

**SAMPLE QDRO FOR THE
AUTOMOTIVE MACHINISTS PENSION PLAN**

DIVORCE AFTER RETIREMENT

The following sample QDRO has been developed for the Automotive Machinists Pension Plan. It is intended to provide sample language to assist parties in preparing a “split-payment” QDRO for this plan. This approach is commonly used after a participant retires. It divides each monthly pension payment between a participant and his or her former spouse.

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 submit a draft of your QDRO for review before 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.

[SAMPLE TRANSMITTAL LETTER]

[Date]

Board of Trustees
Automotive Machinists Pension Plan
P.O. Box 34203
Seattle, WA 98124

Re: QDRO – [Participant] and [Alternate Payee]

Dear Plan Administrator:

Enclosed is a [draft] [court approved] Qualified Domestic Relations Order (“Order”) impacting the benefits of [Participant] under the Automotive Machinists 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:	[Participant’s Name]
Social Security Number:	[Participant’s SSN]
Date of Birth:	[Participant’s Birth Date]

Alternate Payee

Alternate Payee:	[Alternate Payee’s Name]
Social Security Number:	[Alternate Payee’s SSN]
Date of Birth:	[Alternate Payee’s Birth Date]

If further information is needed in connection with this QDRO, please contact [name] at [number].

Sincerely,

[name]
Counsel for [Participant] [Alternate Payee]

cc: [name], Counsel for [Participant] [Alternate Payee]

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IN THE SUPERIOR COURT OF THE STATE OF [STATE]
IN AND FOR THE COUNTY OF [COUNTY]

IN RE THE MARRIAGE OF:

[PETITIONER'S NAME],

Petitioner,

v.

[RESPONDENT'S NAME],

Respondent.

NO. _____

QUALIFIED DOMESTIC RELATIONS
ORDER – Automotive Machinists
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 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 on [date filed with court].

IT IS HEREBY ORDERED by the Court as follows:

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

1.1 “Participant”: *[Participant's Name]*
Address: *[Address]*

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

- 1.2 “Alternate Payee”:
Relationship to Participant: *[Alternate Payee’s Name]*
[Relationship to Participant]
(e.g. former spouse)
- Address: *[Address]*

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

- 1.3 “Plan”:
Address: Automotive Machinists Pension Plan
Board of Trustees
Automotive Machinists Pension Plan
P.O. Box 12068
Seattle, WA 98102

2. Division of Marital Property. This Order is entered pursuant to *[describe applicable state domestic relations law]*. This Order hereby creates and recognizes the existence of the Alternate Payee’s rights to receive a portion of the Participant’s benefits under the Plan.

3. Participant’s Retirement. Participant is now retired and is receiving a monthly pension benefit from the Plan.

4. Payments to Alternate Payee.

4.1 Alternate Payee to Split Payments during Participant’s Lifetime

Effective the first day of the month after this order is presented to the Plan, and upon the approval of this order by the Plan Administrator as a qualified domestic relations order, the Alternate Payee is awarded *[what percent or dollar amount]* of each of the Participant’s monthly retirement income payments from the Plan.

(a) *Post-Retirement Benefit Improvements*

Alternate Payee [is/is not] entitled to a pro rata share of bonus checks, post-retirement benefit improvements, or other ad-hoc payments from the Plan.

(b) *Suspension of Benefit Provisions*

In the event the Participant returns to work after retirement, retirement income payments may cease, in whole or in part, as a result of the Plan’s suspension of benefit provisions.

If the Participant returns to work, such that retirement income payments are partially suspended, the remaining benefit shall be used to:

1 (i) First to pay the amount awarded to the Alternate
Payee under this Section 4.1; then

2 (ii) any remaining retirement income payment shall be
3 payable to the Participant.

4 If the amount payable as a result of the suspension of
retirement income payments is not sufficient to pay the entire amount awarded to the
Alternate Payee, then the Alternate Payee shall be entitled to the entire remaining
5 retirement income payment, after the application of the Plan's suspension of benefit
provisions.

6 **4.2 Death Benefit Provisions**

7 (a) *Single Life Annuity*

8 If the Participant is receiving a single life annuity, then all benefit
payments shall cease upon the Participant's death.

9 (b) *Single Life Annuity, With Minimum Number of Payments
10 Guaranteed*

11 If the Participant elected to receive a single-life annuity, with
a minimum number of payments guaranteed, the Alternate Payee shall continue to be
entitled to receive the benefits awarded under Section 4.1 of this order, until the earlier of:
12 (1) the death of the Alternate Payee, or (2) the minimum number of guaranteed payments
have been made by the Plan.

13 (c) *Joint and Survivor Annuity*

14 If the Alternate Payee was a joint annuitant under a joint-and-
survivor annuity, the Alternate Payee shall continue to be the joint-annuitant for such
benefit. Accordingly, upon the death of the Participant, the Alternate Payee shall be
15 entitled to receive survivor benefits, as provided under the terms of the Plan.

16 (d) *Death of Alternate Payee*

17 If the Alternate Payee predeceases the Participant, the amount
awarded to the Alternate Payee will lapse and revert to the Participant.

18 To the extent that Plan terms provide for an increased monthly
retirement income payment following the death of a joint annuitant (i.e. a "pop-up"
19 feature), the Participant shall be entitled to this increased payment.

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

21 5.1 To provide for any type or form of benefits, or any option, not
22 otherwise provided under the Plan at the time benefits commence to the Alternate Payee;

1 5.2 To provide increased benefits (determined on the basis of actuarial
2 value) not available to the Participant;

3 5.3 To provide benefits to the Alternate Payee which are required to be
4 paid to another Alternate Payee under another order previously determined to be a QDRO;
5 and

6 5.4 To provide the payment to the Alternate Payee of benefits forfeited by
7 the Participant.

8 **6. Action to Be Taken.** The Plan Administrator shall be provided with a copy
9 of the Order by the Alternate Payee or Participant. Pending determination of a proposed
10 order's status as a QDRO, the Plan Administrator shall separately account within the Plan
11 for the amount ("segregated amounts") which would have been payable to the Alternate
12 Payee (if this Order is established to be a QDRO) during the determination period, as
13 defined in Internal Revenue Code Section 414(p)(7). No segregation is necessary if
14 benefits are not payable during the determination period.

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

18 DONE IN OPEN COURT this _____ day of *[month]*, *[year]*.

19
20 _____
21 JUDGE/COURT COMMISSIONER

22 Presented by:

23 *[NAME OF ATTORNEY'S OFFICE]*

By _____

[NAME OF ATTORNEY]

Bar No. *[00000]*

Attorney for Respondent

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

[NAME OF ATTORNEY'S OFFICE]

By _____

[NAME OF ATTORNEY]

Bar No. *[00000]*

Attorney for Petitioner