

## QDRO Determination Checklist

The Plan Administrator must complete this checklist to implement the Plan's QDRO Procedure. *Note: The Plan must determine the qualified status of the order within a reasonable time. If the Plan does not conclude the determination within 18 months from the time the first payment is due under the order, the order will be effective only prospectively.*

### PRELIMINARY DATA

**1. Identifying information.** The Order concerns:

Participant: \_\_\_\_\_ Soc. Sec. No.: \_\_\_\_\_

Participant's address: \_\_\_\_\_

Alternate Payee: \_\_\_\_\_ Soc. Sec. No. \_\_\_\_\_

Alternate Payee's address: \_\_\_\_\_

**2. Notification.** The Plan Administrator has mailed notification of receipt of a domestic relations order, by regular first class mail, as follows: *[Note: The Plan Administrator must notify the participant and each alternative payee of receipt of the order, within 10 days of the Plan Administrator's receipt of the order. The Plan Administrator must notify the Plan Administrator to account separately for the amounts subject to the order within 2 business days after receipt of the order. The Plan Administrator must advise the trustee of the existence of the order within 2 business days after receipt, so the trustee does not distribute funds subject to the order.]*

Date of notification to participant: \_\_\_\_\_

Date of notification to alternate payee(s): \_\_\_\_\_

Date of notification to plan administrator: \_\_\_\_\_

Date of notification to trustee: \_\_\_\_\_

### REVIEW OF ORDER

**3. Technical Requirements.** The Plan Administrator should complete review of the order within a reasonable time. The order is a qualified domestic relations order ("QDRO") only if the Plan Administrator answers "Yes" to each question in this paragraph 3. If the Plan Administrator answers "No" to any question, check paragraph 7 and state the reason(s) for the answer in paragraph 7.

**a. Order.** Is the order an order entered pursuant to a state domestic relations law (including a community property law)?

Yes \_\_\_\_\_ No \_\_\_\_\_

**b. Domestic relations matter.** Does the order relate to providing child support, alimony (maintenance) payments or marital property rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

**c. Plan identification.** Does the order specify this Plan as the plan subject to the order?

Yes\_\_\_\_\_ No\_\_\_\_\_

**d. Alternate payee.** Does the order direct payment to the participant's spouse, former spouse, child or other dependent (the "alternate payee")?

Yes\_\_\_\_\_ No\_\_\_\_\_

**e. Identification of participant.** Does the order identify the participant?

Yes\_\_\_\_\_ No\_\_\_\_\_

**f. Identification of alternate payee.** Does the order state each alternate payee's name and mailing address?

Yes\_\_\_\_\_ No\_\_\_\_\_

**g. Description of benefit.** Does the order state the amount or the percentage of the participant's benefit the Plan must pay to each alternate payee? *Note: Answer "Yes" if the order describes the manner in which the Plan may determine the amount or percentage.*

Yes\_\_\_\_\_ No\_\_\_\_\_

**h. Period of payment.** Does the order state the number of payments or the period to which the order applies? *Note: A lump sum payment satisfies this requirement.*

Yes\_\_\_\_\_ No\_\_\_\_\_

**4. Plan Consistency Requirements.** The order is a QDRO only if the Plan Administrator answers "No" to each question in this paragraph 4. If the Plan Administrator answers "Yes" to any question, check paragraph 8 and state the reason(s) for the answer in paragraph 8.

**a. Required benefit.** Does the order require the Plan to provide a type or a form of benefit or a benefit option the Plan otherwise does not provide? *Note: Consult the Plan's QDRO provisions. Payment consistent with the Plan's QDRO provisions or consistent with the Plan's normal distribution provisions is acceptable.*

No\_\_\_\_\_ Yes\_\_\_\_\_

**b. Amount of benefit.** Does the order require the Plan to provide benefits greater than the benefits available to the participant without the QDRO?

No\_\_\_\_\_ Yes\_\_\_\_\_

**c. Prior QDRO.** Does the order require payment of benefits which a previous QDRO requires the Plan to pay to another alternate payee? *Note: If no prior QDRO is in effect with respect to the participant, answer "NO."*

No\_\_\_\_\_ Yes\_\_\_\_\_

**5. Timing of Payment Requirement.** The order is a QDRO only if the timing of payments under the order is consistent with the terms of the Plan. *Note: If the Plan authorizes payment at any time under a QDRO, the order automatically satisfies the timing of payment requirement. If the Plan does NOT contain special provisions for immediate payment under a QDRO, the Plan only may make payment under a QDRO (if the participant has not terminated employment) by the date the participant attains his "earliest retirement age." If the Plan Administrator does not answer "Yes" to part a. of this paragraph 5, the Plan Administrator must determine whether the participant has reached his "earliest retirement age" under part b. of this paragraph 5.*

**a. Immediate authorization payment.** Does the Plan authorize payment **at any time** under a QDRO?

Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes," the order satisfies the timing of payment requirement. Skip part b. of this paragraph 5.

