

**QUALIFIED DOMESTIC RELATIONS ORDERS  
FOR ACTIVE MEMBERS  
(Act 1143 of 1993; ACT 644 OF 1995)**

**DEFINITIONS**

"Alternate payee" means a spouse, former spouse, child or other dependent of a participant under Arkansas law.

**POLICIES**

1. The qualified domestic relations order of the chancery court is authorized to specify a designated percent of a fractional interest on any retirement benefit payment that may be paid to an alternate payee.
2. Qualified domestic relations orders issued by a chancery court of the State of Arkansas and which apply to a participant of the Teacher Retirement System (retirement plan) shall be accepted by the system, subject to the following restrictions:
  - (a) Benefits to the alternate payee shall begin when the participant retires, or ceases employment in a covered position and receives a refund of contributions.
  - (b) Pursuant to Act 1143 of 1993, a model qualified domestic relations order is added as Addendum A to these policies. Any qualified domestic relations order issued by a chancery court of Arkansas must comply with the content of and substantially follow the form set out in the addendum.
  - (c) When a qualified domestic relations order is received by the retirement plan,
    - (1) the plan administrator shall promptly notify the participant and the alternate payee of the receipt of such order, and
    - (2) within a reasonable time after receipt of the order, determine whether the order is a qualified domestic relations order as set out in Addendum A to these policies and notify the participant and the alternate payee of such determination.
  - (d) Qualified domestic relations orders received prior to a participant's retirement or cessation of employment will be handled as set out in (c) above, but any amounts payable to the alternate payee will be held in the participant's account until due to be paid.
  - (e) Nothing contained in the qualified domestic relations order shall be construed to require the retirement plan to provide an alternate payee any type or form of

benefit or option not otherwise available to the participant; to provide the alternate payee actuarial benefits not available to the participant; or to pay any benefits to the alternate payee which are required to be paid to another alternate payee under a previous qualified domestic relations order.

(f) Should the alternate payee die prior to the receipt of benefits under the qualified domestic relations order, the entire amount due the alternate payee shall revert to the participant.

(g) Should the participant die prior to retirement, the alternate payee shall receive the same percentage of the participant's contributions, if any, as was awarded by the court in dividing the marital property. In no case shall the alternate payee receive monthly benefits from the retirement plan.

(h) Monthly benefits paid the alternate payee shall be computed on the benefit formula in effect at the time of the participant's retirement, but shall include only service credit earned by the participant during the marital relationship.

(i) The retirement plan shall have the right to make any necessary correction to the monthly benefit amount paid both to the participant and the alternate payee and to recover from either, or both, any overpayments made.

(j) If the alternate payee fails at any time to notify the retirement plan of any mailing address change, the retirement plan shall not be eligible for failure to make the payments as due.

(k) Should the retirement plan determine that the alternate payee's monthly benefits are less than \$20.00, the participant shall be paid the total benefit due and shall be responsible for paying the alternate payee the amount due.

(l) Qualified domestic relations order received by the retirement plan before the effective date of Act 1143 of 1993 may be honored but only if the participant or the alternate payee notifies the plan, and it is determined that the order is a qualified order as set out in Addendum A.

AUTHORITY: Act 1143 of 1993; Act 644 of 1995 (A.C.A. §§9-18-101 – 103)

ADOPTED: August 10, 1993

AMENDED: March 6, 1996; February 10, 1998; May 5, 1998; October 7, 2003

**ADDENDUM A**

**ACTIVE MEMBERS  
OF THE  
ARKANSAS TEACHER RETIREMENT SYSTEM  
  
MODEL QUALIFIED DOMESTIC RELATIONS ORDER**

IN THE CHANCERY COURT OF \_\_\_\_\_ COUNTY,  
ARKANSAS

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

\_\_\_\_\_  
DEFENDANT

**QUALIFIED DOMESTIC RELATIONS ORDER**

(Introduction describing how the case came before the Court for disposition.) The Court finds and orders that this Qualified Domestic Relations Order, pursuant to Act 1143 of 1993 as amended, is an integral part of and is incorporated into the judgment, decree or order of this Court entered \_\_\_\_\_ (Date) which relates to the provisions therein for child support, alimony or martial property rights, including approval of a property settlement agreement, awarded to a spouse or former spouse, child or other dependent of \_\_\_\_\_ (Name of Party), a participant in \_\_\_\_\_ (Name of Plan), hereafter referred to as "the Plan."

**I.  
BACKGROUND INFORMATION**

[MEMBER'S NAME AND SOCIAL SECURITY NUMBER] is the participating member whose last known address is [MEMBER'S ADDRESS]. The member's date of birth is [MEMBER'S DATE OF BIRTH]. [ALTERNATE PAYEE'S NAME AND SOCIAL SECURITY NUMBER] is the alternate payee whose last known address is [ALTERNATE PAYEE'S ADDRESS]. The alternate payee's date of birth is [ALTERNATE PAYEE'S DATE OF BIRTH]. The participating member and the alternate payee were married on [DATE OF MARRIAGE].

