

Sample DRO

By Maury Klein

Editor's Note: *The sole purpose of this form of the DRO is to remove a surviving spouse option previously chosen by the individual retired from the teachers or state police systems. (The state police have different code and other references) The retirant (to use their term) is receiving a reduced benefit to provide a surviving spouse benefit. If the couple is signing off on each others' retirement benefits and one is already retired, this option should be considered.*

Domestic Relations Order for the Michigan Public School Employees Retirement System

At a session of said Court held at the
Oakland Circuit Court, Pontiac, Michigan
on _____

PRESENT: HON. _____
CIRCUIT COURT JUDGE

This Order is intended to serve as a Domestic Relations Order (DRO) by which the Parties hereto Plaintiff _____, Social Security No. _____ and Defendant (i.e. Retirant) _____, Social Security No. _____ negate, and declare null and void the Retirant's prior selection of the 50% survivor option. It is intended that this Order be incorporated in the Judgment of Divorce, Oakland County Circuit Court No _____, and made a part thereof in accordance with MCL 552.18, MCL 38.1684(2) and the Michigan Public School Employees Retirement Act [1980 PA 300, MCL 38.1301 et seq.

1. The retirement benefit plan subject to this Order is as follows:

Michigan Public School Employees Retirement System

Department of Management and Budget

Attn: Plan Administrator

P.O. Box 30171

Lansing Michigan 48909-7671

(517) 322-5103 in Lansing or (800) 381-5111

2. The Retirant is the Defendant _____, Social Security No. _____; Date of Birth _____ :
Retirement effective date _____ and whose last known address is-----

3. The Former Spouse is the Plaintiff, _____, Social Security No. _____, Date of Birth _____
whose last known address is _____

4. The Retirant and the Former Spouse were married on _____ and were divorced on -----.

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5. The plan administrator shall, upon receipt of this order, negate and declare null and void, the Retirant's election of the 50% survivor option previously filed with the plan administrator, thereby relinquishing all of the Former Spouse's rights to any pension or benefit after the death of the Retirant. Beginning the first month following the presentation of a certified copy of this Order to the plan administrator, the Retirant's retirement allowance shall revert to a straight life allowance.

6. This Order does not require the Plan to provide any type or form of benefit, or any option, not otherwise provided under the Plan. This Order does not require the Plan to provide increased benefits (determined on the basis of actuarial equivalent values). This Order does not require the Plan to provide benefits to the Former Spouse which are required to be paid to another Alternate Payee under another order previously determined to be a qualified domestic relations order.

7. The Retirant, the Former Spouse, and the Court intend this order to be a Domestic Relations Order under the Plan and applicable law.

8. In the event any order submitted to the Administrator of the Plan is held not to be an acceptable Domestic Relations Order (DRO) the Retirant and the Former Spouse hereby agree to submit to and request a court of competent jurisdiction to modify the Order to qualify as a DRO acceptable by the Plan in such a manner that will reflect the parties' intent as herein expressed and thereafter to enter an order modifying this Order to comply with the Plan and applicable law.

CIRCUIT COURT JUDGE

MAURY KLEIN (P38062)
Attorney for Plaintiff

Attorney for Defendant

SBM

STATE BAR OF MICHIGAN

MICHAEL FRANCK BUILDING
306 TOWNSEND STREET
LANSING, MI 48933-2012

www.michbar.org

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