**b. Earliest retirement age payment.** If the answer to part 5.a. is "No," complete this part b. to determine if payment will occur under the order after the participant's "earliest retirement age."

(1). Does the Plan authorize payment of benefits to the participant (separate and apart from the order) on the date of the required payment to the alternate payee under the order (*e.g.*, an in-service distribution from a profit sharing plan)?

Yes \_\_\_\_\_ No \_\_\_\_\_

(2). As of the date of commencement of payment to the alternate payee under the order, will the participant have reached the **later of** (a) age 50, or (b) the earliest date on which the participant could begin receiving benefits if the participant terminated employment?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the Plan Administrator answers "Yes" to either b.(1). or b.(2)., the order satisfies the timing of payment requirement. If the Plan Administrator answers "No" to **both** b.(1). and b.(2)., check paragraph 9.

**6. Determination of Qualified Status.** If the Plan Administrator has answered "Yes" to each question in paragraph 3, has answered "No" to each question in paragraph 4, and has answered "Yes" to at least one question in paragraph 5, the order qualifies as a QDRO. If the order qualifies as a QDRO, the Plan Administrator should write "N/A" next to each of paragraphs 7, 8 and 9, and should sign the Plan Administrator's Certification of QDRO in paragraph 10. If the order does NOT qualify as a QDRO, the Plan Administrator should check one or more of paragraphs 7, 8 and 9, should complete the explanation as required, and should sign the Plan Administrator's Certification of Nonqualified Status in paragraph 10. The Plan Administrator should notify the participant and each alternate payee of the determination by mailing a copy of this QDRO Determination Checklist to each party, complete with the Plan Administrator's Certification. After notification of the participant and each alternate payee, the Plan Administrator should complete the QDRO procedure.

**NOTE: CHECK AND COMPLETE ONLY THOSE OF PARAGRAPHS 7, 8 AND 9 WHICH APPLY IN RESPONSE TO PARAGRAPHS 3,4 AND 5. IF ANY OF PARAGRAPHS 7, 8 AND 9 DO NOT APPLY, WRITE "N/A" NEXT TO THE NUMBER AND DO NOT COMPLETE THE PARAGRAPH.**

\_\_\_\_\_ **7. Disqualification --Technical Requirements.** The order is not a QDRO because the order does not satisfy one or more of the technical requirements referred to in paragraph 3. The explanation of each "No" following: \_\_\_\_\_

\_\_\_\_\_ **8. Disqualification --Consistency Requirements.** The order is not a QDRO because the order does not satisfy one or more of the consistency requirements referred to in paragraph 4. The explanation of each "Yes" answer is the following: \_\_\_\_\_

\_\_\_\_\_ **9. Disqualification --Timing of Payment Requirement.** The order is not a QDRO because the order requires the payment of benefits earlier than the Plan permits (as determined under paragraph 5). The Plan does not permit the immediate distribution of benefits to an alternate payee under a QDRO, AND the order requires the payment of benefits prior to the participant's "earliest retirement age."

**DETERMINATION OF STATUS**

**10. Plan Administrator's Certification.** Sign the certification paragraph which states the Plan Administrator's determination with respect to the qualified status of the order. COMPLETE ONLY ONE CERTIFICATION.

**Plan Administrator's Certification of QDRO**

I, the undersigned Plan Administrator, certify the order identified in paragraph 1 is a qualified domestic relations order. The Plan will distribute in accordance with the QDRO.

\_\_\_\_\_ Plan

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Plan Administrator

**Plan Administrator's Certification of Nonqualified Status**

I, the undersigned Plan Administrator, certify the order identified in paragraph 1 is **not** a qualified domestic relations order. The Plan will pay any amounts segregated in accordance with Code §414(p) without regard to the order. If the participant is not receiving any distribution from the Plan, the Plan Administrator will disregard any separate accounting.

\_\_\_\_\_ Plan

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Plan Administrator