

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Name _____
Address _____
City State Zip _____
Phone _____

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

IN THE SUPERIOR COURT OF THE STATE OF _____
IN AND FOR THE COUNTY OF _____

In Re the Marriage of:
_____,
Petitioner,
and
_____,
Respondent.

NO.: _____

DOMESTIC RELATIONS ORDER

OR

AMENDED DOMESTIC RELATIONS ORDER

After this Order is prepared, provide the System with a PHOTO-COPY for review and acceptance prior to filing it with the court.

The Court makes the following findings and orders:

SECTION 1 – RETIREMENT PLAN

This Domestic Relations Order (“Order”) hereby creates or recognizes the existence of an Alternate Payee's right to, or assigns to an Alternate Payee the right to receive a portion of the benefits payable to a retirement plan Participant. The Order divides the Participant’s interest in the Public Safety Personnel Retirement System, Corrections Officer Retirement Plan, and/or Elected Officials’ Retirement Plan, as applicable, and hereinafter referred to as “System or Plan.”

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 either party was served with the divorce Petition, date of divorce, **OR** a date other than the
27 date of divorce as determined by the parties and the Court).
28

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, plus the corresponding percentage of an enhanced refund (if applicable),
7 in a lump sum (the “Lump Sum Refund”):

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

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

12 (total months as member during
13 marriage per dates in Section 4
14 $\frac{\text{NUMERATOR (total months as member during marriage per dates in Section 4 including all service transfers and purchases completed during marriage)}}{\text{DENOMINATOR (total months of credited service)}} \times .50 = \text{Alternate Payee's \% of benefits}$

15 **OR**

16 **Item B (Specific Dollar Amount):** The Alternate Payee is entitled to receive as his or
17 her sole and separate property, directly from the System or Plan, a **specific dollar amount of**
18 **\$ _____ .00** (you MUST enter a dollar amount) of the Lump Sum Refund.
19

20 **OR**

21 **Item C (Specific Percentage):** The Alternate Payee is entitled to receive as his or her
22 sole and separate property, directly from the System or Plan, a **specific percentage of _____%**
23 (you MUST enter a percentage) of the Lump Sum Refund, which will include the corresponding
24 percentage of the enhanced refund (if applicable).
25

26 . . .

27 . . .

28 . . .

SECTION 6 – DIVISION OF MONTHLY PENSION PAYMENTS

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

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

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

$$\frac{\text{NUMERATOR}}{\text{DENOMINATOR}} \times .50 = \text{Alternate Payee's \% of benefits}$$

(total months as member during marriage per dates in Section 4 including all service transfers and purchases completed during marriage) / (total months of credited service)

OR

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

OR

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

OR

Item D: All monthly pension (or disability) payments are awarded solely to the Participant. If this item is selected, all post-retirement cost of living increases in Section 7 will also be automatically awarded to the Participant.

1 **SECTION 7 – POST-RETIREMENT BENEFIT INCREASES**

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

3 **Item A:** The Alternate Payee shall be entitled to his or her proportionate share of the post-
4 retirement cost of living increases that the Participant becomes entitled to receive.

5 **OR**

6 **Item B:** All post-retirement cost of living increases are awarded solely to the Participant.
7

8 **SECTION 8 – DEFERRED RETIREMENT OPTION PLAN.** [This Section is for **Tier 1**
9 **PSPRS** members only. Skip this Section if **PSPRS** Participant is already retired.]

10 If the PSPRS Participant elects to participate in the Deferred Retirement Option Plan
11 (“DROP”):

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

13 **Item A (Formula):** If the Participant receives a monthly pension payment, the Alternate
14 Payee is entitled to receive as his or her sole and separate property, directly from the Public Safety
15 Personnel Defined Contribution Retirement Plan (PSPDCRP) currently administered by Nationwide
16 Retirement Solutions, a percentage of the taxable accumulated DROP based on the following
17 formula, adopted by the Court, which calculation is to be completed by the System or Plan:

18
19 (total months as member during
20 $\frac{\text{NUMERATOR (total months as member during marriage per dates in Section 4 including all service transfers and purchases completed during marriage)}}{\text{DENOMINATOR (total months of credited service)}} \times .50 = \text{Alternate Payee's \% of benefits}$
21