## II. BENEFITS

Benefits under the plan are distributed as follows: (Choose One)

1. The alternate payee is awarded [\_\_\_\_\_%] of the member's monthly retirement benefit as of [DATE OF DIVORCE].

[OR]

2. The alternate payee is awarded [\$\_\_\_\_\_] of [FRACTIONAL INTEREST] of the member's accrued annuity benefit as of [DATE OF DIVORCE].

[OR]

3. The alternate payee is awarded [\$\_\_\_\_\_] of the member's monthly retirement benefit as of [DATE OF DIVORCE].

## III. TIME OF BENEFIT RECEIPT

The plan shall begin benefit payments to the alternate payee upon the earlier event: (1) when the participating member retires, or (2) ceases employment in a covered position and requests a refund of contributions.

## IV. DURATION OF PAYMENTS TO ALTERNATE PAYEE (Choose One)

NOTE: Choose the appropriate optional language as applicable under the following alternatives:

\* Choose Option A if the benefits to the alternate payee are to be paid over the member's life under the single life annuity option with no surviving spouse annuity benefits upon the member's death.

\* Choose Option B if the benefits to the alternate payee are to be paid as an actuarial equivalent of the alternate payee's share of the benefits payable over the alternate payee's life.

A. Alternate payee shall receive a single life annuity that is equal to the alternate payee's share of the benefit payable throughout the life of the participating member.

B. Alternate payee shall receive an adjusted single life annuity that is equal to the actuarial equivalent of the alternate payee's share of the benefit payable throughout the life of the alternate payee. The alternate payee's monthly benefit may not exceed the amount that would be paid under the single life annuity.

V.

WITHDRAWAL FROM RETIREMENT SYSTEM (Choose One)

A. If the participating member discontinues covered employment and withdraws the member contributions in a lump sum, the alternate payee shall receive [\_\_\_\_\_] % of the member's account balance as of [DATE OF DIVORCE] accumulated with interest as required by the Plan.

[OR]

B. If the participating member discontinues covered employment and withdraws the member contributions in a lump sum, the alternate payee shall receive [\_\_\_\_\_] % of [FRACTIONAL INTEREST] of the member's accrued annuity benefit of [DATE OF DIVORCE] accumulated with interest as required by the Plan.

[OR]

C. If the participating member discontinues covered employment and withdraws the member contributions in a lump sum, the alternate payee shall receive [\$\_\_\_\_\_] from the member's account balance accumulated with interest as required by the Plan.

VI.

LIMITATIONS OF THIS ORDER

A. If the alternate payee dies prior to the receipt of benefits under this Order, the entire amount that may be due to the alternate payee reverts to the participating member.

B. If the participating member dies prior to retirement, the alternate payee will receive [\_\_\_\_\_] % share of the member's contributions as of [DATE OF DIVORCE], or [\_\_\_\_\_] % of [FRACTIONAL INTEREST] of the member's accrued annuity benefit as of [DATE OF DIVORCE], or [\$\_\_\_\_\_] of the member's accrued annuity benefits as of [DATE OF DIVORCE].

C. The benefit enhancements provided by the Arkansas legislature for service during the marital relationship which are adopted after the end of the marital relationship apply to the alternate payee's portion of benefits under this Order.

D. If the participant or alternate payee receives any distribution that should not have been paid per this Order, the party is designated a constructive trustee for the amount received and shall immediately notify the Arkansas Teacher Retirement System and comply with written instructions as to the distribution of the amount received.

E. Alternate payee is ORDERED to provide the Plan prompt written notification of any changes in alternate payee's mailing address. The Arkansas Teacher Retirement System shall not be liable for failing to make payments to alternate payee if the Arkansas Teacher

Retirement System does not have a current mailing address for alternate payee at time of payment.

F. If payments from the Plan to the alternate payee are determined to be less than \$20.00 a month, the Court orders the Plan to disburse the money to the participating member who shall pay same to the alternate payee.

G. Alternate payee shall furnish a certified copy of this Order to the Arkansas Teacher Retirement System.

H. The Court retains jurisdiction to amend this Order so that it will constitute a qualified domestic relations order under the Plan even though all other matters incident to this action or proceeding have been fully and finally adjudicated. If the Arkansas Teacher Retirement System determines at any time that changes in the law, the administration of the Plan, or any other circumstances make it impossible to calculate the portion of the distributions awarded to alternate payee by this Order and so notifies the parties, either or both parties shall immediately petition to the Court for reformation of the Order.

