

1 **2007 SAMPLE "D" TIME RULE METHOD OF DIVISION #3**

2 **MEMBER RETIRED - MEMBER IS RETIRED AND RECEIVING A MODIFIED ALLOWANCE DUE TO EXISTING OPTION**
3 **ELECTION ON FILE (MEMBER MUST MAINTAIN, MAY CANCEL OR CHANGE OPTION ELECTION)**

4 **PLEASE BE ADVISED:**

5 THIS SAMPLE IS PROVIDED AS A COURTESY AND IS INTENDED TO BE USED
6 ONLY AS A GUIDE. CALSTRS IS NOT AUTHORIZED TO ASSIST IN THE
7 PREPARATION OF COURT DOCUMENTS/FORMS OR COURT ORDERS, AND CANNOT
8 PROVIDE LEGAL ADVICE TO MEMBERS OR NONMEMBER SPOUSES CONCERNING
9 THE DIVISION OF A MEMBER'S ACCOUNT. THE PROVISIONS BELOW REFLECT
10 STANDARD CALIFORNIA COMMUNITY PROPERTY LAW. THE LANGUAGE MAY
11 NEED TO BE REVISED TO ACCOMMODATE INDIVIDUAL NEEDS. OTHER
12 LANGUAGE MAY BE USED; HOWEVER, THE COURT ORDER MUST BE
13 CONSISTENT WITH THE TERMS OF THE TEACHERS' RETIREMENT LAW (TRL).

14 **A CERTIFIED COPY CONTAINING THE ORIGINAL COURT'S CERTIFICATION AND**
15 **APPROVAL OF THE COURT ORDER IS REQUIRED BY CALSTRS IN ORDER TO PROCESS**
16 **ANY DIVISION OF A MEMBER'S ACCOUNT. CONFORMED OR FILED ONLY COPIES ARE**
17 **NOT ACCEPTABLE.**

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA
19 COUNTY:

20 In re the Marriage of:) CASE NO:
21 PETITIONER'S NAME:)
22 (Member or Nonmember Spouse))
23 and) STIPULATION AND ORDER REGARDING
24 RESPONDENT NAME:) CALIFORNIA STATE TEACHERS'
25 (Member or Nonmember spouse)) RETIREMENT SYSTEM (CalSTRS)
26)

27 Petitioner and Respondent and the California State Teachers'
28 Retirement System hereby stipulate as follows:

- 29 1. The CalSTRS member's name, current address, date of birth and
30 social security number are as follows:
- 31 2. The nonmember's name, current address date of birth and social
32 security number are as follows:
- 33 3. The current address of CalSTRS is:
- 34 California State Teachers' Retirement System
35 P.O. Box 15275, Sacramento, CA 95851
36

1 4. The court finds that:

2 **The date of marriage is: (date)**

3 The [**Respondent or Petitioner**] (**member name**) became a member of
4 CalSTRS on: (date)

5 **The date of separation is: (date)**

6
7 5. Pursuant to the Judgment of Dissolution of Marriage filed herein
8 on (date) in which the Court reserved personal jurisdiction over
9 both parties to this action and reserved jurisdiction as to the
10 subject matter of this action relating to the amount and
11 distribution of the community property interests in the pension
12 benefits, [**Respondent or Petitioner**] (**nonmember spouse**) is
13 entitled to receive from the [**Respondent's or Petitioner's**]
14 (**member**) California State Teachers' Retirement System account, and
15 pursuant to the Request for Joinder of the California State
16 Teachers' Retirement System filed on or about (date) the parties
17 hereto are awarded interests in the CalSTRS member's Defined
18 Benefit Account, Defined Benefit Supplement Account and Cash
19 Balance Account through the California State Teachers' Retirement
20 System.

21
22 6. The purpose of the Stipulation and Order is to define said
23 interests. This Stipulation and Order shall supersede said
24 Judgment of Dissolution of Marriage and shall be controlling
25 regarding the definition and payment of the parties interests in
26 said accounts held by CalSTRS member.

27 **DIVISION OF BENEFITS:**

28
29 A. The method to calculate the monthly benefit payable to the Nonmember
30 spouse is: (Must choose only one below)

31 1. **TIME RULE FORMULA CALCULATION:** Numerator is service credit
32 earned during the marriage; the denominator of which is
33 the Member's total service credit in the California State
34 Teachers' Retirement System at retirement, multiplied by
35 fifty percent, multiplied by the Member's monthly pension
36 benefit; or

37 2. Deduct **FLAT PERCENTAGE** of _____% from Member's
38 retirement allowance; or

1 B. Nonmember spouse shall also be entitled to his/her share of any cost-
2 of-living increases or other similar increases, but only to the extent
3 permitted within the TRL.

