

**SAMPLE QDRO FOR THE  
AUTOMOTIVE MACHINISTS PENSION PLAN**

**DIVORCE BEFORE RETIREMENT**

The following sample QDRO has been developed for the Automotive Machinists Pension Plan. It is intended to provide sample language to assist parties in preparing a “separate interest” QDRO for this plan. This type of QDRO is commonly used when a divorce occurs before retirement. Under a separate interest QDRO, both the participant and his or her former spouse get a monthly pension benefit (i.e. an annuity) payable over their own lifetimes.

The document is a sample only. It does not:

1. Contain all of the provisions that may be included in a QDRO; or
2. Address all of the issues that may arise in the course of preparing a QDRO.

In short, the use of the sample QDRO is not a substitute for competent legal counsel who is familiar with defined benefit pension plans. This sample order does not constitute legal advice regarding the terms of any QDRO and should not be relied upon as such.

Whether or not you use the sample language, you should provide a draft of your QDRO for review prior to submitting the order to the court. The draft order should be sent to the Trust Office. A sample transmittal letter is provided.

**ADVANCE REVIEW OF A DRAFT QDRO WILL SAVE TIME AND MONEY FOR ALL PARTIES.**

[SAMPLE TRANSMITTAL LETTER]

[Date]

Board of Trustees  
Automotive Machinists Pension Plan  
P.O. Box 34203  
Seattle, WA 98124

Re: QDRO – [Participant] and [Alternate Payee]

Dear Plan Administrator:

Enclosed is a [draft] [court approved] Qualified Domestic Relations Order (“Order”) impacting the benefits of [Participant] under the Automotive Machinists Pension Plan.

As noted in the Order, the social security number and date of birth of the Participant and Alternate Payee will be provided separately. They are as follows:

**Participant**

Participant:	[Participant’s Name]
Social Security Number:	[Participant’s SSN]
Date of Birth:	[Participant’s Birth Date]

**Alternate Payee**

Alternate Payee:	[Alternate Payee’s Name]
Social Security Number:	[Alternate Payee’s SSN]
Date of Birth:	[Alternate Payee’s Birth Date]

If further information is needed in connection with this QDRO, please contact [name] at [number].

Sincerely,

[name]  
Counsel for [Participant] [Alternate Payee]

cc: [name], Counsel for [Participant] [Alternate Payee]

1 [Sample Separate Interest QDRO – Pre-Retirement Divorce]

2  
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4  
5  
6 IN THE SUPERIOR COURT OF THE STATE OF [STATE]  
7 IN AND FOR THE COUNTY OF [COUNTY]

8 IN RE THE MARRIAGE OF:

9 *[PETITIONER'S NAME],*

10 Petitioner,

11 v.

12 *[RESPONDENT'S NAME],*

13 Respondent.

NO. \_\_\_\_\_

QUALIFIED DOMESTIC RELATIONS  
ORDER – Automotive Machinists  
Pension Plan

14 WHEREAS, the Court has jurisdiction over all parties and over the subject matter in  
15 this dissolution action; and

16 WHEREAS, the parties to this Order and the Court intend this Order to be a Qualified  
17 Domestic Relations Order (hereinafter referred to as “Order” or “QDRO”) as that term is  
18 used in the Retirement Equity Act of 1984, as amended, and interpreted in accordance with  
19 that Act; and

20 WHEREAS, the parties have stipulated that the Court shall enter this Order as an  
21 Addendum to the Decree of Dissolution of Marriage filed herein on [date filed with court];  
22 NOW, THEREFORE,

23 IT IS HEREBY ORDERED by the Court as follows:

1. **Definitions.** The following are the definitions used in this Order:

1.1 “Participant”: *[Participant's Name]*  
Address: *[Address]*  
*[City, State ZIP]*

1 The Participant's social security number and date of birth will be  
provided separately to the Plan Administrator.

2 1.2 "Alternate Payee": *[Alternate Payee's Name]*  
3 Relationship to *[Relationship to Participant*  
Participant: *(e.g. former spouse)]*  
4 Address: *[Address]*  
5 *[City, State ZIP]*

6 The Alternate Payee's social security number and date of birth will be  
provided separately to the Plan Administrator.

