

HOUSTON
POLICE OFFICERS'
PENSION SYSTEM

SAMPLE DOMESTIC RELATIONS ORDER (Child Support)

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A SAMPLE FORM FOR A COURT ORDER AS PART OF A CHILD SUPPORT ORDER FOR A MEMBER WHO IS OR MAY BECOME ENTITLED TO RECEIVE A RETIREMENT OR DISABILITY PENSION UNDER ARTICLE 6243g-4.

DOMESTIC RELATIONS ORDER

With respect to the division of certain employee benefits of [NAME OF MEMBER] in accordance with Article 6243g-4 of the Texas Civil Statutes and any agreements authorized by Section 27(a) of the said Article 6243g-4, the Texas Family Code, subchapters A and C of Chapter 804 of the Government Code (the Texas "QDRO" statute), and other applicable law, after presentation of testimony and other evidence at trial, the Court finds the following:

1. Member Info

- Name: _____
- Address: _____
- SSN: _____
- Date of birth: _____

2. Alternate Payee (s) (as defined in § 804.001 of the Texas Government Code) Info

- Name: _____
- Address: _____
- SSN: _____
- Date of birth: _____
- Alternate Payee is a minor, so payments should be made to _____ for and on behalf of said Alternate Payee.
All such payments should be mailed to _____.

- Name: _____
- Address: _____
- SSN: _____
- Date of birth: _____
- Alternate Payee is a minor, so payments should be made to _____ for and on behalf of said Alternate Payee.
All such payments should be mailed to _____.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT this Order shall be incorporated into and shall become a part of any support order signed and entered by the Court in the above-styled and numbered cause.

I.

In recognition of the existence of each Alternate Payee's right to receive child support from Member's retirement or disability benefits or member contributions as defined by Texas law, Alternate Payee shall be paid the following determined or agreed monthly amount:

\$_____ of Member's monthly benefit per month subject to section II of this order. Check one of the following:

- This amount shall be paid for _____ number of months
- This amount shall be paid until reaching a total payout to alternate payee of \$_____.
- This amount shall be paid until the date of _____.

- This amount shall be paid until superseded by subsequent court order or death of Member or Alternate Payee.

II.

All pending payments to Alternate Payee under this order shall terminate on the first to occur of the expiration of a fixed payment term specified in Section I, if any, or of the death of either the Alternate Payee or Member. If there are multiple Alternate Payees, the amount awarded to the deceased Alternate Payee would revert back to the member.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT:

This order shall not:

- Require HPOPS provide any type or form of benefit or any option not otherwise provided under the plan
- Require HPOPS to provide increased benefits determined on the basis of actuarial value.
- Require HPOPS to pay benefits to an alternate payee which are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order
- Require HPOPS to pay benefits to an alternate payee before the retirement of a member, the distribution of a withdrawal of contributions to a member, or any other distribution to a member required by law.
- Require the designation of a particular person as the recipient of benefits in the event of a member's death.
- Require the selection of a particular benefit payment plan or option.
- Require any action by HPOPS contrary to its governing statutes or plan provision other than the direct payment of the benefit awarded to the alternate payee.
- Make the award of an interest contingent on any condition other than those conditions resulting in the liability of a retirement system for payments under its plan provisions
- Award any future benefit increases that are provided or required by the legislature.

If, after the date of this order, the amount of any benefit otherwise payable to the Member is reduced by law, any amounts payable to Alternate Payee shall be reduced by a proportionate amount. For example, in the event that the Member's accrued benefit is limited and/or reduced as a result of a benefit limitation imposed under Section 415 of the Internal Revenue Code, as amended from time to time, then the Alternate Payee's share of the benefits shall also be limited and/or reduced in the same proportion and to the same extent as the Member's benefits.

The Alternate Payee(s) or Alternate Payee's custodian shall promptly notify the System of any change in Alternate Payee's mailing address or name.

In accordance with current Federal law, payments made to Alternate Payee shall nevertheless be reported on the income tax returns of Member.

Member is designated a constructive trustee if in receipt of any payments under the System that are due to Alternate Payee(s) under this Order but paid to Member. Member is ORDERED to pay any such payment defined in this paragraph directly to Alternate Payee(s) within three days after receipt by

Member. All payments made directly to Alternate Payee(s) by the System shall be a credit against this order.

The Court retains jurisdiction to amend this order if necessary so that it will constitute a qualified domestic relations order under the rules of the System, even though all other matters incident to this action or proceeding have been fully and finally adjudicated.

SIGNED THIS _____ DAY OF _____, 20__.

JUDGE PRESIDING