

Model QDRO Language
FOR ACTIVE MEMBERS OF THE
ARKANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

STATE OF ARKANSAS
COUNTY OF _____

IN CHANCERY COURT

_____ ,)	
Plaintiff)	
)	
)	QUALIFIED DOMESTIC
)	RELATIONS ORDER
)	
)	Case No. _____
)	
-vs-)	
)	
)	
_____ ,)	
Defendant)	

.....

This Order is intended to meet the requirements of a “Qualified Domestic Relations Order” relating to the Arkansas Public Employees Retirement System, hereafter referred to as the “Plan”. The Order is made pursuant to Arkansas Code of 1987, Annotated. The Order is an integral part of the judgment entered on (Date of Divorce) granting a divorce to the above-entitled parties. (This Order is also drawn pursuant to the laws of the State of Arkansas relating to the equitable distribution of marital property between spouses and former spouses in actions for dissolution of a marriage.) or (This Order is drawn pursuant to the laws of the State of Arkansas relating to the provision of child support to a minor child in actions for dissolution of a marriage.)

BACKGROUND INFORMATION

(Member's Name and Social Security Number) is the participating member whose last known address is (Member's Address). The member's date of birth is (Member's D.O.B.).

(Alternate Payee's Name and Social Security Number) is the alternate payee whose last known address is (Alternate Payee's Address). The alternate payee's date of birth is (Alternate Payee's D.O.B.).

The participating member and the alternate payee were married on (Date of Marriage).

IT IS HEREBY ORDERED THAT:

I. BENEFITS

Benefits under the plan are distributed as follows: (*Choose one*)

1. The Plan shall pay to the alternative payee _____% of the member's accrued annuity benefit as of _____ (date of divorce); or
2. The Plan shall pay to the alternative payee \$_____ from the member's accrued annuity benefit as of _____ (date of divorce).

II. TIME OF BENEFIT RECEIPT

Benefit payments to the alternate payee will begin:

1. The Plan shall begin benefit payments to the alternative payee upon the earlier event: (1) when the participating member retires or (2) ceases employment in a covered position and requests a refund of contributions.

III. DURATION OF PAYMENTS TO ALTERNATE PAYEE (Choose one)

NOTE: Choose the appropriate optional language as applicable under the following alternatives:

- A. Alternate payee shall receive a single life annuity that is equal to the alternate payee's share of the benefit payable throughout the life of the participating member.
- B. Alternate payee shall receive an adjusted single life annuity that is equal to the actuarial equivalent of the alternate payee's share of the benefit payable throughout

the life of the alternate payee. The alternate payee's benefit may not exceed the amount that would be paid under the single life annuity.

IV. MEMBER WITHDRAWS FROM RETIREMENT SYSTEM (Choose one)

- A. If the participating member discontinues employment and withdraws the member account in a lump sum, the alternate payee shall receive (_____ %) of the member's account balance as of (Date of Divorce) accumulated with interest as required by the Plan. (OR)
- B. If the participating member discontinues employment and withdraws the member account in a lump sum, the alternate payee shall receive (\$ _____) from the member's account balance accumulated with interest as required by the Plan.

V. LIMITATIONS OF THIS ORDER (Order must reflect all provisions of this section.)

- A. If the alternate payee dies prior to receipt of benefits under this order, the entire amount that may be due to the alternate payee reverts to the participating member.
- B. If the participating member dies prior to the retirement, the alternate payee will receive _____ % share or \$ _____ of the member's contributions as of (Date of Divorce).
- C. The benefit enhancements provided by the Arkansas Legislature for service during the marital relationship which are adopted after the end of the marital relationship apply to the alternate payee's portion of benefits under this Order.
- D. If the participant or alternate payee receives any distribution that should not have been paid per this Order, that party is designated a constructive trustee for the amount received and shall immediately notify APERS and comply with written instructions as to the distribution of the amount received.
- E. Alternate payee is ORDERED to provide the Plan prompt written notification of any changes in alternate payee's mailing address. APERS shall not be liable for failing to make payments to alternate payee if APERS does not have a current mailing address for alternate payee at time of payment.
- F. If payments from the Plan to the alternate payee are determined to be less than \$20.00 a month, the Court orders the Plan to disburse that sum to the participating member who shall pay same to the alternate payee.
- G. Alternate payee shall furnish a certified copy of this Order to APERS.

H. The Court retains jurisdiction to amend this 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. If the System determines at any time that changes in the law, the administration of the Plan, or any other circumstances make it impossible to calculate the portion of the distributions awarded to alternate payee by this Order and so notifies the parties, either or both parties shall immediately petition the Court for reformation of the Order.

IT IS SO ORDERED this _____ day of _____, _____.

CHANCELLOR