



**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](mailto:benefitservices@carpenterfunds.com).



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

Name, address, tel.)

Attorney for \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF \_\_\_\_\_

In re the Marriage of,

Plaintiff,

and

Respondent

) Case No.: \_\_\_\_\_

)

) STIPULATION AND ORDER

)

) DIVIDING COMMUNITY PROPERTY

)

) INTEREST IN CARPENTERS PENSION

)

) FUND (QDRO)

)

WHEREAS:

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

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

**C.** Petitioner and Respondent intend this Order to be a qualified Retirement income Security Act of 1974 (ERISA), as amended by the Retirement Equity Act of 1984, 29 U.S.C. § 1056 (D) (3).

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

**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)**

b. "Alternate Payee"

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Social Security Number and Date of Birth:

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

- c. "Plan refers to the Pension Plan maintain by the Carpenters Pension Trust Fund for Northern California, whose Plan Administrator is the Board of Trustees of the Carpenters Pension Trust Fund for Northern California.

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

**3.** By written application to the Plan, Alternate payee may elect to begin receiving payment of his/her share, as defined in paragraph 2, prior to Participant's separation from service with respect to the Plan, on the first day of the month on or after the Participant's benefits have vested and Participant has reached earliest retirement age under the Plan. In the case of such an election, the Alternate Payee's share shall be calculated as if the Participant had retired on the date on which such payment is to begin (but taking into account on the present value of benefits actually accrued and not taking into account the present value of any employer subsidy for early retirement, unless and until any such subsidy becomes payable to the Participant and may be paid in any form in which such benefits may be paid under the

1 Plan (other than in the form of joint and survivor annuity with respect to the Alternate Payee and  
2 subsequent spouse).

3       **4.** Alternate Payee must begin receiving payment of his/her share no later than the effective  
4 date of Participant's retirement, unless Participant retires on a Disability Pension prior to reaching  
5 earliest retirement date for a non-disability pension under the Plan. In the latter case Alternate Payee's  
6 community property share will mature and become payable to her/him on the first day of the first month  
7 after the Participant reaches (or would have reached) earliest retirement age under the Plan for a  
8 non-disability pension and Alternate Payee's one-half community property share, as defined in paragraph  
9 2, above, will be calculated as such share of the largest non-disability pension for which the Participant  
10 would have been eligible had he/she retired on such date.

11       **5.** If Alternate Payee does not begin receiving payment of her/his share until Participant  
12 retires, Alternate Payee shall have the right to elect to receive Alternate Payee's share in any form  
13 permitted by the Plan and current law and regulations at that time. The amount of payment under the  
14 form elected shall be the actuarial equivalent of the Alternate Payee's share of the Participant's benefit  
15 as defined in Paragraph 2, using the actuarial assumptions specified in the Plan for this purpose.

16       **6.** Unless Alternate Payee has begun receiving payment of her/his share prior to Participant's  
17 separation from service with respect to the Plan (as provided in paragraph 3), Alternate Payee shall be  
18 treated to the extent of the community property portion of Participants accrued benefits as the current  
19 or surviving spouse of Participant for the purpose of the Husband-and-Wife Pension or Pre-Retirement  
20 Surviving Spouse benefit.

21       **7.** If Participant is awarded a post-retirement benefit increase based on the amount of benefits  
22 accrued, Alternate Payee shall share equally in the increase based on the amount accrued between the date  
23 of marriage and separation.

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

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

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

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

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

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

15           Date: \_\_\_\_\_

Petitioner

17           Date: \_\_\_\_\_

Attorney for Petitioner

19           Date: \_\_\_\_\_

Respondent

21           Date: \_\_\_\_\_

Attorney for Respondent

23 **IT IS SO ORDERED.**

24           Date: \_\_\_\_\_

Judge of the Superior Court