholic Community Services of the Archdiocese of Washington
James Cardinal Hickey Center
924 G Street, NW
Washington, DC 20001
Tel: (202) 772-4300
Fax: (202) 772-4408
Email: communications@ccs-dc.org

- **DC Coalition Against Domestic Violence (DCCADV)**

<http://www.dccadv.org/>

The DC Coalition Against Domestic Violence is a resource for the thousands of adults and children experiencing domestic violence in the District each year, as well as the local organizations that serve them. The Coalition offers support and services for today, and education, advocacy, and leadership to shape a violence-free future for families in the District of Columbia
Hours: 9:00AM-5:00PM, Monday-Friday

Contact Information:

DC Coalition Against Domestic Violence
5 Thomas Circle, NW
Washington, DC 20005
Tel: (202) 299-1181 (M-F, 9am-5pm)
Fax: (202).299-1193
Email: info@dccadv.org

- **DC Domestic Violence Resources**

http://www.womenslaw.org/DC/DC_links.htm

List of organizations that are familiar with domestic violence issues. While the actual website cannot give legal advice, they can give useful information and direct someone to others in a local area who can help.

- **Divorcenet.com**

http://www.divorcenet.com/states/district_of_columbia

The D.C. divorce page includes a directory of divorce lawyers, mediators and other professionals, and family law articles on child support, alimony, custody, and property division. They also provide links to local resources that may be helpful to various situations.

- **Family and Child Services of Washington D.C.****

<http://www.familyandchildservices.org/>

The mission of Family and Child Services, Inc. (F&CS) is to improve individual, family and community life by providing a broad range of professional services and supports in areas such as individual, family and group counseling, child placement, camping and services to older Americans.

Contact Information:

Family and Child Services
1509 16th Street, NW
Washington, DC 20036
Tel: (202) 289-1510

- **Korean American Coalition, Washington DC Chapter (KACDC)**

<http://www.kacdc.org/about/index.html>

The Korean American Coalition (KAC) is a non-profit, non-partisan, community advocacy organization. Established in 1983, KAC's mission is to facilitate the Korean American community's participation in civic, legislative, and community affairs, encouraging the community to contribute to and become an integral part of American society. In January 2001, the Virginia-based Korean American Alliance (KAA) began operating as the official KAC Washington, D.C. Area Chapter (KAC-DC) to serve the interests of the local Korean American communities in Maryland, Virginia and the District.

Contact Information:

KAC-DC
1001 Connecticut Ave, NW, Suite 730
Washington, DC 20036
Tel: (202) 296-9560
Fax: (202) 296-9568
E-mail: kacdc@kacdc.org

- **My Sister's Place**

<http://www.mysistersplacedc.org/>

My Sister's Place is an interactive community committed to eradicating domestic violence. They provide safe, confidential shelter, programs, education, and advocacy for battered women and their children. Their goal is to empower women to take control of their own lives.

Contact Information:

My Sister's Place
P.O. Box 29596
Washington, DC 20017
24 Hour Crisis Hotline: 202-529-5991
Tel: (202) 529-5261
Fax: (202) 529-5984
Email: rseabrook@mysistersplacedc.org

- **The Modern Women's Divorce Guide**

<http://www.themodernwomansdivorceguide.com/>

The organization's writers, editors and programmers include women who have personal knowledge of and expertise in divorce and women's health. Many of their articles are written by and rely upon information provided by lawyers, doctors and Ph.D.s. Their tools have been designed and built by lawyers with many years of professional family law experience. Blogs, articles, and guides for finding a lawyer, mediator, or therapist are also available.

● **National Clearinghouse for the Defense of Battered Women**

The National Clearinghouse for the Defense of Battered Women provides technical assistance, support, resources, networking, and training to help battered women who are forced to defend themselves when faced with life-threatening violence from their abusers.

