

# Qualified Domestic Relations Orders (QDROs)

FOR UCRP MEMBERS WHO TERMINATE THEIR MARRIAGE *AFTER* RETIREMENT

UNIVERSITY  
OF  
CALIFORNIA

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).

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These instructions and Sample Order are intended to assist retired UCRP members, alternate payees and legal representatives in properly completing and presenting an acceptable Domestic Relations Order for dividing community property interest held by the University of California Retirement Plan (UCRP, the Pension Plan 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 is already receiving retirement income from the UCRP and the marriage or domestic partnership was terminated after the member's retirement. If the member has not retired, and is not receiving retirement income from the plan, use the instructions and Sample Order for UCRP members who terminate their marriage prior to retirement, available on UCnet ([ucnet.universityofcalifornia.edu](http://ucnet.universityofcalifornia.edu)).

Please do not use this Sample Order when dividing benefits because of a legal separation. Contact the Special Claims unit in the Retirement Administration Service Center at 800-888-8267 for assistance.

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

## INSTRUCTIONS FOR AFTER RETIREMENT

These instructions are intended to assist UCRP members, alternate payees, and legal representatives in properly completing and presenting an acceptable domestic relations order for dividing UCRP benefits.

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

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

### **IMPORTANT:**

When the QDRO has been filed with the court, send an **original certified copy** to the Special Claims Unit with a regular filed/endorsed copy of the court order/judgment that dissolved the marriage.

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 spouse as alternate payee. In some situations, a child or dependent could also be an 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 action.

This 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 of the retired member and the alternate payee.

### **SECTION 2—DETERMINING THE ALTERNATE PAYEE'S INTEREST IN UCRP**

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

Also, indicate the effective date the alternate payee's monthly income will begin. Please note that this date may not be earlier than the date the Plan began withholding from the member's monthly benefits.

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

If the retired member has a CAP balance, 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.

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

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

In re the Marriage of  Petitioner: _____  and  Respondent: _____
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Case No. \_\_\_\_\_

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

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

**1. INTENT, PURPOSE AND NOTICES**

- A. Retired Member and Alternate Payee (former spouse or dependent) intend herein to divide and allocate the retirement benefit currently being paid under UCRP.
- B. This Order is made pursuant to the marital 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 Retired 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 marriage and the date of separation or divorce.

**RETIRED MEMBER:**

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

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

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

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

**ALTERNATE PAYEE:**

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

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

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

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

Date of Marriage: \_\_\_\_\_

Date of Separation, Divorce or Community Property Division: \_\_\_\_\_

- E. Administration of marital dissolution 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 UCRP (THE PENSION PLAN)

The Retired Member has earned certain benefits under UCRP, which may be the community property of the Retired Member and the Alternate Payee. The Retired Member's election made at retirement is a binding contract as to the Plan payment option elected and the Retired Member's designation of the Contingent Annuitant, if any.

- A. The Alternate Payee's share in the UCRP benefit will be \_\_\_\_\_% of the Retired Member's UCRP benefit, effective \_\_\_\_\_ (date may **not** be earlier than the date the Plan Administrator began withholding benefits from the Retired Member's Retirement Income). This percentage will be applied to the Retired Member's monthly Retirement Income from the Plan, the temporary Social Security Supplement, if any, and any cost-of-living allowances being paid to the Retired Member. The Alternate Payee's share will be converted to an actuarially equivalent monthly annuity payable over the Alternate Payee's lifetime.
- B. Direct payments will be made to the Alternate Payee when all required documents have been received by UCRP.
- C. LIMITATION. Notwithstanding any other provision of this Order, if the present value of the Alternate Payee's monthly income according to the Plan's Actuarial Equivalence Basis is less than \$50,000, the Plan will make a lump sum payment to the Alternate Payee as soon as administratively practical.
- D. In the event the Alternate Payee should die before the Retired Member, the Alternate Payee's beneficiary will be paid, in a lump sum, the residual death payment (i.e., remaining balance of the Alternate Payee's share of the Member's Plan contributions and interest as of the Alternate Payee's date of death). If the Alternate Payee does not designate a beneficiary, payment shall be made in accordance with the Plan's order of succession.

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

The Alternate Payee's community property share of the Retired Member's benefits under the Capital Accumulation Payment account will equal \_\_\_\_\_%, attributable to the marital period as set forth in Section 1.D., adjusted to reflect the interest credited to the date of distribution. The Alternate Payee will receive his/her CAP share in a lump sum as soon as administratively possible. If the Alternate Payee dies before receiving payment of his/her 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 which 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 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 Retired Member shall have no further right or interest in the portion of the Retired Member's accrued benefits under the 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 Retired Member's accrued benefit under the UCRP which is not assigned pursuant to this Order. Nothing in this Order shall restrict the Retired Member's ability to obtain a distribution under UCRP or to designate a beneficiary under UCRP with respect to the Retired Member's remaining accrued benefit determined after the assignment to the Alternate Payee.
- C. After distribution to the Alternate Payee, the Plan will pay to the Retired Member, in the form elected, the remaining benefits in UCRP accrued by the Retired Member.

- D. If the Alternate Payee was chosen as the Retired Member's Contingent Annuitant, after the Retired Member's death, the Alternate Payee will receive a separate monthly income as a Contingent Annuitant.
- E. Survivor spousal benefits are not payable to a former spouse.
- F. This Order will continue to be effective with respect to any successor or transferor plan of the UCRP, including any plan into which UCRP is merged.
- G. This Order will continue to be effective following the termination of UCRP.
- H. Each party will, upon receiving a request, perform any act reasonably necessary to carry into effect the terms of this Order.
- I. Each party will be responsible for, and will pay, any taxes that are due on account of any amount received by that party from the UCRP, except if the Alternate Payee is a dependent, in which case the Retired Member will be responsible for the taxes.
- J. The court retains jurisdiction to make further Orders as are necessary to enforce or clarify the provisions of this Order.
- K. Claims for benefits and beneficiary designations must be made on forms provided by UCRP.
- L. Any and all UCRP/CAP benefits not awarded to the Alternate Payee in this order are confirmed as the Retired Member's sole and separate property.
- M. In the event that UCRP inadvertently pays the Retired 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.

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

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

