

**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