4 **DEATH BENEFITS:**

5 *WHEN NONMEMBER SPOUSE IS ALREADY ON FILE AS OPTION BENEFICIARY:*

6 C. The CalSTRS member shall maintain the existing option allowance
7 election for the Nonmember spouse. The actuarially-calculated cost of
8 such election shall be paid by either:

9 *(Must choose only one below)*

- 10 1. Nonmember spouse; or
- 11 2. Member; or
- 12 3. Both parties shall equally share the cost of the
13 option election

14 *WHEN CURRENT SPOUSE IS ALREADY ON FILE AS OPTION BENEFICIARY:*

15 D. Upon death of CalSTRS member, the Nonmember spouse shall:

16 *(Must choose only one below)*

- 17 1. Receive his/her community property share percentage only,
18 of the option allowance payable as determined in paragraph
19 A, above and CalSTRS member shall be entitled to allocate
20 the remaining amount of the option allowance to another
21 beneficiary of his/her choice for any monthly continuance
22 amounts remaining after payment to Nonmember spouse. The
23 monthly amounts paid will cease upon Nonmember's death; or
- 24 2. Member may cancel option to name Nonmember spouse; or
25 Nonmember spouse could be awarded to receive his/her
26 community property share percentage only of the option
allowance payable as determined in paragraph A above, and
current spouse will receive the remaining amount. The
community property share percentage would only be payable
while current spouse is living.

E. Nonmember spouse shall be entitled to his/her community property share
of any lump-sum amount due upon CalSTRS Member's death, which shall be

1 calculated based on the formula set forth in paragraph A above.
2 Including but not limited to any return of Member's contributions and
3 interest, the One-Time Lump-Sum Death Benefit and the Define Benefit
4 Supplement account, if applicable.

5 **F.** Should Nonmember spouse predecease the CalSTRS Member, spouse's
6 community property interest shall be:

7 (Must choose only one below)

- 8 **1. Payable to a beneficiary or beneficiaries as designated by**
9 **Nonmember spouse for as long as the CalSTRS member is**
10 **alive and receiving benefits; or**
- 11 **2. Returned to CalSTRS member.**

12 **G.** The Nonmember spouse shall begin receiving his/her community property
13 share of the benefits, as determined in paragraph A above, *only* once
14 the System has been served with a court certified copy of this
15 Stipulation and Order.

16 **I.** Any and all payments made to Nonmember spouse pursuant to this
17 Stipulation and Order shall be paid directly by separate warrant to
18 Nonmember spouse at all times.

19 **J.** Immediately upon the entry of this Stipulation and Order, the
20 Stipulated Order shall be served upon the California State Teachers'
21 Retirement System.

22 **K.** At anytime, once the benefits become payable, should the System fail to
23 make such payments as directed above, Nonmember spouse and/or Member
24 are required to notify CalSTRS immediately.

25 **L.** CalSTRS Member and Nonmember spouse shall each assume and bear
26 responsibility for any and all income taxes attributable to the
respective benefits received by each. Neither party shall have any

1 responsibility for the payment of income taxes attributable to the
2 benefits received by the other. Each party shall hold the other
3 harmless from any such responsibility.

4 **M.** The Nonmember spouse shall have the responsibility for informing the
5 California State Teachers' Retirement System of any changes in
6 Nonmember spouse address.

7 **N.** Nothing contained in this order shall be construed to require CalSTRS
8 to provide any type or form of benefit or any option not otherwise
9 available under CalSTRS or the Teachers' Retirement Law.

10 **O.** The court shall retain jurisdiction to amend or modify this Stipulation
11 and Order or to make such other further orders as are necessary or
12 appropriate to enforce or clarify the provisions of this Stipulation
13 and Order, to meet the requirements of the plan and of the State and
14 Federal law, and to provide the parties hereto with any additional
15 benefits which may become available to either party under the plan.
16

17 **It is so stipulated:**

18 **DATED:** _____ [NAME OF PETITIONER]

19 **DATED:** _____ [PETITIONER'S ATTORNEY]

20 **DATED:** _____ [NAME OF RESPONDENT]

21 **DATED:** _____ [RESPONDENT'S ATTORNEY]

22 **IT IS SO ORDERED:**

23 **DATED:** _____ [JUDGE OF THE SUPERIOR COURT]