

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
_____ COUNTY, OHIO**

)	CASE NO.:
)	
Plaintiff,)	
)	
and)	JUDGE
)	
)	QUALIFIED DOMESTIC
)	RELATIONS ORDER
Defendant.)	
)	

IT IS HEREBY ORDERED AS FOLLOWS:

1. Effect of This Order as a Qualified Domestic Relations Order: This Order creates and recognizes the existence of the right of the Alternate Payee/Representative Payee hereunder to receive a portion of the Participant's benefits payable under the Laborers' District Council and Contractors' Pension Fund of Ohio (the "Plan"), a multi-employer defined benefit pension plan that is qualified and maintained under applicable provisions of the Internal Revenue Code of 1986 (the "Code") and the Employee Retirement Income Security Act of 1974 ("ERISA"), each as amended to date. It is intended that this Order constitute a Qualified Domestic Relations Order ("QDRO") under Code Section 414 (p) and ERISA Section 206(d)(3).

2. Participant Information: The name, last known address, Social Security number and date of birth of the "Participant" are:

Name: _____
 Address: _____
 Soc. Sec. No.: _____
 Birth Date: _____

The Participant shall have the duty to notify the Plan administrator and the _____ County Child Support Enforcement Agency in writing of any changes in his mailing address subsequent to the entry of this Order. The Participant designates himself/herself to receive all notices regarding the status of this Order and all matters related thereto.

3. Alternate Payee Information: The name, last known address, Social Security number and date of birth of the "Alternate Payee," the Participant's child, and the "Representative Payee", the mother of the Alternate Payee, are:

Alternate Payee:

Name: _____
Address: _____
Soc. Sec. No.: _____
Birth Date: _____

Representative Payee:

Name: _____
Address: _____
Soc. Sec. No.: _____
Birth Date: _____

The Representative Payee shall have the duty to notify the Plan administrator and the _____ County Child Support Enforcement Agency in writing of any changes in his/her mailing address subsequent to the entry of this Order. The Representative Payee designates himself/herself and _____ of the _____ County Child Support Enforcement Agency, **[Insert Address]**, to receive all notices regarding the status of this Order and all matters related thereto.

4. Plan Name: The name of the Plan to which this Order applies is the Laborers' District Council and Contractors' Pension Fund of Ohio, currently located at 800 Hillsdowne Road, Westerville, OH 43081 (tel. (614) 898-9169). Further, any successor plan to the Plan or any other plan(s) to which liability for provision of the Participant's benefits described below is incurred shall also be subject to the terms of this Order. In addition, any benefits accrued by the Participant under a predecessor plan or any other defined benefit plan, where liability for benefits accrued under such predecessor plan or other defined benefit plan has been transferred to the Plan, shall also be subject to the terms of this Order.

5. Pursuant to State Domestic Relations Law: This Order is entered pursuant to the authority granted in the applicable domestic relations laws of the State of Ohio.

6. For Provision of Child Support: This Order relates to the provision of child support for the benefit of the Alternate Payee which is to be paid by the Participant to the Representative Payee.

7. Withholding and Payment from the Participant's Monthly Pension Benefit; The Participant is currently retired under the Plan and is receiving a pension benefit. The Court hereby orders that \$_____ per month be withheld by the Plan from the monthly pension benefit currently being provided to the Participant by the Plan and be paid to the Representative Payee as child support with respect to the Alternate Payee. Such withholding and payment shall commence with the first monthly pension benefit due to the Participant following receipt and approval of this Order by the Plan Administrator.

This withholding and payment shall continue until the death of the Participant, the death of the Alternate Payee, the death of the Representative Payee or until further order of the Court, whichever shall first occur. Upon the death of the Alternate Payee, the Representative Payee or an order of this Court terminating or reducing the withholding from the Participant's monthly pension benefit while the Participant is still living, the appropriate previously withheld amount shall revert and be paid to the Participant. Should the payment of the Participant's monthly pension benefit be terminated or suspended by the Plan because the Participant returns to work in disqualifying employment, the withholding and payment of benefits to the Representative Payee shall also be suspended, but shall be resumed if and when the Participant ceases disqualifying employment and recommences receipt of a monthly pension benefit under the Plan.