7 1.3 "Plan": Automotive Machinists Pension Plan  
8 1.4 "Plan Administrator": Board of Trustees  
Automotive Machinists Pension Plan  
9 Address: P.O. Box 34203  
Seattle, WA 98124

10 **2. Division of Marital Property.** This Order is entered pursuant to *[describe*  
11 *applicable state domestic relations law]*. This Order hereby creates and recognizes the  
existence of the Alternate Payee's right to receive a portion of the Participant's benefits  
12 under the Plan.

13 **3. Factual Basis for Order.** This Order is based on the following facts:

14 3.1 Participant is vested;

15 3.2 Participant is *[age]* years of age; and

16 3.3 Participant at the time of entry of this order is not receiving retirement  
benefits under the Plan.

17 **4. Amounts Awarded to Alternate Payee.**

18 **4.1 Retirement Benefits Assigned to Alternate Payee**

19 Alternate Payee is awarded a portion of the Participant's accrued benefit in the Plan, as  
20 calculated on the Alternate Payee's benefit commencement date.

21 (a) *Division of Amounts Earned During the Marriage*

22 The Alternate Payee is awarded 50% of the benefit earned by  
the Participant between **[date of marriage]** and **[date of separation/divorce]**.

1 (b) Separate Life Annuity for Alternate Payee

2 Alternate Payee's benefits shall be paid as a separate Life  
3 Annuity based upon the lifetime of the Alternate Payee (and shall include any minimum  
4 payment guarantee period that may be provided under the terms of the Plan or otherwise  
5 elected by the Alternate Payee).

6 (c) Alternate Payee's Benefit Commencement Date

7 Alternate Payee's benefits shall commence upon application by  
8 Alternate Payee at any time after Participant reaches the earliest retirement age under the  
9 Plan as provided in Internal Revenue Code Section 414(p)(4), but not later than the  
10 Participant's commencement of benefits and not later than the required beginning date under  
11 the Plan.

12 (d) Actuarial Assumptions Used to Calculate Alternate Payee's  
13 Monthly Benefit Payments

14 The level of benefit payments shall be calculated as the  
15 actuarial equivalent as defined by the Plan.

16 In the case of any payment before Participant has retired,  
17 Alternate Payee's benefits shall not take into account the present value of any subsidy for  
18 early retirement; however, if Participant later takes early retirement following  
19 commencement of Alternate Payee's benefits and receives a subsidized early retirement  
20 benefit, the amount payable to Alternate Payee shall be recalculated prospectively to reflect  
21 the subsidized factors for early retirement at the Participant's retirement age.

22 (e) Post-Retirement Benefit Improvements

23 Alternate Payee *[is/is not]* entitled to share in "thirteenth"  
benefit checks or any other post-retirement benefit improvements or ad-hoc benefit payments  
(if any).

**4.2 Pre-Retirement Death Benefit Provisions**

(a) Pre-Retirement Death of Participant

If Participant dies prior to commencement of Alternate Payee's  
benefits, and Alternate Payee survives Participant, Alternate Payee shall not be entitled to  
receive the benefit described in Section 4.1 of this order.



1                   6.2    Within a reasonable period of time, determine if this Order is a  
2 QDRO, and notify the Participant and Alternate Payee of such determination.

3                   6.3    Pending determination of a proposed order's status as a QDRO,  
4 separately account within the Plan for the amount ("segregated amounts") which would  
5 have been payable to the Alternate Payee (if this order is established to be a QDRO) during  
6 the determination period, as defined in Internal Revenue Code Section 414(p)(7). No  
7 segregation is necessary if benefits are not payable during the determination period.

8                   **7.    Continuing Jurisdiction.** The Court retains jurisdiction over this matter to  
9 amend this order to establish or maintain its status as a QDRO under the Retirement Equity  
10 Act of 1984, as amended.

11                   DONE IN OPEN COURT this \_\_\_\_\_ day of *[month]*, *[year]*.

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JUDGE/COURT COMMISSIONER

Presented by:

*[NAME OF ATTORNEY'S OFFICE]*

By \_\_\_\_\_

*[NAME OF ATTORNEY]*

Bar No. *[00000]*

Attorney for Respondent

Copy Received, Approved for Entry,  
Notice of Presentment Waived:

*[NAME OF ATTORNEY'S OFFICE]*

By \_\_\_\_\_

*[NAME OF ATTORNEY]*

Bar No. *[0000]*

Attorney for Petitioner