I. This Order shall not require Arkansas Teacher Retirement System to provide any type or form of benefit, or option not otherwise available to the participating member; nor shall it require the payment of any benefits to the alternate payee which are required to be paid to another alternate payee of another order previously determined to be a qualified domestic relations order. In no event shall the alternate payee have a greater right in the retirement benefits than those, which are available to the participating member. Any provision of this Order, which appears to be, otherwise shall be null and void and have no effect.

IT IS SO ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
CHANCELLOR

**QUALIFIED DOMESTIC RELATIONS ORDERS  
FOR RETIRED MEMBERS  
(Act 1143 of 1993; Act 644 of 1995)**

**DEFINITIONS**

"Alternate payee" means a spouse, former spouse, child or other dependent of a participant under Arkansas law.

**POLICIES**

1. The qualified domestic relations order of the chancery court is authorized to specify a designated percent of a fractional interest on any retirement benefit payment that may be paid to an alternate payee.
2. Qualified domestic relations orders issued by a chancery court of the State of Arkansas and which apply to a participant of the Teacher Retirement System (retirement plan) shall be accepted by the system, subject to the following restrictions:
  - (a) Pursuant to Act 1143 of 1993, a model qualified domestic relations order is added as Addendum A to these policies. Any qualified domestic relations order issued by a chancery court of Arkansas must comply with the content of and substantially follow the form set out in the addendum.
  - (b) When a qualified domestic relations order is received by the retirement plan,
    - (1) the plan administrator shall promptly notify the participant, and the alternate payee of the receipt of such order, and
    - (2) within a reasonable time after receipt of the order, determine whether the order is a qualified domestic relations order as set out in Addendum A to these policies and notify the participant and the alternate payee of such determination.
  - (c) Nothing contained in the qualified domestic relations order shall be construed to require the retirement plan to provide an alternate payee any type or form of benefit or option not otherwise available to the participant; to provide the alternate payee actuarial benefits not available to the participant; or to pay any benefits to the alternate payee which are required to be paid to another alternate payee under a previous qualified domestic relations order.

- (d) Should the alternate payee die prior to the receipt of benefits under the qualified domestic relations order, the entire amount due the alternate payee shall revert to the participant.
- (e) Should the participant die prior to retirement, the alternate payee shall receive the same percentage of the participant's contributions, if any, as was awarded by the court in dividing the marital property. In no case shall the alternate payee receive monthly benefits from the retirement plan.
- (f) The retirement plan shall have the right to make any necessary correction to the monthly benefit amount paid both to the participant and the alternate payee and to recover from either, or both, any overpayments made.
- (g) If the alternate payee fails at any time to notify the retirement plan of any mailing address change, the retirement plan shall not be liable for failure to make the payments as due.
- (h) Should the retirement plan determine that the alternate payee's monthly benefits are less than \$20.00, the participant shall be paid the total benefit due and shall be responsible for paying the alternate payee the amount due.
- (i) Qualified domestic relations order received by the retirement plan before the effective date of Act 1143 of 1993 may be honored but only if the participant or the alternate payee notifies the plan, and it is determined that the order is a qualified order as set out in Addendum A.
- (j) During any period while it is being determined if the order is a qualified domestic relations order, the plan administrator shall separately account for the amounts which would have been payable to the alternate payee during that time.
- (k) If a participating member rescinds his or her retirement, the monthly benefit for both the member and the alternate payee shall cease. Benefits for the member and the alternate payee shall resume when the member subsequently retires, or ceases employment in a covered position or receives a refund of contributions.

AUTHORITY: Act 1143 of 1993; Act 644 of 1995 (A.C.A. §§9-18-101 – 103)

ADOPTED: August 10, 1993

AMENDED: March 6, 1996; February 10, 1998; May 5, 1998; October 7, 2003



**ADDENDUM A**

**RETIRED MEMBERS  
OF THE  
ARKANSAS TEACHER RETIREMENT SYSTEM**

**MODEL QUALIFIED DOMESTIC RELATIONS ORDER**

IN THE CHANCERY COURT OF \_\_\_\_\_ COUNTY,  
ARKANSAS

\_\_\_\_\_  
PLAINTIFF

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

\_\_\_\_\_  
DEFENDANT

**QUALIFIED DOMESTIC RELATIONS ORDER**

(Introduction describing how the case came before the Court for disposition.) The Court finds and orders that this Qualified Domestic Relations Order, pursuant to Act 1143 of 1993 as amended, is an integral part of and is incorporated into the judgment, decree or order of this Court entered \_\_\_\_\_(Date) which relates to the provisions therein for child support, alimony or marital property rights, including approval of a property settlement agreement, awarded to a spouse or former spouse, child or other dependent of \_\_\_\_\_(Name of Party), a participant in \_\_\_\_\_ (Name of Plan), hereafter referred to as "the Plan."

