

1 4. The court finds that:

2 **The date of marriage is: (date)**

3 The [Respondent or Petitioner] (member name) became a member of
4 CalSTRS on: (date)

5 **The date of separation is: (date)**

6
7 5. Pursuant to the Judgment of Dissolution of Marriage filed herein
8 on (date) in which the Court reserved personal jurisdiction over
9 both parties to this action and reserved jurisdiction as to the
10 subject matter of this action relating to the amount and
11 distribution of the community property interests in the pension
12 benefits, [Respondent or Petitioner] (nonmember spouse) is
13 entitled to receive from the [Respondent or Petitioner] (member)
14 California State Teachers' Retirement System account, and pursuant
15 to the Request for Joinder of the California State Teachers'
16 Retirement System filed on or about (date) the parties hereto are
17 awarded interests in the CalSTRS member's Defined Benefit Account,
18 Defined Benefit Supplement Account and Cash Balance Account
19 through the California State Teachers' Retirement System.

20
21 6. The purpose of the Stipulation and Order is to define said
22 interests. This Stipulation and Order shall supersede said
23 Judgment of Dissolution of Marriage and shall be controlling
24 regarding the definition and payment of the parties interests in
25 said accounts held by CalSTRS member.

26 **DIVISION OF BENEFITS:**

A. The method to calculate the monthly benefit payable to the Nonmember
spouse is either: (Must choose only one below)

1. **TIME RULE FORMULA CALCULATION:** Numerator is service credit
earned during the marriage; the denominator of which is
the Member's total service credit in the California State
Teachers' Retirement System at retirement, multiplied by
fifty percent, multiplied by the Member's monthly pension
benefit; or

2. **Deduct FLAT PERCENTAGE** of _____% from Member's
allowance; or

B. Nonmember spouse shall also be entitled to his/her share of any cost-of-
living increases or other similar increases, but only to the extent
permitted within the TRL.

1 C. The Nonmember spouse shall begin receiving his/her community property
2 share of the benefits, as determined in paragraph A. above, *only* once the
3 Member retires and begins receiving benefits. The Nonmember spouse's
4 share will be determined at the Member's retirement date as set forth in
5 paragraph A. above.

6 **DEATH BENEFITS:**

7
8 D. At the earliest date possible CalSTRS member is ordered to pre-elect a
9 retirement option that provides a continuing monthly benefit payable to
10 the Nonmember spouse if the Member becomes deceased. Member shall be
11 required and is responsible to complete all forms necessary to elect
12 this option. Member may elect any option, as long as the option
13 permits Nonmember spouse to continue to receive his/her community
14 interest in the same monthly amount that was received prior to Member's
15 death. This scenario requires the Compound Option election, and will
16 automatically apply the actuarially-calculated cost to the Nonmember
17 spouse's share only and does not effect the Member's remaining benefit;
18 **or**

19 The actuarially-calculated cost of such election shall be
20 paid by:

21 (Must choose only one below)

- 22 1. Member; or
- 23 2. Both parties shall equally share the cost of the
24 option election.

25 The Member may name additional option beneficiaries for his/her
26 remaining benefit and the Member shall be solely responsible to pay for
the cost; or retain the remaining portion as Member-Only benefit.

1 **E.** Nonmember spouse shall be entitled to his/her community property share of
2 any lump-sum amount due upon CalSTRS Member's death, which shall be
3 calculated based on the formula set forth in paragraph A. above;
4 including but not limited to, any return of Member's contributions and
5 interest, the One-Time Lump-Sum Death Benefit, and the Defined Benefit
6 Supplement account, if applicable.

7 **F.** Should Nonmember spouse predecease the CalSTRS Member, Nonmember spouse's
8 community property interest shall be:

9 (Must choose only one below)

10 **1. Payable to a beneficiary or beneficiaries as designated by**
11 **Nonmember spouse for as long as the CalSTRS Member is**
alive and receiving benefits; or

12 **2. Returned to CalSTRS Member.**

13 **G.** Any and all payments made to Nonmember spouse pursuant to this
14 Stipulation and Order shall be paid directly by separate warrant by
15 CalSTRS to Nonmember spouse at all times.

16 **H.** Immediately upon the entry of this Stipulation and Order, the Stipulated
17 Order shall be served upon the California State Teachers' Retirement
18 System.

19 **I.** At anytime, once the benefits become payable, should the System fail to
20 make such payments as directed above, Nonmember spouse and/or Member are
21 required to notify CalSTRS immediately.

22 **J.** CalSTRS Member and Nonmember spouse shall each assume and bear
23 responsibility for any and all income taxes attributable to the
24 respective benefits received by each. Neither party shall have any
25 responsibility for the payment of income taxes attributable to the
26

1 benefits received by the other. Each party shall hold the other harmless
2 from any such responsibility.

3 **K.** The Nonmember spouse shall have the responsibility for informing the
4 California State Teachers' Retirement System of any changes in Nonmember
5 spouse address.

6 **L.** Nothing contained in this order shall be construed to require CalSTRS to
7 provide any type or form of benefit or any option not otherwise available
8 under CalSTRS or the Teachers' Retirement Law.

9
10 The court shall retain jurisdiction to amend or modify this Stipulation
11 and Order or to make such other further orders as are necessary or
12 appropriate to enforce or clarify the provisions of this Stipulation
13 and Order, to meet the requirements of the plan and of the State and
14 Federal law, and to provide the parties hereto with any additional
15 benefits which may become available to either party under the plan.
16

17 **It is so stipulated:**

18 **DATED:** _____
19 [NAME OF PETITIONER]

20 **DATED:** _____
21 [PETITIONER'S ATTORNEY]

22 **DATED:** _____
23 [NAME OF RESPONDENT]

24 **DATED:** _____
25 [RESPONDENT'S ATTORNEY]

26 **IT IS SO ORDERED:**

DATED: _____
[JUDGE OF THE SUPERIOR COURT]