

MODEL LANGUAGE FOR DOMESTIC RELATIONS ORDERS FOR DEFINED BENEFIT PLANS

This model language has been developed for use when a portion of a member's account in one of the following defined benefit plans administered by VRS is being distributed to the member's spouse:

- Virginia Retirement System
- State Police Officers' Retirement System
- Virginia Law Officers' Retirement

**VRS APPROVED DOMESTIC RELATIONS ORDER – DEFINED BENEFIT PLAN
PRIVATE SEPARATE ADDENDUM**

This addendum must accompany all proposed domestic relations orders submitted to VRS for pre-approval or approval.

Case Name: _____ vs. _____

County/City and Court: _____

Case No.: _____

Name of Member: _____

Social Security Number: _____

Name of Former Spouse: _____

Social Security Number: _____

Provide Social Security number for each beneficiary/alternate beneficiary named in the DRO:

Name: _____ Social Security Number: _____

Name: _____ Social Security Number: _____

Name: _____ Social Security Number: _____

Name: _____ Social Security Number: _____

This information has been provided by:

Signature: _____

Print Name: _____

Address: _____

Phone Number: _____

**MODEL LANGUAGE FOR DOMESTIC RELATIONS ORDERS
FOR DEFINED BENEFIT PLANS**

Virginia:

In the Circuit Court for the City/County of _____

_____,)	
)	
Complainant)	
)	Case No.:
v.)	
)	
_____,)	
)	
Defendant)	

APPROVED DOMESTIC RELATIONS ORDER

NAME OF PLAN:

*[Include only
The name of the
applicable plan]*

PLAN ADMINISTRATOR: Virginia Retirement System
 P.O. Box 2500
 Richmond, VA 23218-2500

This Order is intended to meet the requirements for a Virginia Retirement System Approved Domestic Relations Order (hereinafter "ADRO") relating to the above referenced plan (the "Plan") administered by the Virginia Retirement System (hereinafter "VRS"). This Order is an integral part of the Decree of Divorce [*select one:*] entered on _____ . In compliance with VRS requirements, the following information is specified:

1. Member is _____, whose last known mailing address is _____ and whose date of birth is _____.

2. Former Spouse is _____, whose last known mailing address is _____ and whose date of birth is _____.

3. Member and Former Spouse were married on _____,
in _____,
Member and Former Spouse separated on _____.

4. Pursuant to the laws of the Commonwealth of Virginia and the Final Decree of Divorce, Member's interest in the Plan is considered to be marital property subject to equitable distribution in a divorce proceeding. In recognition of Former Spouse's marital rights, this Order assigns to Former Spouse a portion of the benefits or amounts payable to Member under the Plan.

5. This ADRO shall be submitted by one or both parties to VRS for approval and eventual administration in accordance with the terms set forth herein.

6. RETIREMENT:

[Select **ONE** of the following]

[If Former Spouse is to receive a fixed amount:]

When and if Member retires, Former Spouse is entitled to {insert number} (\$ _____ and ___/100 dollars) per month from Member's retirement benefits under the Plan, which share shall be paid directly to Former Spouse.

[If Former Spouse is to receive a fixed percentage of Member's benefit:]

When and if Member retires, Former Spouse is entitled to {insert fraction or percentage} _____ of Member's retirement benefit, which share shall be paid directly to Former Spouse.

[If Former Spouse is to receive a percentage of the marital share of Member's benefit:]

When and if Member retires, Former Spouse is entitled to {insert number} _____ percent of the marital share of Member's retirement benefit, which amount shall be paid directly to Former Spouse. The marital share is to be determined by using the following fraction: The numerator is the number of years and months of VRS service accumulated between the date of marriage and the date of separation, and the denominator is the total years and months of VRS service at retirement.

[Any language in the ADRO that will affect the calculation or division of the benefit, such as ordering the Member to name Former Spouse as a contingent annuitant under a survivor option, should be included here in Section 6 of the ADRO.]

7. COST-OF-LIVING ADJUSTMENTS

[Select **ONE**]

[If Former Spouse will NOT receive COLAs:]

Cost-of-living adjustments shall NOT be applied to Former spouse's share of Member's retirement benefit.

[If Former spouse WILL receive COLAs:]

Cost-of-living adjustments WILL be applied to Former Spouse's share of the Member's retirement benefit.

8. [OPTIONAL PROVISION:] PURCHASE OF PRIOR SERVICE CREDIT

[Select ONE]

The benefits payable to Former Spouse shall not be increased by any increase in the benefits payable to Member by reason of Member's purchase of service credit.

OR

Former Spouse does not benefit from Member's post-separation purchase of prior service credit.

OR

Former Spouse does not benefit from the Member's post-divorce purchase of prior service credit.

9. REFUND

[Select ONE of the following]

[Former spouse receives a fixed dollar amount:]

If Member becomes eligible and applies for a refund of Member contributions and accumulated interest, Former Spouse is entitled to \$_____ of Member's refund. VRS is ordered to pay Former Spouse's share directly to Former Spouse.

