

Post-Retirement Qualified Domestic Relations Order

Case # _____ in the matter of the marriage of _____
and _____ in the district court of _____.

PURPOSE

This Order is intended to meet the requirements for a post-retirement “qualified domestic relations order” relating to the Texas County & District Retirement System, hereinafter called the “Plan”. This Order is an integral part of the Decree of Divorce signed on _____, and in compliance with the laws of Texas, the following is specified:
(date of divorce decree)

RETIREE INFORMATION

The name and address of the Plan retiree is:

Full Name: _____

Address: _____

Please include the retiree’s address, Social Security number, date of birth and phone numbers on the Statement of Confidential Information.

ALTERNATE PAYEE INFORMATION

The name and address of the alternate payee is:

Full Name: _____

Address: _____

Please include the alternate payee’s address, Social Security number, date of birth and phone numbers on the Statement of Confidential Information.

The alternate payee shall have the duty to notify the Plan in writing of any changes in his or her mailing address subsequent to the entry of this Order.

PERCENTAGE RETIREMENT BENEFIT AWARDED TO ALTERNATE PAYEE

This Order awards to Alternate Payee _____% of Retiree’s interest in the Plan, in recognition of Alternate Payee’s marital rights in Retiree’s benefits payable under the Plan.

CALCULATION OF AWARD — NUMBER I

The following calculation shall be used if Retiree chose to retire under (a) single life option, (b) dual life option and named Alternate Payee as beneficiary, (c) guaranteed term option and named Alternate Payee as beneficiary, or (d) guaranteed term option and named someone other than Alternate Payee as beneficiary if the option has expired as of the date the Plan approves this Order.

This Order divides the monthly benefit currently payable to Retiree under the Plan as follows:

The actuarial present value of Retiree’s lifetime benefit is hereby split into two Single Life benefits. The Alternate Payee’s Single Life benefit is calculated based on the percentage awarded and Retiree’s Single Life benefit is calculated based on the remaining actuarial present value. In the event that Retiree is eligible for any future cost-of-living adjustments (COLAs), they will be awarded to Retiree and Alternate payee based on the percentage awarded.

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CALCULATION OF AWARD — NUMBER 2

The following calculation shall be used if Retiree selected a person other than Alternate Payee as beneficiary and chose to retire under (a) dual life payment option, or (b) guaranteed term payment option and the term has not expired.

This Order divides the current benefit into two Single Life benefits payable to Retiree and Alternate Payee, respectively, while leaving the original beneficiary's rights to future benefits unchanged, as follows:

The actuarial present value of Retiree's lifetime benefit minus the actuarial present value of the amount attributable to the beneficiary ("adjusted actuarial present value") is hereby split into two Single Life benefits. Alternate Payee's Single Life benefit is calculated based on the percentage awarded and Retiree's Single Life benefit is calculated based on the remaining adjusted actuarial present value. In the event that Retiree is eligible for any future cost-of-living adjustments, they will be awarded to Retiree and Alternate Payee based on the percentage awarded.

INCORPORATION OF ADMINISTRATIVE RULE

The provisions of 34 Texas Administrative Code, §109.14 are incorporated herein by reference.

Signed this _____ day of _____, 20_____.

Judge Presiding

SIGNATURES OF PARTICIPANT AND ALTERNATE PAYEE

Signature of Participant

Date Signed

Signature of Alternate Payee

Date Signed

(continued on next page)

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§109.14. PROVISIONS INCORPORATED BY REFERENCE

The following provisions of 34 Texas Administrative Code, §109.14 are expressly incorporated by reference in the TCDRS prescribed QDRO.

- (1) The order shall not be interpreted in any way to require the Plan to provide any type or form of benefit or any option not otherwise provided under the Plan.
- (2) The order shall not be interpreted in any way to require the Plan to provide increased benefits determined on the basis of actuarial value.
- (3) The order shall not be interpreted in any way to require the Plan to pay any benefits to an/any Alternate Payee named in the order which are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.
- (4) If the Plan provides for a reduced benefit upon "early retirement," the order shall be interpreted to require that, in the event of Participant's retirement before normal retirement age, the benefits payable to Alternate Payee shall be reduced in a proportionate amount.
- (5) The order shall not be interpreted to require the designation of a particular person as the recipient of benefits in the event of Participant's death, or to require the selection of a particular benefit payment plan or option.
- (6) In the event that, after the date of the order, the amount of any benefit otherwise payable to Participant is increased as a result of amendments to the law governing the Plan, Alternate Payee shall receive a proportionate part of such increase unless such an order would disqualify the order under the rules the Plan has adopted with regard to qualified domestic relations orders.
- (7) In the event that, after the date of the order, the amount of any benefit otherwise payable to Participant is reduced by law, the portion of benefits payable to Alternate Payee shall be reduced in a proportionate amount.
- (8) If, as a result of Participant's death after the date of the order, a payment is made by the Plan to Participant's estate, surviving spouse, or designated beneficiaries, which payment does not relate in any way to Participant's length of employment or accumulated contributions with the Plan, but rather is purely a death benefit payable as a result of employment or retired status at the time of death, no portion of such payment is community property, and Alternate Payee shall have no interest in such death benefit.
- (9) If the board of trustees of the Plan has by rule provided that, in lieu of paying an alternate payee the interest awarded by a qualified domestic relations order, the Plan may pay the alternate payee an amount that is the actuarial equivalent of an annuity payable in equal monthly installments for the life of the alternate payee, or a lump sum, then and in that event the Plan is authorized to make such a payment under the order.
- (10) All payments to Alternate Payee under the order shall terminate upon Alternate Payee's death, and Alternate Payee's beneficiary may be entitled to a benefit under §109.12.
- (11) All benefits payable under the Plan, other than those payable to Alternate Payee as provided in a qualified domestic order, shall be payable to Participant in such manner and form as Participant may elect in his/her sole and undivided discretion, subject only to Plan requirements.
- (12) Alternate Payee must report any retirement payments received on any applicable income tax return, and must promptly notify the Plan of any changes in Alternate Payee's mailing address. The Plan is authorized to issue a Form 1099R on any direct payment made to Alternate Payee.
- (13) Participant is designated a constructive trustee for receiving any retirement benefits under the Plan that are due to Alternate Payee but paid to Participant. Participant must pay the benefit defined in this paragraph directly to Alternate Payee within three days after receipt by Participant. All payments made directly to Alternate Payee by the Plan shall be a credit against this order.
- (14) The Court retains jurisdiction to amend the order so that it will constitute a qualified domestic relations order under the Plan even though all other matters incident to this action or proceeding have been fully and finally adjudicated.



Statement of Confidential Information

Cause # _____

This form should not be filed with the Qualified Domestic Relations Order (QDRO) in the court files; however, this page must be submitted along with a certified court copy of the proposed QDRO to the Plan for acceptance.

PARTICIPANT INFORMATION

| | | | | |
|-------------------|------------------------|-----------|-------------------|------------------------|
| First Name | Middle Initial or Name | Last Name | Birth Date | Social Security Number |
| Address | | City | State | Zip |
| Home Phone Number | Mobile Phone Number | | Work Phone Number | |

ALTERNATE PAYEE INFORMATION

| | | | | |
|-------------------|------------------------|-----------|-------------------|------------------------|
| First Name | Middle Initial or Name | Last Name | Birth Date | Social Security Number |
| Address | | City | State | Zip |
| Home Phone Number | Mobile Phone Number | | Work Phone Number | |