

# Qualified Domestic Relations Orders (QDROs)

FOR UCRP MEMBERS WHO TERMINATE THEIR REGISTERED DOMESTIC PARTNERSHIP *PRIOR TO RETIREMENT*

UNIVERSITY  
OF  
CALIFORNIA



These instructions and Sample Order are intended to assist UCRP members, alternate payees and legal representatives in properly completing and presenting an acceptable Domestic Relations Order for dividing community property interest held by University of California Retirement Plan (UCRP or the plan) including (if applicable) the Capital Accumulation Payment (CAP) account.

The Sample Order is not intended to assist in dividing University of California Retirement Savings Program (RSP) plans, including the Tax-Deferred 403(b) Plan, the Defined Contribution Plan and the 457(b) Deferred Compensation Plan. For assistance dividing these plans, please contact Fidelity Retirement Services, which handles the community property divisions and distributions for the RSP plans. Call 866-682-7787 or visit Fidelity's website at <https://qdro.fidelity.com/>.

# Sample and Instructions

These instructions and Sample Order should be used if the member has service credit in the 1976 Tier only and is active (currently working at UC), inactive (no longer working at UC) but with plan accumulations remaining in UCRP, or receiving disability income from the plan and the domestic partnership has been dissolved. (For more details on inactive membership, please see the *UCRP Summary Plan Description for 1976 Tier Members*, available on UCnet ([ucal.us/1976tiersummary](http://ucal.us/1976tiersummary)).

Do not use this Sample Order when dividing benefits because of a legal separation, divorce or if the member:

- Has already retired and is receiving retirement income from the pension plan (Please see the QDRO Instructions and Sample Order for UCRP Members Who Terminate Their Marriage After Retirement, available on UCnet at [ucnet.universityofcalifornia.edu](http://ucnet.universityofcalifornia.edu))
- Has service credit under the 2013 Tier only or service credit under both the 1976 Tier and 2013 Tier
- Is currently receiving duty disability income (Please contact the Special Claims unit in the Retirement Administration Service Center at 800-888-8267 for instructions.)

## **INSTRUCTIONS PRIOR TO RETIREMENT**

A Qualified Domestic Relations Order (QDRO) is a court-approved order served on a retirement plan, which orders the retirement plan to divide a member's interest pursuant to legal separation, divorce or termination of a domestic partnership. In order to divide the UCRP interest, the Order must be submitted in a form acceptable to the Plan Administrator. It is advisable to send a draft of the order to Special Claims before filing with the court.

UCRP consists of the University of California Retirement Plan, which may also include a CAP benefit.

The UCRP plan documents, available on UCnet ([ucnet.universityofcalifornia.edu](http://ucnet.universityofcalifornia.edu)), contain details of the plan's provisions. If a conflict exists between this sample and the plan documents, the plan documents govern. The Plan Administrator has the authority to interpret any disputed provisions.

### **IMPORTANT:**

When the QDRO has been filed with the court, send a certified copy to the Special Claims Unit with a regular filed/endorsed copy of the court order that terminated the domestic partnership.

The disposition of UCRP benefits in Domestic Relations proceedings involves community property rights and tax issues. Neither UCRP nor its agents or consultants can give legal advice, nor can they speak to the sufficiency under applicable federal or state law or to the legal consequences of an order.

The order refers to the UCRP member as member and to the former domestic partner as alternate payee.

If the order is filed within the state of California, UCRP requires that the plan must be joined as a party to the dissolution action.

The Sample Order that begins on the following page is a guide and is not intended to imply that this is the only way to divide benefits under the UCRP.

If you decide to use the Sample Order, follow these instructions:

### **SECTION 1—INTENT, PURPOSE AND NOTICES**

Complete Section 1.B by indicating the state which has jurisdiction over the case.

Complete Section 1.D by filling in the information requested about the member and the alternate payee.

### **SECTION 2—DETERMINING THE ALTERNATE PAYEE'S INTEREST IN UCRP (THE PENSION PLAN)**

Indicate in Section 2 the percentage awarded to the alternate payee. If zero, write 0.

