

# Pre-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 “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)*

## ASSIGNMENT OF RETIREMENT BENEFIT

This Order assigns a portion of the benefits payable under the Plan to Alternate Payee in recognition of marital rights in Participant’s benefits payable under the Plan.

## PARTICIPANT INFORMATION

The name of the Plan Participant is: Full Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Please include Participant address, Social Security number, date of birth and phone numbers on the accompanying Statement of Confidential Information.

## ALTERNATE PAYEE INFORMATION

The name of the Alternate Payee is: Full Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Please include Alternate Payee address, Social Security number, date of birth and phone numbers on the accompanying Statement of Confidential Information. The Alternate Payee shall have the duty to notify the Plan in writing of any changes of his or her mailing address subsequent to the entry of this Order.

## AMOUNT OF ALTERNATE PAYEE’S INTEREST IN THE PLAN:

This Order assigns to Alternate Payee a separate interest in the Plan attributable to \_\_\_\_\_% of Participant’s accumulated contributions that accrued during the period of marriage. The dates of marriage are \_\_\_\_\_ through \_\_\_\_\_ (the “period of marriage”). Accumulated contributions described above include the deposits made by the Participant in the Plan during the period of marriage and the interest credited to those deposits during the period of marriage under the terms of the Plan. The portion of the accumulated contributions awarded to the Alternate Payee above will also accrue future interest pursuant to the terms of the Plan for the benefit of the Alternate Payee following the period of marriage. In the event that the Alternate Payee becomes eligible to retire under the Plan as described below, then the Alternate Payee’s retirement benefit is based on the accumulated contributions and employer-provided credits. Employer-provided credits are the employer matching related to accumulated contributions and any other employer-provided credits associated with the period of the marriage.

*(continued on next page)*

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## DISTRIBUTION OF ALTERNATE PAYEE'S BENEFIT

In accordance with the terms of the Plan, the form of Alternate Payee's benefit will be awarded as follows:

- At any time after this Order is filed and approved by the Plan, the Alternate Payee may withdraw in a lump sum the accumulated contributions attributable to the interest awarded in this order. By withdrawing, the Alternate Payee forfeits all employer-provided benefit credits.
- The Alternate Payee may commence a life annuity calculated in accordance with the terms of the Plan and based on the interest awarded in this Order at such time when the Participant:
  - (1) Is eligible to retire;
  - (2) Commences a disability retirement;
  - (3) Dies and was eligible for a survivor death benefit under the Plan; or
  - (4) Has attained the age at which the Participant would have been eligible to retire, if the participant withdrew his or her account and was vested at the time of withdrawal.

## 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

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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 to TCDRS 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		