



Asunto: Ejemplo de una orden calificada de relaciones domesticas

Adjunto encontrará un ejemplo de una orden calificada de relaciones domesticas (Qualified Domestic Relations Order, QDRO); este no es un formulario para “rellenar”, sino un documento que incluye los elementos necesarios con respecto a los Fondos de Pensión, Anualidad o 401(k) y que cumple con la ley federal. Le sugerimos que le entregue este documento a su abogado o a un servicio de asistencia legal, o usted mismo puede preparar la QDRO.

Tenga en cuenta que los Fondos de Fideicomiso para la Jubilación no pagarán los beneficios hasta que se completen los siguientes pasos:

1. La orden de relaciones domésticas se ha presentado ante, y ha sido dictada por los tribunales; Y,
2. El Fondo recibió la orden; Y,
3. El Administrador del Plan ha determinado que la orden es una orden calificada de relaciones domestica.

La Oficina del Fondo también necesita la Sentencia Final de Disolucion de Matrimonio y el Acuerdo Matrimonial de Derechos y Obligaciones. Envíe los documentos a la Oficina del Fondo si aun no lo ha hecho.

Al proporcionar el ejemplo adjunto del QDRO, los Fondos ni sus agentes o abogados lo hacen como su representante, agente o abogado. Debe comunicarse con su abogado para hablar sobre sus derechos, intereses y obligaciones legales en este asunto. Si usted o su abogado optan por preparar su propia orden, se les recomienda que la orden incluya las disposiciones requeridas que contiene el ejemplo adjunto. **Por favor, tenga en cuenta que un QDRO debe estar siempre en Inglés.**

Si desea información adicional sobre cómo manejar un divorcio y los procesos relacionados, le recomendamos que lea nuestro artículo "El manejo de un divorcio". Simplemente escanee el código QR con su teléfono o tableta para tener acceso al artículo. Si tiene preguntas sobre la preparación de una orden de relaciones domésticas, no dude en comunicarse con la Oficina del Fondo al (888) 547-2054 o visite benefitservices@carpenterfunds.com.



Un cordial saludo,
Departamento de
Beneficios
opeiu 29 afl -cio

1 [Attorney Name]
2 [Attorney Business Address]

3 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
4 IN AND FOR THE COUNTY OF _____

5
6 In re the Marriage of,) Case No.: _____
7)
8 Plaintiff,) STIPULATION AND ORDER
9)
10 and) DIVIDING COMMUNITY PROPERTY
11)
12 Respondent) INTEREST IN CARPENTERS PENSION
13)
14) FUND (QDRO)
15 _____

16 WHEREAS:

17 **A.** Petitioner and Respondent were married to each other on _____ and separated on _____
18 and a Judgment of Dissolution of Marriage was entered in this action on _____ finally Dissolving the
19 marriage on _____

20 **B.** This court has personal jurisdiction over both Petitioner and Respondent and
21 jurisdiction over the subject matter of this Order.

22 **C.** Petitioner and Respondent intend this Order to be a Qualified Domestic Relations Order (QDRO)
23 as defined in 206 (d) (3) of the Retirement Income Security Act of 1974 (ERISA), as amended by the
24 Retirement Equity Act of 1984, 29 U.S.C. § 1056 (d) (3).

25 **D.** Petitioner and Respondent hereby stipulate to entry of the following Order:

26 **1.** As used in this Order the following terms shall apply:

a. "Participant" is

Name: _____

Address: _____

Social Security Number and Date of Birth:

(To be provided under separate cover)

1 **b. “Alternate Payee”**

2 Name: _____

3 Address: _____

4 Social Security Number and Date of Birth:

5 **(To be provided under separate cover)**

6

7 **c. “Plan refers to the Pension Plan maintain by the Carpenters Pension**
8 Trust Fund for Northern California, whose Plan Administrator is the
9 Board of Trustees of the Carpenters Pension Trust Fund for Northern
10 California.

11 **2.** Participant has accrued benefits in the Plan which are the community property of
12 Participant and Alternate Payee. For the purpose of dividing this community property, Alternate Payee
13 is assigned as his/her separate property one-half of the portion of the Participant’s monthly Pension
14 benefit that accrued between the date of marriage and the date of separation.

15 **3.** Alternate Payee shall begin receiving payment of her share from the Plan the first day of the
16 month of _____, year____, subject to the following conditions:

17 **a.** The beginning date may not be earlier than the first day of the first month after the
18 Fund received notice of Alternate Payee’s claim of a community property interest
19 in Participant’s Pension.

20 **b.** If Participant retired on a Disability Pension prior to reaching earliest retirement age
21 under the Plan for a non-disability pension, the beginning date may not be earlier than
22 the first day of the first month after Participant reaches (or would have reached) the
23 earliest retirement age under the plan for a non-disability pension.

24 **4.** If Participant retired on a Disability Pension, Alternate Payee’s share, as defined in
25 Paragraph 2, will be calculated as of the date Participant retired (or, if Participant retired prior to early
26

1 retirement age, as of the earliest retirement date for retirement on a non-disability pension) on the largest
2 non-disability pension for which he then would have been eligible.

3 **5.** Since participant retired and began receiving payment of pension benefits from the Plan prior
4 to entry of this Order, Alternate Payee shall receive payment of her share, as defined in paragraph 2,
5 subject to the terms of the pension awarded to Participant and only so long as benefits are payable under
6 that pension.

7 **6.** Alternate Payee shall be treated as Participant's surviving spouse to the extent of the
8 community property portion of Participant's pension for the purpose of any Surviving Spouse Benefit
9 or other Post-retirement benefit which becomes payable under the Pension.

10 **7.** Alternate Payee shall share equally in any post-retirement benefit increases awarded to
11 Participant to the extent such increases are based on accrual of benefits between the date of marriage and
12 the date of separation.

13 **8.** Nothing in this order shall be construed to require the Plan to provide a type or form of
14 benefit or an option not otherwise provided under the Plan.

15 **9.** Nothing in this order shall be construed to require the Plan to provide increased benefits
16 determined on the basis of actuarial value.

17 **10.** This order does not require the Plan to pay to Alternate Payee benefits which are required
18 to be paid to another Alternate Payee under another order previously determined to be a Qualified
19 Domestic Relations Order.

20 **11.** This Order is intended to be a QDRO made pursuant to ERISA and provisions shall be
21 administered and interpreted in conformity with ERISA as amended from time to time. If ERISA is
22 amended or the law regarding QDRO'S is otherwise changed or modified, then either party may take
23 such changes, amendments and/or modification if permissible under any such change, amendment,
24 modification to ERISA or the laws regarding QDRO'S. The Plan Administrator may elect to treat this
25 order as a qualifying order.
26

1 **12.** The court shall retain jurisdiction for the purpose of amending this order so that it may
2 qualify or continue to qualify as a QDRO.

3 **APPROVED AS TO FORM AND CONTENT:**

4 Date: _____

Petitioner

6 Date: _____

Attorney for Petitioner

8 Date: _____

Respondent

10 Date: _____

Attorney for Respondent

12 **IT IS SO ORDERED.**

13 Date: _____

Judge of the Superior Court