#### **Service Credit under One-Time UCRP Service Credit Allocation Program (the "program"):**

**Unless the QDRO provides otherwise**, if the member was allocated service credit under the program and the parties were registered domestic partners at the time of the allocation (January 2001), that service credit will be included as part of the marital period specified in the QDRO, even though the service may have been performed outside the marital period.

#### **Reestablished Service Credit for Prior Periods/Established Service Credit for Approved Leaves:**

If the prior period and/or leave of absence was earned and purchased during the partnership period, that service credit will be included as part of the marital period specified in the QDRO. All other service credit purchased will NOT be included as part of the marital period. **This policy will apply unless the QDRO provides otherwise.**

### **SECTION 3— DETERMINING THE ALTERNATE PAYEE'S INTEREST IN CAP**

Indicate in Section 3 the percentage awarded to the alternate payee. If zero, write 0.

### **SECTION 4—GENERAL PROVISIONS**

Sign and date where indicated and submit to the court for the judge's signature.

When the QDRO has been filed with the court, send a **certified copy** to the Special Claims unit with a complete copy of the court order that terminated the partnership.

**SUPERIOR COURT OF THE STATE OF \_\_\_\_\_**

**COUNTY OF \_\_\_\_\_**

<p>In re the Registered Domestic Partnership of</p> <p style="padding-left: 40px;">Petitioner: _____</p> <p style="padding-left: 80px;">and</p> <p style="padding-left: 40px;">Respondent: _____</p>
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Case No. \_\_\_\_\_

STIPULATED DOMESTIC RELATIONS ORDER  
RE: UNIVERSITY OF CALIFORNIA  
RETIREMENT PLAN/CAP (UCRP or Plan) BENEFITS

The undersigned parties stipulate that the parties shall be bound by the following Order:

**1. INTENT, PURPOSE AND NOTICES**

- A. Member (an Active Member, Disabled Member, or Inactive Member of UCRP) and Alternate Payee (former registered domestic partner) intend herein to divide and allocate the Member's benefits in UCRP.
- B. This Order is made pursuant to the community property laws of the State of \_\_\_\_\_.
- C. All notices, including notices of motion in this proceeding, shall be deemed sufficient only if delivered personally or sent by mail, postage prepaid, addressed to the last known address of the appropriate person.
- D. Social Security numbers, dates of birth for the Member and Alternate Payee, and current addresses for all named parties are set forth herein. These addresses shall continue to be correct for the purposes of notification, unless the party to whom notice is to be given has notified the others of a change of address. Also set forth herein is the date of partnership registration and date of separation or termination of partnership.

**MEMBER:**

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

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

Social Security number:\* \_\_\_\_\_

Birth date:\* \_\_\_\_\_

**ALTERNATE PAYEE:**

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

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

Social Security number:\* \_\_\_\_\_

Birth date:\* \_\_\_\_\_

Date of Partnership Registration: \_\_\_\_\_

Date of Separation, Termination of Partnership or Community Property Division: \_\_\_\_\_

- E. Administration of partnership termination cases comes under the authority of the Vice President, Human Resources as Plan Administrator. The plan administrator has established a Special Claims unit to handle the administrative tasks associated with qualifying a Domestic Relations Order. The Office of the General Counsel advises the plan on legal matters.

\* Social Security numbers and birth dates are required. If you do not wish to provide this confidential information in this document, you must provide it in writing to the Special Claims unit separately.

## 2. DETERMINING THE ALTERNATE PAYEE'S INTEREST IN THE UCRP

The Member has earned certain benefits under the UCRP, which are the community property of the Member and the Alternate Payee. The total community property share of the Member and the Alternate Payee in the Basic Retirement Income (BRI) from the Plan shall be determined as a service fraction. The numerator of the service fraction shall be the number of years of UCRP Service Credit earned by the Member attributable to the partnership period, as set forth in Section 1.D, above. The denominator of the service fraction is the total number of years of UCRP Service Credit earned by the Member, up to the date of distribution to the Alternate Payee. The Alternate Payee's share is \_\_\_\_\_% of this service fraction.

