

**Iron Workers District Council of Southern Ohio & Vicinity Pension Trust**  
**Procedures for Qualified Domestic Relations Orders – *Separate Interest***

1. Upon initial receipt of a domestic relations order, the Fund Office will forward the proposed order to Fund Counsel for review. Fund Counsel will send an Initial Receipt Letter to the Participant, the Alternate Payee, and their attorneys (if contact information is available). The Initial Receipt Letter will:
  - Notify the parties of the receipt of the domestic relations order; and
  - Provide a copy of the Plan's procedures and checklist.
2. If the Alternate Payee and/or the Participant is represented by counsel and the attorney's information has been provided, all correspondence regarding the qualification of the proposed order after the initial correspondence identified in (1) will only be sent to the attorney(s).
3. Fund Counsel will review the proposed domestic relations order within a reasonable amount of time and make a determination as to whether the order meets the requirements under the Plan and under Section 206(d)(3) of ERISA and 414(p) of the Internal Revenue Code ("Code").
4. If Fund Counsel determines the domestic relations order is deficient, Fund Counsel will:
  - Send the parties a Disqualification Letter which states the reason(s) the order failed to meet the requirements for qualification, or request the drafting party to contact Fund Counsel to discuss the deficiencies;
  - Provide a copy of the relevant model order to assist in expediting the determination process; and
  - Work with the drafting party to remedy any deficiencies in the domestic relations order.
5. If Fund Counsel determines the domestic relations order meets the requirements under the Plan, ERISA, and the Code, Fund Counsel will send the parties a Conditional Approval Letter. The Conditional Approval Letter will:
  - Restate the benefit formula used to assign the benefit in the proposed order;
  - Restate the eligibility requirement for commencing benefits as specified in the order; and
  - State that the order will be qualified if (1) the order is entered by the court and (2) an original certified copy of the order is received by Fund Counsel.
6. If Fund Counsel determines the domestic relations order is qualified, Fund Counsel will notify the Fund Office and all parties of the qualification of the order and instruct the Fund Office to administer the order as written.
7. Once qualified, the Alternate Payee must contact the Fund Office for an application and submit it to the Fund Office in order to receive benefits.

## **Fund Procedures for Special Circumstances**

**Important Note:** Please be sure to submit your domestic relations order on a timely basis for review and approval. There may be adverse consequences for the Alternate Payee should the Participant retire or die before the domestic relations order is approved and the Plan receives a certified copy of the QDRO.

### **Participant Retires Before Order is Qualified**

If a proposed domestic relations order is in the review process and the Participant applies for his retirement benefits before the order is qualified by the Fund, all parties to the order (or their representatives) should contact Fund Counsel to discuss the following Fund procedures.

The Fund Office will withhold the Alternate Payee's portion of the Participant's benefit only if it can be determined from reading the proposed order the amount that would be awarded to the Alternate Payee if the order was deemed qualified. This means the Participant's monthly retirement benefit will be reduced by the Alternate Payee's portion for up to 18 months following receipt of the proposed order. If the domestic relations order is qualified in the 18-month period, the amount that had been withheld will be paid to the Alternate Payee. If the order is not qualified, the amount that was withheld will be paid to the Participant.

If the amount cannot be determined by the language provided in the proposed order, the Alternate Payee's portion will not be withheld from the Participant's monthly retirement benefit.

### **Participant Dies Before Order is Qualified**

If a proposed domestic relations order is in the review process and the Participant dies before the order is qualified, the parties to the order (including their representatives) should contact Fund Counsel to discuss the following Fund procedures.

The Fund Office may accept domestic relations orders after the Participant has died; however, it may be beneficial to have your domestic relations order signed by the judge before submitting it to the Fund Office or Fund Counsel for review.