

HOUSTON
POLICE OFFICERS'
PENSION SYSTEM

MODEL DOMESTIC RELATIONS ORDER (SPOUSE)

THIS IS A SAMPLE FORM FOR A COURT ORDER FOR A MEMBER WHO IS ENTITLED TO RECEIVE OR IS CURRENTLY RECEIVING BENEFITS 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 Civil Statutes of Texas 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 (as defined in § 804.001 of the Texas Government Code) Info
 - Name: _____
 - Address: _____
 - SSN: _____
 - Date of birth: _____

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT this Order shall be incorporated into and shall become a part of the decree of divorce ("Divorce Decree") signed and entered by the Court in the above-styled and numbered cause.

I.

Alternate Payee shall as of the date of this order have the right to be paid the following determined or agreed amount: (check all that apply)

Refund of Contributions: (check one)

- \$ _____ of Member's Refunded employee contributions. Available only to terminated employees not eligible for a normal retirement.
- None of the Member's Refunded employee contributions is awarded to the Alternate Payee.

Deferred Retirement Option Plan (DROP)/Post Retirement Option Plan (PROP) Account: (check one)

- \$ _____ of the DROP/PROP account effective _____. Payable only upon Member's retirement and subject to the Houston Police Officers' Pension System (HPOPS) DROP/PROP policy. This amount from DROP/PROP account will not be paid to the Alternate Payee or Alternate Payee's estate should the Member or Alternate Payee die before the Member's retirement.
- None of the Member's DROP/PROP Account is awarded to the Alternate Payee.

Retirement/Disability Monthly Benefit: (check one)

\$ _____ of Member's monthly benefit per month. Payable only upon Member's retirement. (Check **one** of the following):

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This amount shall be paid until superseded by subsequent court order or death of Member or Alternate Payee.

None of the Member's monthly benefit is awarded to the Alternate Payee.

II.

The portion of the Member's notional DROP (PROP) account that is payable to Alternate Payee shall be credited with the same hypothetical earnings rate that the Member is entitled to receive on his or her notional DROP (PROP) account. The crediting of the hypothetical earnings rate to the Alternate Payee's account will be effective on the date specified above.

III.

Payment of the portion of the Member's monthly retirement or disability benefit and/or notional DROP (PROP) account or Employee Contributions to the Alternate Payee shall commence at the same time payments commence to the Member. These payments shall be paid in the same form and for the same period in which payments are made to the Member. All pending payments to the Alternate Payee including the portion from DROP (PROP) account under this order shall terminate on the first to occur of; the expiration of a fixed term, as specified in this order, or the death of either the Alternate Payee or the Member.

Notwithstanding the preceding, payment shall be made or commence to be made to the Alternate Payee no later than would be permissible under Internal Revenue Code §401(a)(9); 26 U.S.C. §401(a)(9) and applicable regulations thereunder.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT:

This order shall not:

- Require HPOPS to 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.

Alternate Payee shall report any monthly retirement or disability benefit and/or DROP account payments received pursuant to this order on the applicable income tax return(s) and shall promptly notify the System of any change in Alternate Payee's mailing address or name. The System is authorized to issue appropriate tax form(s) on any such payments made to Alternate Payee. Alternate Payee shall repay the System for any overpayments and/or payments sent after the death of the Member.

Payment of any portion of Member's monthly retirement or disability benefit and/or DROP account to Alternate Payee shall be taxable to the Alternate Payee in accordance with the rules set forth in the Internal Revenue Code and for purposes of these rules, any recovery of after-tax contributions made by Member to the System shall be allocated on a pro-rata basis between the benefits awarded to Alternate Payee and the benefits payable to Member.

Member is designated a constructive trustee if in receipt of any benefits under the System that are due to Alternate Payee under this Order but paid to Member. Member is ORDERED to pay any such benefit to Alternate Payee within three days after receipt by Member. All payments made directly to Alternate Payee 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