



# Domestic Relations Order Sample Language Health Care Savings Plan (HCSP)

Sample paragraphs for division of a Health Care Savings Plan (HCSP) account, administered by the Minnesota State Retirement System (MSRS). These paragraphs can be incorporated into a Judgement and Decree for marital dissolution. A separate domestic relations order is not required. Please submit a draft to MSRS for review prior to filing it with the court.

An account in the name of the alternate payee shall be established. The amount or percentage specified above shall initially be transferred and deposited into the alternate payee’s account using the same investment option percentages as the participant’s account. Any interest or investment gains or losses from the date of division to the date of transfer shall be pro-rated between the two parties.

The alternate payee or their heir(s) shall have control over the investment allocation of their account, once established.

\* The “participant’s total HCSP account balance” shall include all amounts, including any contribution or forfeitures to the plan that occurs after the date of division, that are attributable to periods prior to the date specified above.

## Identifying Information

A. The name of the participant in the Health Care Savings Plan is \_\_\_\_\_  
with a current address of \_\_\_\_\_  
and date of birth \_\_\_\_\_ .

B. The name of the Alternate Payee is \_\_\_\_\_  
with a current address of \_\_\_\_\_  
and date of birth \_\_\_\_\_ .

C. Both parties hereby agree to notify the Minnesota State Retirement System, the Administrator of HCSP, at 60 Empire Drive, Suite 300, St. Paul, MN 55103-3000 of any change of address.

## Withdrawal of Funds

The alternate payee or their heir(s) may elect any options available under the HCSP plan for reimbursement of allowable medical expenses once the final order has been submitted and approved by MSRS.

## Plan affected by the Order

This order applies to the participant’s Health Care Savings Plan (HCSP) administered by the Minnesota State Retirement System (MSRS) as authorized by Minnesota Statute Chapter 352.98.

## Savings Clause

This order shall not require the plan to provide any amount greater than otherwise payable or any type of benefit not available under the plan, nor shall it assign any benefits previously required to be paid to another alternate payee, nor shall it require any payment or option inconsistent with any federal or state law, rule, regulation or judicial decision.

## Domestic Relations Order

This order creates and recognizes the existence of an alternate payee’s right to receive a portion of the participant’s benefit under the HCSP. This domestic relations order (DRO) is entered pursuant to the applicable domestic relations laws of the State of Minnesota. The court will continue to retain jurisdiction over this matter.

## Responsibilities in the Event of an Error

In the event that the HCSP pays to one party any benefit that is assigned to the other party, the party receiving the errant payment shall reimburse the other party within ten days of receipt of the errant payment.

## Assignment of Alternate Payee’s Benefit

This order assigns to the alternate payee an amount equal to:  
**(use only one of the following)**

Option 1  
\_\_\_\_\_ percent of the participant’s total HCSP account balance as of \_\_\_\_\_ (date) . \*

Option 2  
\$\_\_\_\_\_ of the participant’s total HCSP account balance as of \_\_\_\_\_ (date) . \*

## Notice and Other Requirements

Please submit a draft order to MSRS for review prior to filing and provide us with the Social Security number of each party.

MSRS shall be furnished with a copy of this order once it has been filed with the court.