

[Sample QDRO – Pre-Retirement Divorce (Separate Interest)]

**SAMPLE QDRO FOR THE
PUGET SOUND ELECTRICAL WORKERS PENSION PLAN**

DIVORCE BEFORE RETIREMENT

The following sample QDRO has been developed for the Puget Sound Electrical Workers Pension Plan. It is intended to provide sample language to assist parties in preparing a “separate interest” QDRO for this plan. This type of QDRO is commonly used when a divorce occurs before retirement. Under a separate interest QDRO, both the participant and his or her former spouse get an annuity payable over their own lifetimes.

The document is a sample only. It does not:

1. Contain all of the provisions that may be included in a QDRO; or
2. Address all of the issues that may arise in the course of preparing a QDRO.

In short, the use of the sample QDRO is not a substitute for competent legal counsel who is familiar with defined benefit pension plans. This sample order does not constitute legal advice regarding the terms of any QDRO and should not be relied upon as such.

Whether or not you use the sample language, you should provide a draft of your QDRO for review prior to submitting the order to the court. The draft order should be sent to the Trust Office. A sample transmittal letter is provided.

ADVANCE REVIEW OF A DRAFT QDRO WILL SAVE TIME AND MONEY FOR ALL PARTIES.

Board of Trustees
Puget Sound Electrical Workers Pension Plan
P.O. Box 34203
Seattle, WA 98124

Re: Qualified Domestic Relations Order
Participant: _____
Alternate Payee: _____

Dear Plan Administrator:

Enclosed is a draft or court approved Qualified Domestic Relations Order (“Order”) impacting the benefits of [Participant] under the Puget Sound Electrical Workers Pension Plan.

As noted in the Order, the social security number and date of birth of the Participant and Alternate Payee will be provided separately. They are as follows:

Participant

Participant: _____
Social Security Number: _____
Date of Birth: _____

Alternate Payee

Alternate Payee: _____
Social Security Number: _____
Date of Birth: _____

If further information is needed in connection with this QDRO, please contact _____ at _____.

Sincerely,

Pro Se

Counsel for:

Participant

Alternate Payee

cc:

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IN THE SUPERIOR COURT OF THE STATE OF _____
IN AND FOR THE COUNTY OF _____

IN RE THE MARRIAGE OF:

_____,

Petitioner,

v.

Respondent.

NO. _____

QUALIFIED DOMESTIC RELATIONS
ORDER – Puget Sound Electrical
Workers Pension Plan

WHEREAS, the Court has jurisdiction over all parties and over the subject matter in this dissolution action; and

WHEREAS, the parties to this Order and the Court intend this Order to be a Qualified Domestic Relations Order (hereinafter referred to as “Order” or “QDRO”) as that term is used in the Retirement Equity Act of 1984, as amended, and interpreted in accordance with that Act; and

WHEREAS, the parties have stipulated that the Court shall enter this Order as an Addendum to the Decree of Dissolution of Marriage filed herein; NOW, THEREFORE,

IT IS HEREBY ORDERED by the Court as follows:

1) Definitions. The following are the definitions used in this Order:

- a) “Participant”: _____
- Address: _____
- _____

The Participant’s social security number and date of birth will be provided separately to the Plan Administrator.

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b) "Alternate Payee": _____
Relationship to Participant: _____
(e.g. former spouse)
Address: _____

The Alternate Payee's social security number and date of birth will be provided separately to the Plan Administrator.

c) "Plan": Puget Sound Electrical Workers Pension Plan
d) "Plan Administrator": Board of Trustees
Puget Sound Electrical Workers Pension Plan
Address: P.O. Box 34203
Seattle, WA 98124

2) Division of Marital Property. This Order is entered pursuant to Washington's domestic relations laws. This Order hereby creates and recognizes the existence of the Alternate Payee's right to receive a portion of the Participant's benefits under the Plan.

3) Factual Basis for Order. This Order is based on the following facts:

- a) Participant is now or may become vested; and
- b) Participant at the time of entry of this order is not receiving retirement benefits under the Plan.

4) Amounts Awarded to Alternate Payee.

a) Retirement Benefits Assigned to Alternate Payee

Alternate Payee is awarded a portion of the Participant's accrued benefit in the Plan, as calculated on the Alternate Payee's benefit commencement date.

(i) Division of Amounts Earned During the Marriage

The Alternate Payee is awarded 50% of the benefit earned by the Participant between:

[date of marriage]

and

1 Instead, Alternate Payee shall be Participant's sole surviving
2 spouse for purposes of any pre-retirement death benefits earned from:

3
4 _____
 [date of marriage]

5 and

6 _____
 [date of separation/divorce]

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8 (ii) *Pre-Retirement Death of Alternate Payee*

9 If Alternate Payee dies prior to commencement of her benefits,
10 her benefits shall revert to Participant for payment to Participant pursuant to the terms of the
11 Plan. Accordingly, if the Participant dies prior to commencement of Alternate Payee's benefits
and Alternate Payee has not survived Participant, pre-retirement death benefits, if any shall be
payable to the Participant's designated beneficiary.

12 **5) Limitations on Order.** Nothing contained in this Order shall be construed to
13 require the Plan:

14 a) To provide for any type or form of benefits, or any option, not otherwise
provided under the Plan at the time benefits commence to the Alternate Payee;

15 b) To provide increased benefits (determined on the basis of actuarial
16 value) not available to the Participant;

17 c) To provide benefits to the Alternate, Payee which are required to be paid
to another Alternate Payee under another order previously determined to be a QDRO; or

18 d) To provide the payment to the Alternate Payee of benefits forfeited by
the Participant.

19 **6) Action to Be Taken.** The Plan Administrator shall be provided with a copy of
20 the Order by counsel for the Alternate Payee. Upon receipt, the Plan Administrator shall:

21 a) Immediately notify the Participant and the Alternate Payee of:

22 (i) The receipt of this Order; and

23 (ii) The Plan's procedures for determining whether this Order is a
QDRO.

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2 b) Within a reasonable period of time, determine if this Order is a QDRO,
and notify the Participant and Alternate Payee of such determination.

3 c) Pending determination of a proposed order's status as a QDRO,
4 separately account within the Plan for the amount ("segregated amounts") which would have
5 been payable to the Alternate Payee (if this order is established to be a QDRO) during the
determination period, as defined in Internal Revenue Code Section 414(p)(7). No segregation
is necessary if benefits are not payable during the determination period.

6 **7) Continuing Jurisdiction.** The Court retains jurisdiction over this matter to
7 amend this order to establish or maintain its status as a QDRO under the Retirement Equity Act
of 1984, as amended.

8 DONE IN OPEN COURT this ____ day of _____, _____.

9
10 _____
JUDGE/COURT COMMISSIONER

11 Presented by:

12
13 By _____

14 Pro Se

15 Bar No. _____

16 Attorney for: Respondent

17 Petitioner

18 Copy Received, Approved for Entry,
19 Notice of Presentment Waived:

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21 By _____

22 Pro Se

23 Bar No. _____

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Attorney for: Respondent

Petitioner