

IN THE CIRCUIT COURT OF COUNTY, WEST VIRGINIA

Plaintiff,

VS.

CIVIL ACTION NO.

Defendant.

QUALIFIED DOMESTIC RELATIONS ORDER FOR MILITARY PENSION

This order is entered this ___ day of ___, 20__ [after a hearing] [by stipulation of the parties]. This order is intended to divide a service member's Disposable Retired Pay as that term is used in the Uniformed Services Former Spouses Protection Act, 10 U.S.C. Section 1408, and to grant the service member's former spouse a survivor benefit plan.

1. *Parties.* The names and last known mailing addresses of the parties are: Service Member: _____ (name), United States [Army,] _____ (address), Social Security Number _____ ("Service Member"). Former Spouse: _____ (name) _____ (address), social security number _____ ("Former Spouse").

2. *Jurisdiction.* This court has jurisdiction over the Service Member sufficient to divide his military retired pay due to [his residence, other than because of military assignment] [his domicile in the territorial jurisdiction of the court] or [his consent to the jurisdiction of the court].

3. *Soldiers' and Sailors' Civil Relief Act.* The Service Member [who was represented by counsel in this proceeding] [expressly waived his rights under the Soldiers' and Sailors' Civil Relief Act of 1940, as amended].

4. *Relationship of Former Spouse to Service Member.* The Former Spouse is the former spouse of the Service Member.

OPTIONAL ADDITIONAL CLAUSES:

4A. The Former Spouse and the Service Member were married on _____, 20__; separated on _____, 20__; and were divorced by this Court in this action on _____, 20__. The Service Member entered active duty on _____, 20__ and is still on active duty on the date of this order.

5. *Amount of payments.*