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A Matrimonial Part ____ of the Supreme Court of the State of New York, held in and for the County of ____, at the ____ County Courthouse, (address), on this ____ day of ____, 20__.

PRESENT: Hon. _____

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Index No.: _____

Plaintiff,

-against-

DOMESTIC RELATIONS ORDER

Defendant,

-----x

This Order is directed to the Teachers' Retirement System of the City of New York.

Wherein this Court retains jurisdiction over the case and the parties above-named having now stipulated to the entry of such an order upon the terms hereinafter provided, and due deliberation having been given thereto;

ORDERED, that the following facts are hereby found to be established for the purpose of this Order:

1. The parties hereto were married on the ____ day of _____, __, and an action for divorce was commenced on the ____ day of _____, 20__.

2. This Order is made pursuant to the Judgment of Divorce granted on the ___ day of _____, 20__.
3. The name of the plan to which this Order applies is the Teachers' Retirement System of the City of New York (Plan). The address of the Plan is 55 Water Street, New York, NY 10041.
4. _____ is hereafter referred to as PARTICIPANT in the Teachers' Retirement System of the City of New York.
5. The current and last known mailing address of the Participant is _____, and his/her Social Security number is _____, and his/her date of birth is _____. (May be listed in Appendix).
6. _____ is hereafter referred to as ALTERNATE PAYEE in the Teachers' Retirement System of the City of New York.
7. The current and last known mailing address of the Alternate Payee is _____, and his/her Social Security number is _____, and his/her date of birth is _____. (May be listed in Appendix).
8. This Order pertains to the portion of the Participant's retirement benefits which shall be subject to equitable distribution under Section 236(B) of the Domestic Relations Law of the State of New York.
9. To accommodate the marital distribution between the parties, it is hereby

ORDERED, that the Participant's retirement benefits with the Teachers' Retirement System of the City of New York, to the extent they accrued during the marriage, are marital property; and it is further

ORDERED, that the Plan Administrator issue separate checks to the Participant and the Alternate Payee for the respective interests in the Plan at the time the benefits become payable; and it is further

ORDERED, the term "Retirement Allowance" means the total amount payable to the Participant by the TRS Qualified Pension Plan pursuant to the terms of the Plan, and shall be deemed to include/exclude (select which applies) any variable or fixed annuity as well as any post-retirement improvements, Cost of Living Adjustments (COLA), early retirement

subsidy, or additional service credits which is now, or may hereafter be, available or offered to the Participant; and it is further

ORDERED, that the Participant may/may not take pension loans or any other action which might reduce the total pension amount payable; and it is further

PAYMENT METHOD

ORDERED, that the term “Coverture Fraction” shall be defined to mean that portion of the Participant’s retirement benefit acquired during the parties’ marriage, and shall be a fraction, the numerator of which is a total of ___ months. The denominator of said fraction is the total number of months of credit earned (plus any additional service credits granted to participants) from the Participant’s date of initial credited service with the Teachers' Retirement System of the City of New York, up to the date of the Participant’s retirement; and it is further

<**ORDERED**, that at such time the Participant has retired from and is actually receiving a Retirement Allowance from the Plan, the Plan, in accordance with the formula devised in the case of Majauskas v. Majauskas, 61 N.Y.2d 481 (1987), is hereby directed to pay to the Alternate Payee that portion of the Participant’s monthly Retirement Allowance which is equal to _____ percent (___%) of the product obtained by multiplying the total amount of the monthly Retirement Allowance due to the Participant by the Coverture Fraction, prior to any withholding for taxes or other items. The balance of the Participant’s accrued benefit in the Plan is to be the sole and separate property of the Participant; and it is further >

or

<**ORDERED**, that at such time the Participant has retired from and is actually receiving a Retirement Allowance from the Plan, the Plan is directed to pay to the Alternate Payee that portion of the Participant’s monthly Retirement Allowance which is equal to INSERT DOLLAR AMOUNT OR PERCENTAGE of the monthly Retirement Allowance due the Participant, prior to any withholding for taxes or other items. The balance of the Participant’s accrued benefit in the Plan is to be the sole and separate property of the Participant; and it is further>

PRE-RETIREMENT DEATH BENEFIT

ORDERED, that the Participant is hereby directed to designate the Alternate Payee as the beneficiary of the Participant's pre-retirement survivor benefit, so that in the event the Participant dies prior to his/her retirement, the Alternate Payee shall receive < a portion of the pre-retirement death benefit as calculated by a fraction, where the numerator of which is a total of ___ months. The denominator of said fraction is the total number of months of credit earned (plus any additional service credits granted to participants) from the Participant's date of initial credited service with the Teachers' Retirement System of the City of New York, up to the date of the Participant's retirement. This fraction shall be multiplied by ___ percent, and then multiplied by the pre-retirement survivor benefit. > OR < [insert percentage] percent of the pre-retirement death benefit. > Within 15 days after this Order is signed by the Court, the Participant shall complete and submit all necessary Designation of Beneficiary forms as required by the Plan to ensure compliance with this provision. This provision is not intended to bind or otherwise obligate Plan. The burden of compliance with this provision rests entirely upon the Participant; and it is further