22 This payment will be in addition to the Alternate Payee’s portion of the Participant’s monthly
23 pension, if applicable. If the member has any previously taxed monies from the DROP, the
24 Alternate Payee’s share of those funds will be issued to the Alternate Payee in the same manner as
25 the monthly retirement payments (either direct deposit or check), if applicable.
26

27 **OR**

28 **Item B (Specific Dollar Amount):** The Alternate Payee shall be entitled to receive as his

1 or her sole and separate property, directly from the Public Safety Personnel Defined Contribution
2 Retirement Plan (PSPDCRP) currently administered by Nationwide Retirement Solutions, a **specific**
3 **dollar amount of \$ _____.**00 (you MUST enter a dollar amount) of the DROP benefit. This
4 payment will be in addition to the Alternate Payee's portion of the Participant's monthly pension, if
5 applicable.

6 **OR**

7 **Item C (Specific Percentage):** The Alternate Payee is entitled to receive as his or her
8 sole and separate property, directly from the Public Safety Personnel Defined Contribution
9 Retirement Plan (PSPDCRP) currently administered by Nationwide Retirement Solutions, a **pre-**
10 **determined percentage of _____%** (you MUST enter a percentage) of the taxable portion of the
11 DROP benefit. This payment will be in addition to the Alternate Payee's portion of the Participant's
12 monthly pension, if applicable. If the member has any previously taxed monies from the DROP, the
13 Alternate Payee's share of those funds will be issued to the Alternate Payee in the same manner as
14 the monthly retirement payments (either direct deposit or check), if applicable.

15 **OR**

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

17
18 **SECTION 9 –REVERSE DEFERRED RETIREMENT OPTION PLAN**, as applicable.

19 [This Section is for **Tiers 1, 2 or 3 Defined Benefit CORP** members only.]

20 If the CORP Participant elects to participate in the Reverse Deferred Retirement Option plan
21 ("Reverse DROP"):

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

23 **Item A (Formula):** If the Participant receives a monthly pension payment, the Alternate
24 Payee is entitled to receive as his or her sole and separate property, directly from the Public Safety
25 Personnel Defined Contribution Retirement Plan (PSPDCRP) currently administered by Nationwide
26 Retirement System, a percentage of the accumulated pension deferred under Reverse DROP based
27
28

1 on the following formula, adopted by the Court, which calculation is to be completed by the System
2 or Plan:

$$\frac{\text{NUMERATOR}}{\text{DENOMINATOR}} \times .50 = \text{Alternate Payee's \% of benefits}$$

3 (total months as member during
4 marriage per dates in Section 4
including all service transfers and
5 purchases completed during marriage) (total months of credited service)

6 This payment will be in addition to the Alternate Payee's portion of the Participant's monthly
7 pension, if applicable. If the member has any previously taxed monies from Reverse DROP, the
8 Alternate Payee's share of those funds will be issued to the Alternate Payee in the same manner as
9 the monthly retirement payments (either direct deposit or check), if applicable.

10 **OR**

11 **Item B (Specific Dollar Amount):** The Alternate Payee shall be entitled to receive as his
12 or her sole and separate property, directly from the Public Safety Personnel Defined Contribution
13 Retirement Plan (PSPDCRP) currently administered by Nationwide Retirement Solutions, a **specific**
14 **dollar amount of \$ _____.**00 (you MUST enter a dollar amount) of the Reverse DROP benefit.
15 This payment will be in addition to the Alternate Payee's portion of the Participant's monthly
16 pension, if applicable.

17 **OR**

18 **Item C (Specific Percentage):** The Alternate Payee is entitled to receive as his or her
19 sole and separate property, directly from the Public Safety Personnel Defined Contribution
20 Retirement Plan (PSPDCRP) currently administered by Nationwide Retirement System, a **pre-**
21 **determined percentage of _____%** (you MUST enter a percentage) of the Reverse DROP
22 benefit. This payment will be in addition to the Alternate Payee's portion of the Participant's
23 monthly pension, if applicable. If the member has any previously taxed monies from Reverse
24 DROP, the Alternate Payee's share of those funds will be issued to the Alternate Payee in the same
25 manner as the monthly retirement payments (either direct deposit or check), if applicable.

