



RESOLUTION NO. 165

**RESTORE PROTECTIONS AGAINST UNWARRANTED AWARDS OF
VETERANS' BENEFITS TO THIRD PARTIES IN DIVORCE ACTIONS**

August 11-14, 2007

WHEREAS, disability compensation and other veterans' benefits were intended and should be provided solely to fill specific needs of veterans; and

WHEREAS, Congress intended to exempt veterans' benefits from the claims of third parties to ensure that such benefits were not voluntarily assigned or through legal processes diverted to purposes or persons other than for which they were intended; and

WHEREAS, for purposes of support payments in divorce actions, state courts and the Supreme Court of the United States have arbitrarily created exceptions to the protection for veterans' benefits Congress established in section 5301 of title 38, United States Code, thereby forcing veterans to surrender their benefits to third parties, contrary to the intent of Congress; and

WHEREAS, the courts show little understanding or appreciation for the principle that veterans' entitlements are awarded solely to veterans because of their personal sacrifices, contributions in the defense of our Nation, or consequent personal suffering associated with service-connected disabilities and for that reason should not inure or vest to the benefit of others who have no natural right or valid legal interest in such benefits; and

WHEREAS, courts have, for example, shown no hesitation to force disabled veterans to surrender their disability compensation and sole source of sustenance to able-bodied ex-spouses as alimony awards; and

WHEREAS, there is a lack of uniformity in how the various courts treat veterans' benefits in divorce actions because the courts act according to their own will rather than any consensus on the meaning and intent of the law; and

WHEREAS, this situation creates a need for Congress to intervene to override the effect of the law given by the courts; to restore meaning, equity, and uniformity to the law; and to reinstate safeguards against veterans' benefits being siphoned into the pockets of persons who have no right to such benefits; NOW

THEREFORE, BE IT RESOLVED that the Disabled American Veterans in National Convention assembled in New Orleans, Louisiana, August 11-14, 2007, supports legislation to amend section 5301 of title 38, United States Code, to restore protections against unwarranted awards of veterans' benefits to third parties by prohibiting courts from directly ordering payment of such benefits to third parties, other than dependent children when justified by the circumstances, and by prohibiting courts from taking notice, or the inclusion of, amounts received as veterans' benefits in determining such awards.