

1 Attorney Name
2 Attorney Address
3 Attorney City, State Zip

4 Attorneys for _____

5
6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 FOR THE COUNTY OF KERN

8 In re the Marriage of:) Case No.: _____
9 Jane Doe, Petitioner,) STIPULATED DOMESTIC RELATIONS
10 and) ORDER DIVIDING THE PARTIES'
11 John Doe, Respondent) INTEREST IN THE KERN COUNTY
12) EMPLOYEES' RETIREMENT
13) ASSOCIATION

14 1. Petitioner and Respondent were married to each other on _____, _____. They
15 separated on _____, _____.

16 2. This Court has personal jurisdiction over both Petitioner and Respondent and
17 jurisdiction over the subject matter of this Order and this dissolution of marriage action.

18 3. Petitioner, Respondent and the Court intend that this Order shall be a Domestic
19 Relations Order dividing the parties' interest in the Kern County Employees' Retirement
20 Association (hereinafter "KCERA").

21 4. Petitioner and Respondent have stipulated that the Court shall enter the following
22 Order:

23 NOW, THEREFORE, IT IS HEREBY ORDERED BY THE COURT as follows:

24 1. As used in this Order, the following terms shall apply:

25 (a) "Participant" refers to the Respondent, John Doe, whose last known address is
26 _____.

27 (b) "Alternate Payee" refers to Petitioner, Jane Doe, whose last known address is
28 _____.

1 (c) "Plan" refers to the Kern County Employees' Retirement Association, which
2 is a "governmental plan" as that term is defined in 29 U.S.C. Secs. 1002(32) and 1003(b)(1), and
3 which is statutorily exempt from all provisions of the Retirement Equity Act of 1984 except that
4 a "qualified domestic relations order" involving a governmental plan is sufficient under Federal
5 law if it simply "creates or recognizes the existence of an alternate payee's right to . . . receive all
6 or a portion of the benefits payable with respect to a participant under the plan." (26 U.S.C. Secs.
7 414(p)(1)(A)(i); 414(p)(11).

8 (d) "Plan Administrator" refers to KCERA, 11125 River Run Boulevard,
9 Bakersfield, California 93311.

10 2. The Alternate Payee is the former spouse of the Participant.

11 3. This Order is entered pursuant to the California Family Code, Section 2610.

12 4. This Order hereby creates and recognizes as to the described Plan, the existence of a
13 right given to the Alternate Payee to receive money from said Plan.

14 5. All service retirement benefits payable to John Doe by Claimant KCERA, including
15 any cost-of-living increases, will be divided between said John Doe and Jane Doe pursuant to the
16 formula approved by the Court of Appeal in Marriage of Judd (1977), 68 Cal.App.3d 515, 522.
17 For purposes of calculating each party's share of such service retirement benefits, Petitioner and
18 Respondent were married on _____ and separated on _____, and the
19 total length of their marriage was _____ months. Claimant KCERA will make direct
20 payment to Petitioner and Respondent of each party's share of said pension, by separate check or
21 warrant payable to Petitioner and Respondent respectively. As a condition of receiving such
22 payment, Petitioner and Respondent shall each keep Claimant KCERA informed of their current
23 mailing addresses, and shall supply Claimant with their social security numbers and such other
24 information as may be reasonably required by Claimant KCERA in order to effect direct
25 payment. The current mailing address of Claimant KCERA is 11125 River Run Boulevard,
26 Bakersfield, California 93311.

1 6. Payments to the Alternate Payee shall be available on application of the Alternate
2 Payee to the Plan Administrator on the same basis and at the same times as such benefits are
3 actually paid to Participant in accordance with In re Marriage of Jensen (1991) 235 Cal.App.3d
4 1137.

5 7. If the Alternate Payee dies before payments commence pursuant to this order, any and
6 all payments, which would have been made to the Alternate Payee pursuant to this order, had
7 (s)he lived, will be paid instead to his/her designated beneficiary(ies) in accordance with
8 California Government Code Section 31458.4 and In re Marriage of Powers (1990), 218 CA 3d
9 626.

10 8. If the Participant dies before payments commence pursuant to this order, the Alternate
11 Payee shall not be treated as a surviving spouse, but will be entitled to receive a pro-rata share of
12 any survivor's benefits which the plan may become obligated to pay as a result of Participant's
13 death, in accordance with In re Marriage of Carnall (1989) 216 CA 3d 1010.

14 9. The Alternate Payee shall include retirement benefits received by him/her pursuant to
15 this order as and when received by him/her in his/her gross income and the Participant need not
16 do so.

17 10. This order is intended to be a Domestic Relations Order dividing the parties' interest
18 in the Plan and shall be administered and interpreted in conformity with provisions of general
19 principles of California Community Property Law, and is intended to be a Domestic Relations
20 Order in terms of the Retirement Equity Act of 1984 to the extent the Act is applicable to the
21 Plan.

22 11. Nothing contained in this Order shall be construed to require the Plan or the Plan
23 Administrator:

24 (a) To provide to the Alternate Payee any type or form of benefit or any option
25 not otherwise available to the Participant under the Plan;

26 (b) To provide to the Alternate Payee increased benefits (determined on the basis
27 of actuarial value) not available to the Participant; or
28

1 (c) To pay any benefits to the Alternate Payee which are required to be paid to
2 another Alternate Payee under another order determined by the Plan Administrator to be a valid
3 Domestic Relations Order as determined by the Plan Administrator.

4 12. In the event the Plan inadvertently or otherwise pays to Participant or Alternate
5 Payee any benefits that are assigned to the other pursuant to the terms of this Order, the party in
6 receipt of such payments shall immediately reimburse the Plan to the extent he or she has
7 received such improper benefit payments. However, such event shall not relieve the Plan of its
8 responsibility to pay Participant or Alternate Payee the benefits due them. The Plan shall be
9 entitled to offset future benefits payments to a party in the event that such party fails to return
10 any such overpayment.

11
12 SIGNED:

13
14 _____
15 Petitioner

_____ Date

16
17 _____
18 Respondent

_____ Date

19 APPROVED AS TO FORM AND CONTENT:

20
21 _____
22 Attorney for Petitioner

_____ Date

23
24 _____
25 Attorney for Respondent

_____ Date

26 IT IS SO ORDERED:

27 DATED: _____

_____ Judge of the Superior Court