

# Ameritas Retirement Plans QDRO Solutions

Preparing a Qualified Domestic Relations Order (QDRO) can be time-consuming and labor-intensive. To assist you and your attorney in preparing a Domestic Relations Order (DRO) that meets the requirements of federal law and the provisions of the Plan, Ameritas provides the following information.

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- **Instructions for Preparing a QDRO**
- **Personal Data Addendum**
- **Model QDRO**
- **FAQs**

If you have any questions regarding these materials, please contact Ameritas at 800-277-9739.



While Ameritas is available to assist you as you work with your legal and tax advisers, Ameritas does not intend to provide tax or legal advice.

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## Instructions for Preparing a DRO

The following instructions will guide you through the process of creating a DRO.

- ☐ **Step 1:** Clearly identify the Plan that is the subject of the DRO.
- ☐ **Step 2:** Confirm that you have sufficient assets in the Plan to satisfy the DRO.
- ☐ **Step 3:** Provide the Model Order to your attorney who is going to prepare it. You can submit the Order in draft form to Ameritas for preliminary approval before having the DRO signed by the court, or you can obtain the court's signature and then submit it to Ameritas. Using the Model Order increases the likelihood that the DRO will be approved.
- ☐ **Step 4:** Submit a **certified copy** of the Order, along with the completed Personal Information Addendum, to:

**Ameritas Life Insurance Corp.**  
**Attention: Retirement Plans Division**  
**PO Box 105766**  
**Atlanta, GA 30348-5766**

Note: The Personal Information Addendum should be completed and attached to the certified copy of the Order prior to submitting it to Ameritas

- ☐ **Step 5:** If you use the Model Order, the timeframe for completing review is 5-10 business days. If the DRO is not signed, it may delay the approval process as it must be signed to be processed. If the DRO does not follow the Model Order, the Plan Sponsor will need to provide the approval after our review. This review will be subject to the Advanced ERISA Consultation Fee and may take additional time to complete.
- ☐ **Step 6:** If a determination is made that the DRO does not meet the Ameritas qualification standards, you will receive details on the necessary revisions.



## **Personal Data Addendum to Domestic Relations Order**

Participant Name: \_\_\_\_\_

Plan Name: \_\_\_\_\_

The following information is provided in this Addendum due to the fact that many state courts prohibit the inclusion of personal data in public records.

### **Participant Information**

Name: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

### **Alternate Payee Information**

Name: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

## Model Qualified Domestic Relations Order

Use of this model QDRO order will assist with the creation of a DRO, avoiding common errors and omissions and expedited review.

COURT: \_\_\_\_\_

COUNTY OF \_\_\_\_\_ STATE OF \_\_\_\_\_

[NAME OF ALTERNATE PAYEE] ) Case No. \_\_\_\_\_  
Plaintiff/Petitioner, )

vs. ) **STIPULATED QUALIFIED**  
 ) **DOMESTIC RELATIONS ORDER**

[NAME OF PARTICIPANT] )  
Defendant/Respondent. )

WHEREAS. This Court has jurisdiction over the parties and the subject matter of this Order pursuant to *(insert appropriate citation of State domestic relations law and statute(s) relating to the provision of child support, alimony payments, or marital property rights)*

\_\_\_\_\_ ; and,

WHEREAS, the parties and the Court intend that this Order shall be a Qualified Domestic Relations Order (hereinafter referred to as a ("QDRO") as defined in Section 206(d)(3) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA") and Section 414(p) of the Internal Revenue Code of 1986, as amended ("Code"), and

WHEREAS, pursuant to the referenced statutes, the Plan Administrator shall make a determination of the qualified status of this Order, and

WHEREAS, following approval by the Plan Administrator, this Order shall constitute a Qualified Domestic Relations Order; and

WHEREAS, the parties have stipulated that the Court enter this Order;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. As used in this Order, the following terms shall apply:

a. "Participant" shall mean \_\_\_\_\_ (First/M./I./Last), whose current mailing  
address is \_\_\_\_\_ (Street/Address/Apt. #)  
\_\_\_\_\_ (City/State/Zip)

***Please submit the Participant's and Alternate Payee's Dates of Birth and Social Security Numbers using the attached QDRO Information Sheet.***

b. "Alternate Payee" shall mean \_\_\_\_\_ (First/M./I./Last), whose current mailing  
address is \_\_\_\_\_ (Street/Address/Apt. #)  
\_\_\_\_\_ (City/State/Zip)

