

**MODEL LANGUAGE FOR APPROVED DOMESTIC RELATIONS
ORDERS
FOR DEFINED CONTRIBUTION PLAN ACCOUNTS**

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

- Deferred Compensation Plan of the Commonwealth of Virginia
- Virginia Cash Match Plan
- Optional Retirement Plan of the Commonwealth of Virginia for Political Appointees
- Optional Retirement Plan of the Commonwealth of Virginia for Public School Superintendents
- Virginia Supplemental Retirement Plan.

**VRS APPROVED DOMESTIC RELATIONS ORDER – DEFINED
CONTRIBUTION PLAN ACCOUNTS
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 APPROVED DOMESTIC RELATIONS
ORDERS
FOR DEFINED CONTRIBUTION PLAN ACCOUNTS**

Virginia:

In the Circuit Court for the City/County of _____

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

APPROVED DOMESTIC RELATIONS ORDER

NAME OF PLAN(S):

*[Include only
name(s) of applicable
plans]*

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(s) (the “Plan(s)”) 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. Participant is _____, whose last known mailing address is _____ and whose date of birth is _____.

Within forty-five (45) days of approval by VRS of this Order, the following amount shall be distributed to Alternate Payee: _____ and ___/100 (\$_____) dollars from the balance in Participant's account(s) on _____, _____, [optional addition to this provision: together with all interest, earnings, gains or losses accrued on said amount from said date to the date of distribution,] shall be transferred, on behalf of Alternate Payee, directly to such other plan or Individual Retirement Account as is designated by Alternate Payee. Said distribution shall be reported under Alternate Payee's social security number, and not under that of Participant.

8. Participant's various investment options under the Plan(s) will be liquidated on a proportionate basis to obtain the amount to be distributed to Alternate Payee.

9. Participant is prohibited from removing any funds from the Plan(s) prior to the lump sum distribution to and/or on behalf of Alternate Payee provided for herein. VRS is not responsible for monitoring Participant's account activity. Should Participant remove any funds from his/her Plan account(s) in violation of this order, Alternate Payee's sole recourse is to seek redress from Participant.

10. In the event Participant receives any of the funds specifically designated herein to be the property of Alternate Payee, the Participant shall immediately, within ten (10) days of the receipt thereof, forward such amounts to Alternate Payee.

11. **[OPTIONAL PROVISION:]** Death of Participant: If Participant dies anytime after this Order, Alternate Payee's right to receive the distribution described herein shall not be affected. Participant shall complete and execute such form(s) as is/are required by VRS to designate Alternate Payee as the beneficiary of the amount to which this order entitles him/her and said completed form(s) shall be forwarded to VRS with the copy of this Order being submitted for approval. Participant is prohibited from submitting to VRS any form or forms the effect of which would be to interfere with Alternate Payee's right to receive the distribution to which he/she is entitled upon the death of Participant. VRS is not responsible for monitoring the forms submitted by Participant. Should VRS make any distribution as a result of any form submitted by Participant in violation of this order, Alternate Payee's sole recourse is to seek remedy from Participant's beneficiary, beneficiaries, and/or estate.

12. Nothing contained in this Order shall be construed to require the Plan Administrator:

(A) To pay to and/or for the benefit of Alternate Payee any amount in excess of the balance in Participant's account at the time of distribution;

(B) To make any payment or take any action which is inconsistent with any federal or state law, rule, regulation, plan provision, or applicable judicial decision.

13. Alternate Payee is ordered to provide prompt written notification to VRS of any changes in his/her mailing address. XTU'o c{ .lp"ku"l f kuetgvqp. "grge"pqvq"o cng"" paymentu to Alternate Payee if VRS does not have a current mailing address for Alternate Payee at the time of payment.

14. 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 to be made to Alternate Payee 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