

Appendix D – PBGC Model Child Support Shared Payment QDRO

*(You may use this model when a defined benefit pension plan has terminated, PBGC has become trustee of the plan, and PBGC is to pay a portion of the participant's monthly benefit payments as child support. **If the participant's benefit payments have not started, you may submit a shared payment or a separate interest child support order to PBGC. After a participant's benefits have started, only a shared payment order may be submitted.** Only a shared payment order model is shown because, in PBGC's experience, it is more commonly used.*

NOTE: Child support payments under a shared payment order cannot start until the participant's benefit payments have started. Please read instructions for important information.)

IN THE _____ COURT OF _____
 DIVISION _____ COUNTY _____

-----X
 IN RE MARRIAGE/SUPPORT OF :
 _____ :
 PETITIONER, :
 V. : CASE NO. _____
 _____ :
 PARTICIPANT, RESPONDENT. :
 _____X

QUALIFIED DOMESTIC RELATIONS ORDER

This Order is intended to be a qualified domestic relations order ("QDRO"), as that term is defined in section 206(d) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA") and section 414(p) of the Internal Revenue Code of 1986, as amended ("Code"). This Order is granted in accordance with **[applicable state domestic relations law citations]**, which relate to marital property rights, child support, and/or spousal support between spouses or between a spouse and a former spouse in matrimonial actions.

SECTION 1. IDENTIFICATION OF PLAN

This Order applies to benefits under the **[formal name of plan]** ("Plan"). The Pension Benefit Guaranty Corporation ("PBGC") is trustee of the Plan.

SECTION 2. IDENTIFICATION OF PARTICIPANT AND ALTERNATE PAYEE(S)

a. **[Name of the Participant]** is eligible to receive a benefit from the Plan and is hereafter referred to as the “Participant.” The Participant’s mailing address is **[address]**. The Participant’s Social Security Number is **[Social Security Number]**.

b. **[Name of the Alternate Payee]** is hereafter referred to as the “Alternate Payee.” The Alternate Payee’s mailing address is **[address]**. The Alternate Payee’s Social Security Number is **[Social Security Number]**. The Alternate Payee is the child or other dependent of the Participant.

[If the alternate payee has a guardian, add:]

The Alternate Payee’s legal guardian is **[name of guardian]**, whose mailing address is **[address]**.

[If the payments are required to be sent to a state agency, add:]

Payments under this Order are to be mailed to **[name of agency and its full mailing address]**. Questions concerning these payments should be addressed to **[specify contact at the state agency]** at **[telephone number]**.

SECTION 3. AMOUNT OF BENEFIT TO BE PAID TO ALTERNATE PAYEE

a. Starting at the time specified in section 5, PBGC shall pay to the Alternate Payee **[\$x/x%]** of each of the Participant’s monthly benefit payments.

b. **OPTIONAL:** When **[insert future event]** occurs and PBGC is notified in writing, PBGC shall **[increase/decrease]** the amount paid to the Alternate Payee from each of the Participant’s monthly benefit payments to **[\$x/x%]**.

SECTION 4. PBGC BENEFIT ADJUSTMENTS

If PBGC adjusts the Participant’s benefit, any reduction shall be applied by decreasing **[pro rata the Participant’s and the Alternate Payee’s benefits/the Participant’s benefit first/the Alternate Payee’s benefit first]**, and any increase shall be

applied by increasing [pro rata the Participant's and the Alternate Payee's benefits/the Participant's benefit/the Alternate Payee's benefit].

SECTION 5. BENEFITS START

Payments to the Alternate Payee shall be payable as of [such future date as the Alternate Payee elects/a future specified date/the date when PBGC starts payments to the Participant]. (This date must be the first day of a month and cannot be before the Participant's "earliest PBGC retirement date," which is defined in 29 C.F.R. §4022.10.) Payment shall not be made until PBGC qualifies this domestic relations order and receives a PBGC benefit application from the Alternate Payee. Payments to the Alternate Payee shall not start earlier than the date the Participant starts payments.

SECTION 6. FORM OF BENEFIT

The Alternate Payee shall not have the right to elect a form of benefit. The amount paid to the Alternate Payee will be determined by the benefit form elected by the Participant.

SECTION 7. BENEFITS STOP

PBGC shall make payments to the Alternate Payee until the [earlier of the Participant's or Alternate Payee's death/earlier of: the Participant's or Alternate Payee's death, a specific date, or the date PBGC is notified of the occurrence of [insert specific event]].

SECTION 8. DEATH OF PARTICIPANT

If the Participant dies before the Alternate Payee, the Alternate Payee is not entitled to any payments as of the first of the month following the Participant's death.

SECTION 9. DEATH OF ALTERNATE PAYEE

If the Alternate Payee dies before the Participant, PBGC shall return the Participant's monthly benefit payments to the amount that the Participant would be receiving had there been no Order.

SECTION 10. OTHER REQUIREMENTS

Nothing in this Order shall require PBGC:

- a. To pay any benefits not permitted under ERISA or the Code;
- b. To provide any type or form of benefit or any option not paid by PBGC with respect to the Plan;
- c. To pay benefits to the Participant and Alternate Payee with a total value that exceeds the value of the benefits the Participant otherwise would receive under Title IV of ERISA;
- d. To pay benefits to the Alternate Payee that are required to be paid to another alternate payee under another QDRO that is in effect prior to this Order;
- e. To pay benefits to the Alternate Payee for any period before PBGC receives this Order; or
- f. To change the benefit form if the Participant is already receiving benefit payments.

SECTION 11. RESERVATION OF JURISDICTION

The Court reserves jurisdiction to amend this Order to establish or maintain its status as a QDRO under ERISA and the Code.

IT IS SO ORDERED:

Date: _____

JUDGE