

§ 1653.1

- 1653.2 Qualifying retirement benefits court orders.
- 1653.3 Processing retirement benefits court orders.
- 1653.4 Calculating entitlements.
- 1653.5 Payment.

Subpart B—Legal Process for the Enforcement of a Participant’s Legal Obligations To Pay Child Support or Alimony Currently

- 1653.11 Definitions.
- 1653.12 Qualifying legal processes.
- 1653.13 Processing legal processes.
- 1653.14 Calculating entitlements.
- 1653.15 Payment.

Subpart C—Child Abuse Court Orders

- 1653.21 Definitions.
- 1653.22 Purpose.
- 1653.23 Processing and payment.

AUTHORITY: 5 U.S.C. 8435, 8436(b), 8437(e), 8439(a)(3), 8467, 8474(b)(5) and 8474(c)(1).

SOURCE: 68 FR 35510, June 13, 2003, unless otherwise noted.

Subpart A—Retirement Benefits Court Orders

§ 1653.1 Definitions.

(a) Definitions generally applicable to the Thrift Savings Plan are set forth at 5 CFR 1690.1.

(b) As used in this subpart:

Court means any court of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court as defined by 25 U.S.C. 1301(3).

Effective date of a court order means the date it was entered by the clerk of the court or, if the order does not show a date entered, the date it was filed by the clerk of the court or, if the order does not contain a date entered or a date filed, the date it was signed by the judge.

Retirement benefits court order or *order* means a court decree of divorce, annulment or legal separation, or a court order or court-approved property settlement agreement incident to such a decree. Orders may be issued at any stage of a divorce, annulment, or legal separation proceeding.

5 CFR Ch. VI (1–1–07 Edition)

§ 1653.2 Qualifying retirement benefits court orders.

(a) To be qualifying, and thus enforceable against the TSP, a retirement benefits court order must meet the following requirements:

(1) The order must expressly relate to the Thrift Savings Plan account of a TSP participant. This means that:

(i) The order must expressly refer to the “Thrift Savings Plan” or describe the TSP in such a way that it cannot be confused with other Federal Government retirement benefits or non-Federal retirement benefits;

(ii) The order must be written in terms appropriate to a defined contribution plan rather than a defined benefit plan. For example, it should generally refer to the participant’s TSP account or TSP account balance rather than a benefit formula or the participant’s eventual benefits; and

(iii) If the participant has a civilian TSP account and a uniformed services TSP account, the order must expressly identify the account to which it relates.

(2) The order must either require the TSP to freeze the participant’s account to preserve the *status quo* pending final resolution of the parties’ rights to the participant’s TSP account, or to make a payment from the participant’s account to a permissible payee.

(3) If the order requires a payment from the participant’s account, the award must be for:

(i) A specific dollar amount;

(ii) A stated percentage or fraction of the account; or

(iii) A survivor annuity as provided in 5 U.S.C. 8435(d).

(iv) The following examples would qualify to require payment from the TSP, although ambiguous or conflicting language used elsewhere could cause the order to be rejected.

Example (1). ORDERED: [payee’s name, Social Security number (SSN), and address] is awarded \$ _____ from the [civilian or uniformed services] Thrift Savings Plan account of [participant’s name, SSN, and address].

Example (2). ORDERED: [payee’s name, SSN, and address] is awarded _____% of the [civilian and/or uniformed services] Thrift Savings Plan account[s] of [participant’s name, SSN, and address] as of [date].

Example (3). ORDERED: [payee’s name, SSN, and address] is awarded [fraction] of