

STATE OF WYOMING

IN THE DISTRICT COURT

Civil Action No.

Name \_\_\_\_\_ Plaintiff

vs.

Name \_\_\_\_\_ Defendant

\_\_\_\_\_

**DOMESTIC RELATIONS ORDER**

WHEREAS, the parties were married on \_\_\_\_\_ and divorced from each other by decree entered in this Court on \_\_\_\_\_; and

WHEREAS, this Court has personal jurisdiction over both parties to this action and jurisdiction over the subject matter of this order in this divorce action; and

WHEREAS, the parties to this action and the Court intend this order to be a Qualified Domestic Relations Order (QDRO) as that term is used in the Retirement Equity Act of 1984, as amended;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. Definitions used in this order:

a. "System Member" refers to Name \_\_\_\_\_

b. "Alternate Payee" refers to Name \_\_\_\_\_

c. "Plan" means one of the Wyoming Retirement System DEFINED

BENEFIT (pension) plans. A separate Qualified Domestic Relations Order will be required to split assets in the Wyoming Retirement System Deferred Compensation Plan.

d. "Plan Administrator" means the Executive Director of the Wyoming Retirement System, 2515 Warren Avenue, Suite 450, Cheyenne, Wyoming 82002.

e. "Plan Benefits" refers to System Member's Plan Benefits, including accrued annuity benefits at retirement, account balance at date of division, and pre-retirement death benefits.

2. Pertinent information about the parties is:

**SYSTEM MEMBER:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City \_\_\_\_\_, State \_\_\_\_\_, Zip \_\_\_\_\_  
SSN \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
DOB \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Acct # \_\_\_\_\_  
Phone# (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
Email address \_\_\_\_\_

**ALTERNATE PAYEE:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City \_\_\_\_\_, State \_\_\_\_\_, Zip \_\_\_\_\_  
SSN \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
DOB \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Phone# (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
Email address \_\_\_\_\_

3. This order is entered pursuant to Wyoming Statute 20-2-114, governing the division of marital property between spouses and former spouses in this divorce action.

4. This Domestic Relations Order assigns a portion of the Plan Benefits in System Member's name to Alternate Payee in recognition of the existence of **{his/her}** marital rights. As part of a fair and equitable division of the marital estate, and pursuant to Wyoming Statute 20-2-114, the Court AWARDS, ASSIGNS, AND GRANTS the following to Alternate Payee and System Member is divested of any right, title and interest in same;

\_\_\_\_\_ % of Plan Benefits, calculated as of **date** \_\_\_\_\_  
together with any interest, earnings, dividends, stock splits, benefit increases or other appreciation or depreciation in that share to the date of distribution.

5. Alternate Payee's share shall be distributed to Alternate Payee, as may be allowed by the Plan rules and statutory constraints.

6. The Court AWARDS, ASSIGNS, AND GRANTS the following to the System Member and Alternate Payee is divested of any right, title and interest in same;

\_\_\_\_\_ % of Plan Benefits, calculated as of **date** \_\_\_\_\_  
together with any interest, earning, dividends, stock splits, benefit increases or other appreciation or depreciation in that share to the date of distribution, PLUS, One Hundred Percent (100%) of all Plan Benefits accruing to System Member as the result of **his / her** employment after **date** \_\_\_\_\_.

7. Except for the joint-and-survivor option which is unavailable to Alternate Payee under the Plan's rules or applicable statutes, the Alternate Payee shall have the same pay out options available as to the portion set over to **him / her** as the System Member has to the portion retained by **him / her** the System Member and Alternate Payee shall be allowed to exercise different options. Acceptance by the alternate payee or the lump sum refund terminates his or her right to any further payment or benefit provided by the retirement system. If the alternative payee dies before retirement benefits have begun then all benefits awarded by the order will revert back to the member.

8. This Order is not intended, nor shall it be deemed, to require Plan Administrator to:

- a. provide any type, form, option or amount of benefit not otherwise provided by the Plan's rules or the Wyoming Retirement Statutes; or
- b. to require the plan to provide increased benefits
- c. to require the payment of any benefits to the Alternate Payee that are required to be paid to another Alternate Payee under another Order previously deemed to be a Qualified Domestic Relations Order (QDRO).

9. It is the intention of the parties that the QDRO continue to qualify as a QDRO under Section 414(p) of the Internal Revenue Code, as it may be amended from time to time, and

that the Plan Administrator shall reserve the right to reconfirm the qualified status of the Order at the time benefits became payable hereunder.

10. For purposes of Sections 402(a)(1) and 72 of the Internal Revenue code, any Alternate Payee who is the spouse or former spouse of the System Member shall be treated as the distributee of any distribution or payments made to the Alternate Payee under the terms of this Order, and as such, will be required to pay the appropriate Federal Income Taxes on such distributions.

11. In the event the Plan Administrator inadvertently pays to the System Member any benefits that are assigned to the Alternate Payee pursuant to the terms of this Order, the System Member shall immediately reimburse the Alternate Payee the extent that **he / she** has received such benefit payments and shall forthwith pay such amount so received directly to the Alternate Payee within ten (10) days of receipt.

12. A copy of this order shall be sent by ordinary mail by counsel for Alternate Payee to Plan Administrator, who shall:

a. Promptly notify System Member, Alternate Payee and any other alternate payee of the receipt of this Order by Plan Administrator and the procedures for determining the qualified status of this domestic relations order; and

b. Within a reasonable period of time after receipt of a copy of this order, determine whether this order is a Qualified Domestic Relations Order and notify the Court, System Member, Alternate Payee and any other alternate payee of the determination; and

c. Pending determination of whether this Order is a qualified Domestic Relations Order, segregate in a separate account the amounts which would have been payable to Alternate Payee if this order had been determined to be a Qualified Domestic Relations Order.

13. The Court shall retain jurisdiction with respect to the Order to the extent required to maintain the original intent of the parties as stipulated herein, or to clarify the orders as are necessary for proper enforcement of the orders contained herein and as may be necessary to assure acceptance of the Order as a Qualified Domestic Relations Order or to establish or maintain the qualification as a Qualified Domestic Relations Order within the meaning and intent of the Wyoming Retirement Statutes and the rules of the Wyoming Retirement System.

14. In the event the System Member's benefits or any portion thereof, become payable to the System Member as a result of a plan termination or partial termination pursuant to

Title IV of ERISA, then the Alternate Payee shall be entitled to commence **him / her** benefits immediately in accordance with the terms of this QDRO and in accordance with the termination procedures of the plan and the Pension Benefit Guarantee Corporation. Further, should the System Member's benefits be reduced as a result of such termination or partial termination, then the amounts otherwise payable to the Alternate Payee under this QDRO shall be reduced to the same extent and in the ratio as the System Member's benefits are reduced.

DATED this day \_\_\_\_\_ of Month \_\_\_\_\_, Year \_\_\_\_\_

\_\_\_\_\_  
DISTRICT JUDGE

Approved as to Form:

\_\_\_\_\_  
**Alternate Payee**

**Alternate Payee Address:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**System Member**

**System Member Address:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Attorney**

**Attorney Address:**  
\_\_\_\_\_  
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**Attorney**

**Attorney Address:**  
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