The Alternate Payee is hereby awarded a separate interest in UCRP based on her/his community property interest. A separate account shall be established to reflect the Alternate Payee's community property share of Member Accumulations (contributions plus earnings) and Service Credit under UCRP. The Member's Accumulations and Service Credit will be reduced accordingly to reflect the amounts determined to be the Alternate Payee's share. The Alternate Payee's community property share of a Member's Accumulations shall be referred to as the Alternate Payee's Accumulations.

A. The Alternate Payee may be entitled to only one form of benefit payment, in accordance with the following:

1. **Refund of Accumulations**—At any time, the Alternate Payee may elect to receive a one-time payment of the Alternate Payee's accumulations (if any). If the Member leaves employment with the University and is not vested (i.e., has fewer than five years of Service Credit under the plan), this will be the only option available. Upon election of a refund of Accumulations, the Alternate Payee forfeits all rights to any further UCRP benefits.
2. **Domestic Relations Order Lump Sum Cashout (DRO Cashout) or Basic Retirement Income Payable at Active Member's Normal Retirement Age**—If the Active Member has reached Normal Retirement Age (as defined in the Plan), the Alternate Payee may elect to receive a DRO cashout or to begin receiving Basic Retirement Income. This election must be made within 12 months after the date of the plan's notification to the Alternate Payee of his or her eligibility to make this election. If the election is not made within this 12-month period, and the Alternate Payee does not elect a refund of Accumulations, a separate account will be established for the Alternate Payee, and he or she must wait to make his or her benefit election until the Member actually retires or dies, as described in Section 2.A.4., below.

The **DRO cashout** amount is the actuarial present value of the retirement benefits payable to the Alternate Payee based on the Service Credit in his or her separate account. The DRO cashout amount is determined as of the date of the plan's notification to the Alternate Payee. Upon election of a DRO cashout, the Alternate Payee waives all rights to any further UCRP benefits.

**Basic Retirement Income** is a lifetime monthly benefit, actuarially determined for the life of the Alternate Payee based on the Service Credit in the Alternate Payee's separate account.

3. **Separate Account if Active Member Has Not Reached Normal Retirement Age**—If the Active Member has not reached Normal Retirement Age and the Alternate Payee does not elect a refund of Accumulations, a separate account will be established for the Alternate Payee. When the Active Member reaches Normal Retirement Age, the Alternate Payee may elect to receive a DRO cashout or to commence receiving Basic Retirement Income. This election must be made within the 12-month period described in Section 2.A.2. above. If the election is not made within this 12-month period, and the Alternate Payee does not elect a refund of Accumulations, the separate account will be maintained for the Alternate Payee, and he or she must wait to make his or her benefit election until the Active Member actually retires or dies, as described in Section 2.A.4., below.
4. **DRO Cashout or Basic Retirement Income at Member's Retirement or Death**—If the Alternate Payee has not made an election as described above, when the Active Member retires, or dies while eligible to retire, the Alternate Payee must elect to receive a refund of Accumulations, a DRO cashout or Basic Retirement Income.

B. MEMBER LEAVES UNIVERSITY EMPLOYMENT

If the Member leaves University employment before becoming vested under the UCRP, the Alternate Payee shall receive a refund of Accumulations.

If the Member leaves University employment and is vested with the UCRP, the Alternate Payee may elect a refund of Accumulations at any time, a DRO cashout or Basic Retirement Income if/when the Member has reached her/his earliest retirement age.

#### C. DEATH OF THE MEMBER

If the Member dies before becoming vested in UCRP, the Alternate Payee shall receive a refund of accumulations as soon as administratively practicable.

If the Member dies after becoming vested but has not yet reached her/his earliest retirement age at the time of death, the Alternate Payee may elect a DRO cashout or Basic Retirement Income at the time that the Member would have reached her/his earliest retirement age; alternatively, the Alternate Payee may elect a refund of Accumulations at any time.

