

Proposed Clauses for
Domestic Relations Order

I.

IT IS ORDERED, ADJUDGED AND DECREED that this Court finds the parties in the above captioned matter were married to each other on __1____, 20__, and were subsequently divorced; that a community property regime existed during the marriage of the aforesaid parties, which regime was terminated effective __2____, 20__ ; and that this court has jurisdiction of this action and these parties and is the proper Court to render this order.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court finds that, during the existence of the aforesaid marriage, _____3_____, whose social security number is _____4_____, and whose mailing address is _____5_____, was a member of the Clerks' of Court Retirement and Relief Fund ("CLERKS"), thereby establishing a community property interest in funds or benefits that may become payable by the CLERKS as a result of that membership.

III.

Alternative clause 1:

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that _____6_____, whose social security number is _____7_____, and whose mailing address is _____8_____, shall receive _____9_____% of any funds or benefits that may become payable by the CLERKS, including any cost of living adjustments, to _____3_____, his/her survivor(s), or his/her beneficiary(ies).

Alternative clause 2:

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that ___ 6 ____, whose social security number is ___ 7 ____, and whose mailing address is _____ 8 _____, shall receive \$ _____ 10 _____ of any funds or benefits that may become payable by CLERKS to ___ 3 _____, his/her survivor(s), or his/her beneficiary(ies) from the Deferred Retirement Option Plan (“DROP”) only.

Alternative clause 3:

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that ___ 6 ____, whose social security number is _____ 7 _____, and whose mailing address is _____ 8 _____, shall receive a percentage of any funds or benefits that may become payable by CLERKS, including any cost of living adjustments, to _____ 3 _____, his/her survivor(s) or his/her beneficiary(ies), said percentage to be calculated as follows:

One half (1/2) of the fraction, the numerator of which is the number of years of service credit earned or purchased by _____ 3 _____ during the existence of the aforesaid community property regime, to-wit, from ___ 1 ___ until _____ 2 _____, and the denominator of which is the total number of years of service credit _____ 3 _____ has with CLERKS as of the date funds or benefits become payable by CLERKS, all in accordance with the formula set forth by the Louisiana Supreme Court in *Sims v. Sims*, 358 So.2d 919 (La.1978).

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that CLERKS divide any funds or benefits that may become payable by it to _____ 3 _____, his/her survivor(s) or his/her beneficiary(ies), with _____ 6 _____ and that CLERKS pay the aforesaid funds or benefits directly to ___ 6 _____ at his/her above address, or such

other address as _____ 6 _____ may advise CLERKS in writing in accordance with the following paragraph.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, should _____ 3 _____ die prior to his retirement and receipt of benefits, and leave no persons entitled to survivors' benefits, then _____ 6 _____ shall be entitled to receive one-half (1/2) of all employee contributions made (including any payments for the purchase of service credit) by _____ 3 _____ to CLERKS during the period from _____ 1 _____ to _____ 2 _____.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that _____ 6 _____ shall provide CLERKS with a certified copy of this Order within thirty (30) days after it is signed by the undersigned Judge, and that _____ 6 _____ shall inform CLERKS in writing of all future changes of mailing address within thirty (30) days after such change of address becomes effective.

VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, if _____ 6 _____ predeceases _____ 3 _____, all funds or benefits shall revert to _____ 3 _____, or his/her survivor(s).

Footnotes:

1. Date of marriage
2. Date community property regime terminated

3. Name of member of CLERKS
4. Social Security Number of member
5. Current mailing address of member
6. Name of former spouse of member
7. Social Security Number of former spouse
8. Current mailing address of former spouse of member
9. Community interest of former spouse in Member's retirement, expressed as a percentage
10. Community interest of former spouse in Member's retirement, expressed as a dollar amount from the DROP account.