



Post-Retirement Qualified Domestic Relations Order for Division of Marital Property

Instructions for Completion

GENERAL INFORMATION

- The printed language on the Form 6435, “Post-Retirement Qualified Domestic Relations Order for Division of Marital Property” (QDRO) cannot be altered. The QDRO will be rejected by the Kentucky Public Pensions Authority (KPPA) if the printed language is altered in any manner (See KRS 16.645, 61.690, 78.545, and 105 KAR 1:190).
- Information provided is to assist participants (active, inactive, and retired members) going through a divorce whose retirement account might be subject to division as marital property.
- All participants are strongly advised to seek financial, legal, or other expert advice. KPPA is not rendering legal, financial, or any other type of professional advice in these instructions and nothing in these instructions should be construed as providing legal, financial, or any other type of professional advice. KPPA cannot make a determination of the status of a participant's retirement account as marital property. The Court must decide what is marital property and how the marital property is to be divided.
- The Court, the attorneys, and the parties to the dissolution of marriage action are strongly encouraged to review the KPPA's “Summary Plan Description” to understand how a participant's retirement benefits are determined. The “Summary Plan Description” contains detailed information concerning retirement benefits and can be found on KPPA's website, kyret.ky.gov.
- If specific participant retirement account information is necessary for the Court to calculate the amount due to the alternate payee, a completed Form 6433, “Authorization for Release of Information and Request for Information for a Qualified Domestic Relations Order” must be filed with KPPA. The Form 6433 can be found on KPPA's website, kyret.ky.gov.
- This form can only be used if the participant is retired and is receiving a monthly retirement benefit.
- The participant is still required to submit a copy of the divorce decree even if the participant submits a QDRO.

SECTION BY SECTION INSTRUCTIONS. These instructions will only cover sections that require completion by the Court.

Section 2. The Court must enter the Participant's name, the Participant's KPPA member identification number (or social security number) and current mailing address.

Section 3. The Court must enter the Alternate Payee's name and current mailing address.

Section 4. The Court must mark all retirement systems to which this order applies. If a Participant has service credit in multiple retirement systems, the Court should mark all the systems to which the QDRO should apply. **NOTE:** If the participant is not certain which retirement system the service credit is in, it is vital that the participant contact KPPA or access his/her Retiree Self-Service Portal to obtain the accurate retirement system information to provide to the Court.

Section 5. The Court must enter the date of the marriage that is the subject of this divorce action.

Section 6. The Court must enter the date of the dissolution of the marriage that is the subject of this divorce action.

Section 8. Payment Options. There are three options for division of the retirement account. The Court can only choose one payment option - Option A, B, or C.

Option A. The first payment option allows the Court to determine a specific dollar amount to be paid to the Alternate Payee from Participant's monthly retirement benefit. *For example:* The participant receives a monthly retirement allowance of \$2,000.00 per month, the Court could order:

- OPTION A - DOLLAR AMOUNT PURSUANT TO 105 KAR 1:190 SECTION 6(2)(a):**
KPPA shall pay \$ 300 directly to the Alternate Payee from the Participant's monthly retirement benefit.

Option B. The second payment option establishes a percentage that is based on the marital service. *For example:* Fred and Sue are getting divorced. Fred is receiving a monthly retirement benefit of \$2,000. KPPA provides information that there were 243 months of marital service. Fred retired with a total of 324 months of service credit.

- OPTION B - PERCENTAGE PURSUANT TO 105 KAR 1:190 SECTION 6(2)(b):**
 KPPA shall pay to the Alternate Payee 50% of the benefit attributable to the participant's earned and/or purchased service credit during the marriage to be determined as set forth below:

Months of martial service in which participant was a contributing member of the system affected by the QDRO	$\times 100 \div 2 =$	$=$	Percentage of benefit due to the alternate payee
Participant's total service credit used to calculate the retirement payment option			

A percentage based on marital service would be calculated as follows:

243 (martial service)	$\times 100 \div 2 =$	$=$	37.5% due to the alternate payee
324 (months of total service credit at retirement)			

Sue will receive \$750 per month.

