

MODEL DOMESTIC RELATIONS ORDER
Firefighters' and Rescue Squad Workers' Pension Fund

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

COUNTY OF _____

___ CVD _____

_____,)
Plaintiff,)
)
v.)
)
_____,)
Defendant.)

DOMESTIC RELATIONS ORDER
(Firefighters' and Rescue Squad
Workers' Pension Fund)

THIS MATTER coming on for hearing before the Honorable _____, District Court Judge presiding, in the civil District Court for _____ County, North Carolina;

AND IT APPEARING to the Court that an equitable distribution judgment has been entered in this action [OR: that the parties have agreed to the entry of a Consent Domestic Relations Order] concerning distribution of **plaintiff's/defendant's** interest in benefits payable by the North Carolina Firefighters' and Rescue Squad Workers' Pension Fund;

NOW, THEN, the Court makes the following:

FINDINGS OF FACT

1. That the parties were formerly husband and wife, having married on _____, separated on _____, and are now divorced.
2. That an action seeking an equitable distribution of the parties' marital property and a judgment dividing said property has been entered by the Court **[OR: That parties have agreed to the entry of a Consent Domestic Relations Order regarding the division of benefits in a pension plan containing marital property]** pursuant to G.S. 50-20.
3. That at the time of the parties' separation, **plaintiff/defendant, [name]** _____, (redacted) Social Security number xxx-xx-__, was a member of the North Carolina Firefighters' and Rescue Squad Workers' Pension Fund (hereinafter "the Pension Fund"). **His/Her** last known address is _____. **His/Her** date of birth is _____.

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4. This Order recognizes **plaintiff's/defendant's** (hereinafter "the non-member ex-spouse") marital interest in the benefits payable by the Pension Fund to plaintiff/defendant (hereinafter "the member"). The marital interest of the non-member ex-spouse in the member's benefits payable by the Pension Fund shall be calculated as follows:

fifty per cent (50%) [or ___ per cent (___ %)] of the amount determined by multiplying the member's total benefit by a fraction, the numerator of which shall be the total months of creditable service earned during the marriage, including creditable service purchased during the marriage, and the denominator of which shall be the member's total number of months of creditable service at the time of retirement or of a withdrawal of accumulated contributions.

OR

fifty per cent (50%) [or ___ per cent (___ %)] of the member's total monthly benefit.

OR

\$_____ per month of the member's total monthly benefit.

5. The formula set forth in Finding of Fact 4 shall be applied to all retirement benefits payable to the member. Should a return of contributions become payable pursuant to G.S. 58-86-60, the non-member ex-spouse shall be paid 50% [or _ %] of the member's contributions as of the date of separation.

WHEREFORE, based upon the foregoing Findings of Fact, the Court concludes as a matter of law that the non-member ex-spouse is entitled to the entry of an Order directing the distribution, in the manner set forth, to him/her of his/her marital share of a portion of all benefits payable by the Retirement System to the member.

IT IS THEREFORE ADJUDGED, ORDERED, AND DECREED:

1. The term "member" refers to plaintiff/defendant herein, and the term "non-member ex-spouse" refers to plaintiff/defendant herein.
2. That the name, last known mailing address, redacted social security number (xxx-xx-), and date of birth of the member are:
3. That the name, last known mailing address, redacted social security number (xxx-xx-), and date of birth of the non-member ex-spouse are:
4. That the name and mailing address of the Retirement System to which this Order is directed are: The North Carolina Firefighters' and Rescue Squad Workers' Pension Fund, Retirement Systems Division, Department of State Treasurer, 3200 Atlantic Ave, Raleigh, NC, 27604.

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5. The Pension Fund shall distribute to the non-member ex-spouse his/her marital share of the member's benefits payable by the Pension Fund, calculated pursuant to the provisions of Finding of Fact 4 of this order. In the event that a return of contributions becomes payable pursuant to G.S. 58-86- 60, then the Pension Fund shall distribute to the non-member ex-spouse his/her marital share of such a return of accumulated contributions, calculated pursuant to the provisions of Finding of Fact 5 of this order.
6. The non-member ex-spouse shall receive **his/her** share of the member's retirement benefits at such time and in such payment form as said benefits are paid to the member.
7. In the event that the non-member ex-spouse predeceases the member or the member's designated survivor for a retirement benefit, if any, the non-member ex-spouse's marital share of the member's retirement benefits shall revert to the member.
8. In the event that the Pension Fund inadvertently pays to the member any benefits that are awarded to the non-member ex-spouse pursuant to the terms of this Order, the member shall immediately reimburse the non-member to the extent that he/she has received such benefit payments and shall forthwith pay such amounts so received directly to the non-member within ten (10) days of receipt of such notice of overpayments. In the event that the Pension Fund inadvertently pays to the non-member ex-spouse any benefits that are awarded to the member pursuant to the terms of this Order, the non-member ex-spouse shall immediately reimburse the member to the extent that he/she has received such benefit payments and shall forthwith pay such amounts so received directly to the member within ten (10) days of receipt of such notice of overpayments.
9. Nothing in this Order shall be construed to require the Pension Fund to provide to the non-member ex-spouse any type or form of benefit or any option not otherwise available to the member.
10. A copy of this Order shall be served upon the Administrator of the North Carolina Firefighters' and Rescue Squad Workers' Pension Fund, and the Administrator shall determine, within a reasonable period, whether this Order can be administered by the Pension Fund. This Order shall take effect immediately and shall remain in effect until further orders of this Court. Until this Order is accepted by the Pension Fund, this Court retains jurisdiction to modify this Order as may be required or necessary.

This the _____ day of _____, 20__.

District Court Judge Presiding