[Former Spouse receives a fraction or percentage of Member's Refund:]

If Member becomes eligible and applies for a refund of Member contributions and accumulated interest, Former Spouse is entitled to _____ of Member's refund. VRS is ordered to pay Former Spouse's share directly to Former Spouse.

[Former Spouse receives a percentage of the marital share of Member's Refund:]

If Member becomes eligible and applies for a refund of Member contributions and accumulated interest, Former Spouse is entitled to _____ percent of the marital share of Member's refund. The marital share is determined by the following fraction: The numerator is the number of years and months of VRS service accumulated during the marriage and the denominator is the total years and months of VRS service upon termination. VRS is ordered to pay Former Spouse's share directly to Former Spouse.

[Former Spouse does not receive a portion of Member's Refund:]

If Member becomes eligible and applies for a refund of Member contributions and accumulated interest, Former Spouse is not entitled to any portion of the refund.

10. DEATH BENEFIT

[Select ONE of the following]

[Former Spouse receives a fixed dollar amount:]

If Member dies and a refund of Member contributions and accumulated interest is payable, Former Spouse is entitled to \$_____ of the refund. The Member is ordered to name Former Spouse as beneficiary for the return of Member retirement contributions.

[Former Spouse receives a fraction or percentage:]

If Member dies and a refund of Member contributions and accumulated interest is payable, Former Spouse is entitled to _____ of the refund. The Member is ordered to name Former Spouse as beneficiary for the return of Member retirement contributions.

[Former Spouse receives a percentage of the marital share:]

If Member dies and a refund of Member contributions and accumulated interest is payable, Former Spouse is entitled to _____ percent of the marital share of the refund. The marital share is determined by the following fraction: The numerator is the number of years and months of VRS service accumulated during the marriage and the denominator is the total years and months of VRS service upon termination. The Member is ordered to name Former Spouse as beneficiary for the return of Member retirement contributions.

[Former Spouse receives no portion of the refund:]

If Member dies and a refund of Member contributions and accumulated interest is payable, Former Spouse will not receive any portion of the refund.

11. SUCCESSOR PLANS

This ADRO applies to the Plan identified above, as well as to any successor plan or plans. Any changes in Plan Administrator, Plan Sponsor or name of the Plan shall not affect Former Spouse's rights pursuant to this ADRO.

12. LIMITATIONS/INTERPRETATIONS OF ORDER

VRS is hereby ordered to disburse to Former Spouse the portion of distributions assigned under this Order if, as and when such distributions are made as provided by VRS' governing laws and rules subject to the following limitations: *[All of the following limitations must be included in every Order.]*

- (A) This Order shall not be interpreted in any way to require VRS to provide any type of benefit or any option not otherwise provided under the Plan.
- (B) This Order shall not be interpreted in any way to require VRS to provide increased benefits.
- (C) This Order shall not be interpreted in any way to require the payment of benefits to Former Spouse that are required to be paid to another former

spouse under another order previously determined by VRS to be a Qualified Domestic Relations Order or an Approved Domestic Relations Order.

- (D) This Order shall not be interpreted in any way to require VRS to notify Former Spouse of any change or alteration of the retirement benefits due Member other than the amount of payment specified in this Order.
- (E) This Order shall not be interpreted in any way to require VRS to pay such sums from any life insurance proceeds or refund of retirement contributions that may be due upon the death of Member, to anyone other than those beneficiaries named in writing by Member and approved by VRS.
- (F) This Order shall not be interpreted in any way to require the payment of benefits to Former Spouse prior to Member's retirement or proper request for a refund of Member contributions and accumulated interest.

13. MAILING ADDRESS OF FORMER SPOUSE

Former Spouse is ordered to provide prompt written notification to VRS of any changes in his/her mailing address. VRS may, in its discretion, elect not to make payments to Former Spouse if VRS does not have a current mailing address for Former Spouse at the time of payment.

14. VRS FORMS AND OTHER INFORMATION

Member and Former Spouse are ordered to complete and sign all VRS forms and provide all information necessary to effectuate the provisions of this Order.

15. GOVERNING LAW

Member's eligibility to receive retirement benefits from VRS and the amount of any such benefits are governed solely by the provisions of the Code of Virginia.

16. JURISDICTION/AMENDMENTS

The Court retains jurisdiction to amend this Order so that it will constitute an Approved Domestic Relations Order as determined by VRS even though all other matters incident to this action or proceeding have been fully and finally adjudicated. If VRS determines at any time that changes in the law, the administration of VRS, or any other circumstance make it impossible to calculate any portion of the distribution awarded to Former Spouse pursuant to this Order and so notifies both parties, either or both parties shall immediately petition the Court for reformation of the Order.

This cause is retained on the docket for the enforcement of this Order and to allow time for its approval by the Plan Administrator, and the court's jurisdiction is reserved for that purpose.

AND IT IS SO ORDERED.

ENTER:

JUDGE

[add the following if the order is by agreement:]

WE ASK FOR THIS:

_____, Esq.

Attorney for Complainant

Street Address

City, State Zip Code

Telephone number

_____, Esq.

Attorney for Defendant

Street Address

City, State Zip Code

Telephone number