Option C. The third option allows the Court to set a percentage that may or may not be based on the marital service. *For example:* The Court awards Sue 50% of Fred's monthly retirement allowance from the payment option Fred selected at retirement. Fred is receiving a monthly retirement benefit of \$2,000. The Court would complete Option C as follows:

- OPTION C - ALTERNATIVE PERCENTAGE DESIGNATION PURSUANT TO 105 KAR 1:190 SECTION 6(2)(c):**
 KPPA shall pay to the Alternate Payee 50% of the Participant's monthly retirement allowance affected by this Order.

Sue will receive \$1,000 per month.

Section 9. The Court shall order the time period the payments under the QDRO shall be made. The Court shall choose whether to limit the payments to a certain number of months or until the Participant's or Alternate Payee's death, whichever comes first.

Section 10. The Court must decide how the cost-of-living increase provided in KRS 61.691 and 78.5518 is to be divided if the Court ordered that the Alternate Payee be paid a specific dollar amount under Section 8, Option A.

Section 11. The Court must decide how the administrative fee for filing the QDRO is to be paid.

NOTE: KPPA can only accept one check for the fee so the parties will need to determine who will submit the check with the QDRO. Fees are \$50 for the original and \$25 for an amended. **Any QDRO that comes in without an attached certified check or money order payable to the Kentucky State Treasurer for the full amount owed cannot be reviewed or processed by KPPA.**

Kentucky Public Pensions Authority

Form 6435

Revised 07/2024



This Order is: New Corrected Amended Corrected Amended

COMMONWEALTH OF KENTUCKY

_____ Family/Circuit Court

Division _____

Civil Action No. _____ -CI- _____

Name

PETITIONER

vs.

Name

RESPONDENT

**POST-RETIREMENT QUALIFIED DOMESTIC RELATIONS ORDER
FOR DIVISION OF MARITAL PROPERTY**

The Court finds the following facts and issues the following Order pursuant to KRS 403.190, KRS 16.645, KRS 61.690, KRS 78.545, and 105 KAR 1:190:

1. This Order is intended to comply with and be administered and interpreted in conformity with 26 U.S.C. Sections 401(a) and 414(p), KRS 16.645, KRS 61.690, KRS 78.545, and KRS Chapter 403.

2. The following information is provided for the Participant:

Name: _____

Kentucky Public Pensions Authority Member ID or SSN: _____

Current Mailing Address: _____

City, State, Zip Code

3. The following information is provided for the Alternate Payee:

Name: _____

Current Mailing Address: _____

City, State, Zip Code

4. The "Retirement System(s)" affected by the Order are (check the box below for each retirement system to which this Order applies):

This Order shall be processed only using the System indicated, and shall not be valid or processed if the participant does not have service credit in the System indicated.

State Police Retirement System
(Kentucky State Police troopers)

County Employees Retirement System
(City/county local governments, eligible local agencies, school boards)

Kentucky Employees Retirement System
(State departments, boards, state colleges and universities, employers directed by Executive Order of the Governor to participate in KERS, and quasi-governmental agencies)

5. The date of the marriage is _____

6. The date that the dissolution of the marriage was entered is _____

7. **Obligation of Participant and Alternate Payee:** The Participant and the Alternate Payee are ordered to notify KPPA in writing of a change in the individual's mailing address. KPPA shall not be responsible for any failure of communication or receipt of payment caused by the failure of the Participant or the Alternate Payee to provide a current mailing address. KPPA is under no statutory or regulatory duty to attempt to find any party who does not inform KPPA of his/her current address and shall not attempt to locate any party who does not inform the KPPA of his/her current address.

8. **Amount Payable to the Alternate Payee:** The Court orders that KPPA, in accordance with KRS 16.645, 61.690, 78.545, and 105 KAR 1:190, shall withhold and pay to the Alternate Payee the following: **[Designate only one option (A, B or C)]**

OPTION A - DOLLAR AMOUNT PURSUANT TO 105 KAR 1:190 SECTION 6(2)(a):

KPPA shall pay \$ _____ directly to the Alternate Payee from the Participant's monthly retirement benefit.

