

IN THE DISTRICT COURT OF _____ COUNTY

STATE OF _____

_____)	
Plaintif,)	
)	
Vs.)	Case No. _____
)	
_____)	
Defendant)	

**QUALIFIED DOMESTIC ORDER FOR PURPOSES OF DIVIDING THE
TEACHERS' RETIREMENT SYSTEM OF OKLAHOMA BENEFITS ("TRS")
PURSUANT TO 70 O.S. 2001, § 17-109(B)**

TO:

Teachers' Retirement System of Oklahoma
PO Box 53524
Oklahoma City, Oklahoma 73152

Name of TRS Member

Provided by separate document
Social Security Number

Provided by separate document
Address

Provided by separate document
City State Zip

**YOU MUST USE THIS FORM – DO NOT ALTER
70 O.S. 2001, § 17-109(B)**

A. MEMBER:

The Plaintiff Defendant (hereinafter referred to as the "Member") is or was a participating member of TRS. 70 O.S. Supp.2007, § 17-101(5).

Note: If both the Plaintiff and Defendant are participating members whose benefit are to be divided, use a separate Qualified Domestic Order for each.

B. CONTINUITY OF MARRIAGE

The member and his/her spouse (hereinafter referred to as the "Alternate Payee"), have been continuously married since _____, thus meeting the requirements of 70 O.S. 2001, § 17-109(B)(3) which requires that in order to qualify as an alternate payee, a spouse or former spouse must have been married to the TRS member for a period of not less than thirty (30) continuous months immediately preceding the commencement of this proceeding.

C. TERMINATION OF MARRIAGE

On the _____ the marriage between the Member and the Alternate Payee was terminated by this court under a final judgment, order, or decree.

D. SPECIFICATIONS

Pursuant to 70 O.S. 2001, § 17-109(B)(5)(a), the following required specifications must be provided before this Qualified Domestic Order is valid and binding on the TRS Board of Trustees:

1. MAILING INFORMATION

<p><u>Member:</u></p> <p>_____</p> <p>Name</p> <p>_____</p> <p><u>Provided by separate document</u> _____</p> <p>SSN</p> <p>_____</p> <p><u>Provided by separate document</u> _____</p> <p>Last Known Address</p> <p>_____</p> <p><u>Provided by separate document</u> _____</p> <p>City State Zip</p>	<p><u>Alternate Payee:</u></p> <p>_____</p> <p>Name</p> <p>_____</p> <p><u>Provided by separate document</u> _____</p> <p>SSN</p> <p>_____</p> <p><u>Provided by separate document</u> _____</p> <p>Last Known Address</p> <p>_____</p> <p><u>Provided by separate document</u> _____</p> <p>City State Zip</p>
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2. ALTERNATE PAYEE AWARD

Method 1. Sum Certain Award

The alternate payee is hereby awarded the set award amount of \$_____. Said award is payable upon member's retirement in monthly payments.

Note: the amount of the alternate payee's monthly payment will not exceed 50% of member's available monthly annuity benefit as provided by TRS. If member dies or terminates employment prior to retirement, see paragraph 3.

Method 2. Percentage Award

The alternate payee is hereby awarded _____% of the member's monthly retirement annuity benefit (insert single percentage, with no more than two decimal places); said amount representing a percentage of the value of all parts of the members' account from _____ to _____ (date of marriage to date of divorce).

Note: TRS is a defined benefit plan. Under either method 1 or method 2 only the member may select the date of distribution.

3. LUMP SUM PAYMENT UPON DEATH OR TERMINATION

Lump sum awards will be made by TRS if the member dies or the member terminates the system. Payment to the alternate payee will be the dollar amount as denoted in Method 1 of paragraph 2, or the same percentage award of the account balance, as denoted in Method 2 of paragraph 2. TRS Rules, OAC 715:10-25-4.

4. APPLICABLE PLAN

This qualified Domestic Order shall apply to the following plans of the Teachers' Retirement System of Oklahoma.

Choose at least one of the following options:

General Defined benefit plan authorized by 70 O.S. Supp.2007, § 17-101 et seq.;

TRS Tax-sheltered annuity plan authorized by IRS Code § 403(b) and 70 O.S. Supp.2007, § 17-108;

Upon the above facts, it is hereby agreed by the parties and ordered by the Court that

