

**SAMPLE  
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IT IS NOT NOR INTENDED TO BE LEGAL ADVICE.**

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION

No. FD

Plaintiff,

Code No.

v.

QUALIFIED DOMESTIC RELATIONS  
ORDER

Defendant.

Filed on Behalf of Plaintiff,

Counsel of Record for this Party:

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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
FAMILY DIVISION

	)	
	)	
Plaintiff,	)	No.
	)	
v.	)	
	)	
	)	
Defendant.	)	

**DOMESTIC RELATIONS ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, it appearing to the Court that:

1. The parties hereto were formerly husband and wife, with a divorce pending at the above term and number.
2. \_\_\_\_\_ (Social Security Number) Born \_\_\_\_\_ (Date), hereinafter referred to as "Participant", is employed by Allegheny County and is a participant in the pension plan designated as follows: Allegheny County Retirement System.
3. \_\_\_\_\_ (Social Security Number) Born \_\_\_\_\_ (Date), hereinafter referred to as "Alternate Payee", has raised claims for, inter alia, equitable distribution of marital property.
4. Participant's current and last known mailing address is \_\_\_\_\_.
5. Alternate Payee's current and last known mailing address is \_\_\_\_\_.

**It is the responsibility of the Alternate Payee to keep a current mailing address on file with the Retirement Board at all times.**

6. No part of the Participant's benefit has been previously assigned to another Alternate Payee.

7. The Allegheny County Retirement System was created by statute and the specific benefits available to Participant and Alternate Payee are governed by said statute, namely Commonwealth of Pennsylvania Act 1969-75 last amended December 14, 1989.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. A portion of Participant's interest in the aforementioned Allegheny County Retirement System is marital property subject to distribution by this Court.

B. The marital property portion of Participant's retirement equals:

1. The marital property component of the Participant's retirement benefit is (1) the Coverture Fraction times (2) the Participant's accrued retirement benefit on the effective date of his/her retirement.

2. [INSERT Appropriate Coverture fraction language from 23 Pa.C.S.A. § 3501(c).]

3. \_\_\_\_\_ percent (\_\_\_%) of the marital property component (Coverture fraction) of the Participant's retirement benefit is to be allocated to the Alternate Payee as his/her equitable distribution portion of this marital asset on the effective date of his/her retirement. [For Deferred Distribution.]

4. The Alternate Payee is awarded \_\_\_\_\_ percent (\_\_\_%) of the monthly benefit on the effective date of his/her retirement. [For Deferred Distribution.]

**-OR-**

4. It is directed that the Retirement Board pay \_(specific amount)\_ each month beginning in \_(month and year)\_ to the Alternate Payee in accord with this Domestic Relations Order. [For Immediate Distribution.]

C. The term of said payments to the Alternate Payee is for the life of the Participant, [or for \_\_\_\_\_ years] or for any other terms or method of payment permitted under the plan. Payment to the Alternate Payee will cease at the death of the Participant, even if the Participant elects the Survivorship Option offered by the Retirement System.

D. The Alternate Payee has no right to name another alternate payee or successor payee. In the event that the Alternate Payee dies before the Participant, all payments to the Alternate Payee shall cease. In the event of the Alternate Payee's death before s/he begins to receive the benefit award, no benefit is payable to anyone at any time.

E. The Alternate Payee is not entitled to any benefit not otherwise provided by the plan/statute.

F. Any costs or expenses incurred by the Plan Administrator to effectuate the terms and provisions of this Domestic Relations Order shall be assessed equally between the parties.

G. It is intended that this Order shall qualify as a Domestic Relations Order pursuant to Pennsylvania statute and case law, and it is understood that the Plan is a government plan as defined by ERISA at 29 U.S.C. § 1002 (32) and is therefore exempt from ERISA's provisions pursuant to 29 U.S.C. § 1003(b).

H. This Court shall retain jurisdiction to amend this Order and to enforce the intent of the parties, but only for the purpose of establishing or maintaining it as a Domestic Relations Order, provided that no such amendment shall require the Plan to provide any type or form of benefit or any option not otherwise permitted by law.

BY THE COURT:

\_\_\_\_\_ J.

Consented to:

\_\_\_\_\_  
Plaintiff, Participant

CERTIFIED FROM THE RECORD

\_\_\_\_\_  
Prothonotary

\_\_\_\_\_  
,Esquire

\_\_\_\_\_  
Deputy

\_\_\_\_\_  
Defendant/Alternate Payee

\_\_\_\_\_  
,Esquire

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