- c. "Plan" shall mean \_\_\_\_\_
- d. "Plan Administrator" shall mean \_\_\_\_\_
- e. "Valuation Date" shall mean \_\_\_\_\_ (MM/DD/YYYY).
2. The Order relates to **(check one)**
- ☐ marital property rights      ☐ alimony payments      ☐ child support
3. The Participant and Alternate Payee were married on \_\_\_\_\_ (MM/DD/YYYY).
4. The date of legal separation/divorce \_\_\_\_\_ (MM/DD/YYYY).
5. With respect to marital property, alimony and spousal awards, the Participant and the Alternate Payee are/were considered married for federal income tax purposes.
6. The Alternate Payee's award will be calculated as of the Valuation Date. The Alternate Payee's interest in the Plan shall be **(check one)**
- ☐ Flat dollar amount of \$\_\_\_\_\_.
- ☐ \_\_\_\_\_ per cent ( \_\_\_\_\_%) [insert numbers] of the Participant's total vested account balance under the Plan as of the Valuation Date.
7. The Alternate Payee's share **(check one)** ☐ shall ☐ shall not be credited with earnings or losses from the date the Alternate Payee's share is segregated from the Participant's account balance through the date distribution is made to the Alternate Payee.
8. The Alternate Payee's award will be paid proportionately from all investment options as of the date of account segregation.
9. The Alternate Payee's interest in the Plan shall be payable to the Alternate Payee in a lump sum distribution as soon as administratively feasible following the date that this Order is determined to be a QDRO. The Alternate Payee shall initiate the distribution in accordance with the terms of the Plan and the administrative procedures that have been established by the Plan Administrator. The amount distributed to the Alternate Payee will be the value of the Alternate Payee's account on the date the distribution is processed.
10. The Alternate Payee has the right to designate a beneficiary in accordance with the Plan's administrative procedures. All beneficiary designations will be made after qualification of this Order and segregation of a separate account for the Alternate Payee pursuant to the administrative procedures established for the Plan.
11. Neither Party shall accept any benefits from the Plan which are the property of the other Party. In the event that the Plan Administrator inadvertently pays to the Participant any benefits that are assigned to the Alternate Payee pursuant to the terms of this Order, the Participant shall forthwith return such benefits to the Plan. In the event that the Plan Administrator inadvertently pays to the Alternate Payee any benefits that are not assigned to the Alternate Payee pursuant to the terms of this Order, the Alternate Payee shall forthwith return such benefits to the Plan.

12. For purposes of Sections 402 and 72 of the Code, any Alternate Payee who is the spouse or former spouse of the Participant will be treated as the distributee of any distributions or payments made to the Alternate Payee under the terms of this Order, and will be required to pay the appropriate federal and/or state income taxes on such distribution. If the Alternate Payee is a child or other dependent of the Participant, the Participant will be responsible for any federal and/or state income taxes on such distribution.
13. The Alternate Payee shall not be treated as the Participant's spouse for any spousal survivor benefits payable with respect to the Participant's benefits under the Plan.
14. In the event of the Alternate Payee's death prior to his/her receiving the full amount of benefits called for under this Order and under the benefit option chosen by the Alternate Payee, such Alternate Payee's beneficiary(ies), as designated on the appropriate form provided by the Plan Administrator, shall receive the remainder of any unpaid benefits under the terms of this Order, and in accordance with the benefits option selected by the Alternate Payee.
15. In the event that the Participant dies prior to the establishment of separate account(s) in the name of the Alternate Payee, such Alternate Payee shall be treated as the surviving spouse of the Participant for any death benefits payable under the Plan to the extent of the full amount of his/her benefits as called for pursuant to the terms of this Order. Should the Participant predecease the Alternate Payee after the new account(s) has/have been established on his/her behalf, such Participant's death shall in no way affect the Alternate Payee's right to the portion of his/her benefits as specified herein.
16. The parties to this Order intend that it comply with the applicable provisions of ERISA and the Internal Revenue Code. Nothing in this Order shall require the Plan or the Plan Administrator to
- Pay any benefits not permitted under ERISA or the Internal Revenue Code;
  - Provide any type or form of benefit or any option not provided under the terms of the Plan;
  - Require the Plan to provide increased benefits determined on the basis of actuarial value;
  - Require the payment of any benefits to the Alternate Payee which are required to be paid to another alternate payee under another order which was previously deemed to be a QDRO; or
  - Require the Plan to pay benefits to the Alternate Payee in the form of a qualified joint and survivor annuity for the lives of the Alternate Payee and his or her subsequent spouse.
17. Order Review Fees (**check one**):
- ☐ The Participant is responsible for the one-time determination fee for review of the Domestic Relations Order. The fee will be deducted from the Participant's account following the first review of the Order.
- ☐ The Alternate Payee is responsible for the one-time determination fee for review of the Domestic Relations Order. The fee will be deducted from the Alternate Payee's account after qualification of the Order and segregation of the Alternate Payee's award to a separate account in the Alternate Payee's name.
- ☐ The one-time determination fee for review of the Domestic Relations Order will be allocated 50% from the Participant's account and 50% from the Alternate Payee's account.

18. This Court reserves jurisdiction to issue further orders as needed to execute this Order.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

BY THE COURT:

[SIGNATURE OF JUDGE]

[PRINTED NAME OF JUDGE]

Attorney for Plaintiff/Petitioner:

(Name)

(Address)

(Telephone)

Attorney for Defendant/Respondent:

(Name)

(Address)

(Telephone)