

## **DOMESTIC RELATIONS ORDER CHECKLIST**

This list and sample QDRO should only be used if the Participant is eligible for an annuity from the Plan. This model QDRO is illustrative only. It is neither the sole form of order that is acceptable to the Plan, nor a mandatory form. It is not intended to be a substitute for the independent judgement and acumen of counsel to the parties.

The purpose of this list is to identify certain issues, which should be included in a domestic relations order, which meets the requirements of the Retirement Equity Act of 1984. You are not required to use this list if you do not wish to. Please be advised that the Trustees have no opinion and remain neutral on the questions of whether the spouse should have an interest in a Plan Participant's retirement benefit, especially if that issue has not yet been resolved. Whether or not you choose to use this checklist, please furnish this office with a copy of the final Order entered with the court.

This is not a conclusive list of the requirements under REA, but is merely intended to be a guide to help in the preparation of a DRO.

### **REQUIRED INFORMATION ON A DOMESTIC RELATIONS ORDER (QDRO)**

- \_\_\_ 1. Participant's Name, Social Security No., Birthdate, Address
- \_\_\_ 2. Alternate Payee's Name, Social Security No., Birthdate, Address
- \_\_\_ 3. Name of the Retirement Plan to which the DRO applies [Intermountain Ironworkers Tax Deferral Plan]
- \_\_\_ 4. The Order must be a judgement, decree, order, or approval of a property settlement which relates to the provision of child support, alimony payments, or marital property rights with respect to a spouse (present or former), child, or other dependent of a Plan Participant and be made pursuant to a State domestic relations law (including a community property law).
- \_\_\_ 5. The Order must create or recognize the existence of an alternate payee's right to, or assign to an alternate payee the right to, receive all or a portion of the benefits payable with respect to a participant under the Plan.
- \_\_\_ 6. Manner in which benefits payable to the alternate payee are to be determined. One way of accomplishing this is to specify the percentage of the participant's benefit which is payable to the alternate payee (Example: the alternate payee would receive 50% of the participant's accrued benefit) or a specific dollar amount.
- \_\_\_ 7. Time period to use when determining the amount of the participant's accrued benefit, which is to be divided. This could be the period of the marriage or another time period. This is called the valuation date.
- \_\_\_ 8. Time period when alternate payee will be eligible to start receiving the benefit. For the Intermountain Ironworkers Tax Deferral Plan, benefits to the Alternate Payee must be distributed upon receipt of a Qualified Domestic Relations Order and all required documents.
- \_\_\_ 9. Amount of benefit payable must not be larger than would otherwise be payable had the participant's benefit not been divided with an alternate payee.
- \_\_\_ 10. Pre-retirement Death Benefits. The parties may want to indicate how to handle the situation in which the participant dies before retirement and is eligible for a pre-retirement death benefit. The alternate payee may or may not be awarded all or a portion of the pre-retirement death benefits.
- \_\_\_ 11. Situation in which the alternate payee dies prior to receiving the benefit payment.

**Note: It is important for the users of this form to read Section 414p, et.seq., of the Internal Revenue Code.**

IN THE \_\_\_\_\_ COURT OF THE STATE OF \_\_\_\_\_

IN AND FOR THE COUNTY OF \_\_\_\_\_

_____, )	
Petitioner )	CASE NO. _____
)	
AND )	
)	<b>QUALIFIED DOMESTIC RELATIONS</b>
<b>ORDER</b>	
_____, )	
Respondent )	

1. This Order is intended to be a Qualified Domestic Relations Order (QDRO) within the meaning of 29 U.S.C. §1056(d)(3), and of 26 U.S.C. § 414(p).
2. This Order relates to the provisions of child support, alimony payments, or marital property rights to a spouse, former spouse, child or other dependent of a Participant in the Intermountain Ironworkers Tax Deferral Plan (the "Plan").
3. This Order is made pursuant to the domestic relations law (including community property law) of the State of \_\_\_\_\_.
4. \_\_\_\_\_ ("Participant") is a participant in the Plan and has earned certain benefits under the Plan.

5. Participant's mailing address is:

\_\_\_\_\_  
\_\_\_\_\_

*Participant shall advise the Plan of any change in the above mailing address.*

Participant's social security number is: \_\_\_\_\_

Participant's date of birth is: \_\_\_\_\_

6. \_\_\_\_\_ ("Alternate Payee") is the [spouse, former spouse, child, or dependent: CIRCLE ONE] of Participant, and the Court hereby awards to Alternate Payee an interest in Participant's Accumulated Share in the Plan (hereinafter "Alternate Payee's Interest").

7. Alternate Payee's mailing address is:

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*Alternate Payee shall advise the Plan of any change in the above mailing address.*

Alternate Payee's social security number is: \_\_\_\_\_

Alternate Payee's date of birth is: \_\_\_\_\_

8. Alternate Payee is awarded \_\_\_\_\_ [INSERT PERCENTAGE OR DOLLAR AMOUNT] of the Participant's Accumulated Share valued as of \_\_\_\_\_ [VALUATION DATE]. Alternate Payee is not awarded more than the Participant's Accumulated Share on the date of segregation of the Alternate Payee's Interest from the Participant's Accumulated Share.
9. Alternate Payee shall receive his or her Interest as a lump sum payment. This Order shall be treated as an application for distribution by the Alternate Payee, and distribution of the Alternate Payee's Interest shall commence within an administratively practicable period following the Plan Administrator's determination that this Order is a QDRO and the Alternate Payee's submission of necessary forms to perfect the application according to the Plan's administrative procedures.
10. If the Participant dies before the segregation of the Alternate Payee's interest, the Alternate Payee shall be considered the Participant's surviving spouse for purposes of any death benefits payable under the Plan, but only to the extent of the amount of the Alternate Payee's Interest. If the Alternate Payee dies before receiving the Alternate Payee's entire interest under the Plan, the segregated account shall be payable to the Alternate Payee's designated beneficiary or, if no beneficiary has been designated under the terms of the Plan, then to the Alternate Payee's Beneficiary as defined by the terms of the Plan relating to Participants who have made no effective beneficiary designation.
11. The Alternate Payee's account shall be unaffected by the Participant's death. The Alternate Payee will not be the beneficiary on the remaining share of the Participant's account (after taking out the Alternate Payee's Interest) unless the Alternate Payee is designated as such on a Beneficiary Designation Form filed by the Participant after the date of divorce.
12. This Order is not intended to require the Plan to provide any type or form of benefits or any option not otherwise provided by the Plan, nor shall this Order require the Plan to provide for increased benefits not required by the Plan. Plan terms shall govern any conflict between the Plan and this Order. This Order does not require the Plan to provide benefits to the Alternate Payee that are required to be paid to another Alternate Payee under another order previously determined to be a qualified order.
13. The reasonable attorney's fees and other expenses, fees and costs incurred by the Plan in this QDRO determination shall be allocated equally between the Participant's account and the Alternate Payee's account at segregation. To the extent fees and costs have been charged against the Participant's account, the Plan Administrator shall withhold 50% of such amount from the Alternate Payee's account, or take other action to effect an equal allocation of total fees and costs to the Alternate Payee's and Participant's accounts.

The Court shall retain jurisdiction to make any other orders relative to the Plan that are necessary to carry out the terms of this Order.

STIPULATED BY:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Petitioner (if applicable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Respondent (if applicable)

**IT IS SO ORDERED:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Judge