

1 Name _____
Address _____
2 City State Zip _____
3 Phone _____

4 [Attorneys for Petitioner/Respondent] or [Pro Per]

5
6
7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF _____**

9 In Re the Marriage of:

10 _____,
11 Petitioner,
12
13 and
14 _____,
15 Respondent.

NO.: _____

DOMESTIC RELATIONS ORDER

OR

**AMENDED DOMESTIC
RELATIONS ORDER**

16
17 The Court makes the following findings and orders:

18 **SECTION 1 – RETIREMENT PLAN**

19 This Domestic Relations Order (“Order”) hereby creates or recognizes the existence of an
20 Alternate Payee's right to, or assigns to an Alternate Payee the right to receive a portion of the
21 benefits payable to a retirement plan Participant. The Order divides the Participant’s interest in one
22 of the following public retirement plans (hereinafter “System or Plan”) as indicated:

23 Check only ONE of the following:

- 24 Public Safety Personnel Retirement System; **OR**
- 25 Corrections Officer Retirement Plan; **OR**
- 26 Elected Officials’ Retirement Plan.

27 ...

28 ...

1 SECTION 2 – MEMBER/PARTICIPANT INFORMATION

2
3 The “Participant” is the

4 Check only ONE of the following:

5 Petitioner; **OR**

6 Respondent

7 in these proceedings, whose mailing address and date of birth are:

8 Address: _____

9 Date of Birth: _____

10 SECTION 3 – NON-MEMBER/ALTERNATE PAYEE INFORMATION

11 The “Alternate Payee” is the

12 Check only ONE of the following:

13 Petitioner; **OR**

14 Respondent

15 in these proceedings, whose mailing address and date of birth are:

16 Address: _____

17 Date of Birth: _____

18
19 SECTION 4 – GENERAL INFORMATION

20 a. This Order relates to the marital property rights of the spouses under the community
21 property laws of Arizona.

22 b. For purposes of calculating benefits based on the formula provided in this Order, the
23 Participant and the Alternate Payee were married on _____.

24 c. For purposes of calculating benefits based on the formula provided in this Order, the
25 date in which the community property interest ended is: _____ (which is either
26 the date of divorce, **OR** based on a date other than the date of divorce as determined by the parties
27 and the Court).

1 SECTION 5 – PARTICIPANT’S TERMINATION OF EMPLOYMENT BEFORE
2 RETIREMENT (REFUND) [Skip this Section if Participant is already retired, or
3 participating in the Deferred Retirement Option Plan (DROP)]
4

5 If the Participant’s employment is terminated, and the Participant withdraws his or her
6 accumulated contributions in a lump sum (the “Lump Sum Refund”):

7 Check only ONE of the following (A, B, OR C):

8 **Item A (Formula):** The Alternate Payee is entitled to receive as his or her sole and
9 separate property, directly from the System or Plan, a percentage of the Lump Sum Refund, plus the
10 corresponding percentage of an enhanced refund (if any), based on the following formula:

11
$$\frac{\text{NUMERATOR} \quad \text{(total months as member during marriage per dates in Section 4)}}{\text{DENOMINATOR} \quad \text{(total months as member)}} \quad \times \quad .50 = \text{Alternate Payee's \% of benefits}$$

12
13 **OR**

14 **Item B (Specific Dollar Amount):** The Alternate Payee is entitled to receive as his or
15 her sole and separate property, directly from the System or Plan, a **specific dollar amount of**
16 **\$ _____.**00 (you MUST enter a dollar amount) of the Lump Sum Refund.
17

18 **OR**

19 **Item C (Specific Percentage):** The Alternate Payee is entitled to receive as his or her
20 sole and separate property, directly from the System or Plan, a **specific percentage of _____%**
21 (you MUST enter a percentage here, such as 25%, 50%, etc.) of the Lump Sum Refund.
22

23 ...

24 ...

25 ...

26 ...

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1 SECTION 6 – DIVISION OF MONTHLY PENSION PAYMENTS

2 Alternate Payee is awarded, as his or her sole and separate property, a pro-rata share of
3 Participant’s monthly pension, payable directly by the System or Plan at the same time and in the
4 same manner payments are made to the Participant pursuant to the System or Plan, determined in the
5 following manner:

6 Check only ONE of the following (A, B, or C):

7
8 **Item A (Formula):** If the Participant receives a monthly pension (or disability) payment,
9 the Alternate Payee is entitled to receive as his or her sole and separate property, directly from the
10 System or Plan, a percentage of the monthly payments based on the following formula, adopted by
11 the Court, which calculation is to be completed by the System or Plan:

12
$$\frac{\text{NUMERATOR (total months as member during marriage per dates in Section 4)}}{\text{DENOMINATOR (total months as member, including months in DROP, if applicable)}} \times .50 = \text{Alternate Payee's \% of benefits}$$

13
14 **OR**

15 **Item B (Specific Dollar Amount):** If the Participant receives a monthly pension (or
16 disability) payment, the Alternate Payee is entitled to receive as his or her sole and separate property,
17 directly from the System or Plan, a **specific dollar amount of \$ _____.**00 (you MUST enter a
18 dollar amount).

19 **OR**

20 **Item C (Specific Percentage):** If the Participant receives a monthly pension (or disability)
21 payment, the Alternate Payee is entitled to receive as his or her sole and separate property, directly
22 from the System or Plan, a **pre-determined percentage of _____%** (you MUST enter a
23 percentage such as 25%, 50%, etc.) of the Participant’s monthly pension payment.