1. This Qualified Domestic Order does not require the Teachers' Retirement System of Oklahoma (TRS) to provide any type or form of benefit, or any option not otherwise provided by Oklahoma statutes regarding TRS Rules and Regulations. 70 O.S. 2001, § 17-109(9)(B); OAC 715:10-25-1 through 10-25-6.
2. This qualified Domestic Order does not require TRS to provide increased benefits to the members or alternate payee. 70 O.S 2001, § 17-109(6)(b);OAC 715:10-25-1 through 10-25-6.
3. This qualified Domestic Order does not require the payment of benefits to an alternate payee which are required to be paid to another Alternate Payee pursuant to another order previously determined to be a qualified domestic order or an order recognized by TRS as a valid order prior to June7, 1993. 70 O.S 2001, § 17-109(6)(c); OAC 715:10-25-1 through 10-25-6.
4. This qualified Domestic Order shall not require payment of benefits to an Alternate Payee prior to the actual retirement date of the TRS member, unless the member dies or terminates employment prior to retirement. 70 O.S 2001, § 17-109(7); OAC 715:10-25-1 through 10-25-6.
5. The obligation of TRS to pay an Alternate Payee pursuant to this Qualified Domestic Order shall cease upon the death of the TRS member. 70 O.S 2001, § 17-109(8); OAC 715:10-25-5.
6. This qualified Domestic Order and the provisions contained within shall not be subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A, § § 1001 et seq., as amended from time to time, or rules and regulations promulgated there under, and court cases interpreting said Act. 70 O.S. 2001, § 17-109(9); OAC 715:10-25-6.
7. Alternate Payee shall fully comply with all provisions of any rules promulgated by the TRS Board of Trustees concerning Qualified Domestic Orders in order to continue receiving a benefit.
8. This qualified Domestic Order is intended to characterize the Teachers' Retirement System of Oklahoma benefits, which are the subject of the order, as marital property to be divided between the parties hereto. The benefits under this order are not intended to be characterized as child support or alimony. 70 O.S. 2001, § 17-109(B)(5)(d).
9. This order is intended to be a Qualified Domestic Order as defined by 70 O.S 2001, § 17-109(B)(2); OAC 715:10-25-1.

Dated this _____ day of _____,20_____

Judge of the District Court

Approved By: _____

Counsel for Member OBA#

Member

Alternate Payee

Distribution of Copies: Original – Court File; Certified Copy – Oklahoma Teachers' Retirement System; Copy – Plaintiff; Copy – Respondent; Copy – Member's Employer

QUALIFIED DOMESTIC ORDER

715:10-25-1. Definition

The term "qualified domestic order" means an order issued by a district court of the State of Oklahoma pursuant to the domestic relations laws of this state which relates to the provision of marital property rights to a spouse or former spouse of a member and which creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to receive a portion of the benefits payable with respect to a member of the Teachers' Retirement System.

715:10-25-2. Filing a qualified domestic order

A member of Teachers' Retirement, his or her legal representative, a member's former spouse, or his or her legal representative may file a qualified domestic order with the Teachers' Retirement System. In not less than thirty (30) days of such filing, Teachers' Retirement will acknowledge receipt and notify all parties listed in the order that the order has been accepted or that clarification of the order must be provided to Teachers' Retirement. All qualified domestic orders filed with the Teachers' Retirement System of Oklahoma must be in accordance with Oklahoma Statutes and must conform to the provisions of 70 O.S. Supp. 1993, Section 17-109, as amended. TRS Form 110.46 OTRS Qualified Domestic Order is available upon request and its use is recommended.

715:10-25-3. Contents of qualified domestic order

For a qualified domestic order to be accepted and binding on the Teachers' Retirement System the order meet the following requirements:

(1) The order must clearly specify the following:

(A) the name and last-known mailing address (if any) of the member and the name and mailing address of the alternate payee covered by the order,

(B) the amount or percentage of the member's benefits to be paid by Teachers' Retirement to the alternate payee,

(C) the number of payments or period to which such order applies,

(D) the characterization of the benefit as to marital property rights, and whether the benefit ceases upon the death or remarriage of the alternate payee, and

(E) each plan to which such order applies.

(2) The order meets the requirements of this section only if such order:

(A) does not require Teachers' Retirement to provide any type or form of benefit, or any option not otherwise provided under the state law as related to the Retirement System,

(B) does not require Teachers' Retirement to provide increased benefits, prior to the effective date of this subchapter, and date the member elects to receive a lump sum distribution of his or her retirement account.

(C) does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee pursuant to another order previously determined to be a qualified domestic order or an order recognized by the Retirement System as a valid order

(D) does not require payment of benefits to an alternate payee prior to the actual retirement date of the related member or prior to the

715:10-25-4. Payment to alternate payee

Payments to an alternate payee will be made in a like manner and at the same time payment is made to the member. Payment will be either a lump sum distribution of the contributions and interest due the member upon termination of service or death, or monthly benefit payments under the retirement options available to the member at the time he or she applies for retirement benefits. The alternate payee shall not be allowed to choose a method of payment that is different from the method chosen by the member. The alternate payee may not receive payment of any kind prior to the member making application and becoming eligible for payment of benefits. Federal and Oklahoma state income taxes will be withheld from the payment to an alternate payee in accordance with applicable federal and state statutes.

715:10-25-5. Termination of a qualified domestic order

A qualified domestic order will terminate when Teachers' Retirement has fully met the provisions of the order. The obligation of the Teachers' Retirement System to pay an alternate payee pursuant to a qualified domestic order shall cease upon the death of the related member. In the event a qualified domestic order requires the benefits payable to an alternate payee to terminate upon the remarriage of the alternate payee, the Retirement System shall terminate said benefit only upon the receipt of a certified copy of a marriage license, or a copy of a certified order issued by the court that originally issued said qualified domestic order declaring the remarriage of said alternate payee. The order may be cancelled or modified by the court that originally issued the order.

715:10-25-6. Teachers' Retirement not subject to ERISA

For purposes of this subchapter the Teachers' Retirement System of Oklahoma is not subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A. Section 1001, et seq., as amended from time to time, or rules and regulations promulgated thereunder, and court cases interpreting said act.