

**SPECIMEN COPY OF QUALIFIED DOMESTIC RELATIONS ORDER**

**International Association of Sheet Metal, Air, Rail and Transportation Workers ("SMART")  
Local Union No. 36 Pension Fund**

In the Circuit Court  
\_\_\_\_\_ County, Missouri

	)	
Petitioner	)	
	)	
v.	)	Cause Number
	)	
Respondent	)	
	)	

**QUALIFIED DOMESTIC RELATIONS ORDER**

1. This Order is intended to be a Qualified Domestic Relations Order (QDRO), as that term is defined in section 206(d) of the Employee Retirement Income Security Act of 1974 (ERISA) and section 414(p) of the Internal Revenue Code of 1986, as amended (Code). This Order is granted in accordance with the Domestic Relations Law of the State of Missouri, which relates to marital property rights, child support, and/or spousal support between spouses and former spouses in matrimonial actions.
  
2. This Order applies to benefits under the International Association of Sheet Metal, Air, Rail and Transportation Workers ("SMART") Local Union No. 36 Pension Fund ("Pension Plan" or "Plan").
  
3. Respondent's name is \_\_\_\_\_<sup>1/</sup>. The Respondent's Social Security Number, birth date, and address are provided on a separate sheet<sup>2/</sup>.
  
4. Petitioner's name is \_\_\_\_\_<sup>3/</sup>. The Petitioner's Social Security Number, birth date, and address are provided on a separate sheet<sup>4/</sup>.
  
5. The Court orders as part of its Decree of Dissolution of Marriage that Petitioner, is awarded one-half of the "marital portion" of Respondent's interest in the Pension Plan. The "marital portion" is defined as the portion of Respondent's total benefit (payable in full at Respondent's age 65 for Respondent's lifetime) which was earned during the period starting with the date of marriage of the parties which is \_\_\_\_\_<sup>5/</sup> until the date of dissolution of the marriage which is \_\_\_\_\_<sup>6/</sup>.

6. The Petitioner will not<sup>7/</sup> receive any benefit increases that are adopted after the dissolution of marriage.

7. The Petitioner's benefit will be distributed to the Petitioner after Petitioner's written application to the Fund at the earliest of: (1) the date the Respondent commences receiving any benefit payment from the Fund; (2) upon the death of Respondent; or (3) the earliest date on which the Respondent could begin receiving an early retirement benefit under the Plan which is age 55 with 15 years of credited service. No amount, however, shall be paid to the Petitioner prior to the time the Plan Administrator determines that this Order complies with the requirements of the Plan, with the applicable administrative procedures, and with section 414(p)(1)(A)(I) of the Code.

8. The Petitioner will not receive any early retirement subsidy if the Respondent has not retired to Qualify for the subsidy. If the Petitioner starts benefits and the Respondent later retires and qualifies for a retirement subsidy, from the date of Respondent's retirement, the Petitioner's benefit will be re-calculated<sup>8/</sup> to reflect the Petitioner's share of the retirement subsidy, which shall be based upon Petitioner's share of the marital portion of Respondent's benefit.

9. Benefits will be paid to the Petitioner in the form of a single life annuity for the life of the Petitioner. If the Petitioner dies before the Petitioner's annuity starting date, there will be no death benefit payable to the Petitioner's beneficiaries.

10. In accordance with the Plan's actuarial procedures, an adjustment will be made in the marital portion of Respondent's benefit to reflect the dates of birth of the Petitioner and Respondent and the date that the Petitioner starts the payment of benefits. Respondent's benefits will be reduced by the Plan to take into account any benefits paid to the Petitioner.

11. Unless otherwise specified, this Order does not restrict the Respondent's ability to retire or begin receiving benefits (other than the portion assigned to the Petitioner under this Order) at any time otherwise available under the Plan, nor does it restrict the Respondents ability to receive payment of benefits (other than the portion assigned to the Petitioner under this Order) in any form otherwise available under the Plan.

12. If the Respondent dies and has not yet begun to receive benefits, the Alternate Payee ((shall/shall not))<sup>9/</sup> be considered the surviving spouse for the Respondent's benefit.

