

ARKANSAS LOCAL POLICE & FIRE RETIREMENT SYSTEM

LOPFI BOARD RULE #33

APPROVED: September 14, 2005

AMENDED: June 4, 2009

AMENDED: September 1, 2011

STANDARD FOR PAYMENT TO ALTERNATE PAYEES AFTER ENTRY OF A QUALIFIED DOMESTIC RELATIONS ORDER (QDRO)

1. State law authorizes a court of competent jurisdiction to order all or any portion of a Member's vested benefit paid to a former spouse (alternate payee). Such orders shall not provide for any form of benefit or payment not otherwise available under LOPFI, nor require payments to an alternate payee which are required to be paid to another alternate payee as a result of a previous QDRO. Because LOPFI is not subject to the QDRO rules set out in Internal Revenue Code 414(p), it is necessary to establish rules to be followed where a portion of a Member's benefits are awarded to an alternate payee as a result of a QDRO.
2. When a QDRO is entered awarding some portion of a Member's retirement benefit to an alternate payee (for example, 50% of the LOPFI benefit vested to John Doe on July 1, 2005 is awarded to Sally Doe) the time when payment begins is determined by when the Member's (John Doe's) benefits commence as the result of his/her disability, termination of covered employment, or attained age for a normal service retirement, as the case may be.
3. Payment to an alternate payee will be determined based on a stated percentage of the Member's benefit accrued during the time of the marriage. In the event the payment amount to an alternate payee is less than one-hundred dollars (\$100.00), the participant shall be paid the total monthly payment and shall be responsible for paying the alternate payee the amount due. An alternate payee is not eligible for a lump-sum payment (the only exception is when the Member is entitled to and elects a lump-sum payment of all or a portion of a DROP benefit), disability or death benefits, inheritance, refund, cost of living adjustment, or any other benefit enhancement. Payments to an alternate payee shall be completed by utilizing electronic funds transfer.
4. LOPFI's legal counsel will review QDRO's to ensure compliance with plan provisions and conformance with the model QDRO adopted by the LOPFI Board of Trustees.

LOPFI Board Rule 33 concluded.

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The language in the provided Model QDRO is governed by LOPFI Board Rule 33. It is a requirement that any QDRO submitted to LOPFI must follow the EXACT language provided with no alteration or qualifications whatsoever. Failure to strictly comply with the Model QDRO and this notice will result in a QDRO that LOPFI will reject.

LOPFI Model QDRO compliance notice concluded.

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS

_____ PLAINTIFF

VS. NO.

_____ DEFENDANT

QUALIFIED DOMESTIC RELATIONS ORDER

The Court finds that _____ (hereinafter referred to as the “Participant”) has been a participant in the Arkansas Local Police and Fire Retirement System (“the Plan”), and has certain account(s) in the Plan. Such account(s) arose during the period of time that the Participant was married to _____ (hereinafter referred to as the “Alternate Payee”).

The Court further finds that a portion of the Participant’s benefits under the Plan should be partitioned and distributed in accordance with the terms of this Order. This Order is intended to meet the requirements of a “Qualified Domestic Relations Order” relating to the Arkansas Local Police and Fire Retirement System Plan. The Order is made in consideration of Arkansas Code Annotated § 9-18-101, et. seq.

THEREFORE, IT IS HEREBY ORDERED, AND DECREED AS FOLLOWS:

1. The Participant’s name is _____. The last known mailing address of the Participant is _____. The last four digits of the Participant’s Social Security Number are _____. The Participant’s year of birth is _____.

2. The Alternate Payee’s name is _____. The last known mailing address of the Alternate Payee is _____.

The last four digits of the Alternate Payee's Social Security Number are _____.

The Alternate Payee's year of birth is _____.

3. The Participant and the Alternate Payee were married on _____,
and their divorce decree was entered on _____.

4. The Plan shall pay the Alternate Payee _____% of the Participant's
monthly benefit accrued during the time of the marriage.

5. Monthly payments to the Alternate Payee will begin when the
Participant ceases covered employment and begins receipt of a normal monthly or
disability retirement benefit. In the event the Alternate Payee's monthly payment is less
than one-hundred dollars (\$100.00), the Participant shall be paid the total monthly
payment and shall be responsible for paying the Alternate Payee the amount due.

6. Monthly payments to the Alternate Payee shall cease upon the
Participant's death. Should the Alternate Payee receive any payment(s) after the
Participant's death, the Alternate Payee is ordered to refund such payment to the Trustee
of the Plan within five (5) days after Alternate Payee receives such payment.

7. Upon the Alternate Payee's death, the monthly payment previously
assigned to the Alternate Payee shall revert to the Participant.

8. If the Participant is a contributory member and discontinues employment
and withdraws the balance in the member deposit account in a lump sum, the Alternate
Payee shall receive _____% of the member's deposit account balance for the period of
time of the marriage as defined in paragraph 3 above.

9. The rights, limitations and requirements of the Participant, and the
Alternate Payee, are controlled by Board Rule #33 of the Arkansas Local Police and Fire

Retirement System. The same is incorporated herein by reference and the rights of the parties hereto are to be consistent with the aforementioned Board Rule as it relates to the administration of the Plan.

10. To the extent that the Trustee of the Plan erroneously pays to the Participant any amounts that are payable to the Alternate Payee under this Order, the Participant shall be deemed to be a trustee holding the amount of such monies in a constructive trust for the Alternate Payee. The Participant is ordered to pay such amount to the Alternate Payee within five (5) days after the Participant receives such amount.

11. This Order shall not require the Plan to provide any type or form of benefit, or option not otherwise provided under the Plan; nor shall it require the payment of any amounts 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; nor shall it require the Plan to provide increased payments to the Alternate Payee. Any provision of this Order that appears to be otherwise shall be null and void and have no effect.

12. The parties shall promptly submit this Order to the administrator of the Plan for determination of its status as a qualified domestic relations order. Pending such determination, this Order shall take effect immediately and remain in effect until further orders of this Court.

13. The Court retains jurisdiction to amend this Order as a Qualified Domestic Relations Order under the Plan, even though all other matters incident to this matter and proceeding have been fully and finally adjudicated.

IT IS SO ORDERED.

CIRCUIT JUDGE

DATE: _____