Contact Information:

125 South Ninth Street, Suite 302
Philadelphia, PA 19107
Tel: (215) 351-0010 or (800) 903-0111, ext. 3
Fax: (215) 351-0779

● **National Women's Law Center****

<http://nwlc.org/>

The Center uses the law in all its forms: getting new laws on the books and enforced; litigating ground-breaking cases in state and federal courts all the way to the Supreme Court; and educating the public about ways to make the law and public policies work for women and their families. A staff of nearly 50 takes on the issues that cut to the core of women's and girls' lives in education, employment, family economic security, and health -- with special attention given to the needs of low-income women and their families.

Contact Information:

National Women's Law Center
11 Dupont Circle, NW, # 800
Washington, DC 20036
Tel: (202) 588-5180
Fax: (202) 588-5185
Email: Info@nwlc.org

● **Northern Virginia Family Service**

<http://www.nvfs.org/>

Northern Virginia Family Service was established by volunteers in 1924 to help people in need. Today, it is a private, non-profit organization staffed by professionals trained in counseling, social work and community outreach. Its mission is to empower individuals and families to improve their quality of life, and to promote community cooperation and support in responding to family needs. Northern Virginia Family Service is accredited by the Council on Accreditation of Services for Families and Children and is a member of the Alliance for Children and Families. Northern Virginia Family Service is funded by foundation grants, individual and corporate donations, government contracts, counseling fees and United Way.

Contact Information:

Oakton Headquarters
10455 White Granite Dr., Suite 100
Oakton, VA 22124
Tel: (703) 385-3267 Email: info@nvfs.org

- **Rape, Abuse, and Incest Network (RAIN)**

<http://www.rainn.org/>

The Rape, Abuse & Incest National Network (RAINN) is the nation's largest anti-sexual assault organization. RAINN created and operates the National Sexual Assault Hotline at 1.800.656.HOPE. RAINN also publicizes the hotline's free, confidential services; educates the public about sexual assault; and leads national efforts to improve services to victims and ensure that rapists are brought to justice.

Contact Information:

Business Office
Rape, Abuse & Incest National Network
2000 L Street NW, Suite 406
Washington, DC 20036
Tel: (202) 544-1034 or (800) 656-4673, ext. 3
Fax: (202) 544-3556
Email: info@rainn.org

- **South Asian Women's NETwork**

<http://www.sawnet.org/>

<http://www.sawnet.org/divorce/>

A forum for and about women from Nepal, Sri Lanka, Pakistan, Maldives, India, Bhutan, and Bangladesh. Sawnet is a completely volunteer affair, and the organization has no formal structure, no finances, and no board of directors. It exists entirely in the electronic medium, has no bylaws, and is not registered as an organization anywhere. The mailing list is run by a group of volunteer moderators and now reaches about 1100 women in four continents. The subscription list is private.

- **Women Empowered Against Violence (WEAVE)**

<http://www.weaveincorp.org/>

WEAVE works closely with adult and teen survivors of relationship violence and abuse, providing an innovative range of legal, counseling, economic and educational services that leads survivors to utilize their inner and community resources, achieve safety for themselves and their children and live empowered lives.

Contact Information:

WEAVE
1111 16th Street, NW, Suite 200
Washington, DC 20036
Tel: (202) 452-9550
Email: info@weaveincorp.org

- **The Women's Center**

<http://www.thewomenscenter.org/>

The Women's Center is a counseling, education and information resource that provides psychological, career, financial, and legal services to women and families regardless of ability to pay.

Contact Information:

In Northern Virginia:

The Women's Center

133 Park Street, N.E.

Vienna, VA 22180

Tel: (703) 281-2657

Fax: (703) 242-1454

In Washington, D.C.:

The Women's Center

1025 Vermont Avenue, NW, Suite 310

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Tell: (202) 293-4580

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** Indicates positive response by the Employee Consultation Service



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U.S. DEPARTMENT OF STATE

Advocacy Programs Services

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