OR

OPTION B - PERCENTAGE PURSUANT TO 105 KAR 1:190 SECTION 6(2)(b):

KPPA shall pay to the Alternate Payee 50% of the benefit attributable to the participants earned and/or purchased service credit during the marriage to be determined as set forth below:

Months of martial service in which participant was a contributing member of the system affected by the QDRO	$\times 100 \div 2 =$	Percentage of benefit due to the alternate payee
Participant's total service credit used to calculate the retirement payment option		

OR

OPTION C - ALTERNATIVE PERCENTAGE DESIGNATION PURSUANT TO 105 KAR 1:190 SECTION 6(2)(c):

KPPA shall pay to the Alternate Payee ____ % of the Participant's monthly retirement allowance affected by this Order.

9. KPPA shall withhold the dollar amount or percentage provided in Section 8 of this Order: *(Select one option below)*

for a time period of _____ months, subject to the provisions of KRS 16.645, 61.690, and 78.545.

OR

until the Participant's or the Alternate Payee's death, whichever comes first.

10. Any cost of living increase provided in KRS 61.691 and 78.5518 shall be administered as follows:

(Do not complete this item if the Participant has been ordered to pay the Alternate Payee a percentage of his/her monthly retirement benefit.)

All to the Participant.

OR

Divided between the Participant and the Alternate Payee pursuant to KRS 16.645, 61.690(9), and 78.545.

11. The payment of the administrative fee provided for in KRS 16.645, 61.690(10), 78.545, and 105 KAR 1:190 shall be paid as follows:

All to be paid by the Participant.

OR

All to be paid by the Alternate Payee.

OR

Equally shared between the Participant and the Alternate Payee.

12. This Order applies to payments to be made after the approval of the Order for enforcement by KPPA under KRS 16.645, 61.690, 78.545, and 105 KAR 1:190.

13. The Participant is ordered to notify KPPA of the death of the Alternate Payee.

14. KPPA shall not be liable to the Participant for payments made to the Alternate Payee after the Alternate Payee's death or for other payments made to the Alternate Payee to which the Alternate Payee was not entitled.

15. The Alternate Payee is ordered to immediately return any payments made pursuant to this Order that are received by the Alternate Payee after the death of the Participant.

16. The terms of this Order can only be amended or terminated by subsequent order of this Court.

17. As provided by KRS 16.645, 61.690, and 78.545, the Alternate Payee's right to payment under this Order is conditional on the Participant's right to a monthly retirement benefit payment from KPPA.

18. If the Participant's monthly retirement benefit payment is subject to more than one Order under KRS 16.645, 61.690, and 78.545 the amount paid to the Alternate Payee under this Order may be reduced based on the priority of the other Orders.

19. The Alternate Payee's right to receive a payment under this Order shall terminate upon:

- a. The death of the Participant; or
- b. The death of the Alternate Payee; or
- c. The termination of a benefit paid to the Participant; or
- d. Subsequent Order of the Court terminating the Alternate Payee's rights.

20. Payments under this Order shall commence as provided by KRS 16.645, 61.690, and 78.545.

21. As provided in KRS 16.645, 61.690(4)(a), and 78.545, this Order does not and shall not be construed to require KPPA to take any action not authorized under state or federal law.

22. As provided in KRS 16.645, 61.690(4)(b), and 78.545, this Order does not and shall not be construed to require KPPA to provide any benefit, allowance, or other payment not authorized under state or federal law.

23. As provided in KRS 16.645, 61.690(4)(c), and (d) and 78.545, this Order does not and shall not be construed to grant the Alternate Payee any separate right, title, interest, or to any retirement benefit other than to the payment from the Participant's account provided under this Order.

SO ORDERED this ____ day of _____, 20 ____.

(Clerk's Certification Seal)

Judge _____ Family/Circuit Court, Div. _____

CERTIFICATION OF SERVICE

I, Clerk of the above Court, do hereby certify that an attested copy of the foregoing has been served by mailing same to the following on this ____ day of _____, 20 ____ to:

Name: _____

Name: _____

Address: _____

Address: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Clerk _____ Circuit Court

By: _____ D.C.

HAVE SEEN AND AGREED: (Not Required)

Signature of the Participant

Signature of the Alternate Payee

Signature of Attorney for Participant

Signature of Attorney for Alternate Payee

Printed Name
of Participant: _____

Printed Name
of Alternate Payee: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Phone: _____

Phone: _____

Fax: _____

Fax: _____