



2626 Glenwood Avenue, Suite 195 ■ Raleigh, North Carolina, 27608
(919) 832-8507 ■ Fax: (919) 833-2852
www.ncfamilylaw.com

Federal Retirement Benefits Order Questionnaire

* Questions to Answer

1. List all federal retirement benefits that the employee/retiree has (i.e. Federal Employees' Retirement System [FERS], Civil Service Retirement System [CSRS], Thrift Savings Plan [TSP], FERS Savings Plan, etc.)

2. What document requires the division of these retirement benefits (i.e. court order/judgment of equitable distribution, consent order, separation agreement, etc.)? When was this document executed or entered?

WARNING: When the benefits to be divided are those of an already retired member, the pension division order MUST be the first order entered dividing any marital property.

3. Date of Marriage: _____
4. Date of Separation: _____
5. Date of Divorce: _____
6. Identifying Information for Employee / Retiree
 - a. Full name: _____
 - b. Current mailing address (including county): _____

 - c. Date of birth: _____
 - d. Social Security number: _____
 - e. Date of hire: _____
 - f. If the employee is NOT yet retired and is NOT receiving pension payments, what

is the date the employee / retiree is eligible to retire: _____

- g. If the employee / retiree is NOT currently employed by the federal government and is NOT receiving pension payments, what is the date the employee / retiree left service? _____

7. Identifying information for spouse or former spouse:

a. Full name: _____

a. Current mailing address (including county): _____

b. Date of birth: _____

c. Social Security number: _____

8. Computational Information

a. How is the employee annuity to be divided?

i. _____ Set dollar amount [i.e., "\$400 a month to Mrs. Brown"]

ii. _____ Percentage [i.e., "44% of Mr. Brown's retired pay"]

iii. _____ Marital Coverture Fraction [i.e., "half of the marital fraction of Mr. Brown's retired pay, said fraction being defined as 22 years of marital pension service divided by X years of total pension service"]

iv. _____ Prorata Share¹

9. Do you want the order to address cost-of-living adjustments?

10. What should happen to the non-employee spouse's share of the retirement annuity after the death of the non-employee spouse (i.e. revert to retiree, pay to estate of former spouse, pay to children of the marriage?)

11. Are former spouse survivor benefits to be provided? (*Note: entitlement to a former spouse survivor annuity terminates upon the remarriage of the former spouse before age 55. In addition, a former spouse is not entitled to a CSRS survivor annuity if the member*

¹ Note: "prorata share" is defined as "one-half of the fraction whose numerator is the number of months of Federal civilian and military service performed during the marriage and whose denominator is the total number of months of Federal civilian military service performed by the employee." Unless otherwise specified in the order, for computation purposes, OPM treats the marriage as ending on the date the order is filed with the clerk.

is not an active employee or retiree receiving annuity payments at the time of his/her death)

12. Have survivor benefits been previously waived? (If so, no former spouse survivor benefits are available)
13. What share of the former spouse survivor annuity should the former spouse get (i.e., maximum survivor annuity, percentage of survivor annuity, prorata share of survivor annuity, an amount equal to a percentage or formula-based share of the employee annuity, etc.)
14. How is the cost of the former spouse survivor annuity to be paid (shared equally or paid out of former spouse's share of employee annuity)?
15. If the employee leaves federal service before retirement and applies for a refund of employee contributions, what should happen to those contributions (i.e. spouse gets a share [if so, what share?], employee prohibited from withdrawing contributions, etc.)?
16. Is the TSP to be divided? If so, how (fixed dollar amount, percentage, formula)? Are interest and earnings to be included?
17. Will the non-employee spouse's share of the TSP be paid directly to the former spouse or rolled over into an eligible plan (i.e. IRA)? If into an eligible plan, give name, address, and account number of plan.
18. If the former spouse is eligible for Federal Employee Health Benefits (FEHB), is the order to address FEHB for the former spouse? (*Note: to be eligible for FEHB, a former spouse (i) must have been covered as a family member under the employee's or annuitant's enrollment at some time during the 18 months prior to divorce, (ii) must be entitled to a share of the employee annuity and/or a survivor annuity pursuant to a qualifying order, (iii) must not have remarried before age 55, and (iv) the former spouse must apply for enrollment within 60 days of the date of divorce or notification by OPM of eligibility to enroll based on a qualifying order awarding the former spouse a portion of the employee annuity or a former spouse annuity, whichever is later*)
19. If so, has the former spouse been covered as a family member under an FEHB enrollment at least one day during the 18 months before the marriage ended?
20. Has the former spouse remarried before age 55?

21. Is the former spouse currently covered under Temporary Continuation Coverage (TCC)? *(Note: if the intent is to provide the former spouse with FEHB, it is advisable for the employee/retiree to maintain coverage for the former spouse until divorce, and then have the former spouse elect TCC upon divorce to avoid a lapse in coverage while the FEHB application is being processed.)*
22. Is the order to provide that the former spouse is to be the designated beneficiary of the insured's Federal Employees' Group Life Insurance (FEGLI) benefits and/or to provide for an assignment of the insured's FEGLI benefits? *(Note: An order requiring that former spouse be named beneficiary does not prevent the insured from canceling coverage. In addition, a court order can require that the insured irrevocably assign the FEGLI, but the court order alone is not sufficient to accomplish this. The insured must complete an irrevocable assignment form for an assignment to be effective.)*

*** Documents Needed (check off documents you've attached)**

- The separation agreement or court order requiring division of the retirement benefits
- Completed questionnaire
- Copy of most recent retired pay stub, if receiving pension payments