Pre-Retirement Model QDRO

IN THE DISTRICT COURT OF IOWA IN AND FOR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, IOWA

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IN RE THE MARRIAGE OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_ AND \_\_\_\_\_\_\_\_\_\_\_\_\_\_

UPON THE PETITION OF )

)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, ) (EQUITY Case No.):

 Petitioner )

)

AND CONCERNING ) IPERS PRE-RETIREMENT

) QUALIFIED DOMESTIC

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, ) RELATIONS ORDER

 Respondent )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IT IS HEREBY ORDERED:

That the Alternate Payee named below shall have the right to receive payments from the retirement plan named below pursuant to the agreement of the parties to divide their marital property, or by order of a court of competent jurisdiction, subject to the requirements of Internal Revenue Code § 414(p)(11), Iowa Code § 97B.39, and the administrative rules.

1. The Member is (**insert name**). The Alternate Payee is (**insert name**). Current mailing addresses for the Member and Alternate Payee are provided on the *Confidential Information* form accompanying this Order. The Alternate Payee shall inform the retirement plan of all changes of address.

2. The retirement plan subject to the provisions hereof is as follows: Iowa Public Employees’ Retirement System (IPERS), 7401 Register, Drive P.O. Box 9117, Des Moines, Iowa 50306-9117.

3. IPERS is directed to pay benefits to the Alternate Payee as a marital property settlement under the following formula: (See **IPERS Pre-Retirement QDRO Instruction Packet -** **Drafting Guidelines** ―**Paragraph 3**).

4. If the Member receives a monthly benefit, IPERS will pay benefits to the Alternate Payee for the following period: (See **IPERS Pre-Retirement QDRO Instruction Packet - Drafting Guidelines ―Paragraph 4**).

5. The benefits payable to the Alternate Payee will begin when the Member begins to receive benefits from IPERS or when death benefits become payable, if such death benefits are provided for in one or more separately numbered paragraphs herein, whichever occurs first, and shall not begin before this Order is accepted by IPERS as a Qualified Domestic Relations Order, and any applicable appeal periods have passed or have otherwise been waived on the form approved by the system.

**Note:** Optional paragraphsmay be added here as subparagraphs and labeled as A, B, C, etc.

6. The taxable portion and basis will be prorated to each respective recipient if the payee is the Alternate Payee.

7. IPERS is (**herein** or **not**) authorized to release information from the Member’s account, including but not limited to benefits statements, benefit estimates, the Member’s election of benefit option, and the Member’s designation of beneficiary or contingent annuitant, to the Alternate Payee without the consent of the Member.

 8. The parties acknowledge that this Order shall not require IPERS:

* to provide increased benefits over what would otherwise be payable based on the Member’s record, as determined on the basis of actuarial value;
* to provide any type or form of benefits, or any option, not otherwise provided under IPERS; or
* to provide benefits to an Alternate Payee which are required to be paid to another Alternate Payee under another Order previously determined to be a Qualified Domestic Relations Order.

 9. The Court directs that a copy of this Order, and a completed copy of the *Confidential Information* form, containing the Member’s and the Alternate Payee’s current mailing addresses, full social security numbers, and dates of birth be provided to IPERS. Within a reasonable time after receiving a copy of this Order, IPERS shall determine whether the Order is accepted and shall notify attorneys for the Member and the Alternate Payee, or the Member and Alternate Payee if acting pro se, of such determination.

10. The Member, the Alternate Payee, and the Court intend this Order to be a Qualified Domestic Relations Order as defined in Internal Revenue Code § 414(p)(11), Iowa Code § 97B.39, and the administrative rules.

11. The Court retains jurisdiction to amend this Order, but only for the purpose of establishing or maintaining its qualification as a Qualified Domestic Relations Order as defined in Internal Revenue Code § 414(p)(11), Iowa Code § 97B.39, and the administrative rules.

**NOTE:** If you are e-filing this Order, in lieu of the signature block below, please include the names and mailing addresses for the parties’ attorney(s) of record after paragraph 11 of the Order. Often, IPERS receives Orders directly from the Clerk of Court. Without the attorney information, IPERS cannot send the determination letter indicating the results of the review.

Dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Judicial District

Approved as to form:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name Name

Address Address

City, State ZIP City, State ZIP

Email Address Email Address

Attorney for Petitioner Attorney for Respondent

The *IPERS MODEL QDRO* watermark should be removed prior to sending to IPERS and filing with the Court. In Microsoft Word go to: *Page Layout – Watermark – Remove Watermark*). Don’t hesitate to call with questions!

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