**Model QDRO Language**

**Plan Name: USW Industry 401(k) Plan**

The enclosed model language is intended to assist parties in preparing a domestic relations order (DRO) that meets the Plan’s QDRO Procedures and applicable federal law requirements. Pleasevisit **https://qdros.com/clients/usw** and use the password **StrengthNumbers** to download a copy of the Plan’s QDRO Procedures.

**WHAT ARE THE NEXT STEPS?**

|  |  |
| --- | --- |
| **STEP 1** | Complete all sections and modify the document to the extent necessary to conform it to the separation agreement or other court document that expresses the parties’ intent. |
| **STEP 2** *(optional)* | Submit a draft copy of the DRO. QC will review to determine if the terms of the DRO are acceptable and send correspondence (to the involved parties and attorneys) confirming if the draft needs modification or if the parties can proceed to Step 3.You can securely submit a DRO directly through our website at <https://qdros.com/submit/> |
| **STEP 3** | The draft DRO must be signed by a Judge and filed with the appropriate state court. **It is the drafting party’s responsibility to format the draft DRO to satisfy the court’s requirements** (similar to formatting on the divorce decree or other court order). Please contact the Clerk of Courts to confirm if any modifications may need to be made in order to comply with the court’s requirements, such as:* modifying the court captions and/or signature line for the Judge
* adding signature lines for the Participant, and Alternate Payee and/or legal counsel
 |
| **STEP 4** | Submit the executed DRO (signed and filed with the appropriate state court) to QC. You can securely submit the DRO directly through our website at <https://qdros.com/submit/>We will review the DRO to ensure it complies with all legal requirements. |

For additional information about the QDRO process, checkout the [process flow chart](https://qdros.com/services/qdros/understanding-the-process.html) and [FAQs](https://www.qdros.com/services/qdros/faqs.html) or download a [checklist](https://www.qdros.com/documents/ProcessChecklist.pdf) to help guide you through the process.

**[NAME OF PARTY]** )

 Petitioner, ) Case No. \_\_\_\_\_\_\_\_\_\_\_

 ) Qualified Domestic Relations Order

 and )

 )

**[NAME OF PARTY]** )

 Respondent. )

**QUALIFIED DOMESTIC RELATIONS ORDER**

 WHEREAS [insert name of participant] (hereinafter “Participant”) is a participant in the USW Industry 401(k) Plan (the “Plan”), an employee benefit plan established pursuant to and maintained in compliance with the Employee Retirement Income Security Act of 1974, as amended (“ERISA”), 29 U.S.C. § 1001 et seq; and

 WHEREAS the parties have agreed or this Court has determined that it is just and appropriate for this Court to enter an order awarding a portion of the Participant’s account balance to [insert name of alternate payee] (hereinafter “Alternate Payee”);

 NOW THEREFORE it is AWARDED, ADJUDGED, and DECREED as follows:

1. This Order is intended to be a Qualified Domestic Relations Order (“QDRO”) under Section 414(p) of the Internal Revenue Code of 1986, as amended (the “Code”) and Section 206(d) of ERISA, 29 U.S.C. § 1056(d), and is issued by this court pursuant to [insert state domestic relations law reference authorizing state court to enter order].

2. **Participant Information:** The Participant’s last known mailing address is [insert address]. His/her date of birth is [insert date of birth], and his/her Social Security Number is [insert Social Security Number]. [The date of birth and/or Social Security Number may be provided to the Plan in a separate document in order to comply with state court rules to avoid placing such identifying information in the public record.]

3. **Alternate Payee Information:** The Alternate Payee’s last known mailing address is [insert address]. His/her date of birth is [insert date of birth], and his/her Social Security Number is [insert Social Security Number]. [The date of birth and/or Social Security Number may be provided to the Plan in a separate document in order to comply with state court rules to avoid placing such identifying information in the public record.] The Alternate Payee is instructed to keep the Plan advised of any change of mailing address or name by sending written notice, with reference to the Participant’s name, to the Plan Administrator at USW Industry 401(k) Plan, 1101 Kermit Drive, Suite 800, Nashville, TN 37217.

4. The Alternate Payee is the Participant’s [insert nature of relationship (spouse/former spouse/child/dependent)].

5. The Alternate Payee is hereby awarded a portion of the Participant’s account balance in the Plan and the Plan is directed to establish a separate account after this Order is qualified.

6. Alternate Payee’s portion is to be calculated as follows:

The Plan shall pay to the Alternate Payee as a separate interest an amount equal to **\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [insert percentage figure or flat dollar amount]** of Participant’s total account balance in the Plan as of the closest valuation date under the terms of the Plan prior to **[insert date of divorce, date order is executed, or other appropriate date].** The Alternate Payee’s assignment **[insert shall or shall not]** include any earnings or losses thereon from the aforesaid valuation date (or the closest valuation date under the terms of the Plan to the date of distribution.The Alternate Payee’s separate account shall be distributed in the form of a single lump-sum payment within a reasonable period of time following the Plan Administrator’s receipt of a request for distribution after this Order is qualified.

7. The assignment to the Alternate Payee will not be affected by the death of the Participant. If the Alternate Payee dies after the Plan Administrator approves an Order but before all the assigned account balance has been distributed to the Alternate Payee, the Plan will make any payments due to a beneficiary pursuant to the terms of the Alternate Payee’s beneficiary designation on file with the Plan or, if no beneficiary designation is on file with the Plan, according to the terms of the Plan.

8. This order is not intended, and is not to be interpreted, to require the Plan to provide any type or form of benefit, or any option, not otherwise provided under the Plan; to require the Plan to provide increased benefits; or to require the payment of benefits to the Alternate Payee which are required to be paid to another alternate payee under another order previously determined to be a QDRO.

9. The distribution of an assigned account balance to the Alternate Payee is to be governed by all rules of the Plan, including those requiring that all intended recipients submit an application, on a form provided on request by the Plan’s recordkeeper, prior to the desired distribution of the account balance. The terms and rules governing the Plan shall prevail in the event of any conflict between this Order and the Plan.

10. This Order, after entry and execution by all Parties, shall be submitted to the Plan Administrator, who shall determine whether the Order constitutes a QDRO for purposes of the Plan. If the Plan Administrator concludes that the Order is qualified, the Plan Administrator shall honor the Order, in accordance with Section 414(p) of the Code and Section 206(d) of ERISA, 29 U.S.C. § 1056(d). The Plan Administrator shall be entitled to rely on this Order in payment of benefits to the Alternate Payee and shall be held harmless from any action by the Participant or by any other party arising from the distribution of the assigned account balance to the Alternate Payee, in accordance with this Order.

11. The parties’ signatures below signify their agreement with the division of the Participant’s account balance set forth herein and specifically agree to waive any claim against the Plan Administrator relating to distribution of the account balance, so long as the distribution is made in compliance with the terms of this Order.

12. The Court retains jurisdiction over this Order to amend same, in order to establish or maintain its qualification as a QDRO.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Participant Alternate Payee

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Counsel for Participant Counsel for Alternate Payee

**IT IS HEREBY ORDERED:**

Executed on: ­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge