

SAMPLE ORDER LANGUAGE

STATE OF _____
COUNTY OF _____

COURT OF _____
Case No. _____

Petitioner

Respondent

MILITARY RETIRED PAY DIVISION ORDER
(For Decree of Divorce, Dissolution, Annulment or Legal Separation that occurred after
December 23, 2016)

This cause came before the undersigned judge upon the petitioner/respondent's claim for a distribution of the respondent/petitioner's military retired pay benefits. The court makes the following:

FINDINGS OF FACT:

The Petitioner's Social Security Number is _____ and current address is _____.

The Respondent's Social Security Number is _____ and current address is _____.

The Parties were married on _____. Their marital status was terminated on _____ pursuant to a(n) _____ entered in _____ County, State of _____. This current order is entered incident to the aforementioned order.

The parties were married for a period of ten or more years during which time the Petitioner/Respondent performed at least ten years of service creditable for retirement eligibility purposes.

If the military member was on active duty at the time of this order, Respondent/Petitioner's rights under the Servicemembers' Civil Relief Act, 50 U.S.C App. 501-548 and 560-591, have been observed and honored.

This court has jurisdiction over the Respondent/Petitioner by reason of [*choose those that apply*] (A) his or her residence, other than because of military assignment, in the territorial jurisdiction of the court, during the [divorce, dissolution, annulment, or legal separation] proceeding, (B) his or her domicile in the territorial jurisdiction of the court during the [divorce, dissolution, annulment, or legal separation] proceeding, or (C) his or her consent to the jurisdiction of the court.

CONCLUSIONS OF LAW:

This court has jurisdiction over the subject matter of this action and the parties hereto.

Petitioner/Respondent is entitled to a portion of Respondent/Petitioner's United States military retired pay as set forth herein.

IT IS THEREFORE ORDERED THAT:

[Choose and complete ONE of the below sections: (Please note that all awards expressed as a percentage of disposable retired pay, will automatically include a proportionate share of the member's cost-of-living adjustments (COLAs) after the date the member retires, unless the court order states otherwise.)

Award When the Member Has Already Retired From Active or Reserve Duty:

“The former spouse is awarded _____ percent [OR] \$_____ dollar amount of the member’s disposable military retired pay.”

(Only complete 1 of the sections)

Active Duty Awards

Fixed award: The former spouse is awarded \$ _____ (dollar amount) of the member’s disposable military retirement pay.

Percentage award: The former spouse is awarded _____ percentage of the member’s disposable military retirement pay.

Formula award: **“The former spouse is awarded a percentage of the member’s disposable military retired pay, to be computed by multiplying _____% times a fraction, the numerator of which is _____ months of marriage during the member’s creditable military service, divided by the member’s total number of months of creditable military service.”**

Active duty hypothetical calculated as of time of division; may only be used for members entering service BEFORE 9/1/80: **“The former spouse is awarded _____% of the disposable military retired pay the member would have received had the member retired with the rank of _____ and with _____ years of creditable service on _____.”**

Active duty hypothetical calculated as of time of division, for members who entered AFTER 9/1/80: **“The former spouse is awarded _____% of the disposable military retired pay the member would have received had the member retired with a retired pay base (High-3) of _____ and with _____ years of creditable service on _____.”**

AND: (ONE OF THE BELOW SECTIONS MUST ALSO BE COMPLETED)

If the member entered the service BEFORE 9/1/80:

On the date of the decree of divorce, dissolution, annulment or legal separation _____ (list the date) the member’s military pay grade (rank) was _____, and the member had _____ **years of creditable service (list amount of years and months).**”

If the member entered the service AFTER 9/1/80:

On the date of the decree of divorce, dissolution, annulment or legal separation _____ (list the date) the member’s military retired pay base (high-3) was _____,

(must provide a dollar amount) and the member had **years of creditable service (list amount of years and months).**"

Reserve Awards When the Member is Still Drilling

Fixed award: The former spouse is awarded _____ (dollar amount) of the member's disposable military retirement pay.

Percentage award: The former spouse is awarded _____ percentage of the member's disposable military retirement pay.

Formula award: **"The former spouse is awarded a percentage of the member's disposable military retired pay, to be computed by multiplying _____% times a fraction, the numerator of which is _____ Reserve retirement points earned during the period of the marriage, divided by the member's total number of Reserve retirement points earned."**

Reservist hypothetical calculated as of time of division; may be used for members entering service BEFORE 9/1/80: **"The former spouse is awarded _____% of the disposable military retired pay the member would have received had the member become eligible to receive retired pay on _____, with the rank of _____, with _____ Reserve retirement points, and with _____ years of service for basic pay purposes."**

Reservist hypothetical calculated as of time of division, for member's who entered AFTER 9/8/80: **"The former spouse is awarded _____% of the disposable military retired pay the member would have received had the member become eligible to receive military retired pay with a retired pay base (High-3) of _____ and with _____ Reserve retirement points on _____."**

AND: (ONE OF THE BELOW SECTIONS MUST ALSO BE COMPLETED)

If the member entered the service BEFORE 9/1/80:

On the date of decree of divorce, dissolution, annulment or legal separation _____ (list the date) **the member's military pay grade (rank) was _____ and the member had Reserve retirement points _____ (enter amount), and the member had _____ years of service for basic pay purposes (list amount of years and months)."**

If the member entered the service AFTER 9/1/80:

On the date of the decree of divorce, dissolution, annulment or legal separation _____ (list the date) the member's military retired pay base (high-3) was _____, (must provide a dollar amount) and the member had _____ Reserve retirement points (enter amount).

This _____ day of _____, 20__.

JUDGE