13. Notwithstanding the foregoing, the benefits assigned to the Respondent and the Alternate Payee under this Order shall not exceed 100% of the Respondent's vested accrued benefit taking into account any amounts due to a prior Alternate Payee(s) under an existing Order(s).

14. General Provisions:

(a) It is intended that this Order shall satisfy the requirement of section 414(p)(1)(A)(I) of the Internal Revenue Code. The provisions of this Order shall be administered in compliance with such provisions.

(b) Nothing in this Order shall require the Plan or Plan Administrator to:

(1) Pay any benefits not permitted under the Code or ERISA;

(2) Provide any type or form of benefit, or any, option otherwise not provided under the terms of the Plan;

(3) Pay total benefits with a value in excess of the value of the benefits the Respondent would have otherwise received; or

(4) Pay benefits to the Petitioner that are required to be paid to another Alternate Payee under another QDRO that is in effect prior to this Order.

(c) All amounts paid to the Petitioner pursuant to this Order shall be subject to withholding for federal and state tax, unless an election to waive withholding (if permitted by law) from the Petitioner is on file with the Plan Administrator.

(d) A certified copy of this Order shall be served upon the Plan Administrator forthwith. The Plan Administrator shall, within a reasonable time after receipt of this Order, determine whether this Order meets the applicable requirements for a QDRO and shall so notify the Respondent, the Petitioner and their respective counsel. During the period while the determination is being made, the Plan Administrator shall take such action as is authorized or requested by section 414(p)(7) of the Code.

(e) If the Plan Administrator determines that this Order satisfies the applicable requirements for a QDRO, the parties shall be so notified. If the Plan Administrator determines that this Order does not satisfy the applicable requirements for a QDRO, the parties shall be informed of the reasons for the determination.

(f) The Court shall retain jurisdiction to amend this Order to the extent necessary to cause the Order to satisfy the applicable requirements for a QDRO and to affect the intent of the parties. No change to this Order shall be effective until the Plan Administrator determines that the change does not adversely affect the Order's status under the applicable requirements of ERISA and the Code.

So Ordered \_\_\_\_\_ Date \_\_\_\_\_

**International Association of Sheet Metal, Air, Rail and Transportation Workers ("SMART")**  
**Local Union No. 36 Pension Fund**

**INSTRUCTIONS FOR QUALIFIED DOMESTIC RELATIONS ORDER FORM**

- 1) Insert Respondent's name. It is assumed that the Participant is the Respondent. If the Respondent is the spouse, then the designation of Petitioner and Respondent needs to be reversed.
- 2) Provide Respondent's Social Security Number, date of birth, and complete address with zip code on a separate sheet of paper.
- 3) Insert Petitioner's name. It is assumed that the Petitioner is the spouse. If the Petitioner is the Participant, then the designation of Petitioner and spouse needs to be reversed. It is also assumed that the alternative payee in the order is the spouse. The form needs to be altered if the alternate payee is not the spouse. A dependent child can be an alternate payee.
- 4) Provide Petitioner's Social Security Number, date of birth, and complete address with zip code on a separate sheet of paper.
- 5) Insert date of marriage. Note that the form assumes that the parties have divided the Pension benefit that has accrued during the years of marriage. (This is referred to as the "marital portion" of the benefit.) The form order also assumes that the parties have split the "marital portion" of the benefit in two, one-half equal shares. The parties can change this split of the marital portion of the benefit, but the Order will need to be revised to reflect the split.
- 6) Insert date of dissolution of marriage.
- 7) The form assumes no allocation of any future benefit increases. The Order can be revised to provide for the allocation of some, or all, of future benefit increases.
- 8) The form assumes a split of any retirement subsidy. The Order can be revised to provide that no part of any retirement subsidy is awarded to the Petitioner.
- 9) The parties must decide if the Alternate Payee will be considered the surviving spouse of the Participant for any pre-retirement survivor benefit.

Contact the office at 314-652-8175 if you have any questions.