

Sample: Re: QDRO (Sims v Sims)

Concerning the retirement benefits payable to *(Member's Name)* by the Louisiana State Police Retirement System, hereinafter referred to as the "Retirement System":

1.

Interest of *(Name of Non-Member/Spouse)*: **IT IS ORDERED, ADJUDGED, AND DECREED** that *(Name of Non-Member/Spouse)* has a community interest in the retirement benefits payable by the Retirement System as a result of the service by *(Member's Name)* to the Department of Public Safety, Louisiana State Police, due to the fact that the parties were married to each other on \_\_\_\_\_ and were subsequently divorced and that a community property regime existed during the marriage of the parties that was terminated effective \_\_\_\_\_. , and this court has jurisdiction of this action and these parties and is the proper Court to render this order.

2.

*(Parties should select either Option A or Option B)*

Option A:

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Interest of *(Name of Non-Member/Spouse)* in the retirement benefits payable by the Retirement System, including any cost-of-living adjustments, which benefits are attributable to the employment of *(Member's Name)* by the Department of Public Safety, Louisiana State Police, during the existence of the community, shall be calculated as follows:

That certain percentage which is determined by one-half ( $\frac{1}{2}$ ) of a fraction, the numerator of which is the number of creditable years of service accumulated by *(Member's Name)* including transferred and purchased service, during the existence of their community from *(Date of Marriage)* to *(Date the Community Terminated or Retirement Date, whichever comes first)*, and the denominator of which is the total number of years of creditable service in the retirement system, all in accordance with the formula set forth by the Louisiana Supreme Court in *Sims v. Sims*, 358 So.2d 919 (La.1978).

Option B:

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that *(Name of Non-Member/Spouse)* shall receive \_\_\_\_\_% of the retirement benefits payable by the Retirement System, including any cost-of-living adjustments, which benefits are attributable to the employment of *(Member's Name)* by the Department of Public Safety, Louisiana State Police.

3.

Payment to *(Name of Non-Member/Spouse)*: **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that, under the provisions of Louisiana law in effect at the time of this division order, *(Name of Non-Member/Spouse)* shall be entitled to begin receipt of his/her interest from the Retirement System at such time as *(Member's Name)* retires and commences receipt

of distributions. However, if Louisiana law is amended to permit a former spouse to receive retirement benefits at an earlier date than under present law, upon the request of **(Name of Non-Member/Spouse)**, he/she may elect to receive his/her benefits at such an earlier date under the statutory law and retirement system provisions in effect at the time of her request. Once distribution of retirement benefits has begun, **(Name of Non-Member/Spouse)** shall continue to receive his/her share of the monthly retirement benefit for the shorter of I) his/her lifetime or II) the lifetime of **(Member's Name)** or that of his joint and survivor annuitant, whichever is longer.

4.

Refund of Employee Contributions : **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that, should **(Member's Name)** die prior to his retirement and receipt of benefits, and leave no persons entitled to survivors' benefits, then **(Name of Non-Member/Spouse)** shall be entitled to receive (\_\_\_\_\_ %, or the same percentage as reflected by the formula in number 2 above) of all employee contributions made by **(Member's Name)** to the Retirement System from **(Date of Marriage )** to **(Date the Community Ended)**. **(Name of Non-Member/Spouse)** shall also receive (this same percentage, or \_\_\_\_\_%) of any other refunded contributions attributable to the period of service with the Department of Public Safety, Louisiana State Police to which she may become entitled under Retirement System policy in effect at the death of **(Member's Name)**.

5.

Payment information of Parties: **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the following identifying information shall be used by the Retirement System in identifying the parties in this matter and making payment:

The present mailing address for the member is **(Member's Address)**. The Social Security number for the member is **(XXX-XX-XXXX)**.

The present mailing address for **(Name of Non-Member/Spouse)** is (non-member's address). The Retirement System or any successor retirement benefit administrator shall make payments to him/her at this address unless notified of a different address, or direct deposit information, by certified mail. The Social Security number for **(Name of Non-Member/Spouse)** is **(XXX-XX-XXXX)** and his/her date of birth is **(DOB)**. **(Name of Non-Member/Spouse)** shall provide copies of his/her social security card and any other pertinent documentation for the file. **(Name of Non-Member/Spouse)** shall inform the Retirement System in writing of all future changes of mailing address within thirty (30) days after such change of address becomes effective.

6.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that **(Name of Non-Member/Spouse)** shall provide to the Retirement System a certified copy of this Order, at the following address (or such subsequent address as it may publish): 9224 Jefferson Hwy, Baton Rouge, LA 70809 (make sure this address is current)., within thirty (30) days after it is signed by the undersigned Judge.