

**Model QDRO Language
FOR RETIRED 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

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

II. TIME OF BENEFIT RECEIPT

The benefits are payable to the alternate payee in the month following receipt of this Order by the Plan or Plan Administrator.

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. 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. 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.

- C. 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.
- D. 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.
- E. Alternate payee shall furnish a certified copy of this Order to APERS.
- 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. 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