If the Member dies after becoming vested and has reached her/his earliest retirement age, the Alternate Payee may elect a DRO cashout or Basic Retirement Income; alternatively, the Alternate Payee may elect a refund of Accumulations at any time.

- D. Limitation. Notwithstanding any other provision of this Order, if the Alternate Payee has not elected a refund of Accumulations, and at the time the Alternate Payee is eligible to receive benefits from the Plan, the value of the DRO cashout of the Alternate Payee's separate account is less than \$20,000, the Plan will make a DRO cashout payment to the Alternate Payee as soon as administratively practical. The Alternate Payee shall not have the option to elect Basic Retirement Income.

#### E. DEATH OF THE ALTERNATE PAYEE

The Alternate Payee may designate a beneficiary to receive any amounts due after the Alternate Payee's death. If the Alternate Payee dies before electing to receive benefits from the plan, the Alternate Payee's accumulations, if any, shall be paid to the Alternate Payee's beneficiary. Separate provisions apply to mandatory DRO cashouts as described in Section D above. If the Alternate Payee dies before or while receiving Basic Retirement Income, any remaining accumulations in her/his separate account shall be paid to the beneficiary. If the Alternate Payee dies after electing to receive a DRO cashout, but before receiving such payment, the amount of the DRO cashout shall be paid to the Alternate Payee's beneficiary. If the Alternate Payee does not designate a beneficiary, payment shall be made in accordance with the Plan's order of succession provisions.

### 3. DETERMINING THE ALTERNATE PAYEE'S INTEREST IN CAP

The Alternate Payee's community property share of the Member's benefits under the Capital Accumulation Payment provisions of the Plan will equal \_\_\_\_\_%, attributable to the partnership period as set forth in section 1.D., adjusted to reflect the interest credited to the date of distribution. The Alternate Payee will receive her/his CAP share in a lump sum as soon as administratively practical. If the Alternate Payee dies before receiving payment of her/his CAP share, payment shall be made to the Alternate Payee's beneficiary.

### 4. GENERAL PROVISIONS

- A. This Order does not require UCRP to provide:

- any type or form of benefit, or any benefit option not otherwise provided under UCRP;
- increased benefits (determined on the basis of actuarial value);
- benefits to the Alternate Payee that are required to be paid to another Alternate Payee under another Order previously determined to be a QDRO.

The parties agree that their mutual intent is to provide the Alternate Payee with a benefit under UCRP/CAP that fairly represents the Alternate Payee's community property share of the benefit as defined in this Order or by agreement of the parties. If this Order is held not to be a Qualified Domestic Relations Order, the parties hereby agree to submit to and request a court of competent jurisdiction to modify the Order to make it a Qualified Domestic Relations Order in such a manner that will reflect the parties' intent and the provisions of the plan as herein expressed.

- B. The division of interest in this Order shall be permanent. From the date of this Order and thereafter, the member shall have no further right or interest in the portion of the member's accrued benefits under UCRP which is assigned to the Alternate Payee pursuant to this Order, and the Alternate Payee shall have no further right or interest in the portion of the Member's accrued benefit under UCRP which is not assigned pursuant to this Order. Nothing in this Order shall restrict the Member's ability to obtain a distribution under UCRP or to designate a beneficiary under UCRP with respect to the member's remaining accrued benefit determined after the assignment to the Alternate Payee, the Plan Administrator's recognition of the DRO as a QDRO and approval by the court.