**I.**

**BACKGROUND INFORMATION**

[MEMBER'S NAME AND SOCIAL SECURITY NUMBER] is the participating member whose last known address is [MEMBER'S ADDRESS]. The member's date of birth is [MEMBER'S DATE OF BIRTH]. [ALTERNATE PAYEE'S NAME AND SOCIAL SECURITY NUMBER] is the alternate payee whose last known address is [ALTERNATE PAYEE'S ADDRESS]. The alternate payee's date of birth is [ALTERNATE PAYEE'S DATE OF BIRTH]. The participating member and the alternate payee were married on [DATE OF MARRIAGE].

## II. BENEFITS

Benefits under the plan are distributed as follows: (Choose One)

1. The alternate payee is awarded [\_\_\_\_\_%] of the member's monthly retirement benefit as of [DATE OF DIVORCE].

[OR]

2. The alternate payee is awarded [\$\_\_\_\_\_] of [FRACTIONAL INTEREST] of the member's accrued annuity benefit as of [DATE OF DIVORCE].

[OR]

3. The alternate payee is awarded [\$\_\_\_\_\_] of the member's monthly retirement benefit as of [DATE OF DIVORCE].

## III. TIME OF BENEFIT RECEIPT

The plan shall begin benefit payments to the alternate payee upon the earlier event: (1) when the participating member retires, or (2) ceases employment in a covered position and requests a refund of contributions.

## IV. DURATION OF PAYMENTS TO ALTERNATE PAYEE (Choose One)

NOTE: Choose the appropriate optional language as applicable under the following alternatives:

\* Choose Option A if the benefits to the alternate payee are to be paid over the member's life under the single life annuity option with no surviving spouse annuity benefits upon the member's death.

\* Choose Option B if the benefits to the alternate payee are to be paid as an actuarial equivalent of the alternate payee's share of the benefits payable over the alternate payee's life.

A. Alternate payee shall receive a single life annuity that is equal to the alternate payee's share of the benefit payable throughout the life of the participating member.

B. Alternate payee shall receive an adjusted single life annuity that is equal to the actuarial equivalent of the alternate payee's share of the benefit payable throughout the life of the alternate payee. The alternate payee's monthly benefit may not exceed the amount that would be paid under the single life annuity.

V.  
LIMITATIONS OF THIS ORDER

- A. If the alternate payee dies prior to the receipt of benefits under this Order, the entire amount that may be due to the alternate payee reverts to the participating member.
- B. The benefit enhancements provided by the Arkansas legislature for service during the marital relationship which are adopted after the end of the marital relationship apply to the alternate payee's portion of benefits under this Order.
- C. If the participant or alternate payee receives any distribution that should not have been paid per this Order, the party is designated a constructive trustee for the amount received and shall immediately notify the Arkansas Teacher Retirement System and comply with written instructions as to the distribution of the amount received.
- D. Alternate payee is ORDERED to provide the Plan prompt written notification of any changes in alternate payee's mailing address. The Arkansas Teacher Retirement System shall not be liable for failing to make payments to alternate payee if the Arkansas Teacher Retirement System does not have a current mailing address for alternate payee at time of payment.
- E. If payments from the Plan to the alternate payee are determined to be less than \$20.00 a month, the Court orders the Plan to disburse the money to the participating member who shall pay same to the alternate payee.
- F. Alternate payee shall furnish a certified copy of this Order to the Arkansas Teacher Retirement System.
- G. The Court retains jurisdiction to amend this Order so that it will constitute a qualified domestic relations order under the Plan even though all other matters incident to the action or proceeding have been fully and finally adjudicated. If the Arkansas Teacher Retirement System determines at any time that changes in the law, the administration of the Plan, or any other circumstances make it impossible to calculate the portion of the distributions awarded to alternate payee by this Order and so notifies the parties, either or both parties shall immediately petition to the Court for reformation of the Order.
- H. This Order shall not require Arkansas Teacher Retirement System to provide any type or form of benefit, or option not otherwise available to the participating member; nor shall it require the payment of any benefits to the alternate payee which are required to be paid to another alternate payee of another order previously determined to be a qualified domestic relations order. In no event shall the alternate payee have a greater right in the retirement benefits than those, which are available to the participating member. Any provision of this Order, which appears to be, otherwise shall be null and void and have no effect.

I. If the participating member shall rescind his or her retirement, the monthly benefit for the member and the alternate payee shall cease. Benefits for the member and the alternate payee shall resume when the member subsequently retires, or ceases employment in a covered position, or receives a refund of contributions.

IT IS SO ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
CHANCELLOR