24 ...
25 ...
26 ...
27 ...
28 ...

1 SECTION 7 – POST-RETIREMENT BENEFIT INCREASES (COLA)

2 Check only ONE of the following (A OR B).

3 **Item A:** The Alternate Payee shall be entitled to the post-retirement benefit increases
4 (COLA) that the Participant becomes entitled to receive based upon the formula selected in
5 Section 6.

6 **OR**

7 **Item B:** All post-retirement benefit increases (COLA) are awarded solely to the
8 Participant.

9
10 SECTION 8 – DEFERRED RETIREMENT OPTION PLAN (“DROP”) [Skip this Section if
11 Participant is already retired and/or did not participate in the DROP program]

12 If the Participant elects a deferred retirement option plan (“DROP”):

13 Check only ONE of the following (A, B, C, OR D):

14 **Item A (Formula):** If the Participant receives a monthly pension payment, the Alternate
15 Payee is entitled to receive as his or her sole and separate property, directly from the System or Plan,
16 a percentage of the accumulated pension deferred under DROP, based upon the formula method
17 prescribed in Section 6. This payment will be in addition to the Alternate Payee’s portion of the
18 Participant’s pension as calculated under Section 6.

19 **OR**

20 **Item B (Specific Dollar Amount):** The Alternate Payee shall be entitled to receive as his
21 or her sole and separate property, directly from the System or Plan, a **specific dollar amount of**
22 \$ _____.00 (you MUST enter a dollar amount) of the DROP benefit. This payment will be in
23 addition to the Alternate Payee’s portion of the Participant’s pension as calculated under Section 6.

24 **OR**

25 **Item C (Specific Percentage):** The Alternate Payee is entitled to receive as his or her
26 sole and separate property, directly from the System or Plan, a **pre-determined percentage of**
27 _____% (you MUST enter a percentage such as 25%, 50%, etc.) of the DROP benefit. This
28

1 payment will be in addition to the Alternate Payee's portion of the Participant's pension as
2 calculated under Section 6.

3 **OR**

4 **Item D:** All DROP benefits are awarded solely to the Participant.

5
6 **SECTION 9 – DISPOSITION OF ALTERNATE PAYEE'S SHARE IN THE EVENT**
7 **ALTERNATE PAYEE PREDECEASES PARTICIPANT (THIS SECTION IS OPTIONAL)**

8 If the Alternate Payee predeceases the Participant:

9 Check only ONE of the following (A OR B):

10 **Item A:** As provided by law, Alternate Payee's portion of the benefits passes to his/her
11 estate. The personal representative of the Alternate Payee shall receive the share of the Participant's
12 benefit payments awarded to the Alternate Payee in this Order upon the same terms and conditions
13 that the Alternate Payee would have received such payments if the Alternate Payee were living. The
14 System or Plan shall not be responsible for making payments to the personal representative of the
15 Alternate Payee until the personal representative has filed with the System or Plan proof of the
16 personal representative's authority to receive payments. The System or Plan cannot allow the
17 Alternate Payee to designate a beneficiary with the System or Plan.

18 **OR**

19 **Item B:** The Alternate Payee hereby knowingly and voluntarily waives his/her right to
20 bequeath his/her portion the awarded portion of the Participant's retirement benefits to his/her estate,
21 and agrees that his/her awarded portion of the retirement benefits may revert to Participant.

22
23 **SECTION 10 – DISPOSITION OF ALTERNATE PAYEE'S SHARE OF BENEFITS**
24 **IN THE EVENT PARTICIPANT PREDECEASES ALTERNATE PAYEE**

25 **In the event the Participant predeceases the Alternate Payee, any benefits that the**
26 **Alternate Payee was entitled to receive, or was receiving, will cease upon the death of the**
27 **Participant.**

28 . . .

1 SECTION 11 – ORDERS DIRECTED TO ALTERNATE PAYEE

2 a. Alternate Payee shall provide the System or Plan written notification of any changes
3 in Alternate Payee’s mailing address. The System or Plan is not liable for failing to make payments
4 to Alternate Payee if the System or Plan does not have the current mailing address for the Alternate
5 Payee at the time of payment.

6 b. If there is a name change to the Alternate Payee, an *Address and Name Change Form*
7 must be completed and provided to the System or Plan.

8 c. Alternate Payee shall provide his or her social security number to the System or Plan
9 within ten (10) days of the date of this Order.
10

11 SECTION 12 – ORDERS TO PARTICIPANT

12 a. Participant shall provide the System or Plan written notification of any changes in
13 Participant’s mailing address. The System or Plan is not liable for failing to make payments to
14 Participant if the System or Plan does not have the current mailing address for the Participant at the
15 time of payment.

16 b. If there is a name change to the Alternate Payee, an *Address and Name Change Form*
17 must be completed and provided to the System or Plan.

18 c. Participant shall serve a certified copy of this Order upon the System or Plan within
19 ten (10) days of the date of this Order, at the following address: 3010 East Camelback Road, Suite
20 200, Phoenix, Arizona 85016.
21

22 SECTION 13 – MISCELLANEOUS ORDERS

23 a. The Court retains jurisdiction to amend this Order but only for the purpose of
24 establishing or maintaining its acceptance to the relevant System or Plan, and to supervise the
25 payment of retirement benefits as provided in the Order to Alternate Payee. Such amendment shall
26 not require the System or Plan to provide any type or form of benefit, or any option not otherwise
27 provided under the System or Plan.
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