Payment to the Representative Payee shall be made, by the Plan, with the check payable to the Representative Payee, but mailed to him/her in care of the Ohio Child Support Payment Central, Post Office Box 182394, Columbus, Ohio 432182394. The Plan shall place on or attach **to the check** the following information: “_____ (Obligor), Soc. Sec. No. _____; Court Order/Case No. _____; CSEA Case (SETS) No. _____.”

8. Savings Clause: This Order is not intended, and shall not be construed, in such a manner as to require the Plan:

- (a) to provide any type or form of benefit option not otherwise provided under the terms of the Plan;
- (b) to require the Plan to provide increased benefits determined on the basis of actuarial value; or
- (c) to require the payment of any benefits to the Alternate Payee/Representative Payee that are required to be paid to another alternate payee under another order that was previously deemed to be a QDRO.

9. Certification of Necessary Information: All payments made pursuant to this Order shall be conditioned on the certification by the Representative Payee, the Fairfield County Child Support Enforcement Agency and/or the Participant to the Plan administrator of such information as the Plan administrator may reasonably require from such parties to make the necessary calculation of the benefit amounts contained herein.

10. Continued Qualified Status of Order; It is the intention of the Court that this Order continue to qualify as a QDRO under Code Section 414(p) and ERISA Section 206(d), as the same may be amended from time to time, and the provisions hereof shall be administered and interpreted in conformity therewith.

11. Tax Treatment of Distributions Made Under This Order: Because the distributions to be made to the Representative Payee are in satisfaction of the Participant's arrearage in his child support obligation for the Alternate Payee in this case, and consistent with IRS Notice 89-25, 1989-1 Cum. Bull. 662, for purposes of Code Sections 402(a)(1) and 72, the Participant shall be treated as the distributee of any distribution or payments made to the Representative Payee under the terms of this Order and, as such, will be required to pay the appropriate Federal income taxes on such distribution.

12. Constructive Receipt: In the event that the Plan inadvertently pays to the Participant any benefits that were to be paid to the Representative Payee pursuant to the terms of this Order, the Participant shall immediately reimburse the Representative Payee to the extent that he has received such benefit payments, and shall forthwith pay such amounts so received directly to the Representative Payee within ten (10) days of receipt.

13. Continued Jurisdiction: The Court shall retain jurisdiction with respect to this Order to the extent required to maintain its qualified status and the original intent of the parties as stipulated herein. The Court shall also retain jurisdiction to enter such further orders as are necessary to enforce the assignment of benefits payment of the assigned interest to the Representative Payee as set forth herein, including the re-characterization thereof as a division of benefits under another plan, as applicable, or to make a further award of support, if applicable, in the event that the Participant fails to comply with the provisions contained above requiring said payments to the Representative Payee.

14. Effect of Plan Termination: In the event that the Plan is terminated, whether on a voluntary or involuntary basis, and the Participant's benefits *become* guaranteed

or subsidized by the Pension Benefit Guaranty Corporation ("PBGC"), the Representative Payee's payments, as stipulated herein, shall also be guaranteed or subsidized to the same extent in accordance with the Plan's termination rules and in the same ratio as the Participant's benefits are guaranteed or subsidized by the PBGC.

15. Actions by Participant: The Participant shall not take any actions, affirmative or otherwise, that can circumvent the terms and provisions of this Order, or that could diminish or extinguish the rights and entitlements of the Alternate Payee or Representative Payee as set forth herein. Should the Participant do so, he shall be required to make sufficient payments directly to the Representative Payee to the extent necessary to neutralize the effects of his actions or inactions and to the extent of her full entitlements hereunder.

16. Receipt and Approval of This Order by the Plan: The Representative Payee and/or the Fairfield County Child Support Enforcement Agency shall (1) **be** obligated to furnish or cause the Clerk of Court to furnish a certified copy of this Order to the Plan administrator and shall inform the Plan administrator of the parties' intent that this Order constitute a qualified domestic relations order under applicable provisions of ERISA and the Code and (ii) take such further action as may be necessary to ensure that a prompt determination is made by the Plan administrator or a court of competent jurisdiction that this Order constitutes a qualified domestic relations order under applicable provisions of ERISA and the Code and that the Plan distributes the assigned interest to the Representative Payee when required to do so pursuant to this Order.

IT IS SO ORDERED.

JUDGE

Submitted By:

Attorney (Ohio Reg. No. _____)
Address _____
Phone: _____