

CENTRAL LABORERS' PENSION FUND
SAMPLE QUALIFIED DOMESTIC RELATIONS ORDER (SHARED PAYMENT)

THE DIVISION OF RETIREMENT BENEFITS INVOLVES MANY COMPLEX TAX AND LEGAL ISSUES. CENTRAL LABORERS' PENSION FUND STRONGLY RECOMMENDS THAT INDIVIDUALS SEEK THE ADVICE OF LEGAL COUNSEL OR OTHER QUALIFIED EXPERTS BEFORE THE DIVISION OF RETIREMENT PLAN BENEFITS UPON DIVORCE.

THE FOLLOWING IS INTENDED AS GENERAL INFORMATION; IT SHOULD *NOT* BE RELIED ON BY ANY PARTY AS THE SOLE METHOD OF DIVIDING RETIREMENT BENEFITS. PLEASE NOTE THAT NEITHER CENTRAL LABORERS' PENSION FUND, ITS DESIGNATED AGENTS NOR ITS ADMINISTRATORS MAY PROVIDE LEGAL ADVICE, AND THE FOLLOWING IS *NOT* INTENDED AS SUCH.

THE PENSION FUND'S PLAN DOCUMENT (NOT ANY EXTRINSIC DOCUMENT, I.E., SEPARATION AGREEMENT, DIVORCE DECREE, ETC.) DICTATES HOW ADMINISTRATIVE MATTERS ARE HANDLED UNDER THE PLAN. IT IS THEREFORE EXTREMELY IMPORTANT TO CONFIRM WITH THE FUND'S ADMINISTRATIVE OFFICE WHAT ADDITIONAL STEPS UNDER THE PLAN DOCUMENT ARE REQUIRED TO ENSURE THE OUTCOME CONTEMPLATED IN THE DIVORCE SETTLEMENT.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, [STATE]

IN RE THE MARRIAGE OF:)	
)	
_____ ,)	
)	
Petitioner,)	
)	
and)	Case No. _____
)	
_____ ,)	
)	
Respondent.)	

QUALIFIED DOMESTIC RELATIONS ORDER (PENSION PLAN)

THIS CAUSE coming on to be heard for the purpose of entry of a Qualified Domestic Relations Order as defined in 29 U.S.C. Section 1056(d)(3); the Court on

_____, 20____, having entered a judgment of this Court relating to the provisions of marital property rights of a spouse.

THE COURT FINDS AND IT IS HEREBY ORDERED AS FOLLOWS:

A. For the purposes of this Order, the term “Participant” means _____; the term “Alternate Payee” means _____, former spouse of _____; and the term “Plan” means the “Central Laborers’ Pension Fund.”

B. On _____, _____, this Court entered an Order pursuant to the **Illinois** Marriage and Dissolution of Marriage Act **[REPLACE WITH OTHER STATE LAW, IF APPLICABLE]**, which Order relates to the provisions of the marital property rights of Alternate Payee to a share of Participant’s Plan benefit.

C. For Participant’s current mailing address, date of birth, and Social Security number, please see “Notice of Confidential Information.”

D. For Alternate Payee’s current mailing address, date of birth, and Social Security number, please see “Notice of Confidential Information.”

E. From any monthly benefit to which Participant is entitled, an amount equal to **[\$XX.XX or X% thereof]** shall be paid to Alternate Payee, beginning on the later of _____, 20____, or the first day of the month as soon as practicable after this Order has been accepted as “qualified” by the Plan. If Participant and/or Alternate Payee should be paid a benefit by the Plan to which he/she is not entitled, the overpayment shall be repaid as described in the Plan.

F. Participant shall be prohibited from transferring or otherwise encumbering said pension. Should any disposition, voluntary or involuntary transfer, or distribution of any kind

occur, Alternate Payee shall be entitled to receive a pro rata share thereof based on the share of Participant's monthly benefit payment he/she receives as described in Paragraph E. above.

G. Unless Alternate Payee was named as Participant's surviving spouse beneficiary for purposes of post-retirement spousal benefits at the time Participant commenced benefits, payment of Alternate Payee's share of Participant's benefit will end upon the earlier of Participant's death or Alternate Payee's death. If Alternate Payee was named as Participant's surviving spouse beneficiary for purposes of post-retirement spousal benefits, Alternate Payee will continue to receive benefits upon the death of Participant for her/his lifetime as the surviving spouse of Participant.

H. In the event Participant is receiving a disability benefit from the Plan and dies prior to attaining his earliest retirement age, Alternate Payee shall be considered Participant's surviving spouse for purposes of the Plan's pre-retirement survivor annuity with regard to the pro rata portion of Participant's pension benefit awarded to Alternate Payee hereunder.

I. In the event Alternate Payee predeceases Participant, the share of Participant's benefit awarded to Alternate Payee shall revert to Participant.

J. Nothing in this Order shall:

1. Require the Plan to provide any type or form of benefit or any option not otherwise provided in the Plan.
2. Require the Plan to provide increased benefits (determined on the basis of actuarial value); and
3. Require the payment of benefits to Alternate Payee which are required to be paid to another Alternate Payee under another order previously determined to be a Qualified Domestic Relations Order.

K. Both Participant and Alternate Payee shall have the duty to notify the administrator of the Plan in writing of any change in his/her respective mailing addresses subsequent to the entry of this Order.

L. Participant and Alternate Payee shall each be responsible for his/her own federal, State, and local income taxes or other taxes attributable to distributions from the Plan that are received by Participant and Alternate Payee, respectively.

M. It is intended by the parties that this Order will qualify and be deemed a Qualified Domestic Relations Order as defined in Section 414(p) of the Internal Revenue Code of 1986.

N. The parties were married on _____, _____, and said marriage was registered in _____, [STATE]. The marriage of the parties was dissolved by Judgment of Dissolution of Marriage on _____, _____. A copy of said Judgment has been provided to the Plan.

O. In the event the Plan's Administrative Office does not approve with the form of this Order, then each party shall cooperate and do all things reasonably necessary to devise a form of order acceptable to the Plan Administrator.

P. The parties shall cause a certified copy of this Order to be served on the Plan's Administrative Office forthwith once accepted as "qualified" pursuant to the Plan's procedures; this Order shall remain in effect until further order of this Court or its terms and obligations have been discharged by the distribution of benefits from this Plan.

Q. This Court retains jurisdiction to enforce, revise, modify, or amend this Order insofar as necessary to establish or maintain its qualification as a QDRO or to amend this Order for other reasons, provided, however, neither this Order nor any subsequent revision,

modification, or amendment shall require the Plan to provide any benefit not otherwise provided by the Plan.

DATED: _____

ENTER: _____

Approved:

Attorney for Petitioner

Attorney for Respondent

IN THE CIRCUIT COURT FOR THE _____ JUDICIAL CIRCUIT
_____, COUNTY, [STATE]

IN RE: THE MARRIAGE OF:

Petitioner,

and

No.

Respondent.

NOTICE OF CONFIDENTIAL INFORMATION

I. Participant:

Current Mailing Address:

Date of Birth:

Social Security Number:

II. Alternate Payee:

Current Mailing Address:

Date of Birth:

Social Security Number: