

The following is provided for helpful informational purposes only and should not be construed or relied on as legal advice provided by the Fund, the Plan or the Board of Trustees.

## **SECTION 3 – PREPARATION OF A QUALIFIED DOMESTIC RELATIONS ORDER**

### **REQUESTING INFORMATION**

The Plan Administrator will provide information regarding a Participant's pension if it receives proper authorization as follows: (1) a Participant's written authorization to release information to someone other than the Participant; or (2) a *subpoena duces tecum* (a subpoena to produce documents or information) directed to the Plan.

### **INFORMATION PROVIDED**

Upon proper request and authorization, the Plan Administrator will provide one benefit estimate as of the Participant's Normal Retirement Date or such other date as requested in the QDRO.

The Plan Administrator will provide one present value calculation.

### **TESTIMONY**

Neither the Plan Administrator nor its designee will serve as an expert witness with regard to the value of retirement benefits provided under the Plan.

### **FORM OF ORDER**

Section 5 is a model QDRO prepared to assist the alternate payee's, and the participant's Legal Counsel in preparing QDROs that will be acceptable to the Plan. It shall be supplied to the appropriate parties in accordance with the procedures outlined in Section 2. It is not intended to provide legal advice nor may it cover all situations. Additionally, it is not required that this model be used.

### **ALLOCATING A PORTION OF A PARTICIPANT'S BENEFIT**

For a DRO to meet the requirements of a QDRO, it must clearly specify which benefits are subject to the order. Possibilities include, but are not limited to, those benefits accrued during the marriage; those accrued from the beginning of the Participant's participation in the plan through the date of divorce and all benefits accrued through the date of divorce.

### **REQUIREMENTS FOR A QDRO**

To be qualified by the Plan Administrator (and meet the terms of ERISA and the IRC), a DRO must satisfy the following requirements:

1. The DRO must be a judgment, order, decree or approval of a property settlement agreement made pursuant to state domestic relations law.
2. The DRO must relate to the provision of child support, spousal support, or marital property rights to a spouse, former spouse, child or dependent of the plan Participant.

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3. The DRO must create or recognize the existence of the eligible Alternate Payee's right, or must assign to the Alternate Payee the right, to receive all or part of the Participant's benefits under the Plan for a specified period of time.
4. The DRO may not require the payment of any type, form, option or amount of benefit other than that allowed under the Plan.
5. The DRO must not require the Plan to provide increased benefits (determined on the basis of actuarial value).
6. The DRO must not require the payment of benefits to an Alternate Payee that are required to be paid to another Alternate Payee under another DRO that previously has been determined to be a QDRO.
7. The DRO must specify:
  - a. the name and last known mailing address of the Plan Participant and the name and mailing address of each Alternate Payee;
  - b. the amount or percentage of the Participant's benefits to be paid to the Alternate Payee, or the formula by which that amount is to be determined, including, if applicable, how benefits will be affected in the event of the Participant's or Alternate Payee's death both before and after payments to either party have commenced;
  - c. the number of payments or period to which the order applies; and
  - d. each retirement plan to which the order applies.
8. The DRO must not allow an Alternate Payee to receive his or her share of benefits in the form of a Husband and Wife Pension or Joint and Survivor Annuity with a subsequent spouse.
9. The DRO must not allow the Alternate Payee to receive an early retirement subsidy if he or she elects to begin receiving payments before the Participant.
10. The DRO must not allow or require a Participant to change his or her benefit elections if he or she is in pay status at the time the DRO is accepted as a QDRO.