

SAMPLE

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Attorney for: _____

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF TULARE

In Re The Marriage of)
Petitioner:)
And)
Respondent:)
_____)

CASE NO. XXXXXXXXXXXXXXXX

DOMESTIC
RELATIONS ORDER

The Court makes the following findings and Orders:

1. **Procedural History:** Petitioner and Respondent were married on _____ and separated on _____. A Judgement of Dissolution of Marriage (herein “Judgment”) was filed in this action on _____. This Court has personal jurisdiction over both Petitioner and Respondent, this Dissolution action and the subject matter of this Order. The agent for service of process on behalf of the TULARE COUNTY EMPLOYEES’ RETIREMENT ASSOCIATION (herein “Retirement Plan”) signed the Notice and Acknowledgment of Receipt of the Summons and Pleading on Joinder-Employee Pension Benefit Plan on _____.

2. **Domestic Relations Order:** This order is made pursuant to § 2610 of the Family Code and § 31685 et seq. of the Government Code. Petitioner, Respondent, and this Court intend that this order shall be a Domestic Relations Order (herein “Order”) as that term is used in the Retirement Equity Act of 1984 (herein the “Act”) and shall be in accordance with the provisions of the amended Internal Revenue Code of 1986 (herein “Code”).

1 3. **Definition of Terms.** As used in this Order, the following terms shall apply:

2 (a) “Participant” refers to _____, whose name, last known
3 address, date of birth, and Social Security number are as follows:

4 XXXXXXXXXXXXXXXXXXXXXXXXXXXX
5 XXXXXXXXXXXXXXXXXXXXXXXXXXXX
6 XXXXXXXXXXXXXXXXXXXXXXXXXXXX

7 (b) “Alternate Payee” refers to _____, whose name, last
8 known address, date of birth, and Social Security number are as follows:

9 XXXXXXXXXXXXXXXXXXXXXXXXXXXX
10 XXXXXXXXXXXXXXXXXXXXXXXXXXXX
11 XXXXXXXXXXXXXXXXXXXXXXXXXXXX

12 (c) “Retirement Plan” refers to the TULARE COUNTY EMPLOYEES’ RETIREMENT
13 ASSOCIATION, whose address is as follows:

14 **TULARE COUNTY EMPLOYEES’ RETIREMENT ASSOCIATION**
15 **136 NORTH AKERS**
16 **VISALIA CA 93291**

17 4. **Address Changes:** Any of the above parties may designate another address for the purpose
18 of receiving notices and communications pursuant to this Order by giving written notice thereof by first class
19 mail, postage prepaid, at the address then currently in effect.

20 5. **Participant’s Interest In The Retirement Plan:** Participant has both a separate property and a
21 community property interest as a participant in the Retirement Plan. The accumulated contribution and service
22 credits in the Retirement Plan account for Participant, shall be divided into two separate and distinct accounts in
23 the name of the Participant, _____, and the Alternate Payee, _____
24 _____, pursuant to § 31685 through 31685.96 of the Government Code. The community portion shall be from _
25 _____ to _____. It shall be divided one-half to the Participant and one-half to
26 the Alternate Payee. The Alternate Payee shall be entitled to interest accrued on his/her share of said retirement
27 on and after _____, if any. The remainder shall be the separate property of the Participant.

28 6. **Alternate Payee’s Entitlement to A Portion of Participant’s Benefits:** _____
_____, as the Alternate Payee, shall have all of the rights set forth in Government Code § 31685 et seq.
and shall be entitled to payment of any sum which may become due and owing by separate check.

1 7. **Amount of Each Benefit Payment Payable to Alternate Payee:** The portion of each payment
2 which shall be payable to the Alternate Payee shall be one-half (1/2) of the community portion of the Retirement
3 Plan from _____ to _____, plus interest accrued on said amounts on and after ____
4 _____, if any.

5 8. **Retention of Jurisdiction By The Court:** This Court specifically retains jurisdiction to amend
6 this Order for the purpose of establishing and/or maintaining its qualifications as a Domestic Relations Order
7 under the Act. However, no interpretation of this Order or any such amendment shall require the Retirement Plan
8 to provide any type or form of benefit, or any option, not otherwise provided under the Retirement Plan
9 (determined on the basis of actuarial value). Further, no interpretation of this Order or any amendment shall
10 require payment of benefits which must already be paid to Alternate Payee pursuant to another order previously
11 determined to be a Domestic Relations Order. No such amendment, or the right of this court to so amend, shall
12 invalidate this Order as “unqualified” under the Act. This Court further retains jurisdiction to supervise the
13 payment of benefits to accomplish the purpose of this Order.

14 9. **Intended Tax Treatment of Distribution or Payment:** All tax consequences, if any, that may
15 be associated with any payment or distribution made directly to the Alternate Payee pursuant to this Order shall
16 be the responsibility of the Alternate Payee. Also, any payment or distribution made directly to the Alternate
17 Payee shall not be taxable to nor a deduction for the Participant when computing his/her taxable income.

18 10. **Service of Order on TULARE COUNTY EMPLOYEES’ RETIREMENT**
19 **ASSOCIATION:** A true copy of this Order shall be served upon the TULARE COUNTY EMPLOYEES’
20 RETIREMENT ASSOCIATION forthwith. Said Order shall take effect immediately and remain in effect until
21 further Order of a Court of competent jurisdiction.

22
23 **DATED:** _____

24
25 _____
JUDGE OF THE SUPERIOR COURT

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27 ///

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