POST-RETIREMENT DEATH BENEFIT

ORDERED, that the Participant is hereby directed to designate the Alternate Payee as the beneficiary of the Participant's post-retirement death benefit, if any, so that in the event the Participant dies after his/her retirement, the Alternate Payee shall receive < a portion of the post-retirement death benefit as calculated by a fraction, where the numerator of which is a total of ___ months. The denominator of said fraction is the total number of months of credit earned (plus any additional service credits granted to participants) from the Participant's date of initial credited service with the Teachers' Retirement System of the City of New York, up to the date of the Participant's retirement. This fraction shall be multiplied by ___ percent, and then multiplied by the post-retirement survivor benefit. > OR < [insert percentage] percent of the post-retirement death benefit. > The Participant shall complete and submit all necessary Designation of Beneficiary forms as required by the Plan to ensure compliance with this provision. This provision is not intended to bind or otherwise obligate the Plan. The burden of compliance with this provision rests entirely upon the Participant; and it is further

TERMINATION OF EMPLOYMENT – NON-VESTED

ORDERED, that in event the Participant's employment is terminated prior to the time he/she becomes vested in a retirement benefit, and he/she becomes eligible to receive a return of his/her contributions, the Former Spouse shall receive a pro rata share of said return of accumulated annual contributions. The Alternate Payee's share shall be <__ percent> of the amount <determined by multiplying the total return by the Coverture Fraction>; and it is further

CONTINUING BENEFIT

ORDERED, that the Participant is hereby directed to designate the Alternate Payee as beneficiary of the Participant's pension with the Plan. At the time of his/her retirement, the Participant is directed to choose Option __, so that in the event the Participant dies while the pension is in pay status the Alternate Payee shall receive ___ percent of the Participant's Retirement Allowance. This provision is not intended to bind or otherwise obligate the retirement system. The burden of compliance with this provision rests entirely upon the Participant at retirement; and it is further

ORDERED, that as soon as administratively practicable, the Plan is to withhold from the Participant's Retirement Allowance for equitable distribution payments to the Former Spouse the amount computed pursuant to this Order. When the Participant begins to receive a Retirement Allowance from the Plan, the Alternate Payee is entitled to receive a monthly benefit payable until the death of the Participant or the death of the Alternate Payee. If the Participant predeceases the Alternate Payee, and at the time of the Participant's retirement, he/she chose a survivor option naming the Alternate Payee as beneficiary of a survivor pension, the benefits shall continue to the Alternate Payee under said option; and it is further

ORDERED, that in the event the Alternate Payee dies prior to commencement of benefits to him/her, < this Order > OR < the provisions of this Order pertaining to the Participant's Qualified Pension Plan benefits > shall be void; and it is further

TDA

ORDERED, that as to the Teachers' Retirement System of the City of New York Tax Deferred Annuity (TDA), the Alternate Payee is hereby assigned INSERT DOLLAR AMOUNT OR PERCENTAGE, determined as of _____, 20__ . The amount awarded to the Alternate Payee shall be separately accounted for, and shall <shall not> be adjusted for investment earnings and/or losses, as specified by the terms of the Plan, from _____, 20__, until the benefits are distributed to the Alternate Payee. This distribution shall be made as soon as administratively practical after the Order has been accepted by the Teachers' Retirement System of the City of New York. Before the monies are actually distributed, the Participant and the Alternate Payee shall complete any forms required by the Plan to affect such transfer to the Alternate Payee. The amount distributed to the Alternate Payee may be made as a "Direct Rollover" into an IRA or similar account as designated by the Alternate Payee. If the Alternate Payee does not provide rollover or other required payment information to the Plan, the Plan may issue a direct distribution to the Alternate Payee at the Alternate Payee's address stated above; and it is further

ORDERED, that nothing contained in this Order shall be construed to require the Plan or Plan Administrator to:

- (a) provide any form, type or amount of benefit or any option, not otherwise available by law. The Teachers' Retirement System of the City of New York shall have no obligation or responsibility as a consequence of this action apart from the specific directions contained in this Order; or
- (b) provide increased benefits determined on the bases of actuarial value; and require the payment of benefits to the Alternate Payee which are required to be paid to another Former Spouse under another order previously determined to be a Domestic Relations Order; and it is further

ORDERED, that should any payment to the Alternate Payee directed by this Order exceed the Participant's benefit available for distribution, as determined by the Plan, then the Alternate Payee shall receive the maximum amount of such benefit that is available for distribution, and all other terms of this Order shall remain in effect.

ORDERED, that the Teachers' Retirement System of the City of New York shall have no obligation or responsibility as a consequence of this action apart from the specific directions contained in this Order; and it is further

ORDERED, that this Order be deemed appropriate to effectuate the division of retirement benefits earned by the Participant, pursuant to his/her participation in the Teachers' Retirement System of the City of New York; and it is further

ORDERED, that in the event of a change of address of the Alternate Payee, the Alternate Payee is required to promptly notify the Teachers' Retirement System of the City of New York; and it is further

ORDERED, that this Court retains jurisdiction to implement and supervise the payment of retirement benefits as provided herein should either party or the Plan Administrator make such application, and the Court determines such to be appropriate and necessary.

ENTER:

Hon. _____

Justice, Supreme Court