- C. After distribution to the Alternate Payee, UCRP will pay to the Member, in the form elected, the benefits remaining in his or her UCRP and CAP.
- D. The member's accrued sick leave and vacation leave shall not be included in this Order.
- E. UCRP Disability Income is separate and distinct from retirement income. The Alternate Payee is not entitled to receive any portion of the Member's Disability Income; however, all other provisions of this order apply to the Alternate Payee of a Member receiving UCRP Disability Income. Separate provisions apply to Alternate Payees of Members receiving Duty Disability Income. For instructions, please contact Special Claims.
- F. A Member's maximum UCRP Basic Retirement Income benefit is limited to 100 percent of his or her HAPC (minus, if applicable, \$133) ("maximum UCRP benefit") and this maximum UCRP benefit is generally accrued when the member has 40 years of Service Credit. Service Credit awarded to the Alternate Payee under this order is included in the Service Credit used to calculate the Member's maximum UCRP benefit. So once the Member accrues her/his maximum UCRP benefit, years of Service Credit awarded to the Alternate Payee cannot be "earned back;" any additional years worked beyond 40 will not be used to calculate the Member's Retirement Income.
- G. This Order will continue to be in effect with respect to any successor or transferor plan of the UCRP and the CAP, including any plan into which the UCRP is merged.
- H. In the event that the UCRP inadvertently pays the Member or Alternate Payee any benefits that are assigned to the other according to the terms of the QDRO, the receiving party shall immediately reimburse UCRP.
- I. Each party will, upon receiving a reasonable request, perform any act reasonably necessary to carry into effect the terms of this Order.
- J. Each party is responsible for, and will pay, California State taxes due on her/his share of benefits received from the UCRP/CAP pursuant to the terms of this Order. However, unless at the time UCRP/CAP benefits are distributed to the Alternate Payee under this order, a change in Federal law requires or permits each party to be responsible for, and to pay, Federal taxes on her/his share of benefits received from the UCRP/CAP, the Member will be responsible for, and will pay, any Federal taxes due on amounts received by both the Member and the Alternate Payee. If such change in Federal law has occurred, each party will be responsible for, and will pay, both Federal and California State taxes on her/his share of benefits received.
- K. The court retains jurisdiction to make further Orders as are necessary to enforce or clarify the provisions of this Order.
- L. Claims for benefits and beneficiary designations must be made on forms provided by the UCRP.
- M. Survivor benefits (if any) are not payable to a former Domestic Partner.
- N. This Order will continue to be in effect following the termination of UCRP.



Date: \_\_\_\_\_  
Member's Signature

Date: \_\_\_\_\_  
Member's Attorney's Signature

\_\_\_\_\_  
Attorney's Address

Date: \_\_\_\_\_  
Alternate Payee's Signature

Date: \_\_\_\_\_  
Alternate Payee's Attorney's Signature

\_\_\_\_\_  
Attorney's Address

IT IS SO ORDERED:

Date: \_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

By authority of the Regents, University of California Human Resources, located in Oakland, administers all benefit plans in accordance with applicable plan documents and regulations, custodial agreements, University of California Group Insurance Regulations, group insurance contracts, and state and federal laws. No person is authorized to provide benefits information not contained in these source documents, and information not contained in these source documents cannot be relied upon as having been authorized by the Regents. Source documents are available for inspection upon request (800-888-8267). What is written here does not constitute a guarantee of plan coverage or benefits — particular rules and eligibility requirements must be met before benefits can be received. The University of California intends to continue the benefits described here indefinitely; however, the benefits of all employees, retirees and plan beneficiaries are subject to change or termination at the time of contract renewal or at any other time by the University or other governing authorities. The University also reserves the right to determine new premiums, employer contributions and monthly costs at any time. Health and welfare benefits are not accrued or vested benefit entitlements. UC's contribution toward the monthly cost of the coverage is determined by UC and may change or stop altogether, and may be affected by the state of California's annual budget appropriation. If you belong to an exclusively represented bargaining unit, some of your benefits may differ from the ones described here. For more information, employees should contact their Human Resources Office and retirees should call the UC Retirement Administration Service Center (800-888-8267).

In conformance with applicable law and University policy, the University is an affirmative action/equal opportunity employer. Please send inquiries regarding the University's affirmative action and equal opportunity policies for staff to Systemwide AA/EEO Policy Coordinator, University of California, Office of the President, 1111 Franklin Street, 5th Floor, CA 94607, and for faculty to the Office of Academic Personnel, University of California, Office of the President, 1111 Franklin Street, Oakland, CA 94607.