26 **OR**

27 **Item D:** All Reverse DROP benefits are awarded solely to the Participant.
28

1 **SECTION 10 – DISPOSITION OF ALTERNATE PAYEE’S SHARE IN THE EVENT**
2 **ALTERNATE PAYEE PREDECEASES PARTICIPANT**

3 If the Alternate Payee predeceases the Participant:

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

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

13 **OR**

14 **Item B:** The Alternate Payee hereby knowingly and voluntarily waives his/her right to
15 bequeath his/her portion the awarded portion of the Participant’s retirement benefits to his/her estate,
16 and agrees that his/her awarded portion of the retirement benefits may revert to Participant.
17

18 **SECTION 11 – DISPOSITION OF ALTERNATE PAYEE’S SHARE OF BENEFITS**
19 **IN THE EVENT PARTICIPANT PREDECEASES ALTERNATE PAYEE**

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

23
24 **SECTION 12 – ORDERS TO ALTERNATE PAYEE**

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

1 b. When the Participant elects for a distribution of benefits, as long as there is a current
2 address on file for the Alternate Payee, the System will provide the Alternate Payee with the
3 required forms/documentation that will need to be completed and returned to the System before
4 benefits can be disbursed to the Alternate Payee.

5 c. It is important that the Alternate Payee keep apprised of the statutory provisions
6 pertaining to the Domestic Relations Order pursuant to §§ 38-860(E), 38-910(E) and 38-822(E).

7 d. If there is a name change to the Alternate Payee, complete our *Address and Name*
8 *Change Form* located on our website at <http://www.psprs.com/>.

9
10 **SECTION 13 – ORDERS TO PARTICIPANT**

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

15 b. It is important that the Participant keep apprised of the statutory provisions pertaining
16 to the Domestic Relations Order pursuant to §§ 38-860(E), 38-910(E) and 38-822(E).

17 c. If there is a name change to the Participant, complete our *Address and Name Change*
18 *Form* located on our website at <http://www.psprs.com/>.

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

22
23 **SECTION 14 – MISCELLANEOUS ORDERS**

24 a. The Court retains jurisdiction to amend this Order but only for the purpose of
25 establishing or maintaining its acceptance to the relevant System or Plan, and to supervise the
26 payment of retirement benefits as provided in the Order to Alternate Payee. Such amendment shall
27 not require the System or Plan to provide any type or form of benefit, or any option not otherwise
28

1 provided under the System or Plan.

2 b. Each recipient of monies is solely responsible for the payment of federal and state
3 income taxes with respect to monies received by him or her under this Order.

4 c. Any ambiguity, uncertainty or inconsistency in this Order shall be interpreted so as to
5 ensure payment of benefits to the Alternate Payee.

6 d. Benefits awarded to the alternate payee will be paid to the alternate payee upon the
7 member's election for a refund or retirement benefit. The System or Plan is unable to issue any
8 benefit to the alternate payee prior to the member's election. If the member is currently receiving a
9 monthly retirement benefit, the Order will be processed within 1 to 2 months following receipt of the
10 acceptable, certified Order.

11
12 DATED this ____ day of _____, 20____.

13
14 _____
15 Judge of the Superior Court
16

17 [If Order is submitted by stipulation, notarized signatures of parties provided on page 11 and
18 signature of attorney's provided on page 12.]

19 . . .
20 . . .
21 . . .
22 . . .
23 . . .
24 . . .
25 . . .
26 . . .
27 . . .
28 . . .

1 The following signatures are required if the Order is submitted by stipulation (agreement).

2 **Approved as to Form and Content by Member/Participant:**

3
4 _____
5 **Signature of Member/Participant**

6 State of _____, County of _____

7
8 On this _____ day of _____, 20_____, before me personally appeared
9 _____, whose identity was proven to me on the basis of
10 satisfactory evidence to be the person who she claims to be, and acknowledged that she signed the
11 document.

12 (seal)

13 _____
14 Notary Public

15 **Approved as to Form and Content by Non-Member/Alternate Payee:**

16 _____
17 **Signature of Non-Member/Alternate Payee**

18 State of _____, County of _____

19
20 On this _____ day of _____, 20_____, before me personally appeared
21 _____, whose identity was proven to me on the basis of
22 satisfactory evidence to be the person who she claims to be, and acknowledged that she signed the
23 document.

24 (seal)

25 _____
26 Notary Public

1 If either of the parties has an attorney and is submitting the Order by stipulation (agreement), the
2 following signature(s) is/are required.

3 **Approved as to Form and Content:**

4

5 _____
Attorney for Participant

6

7 _____
Attorney for Alternate Payee

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28