

**CENTRAL LABORERS' PENSION FUND**  
**SAMPLE QUALIFIED DOMESTIC RELATIONS ORDER (SEPARATE INTEREST)**

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 [REFERENCE OTHER STATE LAW, IF APPLICABLE], which Order relates to the provisions of the marital property rights of Alternate Payee, who is the former spouse of Participant to which this Order applies.

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. Under the terms of the Order entered on **[DATE]** in Paragraph \_\_\_\_\_, Alternate Payee is to receive retirement benefits from the Plan according to the following formula:

the benefit amount earned during the marriage divided by the total benefit amount earned as of **[DATE]** multiplied by the monthly pension benefit multiplied by one-half (1/2).

F. No benefits shall be payable to Alternate Payee unless Participant has a vested interest under the Plan as of the date the Judgment of Dissolution of Marriage was entered.

G. The retirement benefit to be paid to Alternate Payee hereunder may be paid to him/her commencing on the date on which Participant attains the “earliest retirement age” for a

pension benefit under the Plan as defined in Section 414(p)(4)(B) of the Internal Revenue Code of 1986, if and only if Alternate Payee is living on that date. If Alternate Payee commences his/her benefit prior to Participant attaining “normal retirement age” under the Plan, the amount of Alternate Payee’s benefit may be actuarially-reduced as his/her payment will be made in the form of a single life annuity for his/her lifetime.

H. In the event Participant should die 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 portion of Participant’s pension benefit awarded to Alternate Payee hereunder.

I. The retirement benefit to be paid to Alternate Payee hereunder shall be paid in the form of a single life annuity (including a Small Benefit Cashout as permitted by the Plan) with no survivor benefits.

J. In the event Alternate Payee predeceases Participant prior to commencing receipt of his/her benefits, the share of Participant’s benefit awarded to Alternate Payee shall revert to Participant.

K. Alternate Payee shall have no rights to the portion of Participant’s benefit not attributable to the parties’ marriage nor any increases in Participant’s accrued benefits subsequent to the date of dissolution or acceptance of this Order by the Plan. These benefits shall be paid to Participant or any subsequent spouse or other beneficiary either designated by Participant or in accordance with the provisions of the Plan that are applicable when Participant retains the right to designate other beneficiaries to receive the payment of benefits other than those assigned to Alternate Payee.

L. Nothing in this Order shall:

1. Require the Plan to provide any type or form of benefit or any option not otherwise provided for under 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.

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

N. 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.

O. 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.

P. 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. Notwithstanding the foregoing, for purposes of this Order: (i) if the marriage was on or before the 15<sup>th</sup> of the month the parties will be considered married that month; (ii) if the marriage occurred after the 15<sup>th</sup> of the month, the parties will not be considered married that month; (iii) if

the Judgment of Dissolution of Marriage was entered on or before the 15<sup>th</sup> of the month, the parties will not be considered married that month; and (iv) if the Judgment of Dissolution of Marriage was entered after the 15<sup>th</sup> of the month, the parties will be considered married that month.

Q. In the event the Plan's Administrative Office does not approve 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.

R. 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.

S. 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:

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Attorney for Petitioner

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Attorney for Respondent

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

I. Participant: \_\_\_\_\_  
Current Mailing Address: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Social Security Number: \_\_\_\_\_

II. Alternate Payee: \_\_\_\_\_  
Current Mailing Address: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Social Security Number: \_\_\_\_\_