



KENTUCKY PUBLIC PENSIONS AUTHORITY

David L. Eager, Executive Director

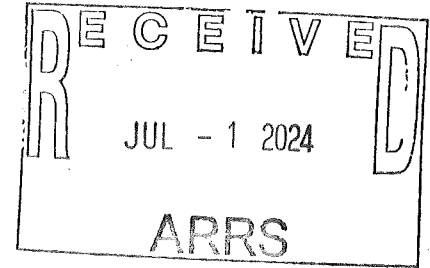
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Kentucky Public
Pensions Authority

July 1, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601



Re: 105 KAR 1:190. Qualified Domestic Relations Orders.

Dear Co-Chairs West and Lewis:

After further consideration of 105 KAR 1:190, the Kentucky Public Pensions Authority determined updates were needed to the Materials Incorporated by Reference. Therefore, KPPA proposes the attached agency amendment to 105 KAR 1:190.

Sincerely,

Jessica Beaubien

Jessica Beaubien, Policy Specialist
Kentucky Public Pensions Authority
1270 Louisville Road
Frankfort, KY 40601

AGENCY AMENDMENT

**FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority**

105 KAR 1:190. Qualified Domestic Relations Orders.

Page 43

Section 24(1)(a)

Line 9

After "Marital Property", ", insert "July".

Delete "March".

Page 43

Section 24(1)(b)

Line 12

After "Marital Property", ", insert "July".

Delete "March".

Page 43

Section 24(1)(c)

Line 13

After "Child Support", ", insert "July".

Delete "March".

Page 43

Section 24(1)(d)

Line 16

After "Administrative Agency", ", insert "July".

Delete "March".

Page 43

Section 24(1)(e)

Line 17

After "Alimony/Maintenance", ", insert "July".

Delete "March".

Changes to Incorporated Material

Form 6434

Page 2

Section 10

Deleted "The cost-of-living adjustment is made in July unless the General Assembly takes action to stop it."

Form 6435

Page 1

Section 4

Updated NOTE to delete "Member Self-Service" and add "Retiree Self-Service"

Section 10

Deleted "The cost-of-living adjustment is made in July unless the General Assembly takes action to stop it."

Form 6436

Page 1

Section 4

Updated NOTE to delete "Member Self-Service" and add "Retiree Self-Service"

Form 6437

Page 1

Section 4

Updated NOTE to delete "Member Self-Service" and add "Retiree Self-Service"

Form 6438

Page 1

Section 4

Updated NOTE to delete "Member Self-Service" and add "Retiree Self-Service"



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

Instructions for Completion

GENERAL INFORMATION

- The printed language on the Form 6434, "Pre-Retirement Qualified Domestic Relations Order for Division of Marital Property" (QDRO) cannot be altered. The QDRO will be rejected by 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.
- The alternate payee will not be eligible for benefits under the QDRO until the participant retires or receives a refund of their accumulated account balance.
- 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 only cover sections that require completion by the Court.

Section 2. The Court must complete all fields.

Section 3. The Court must complete all fields.

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 only the systems affected by the QDRO for marital service.

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 Member 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. There are three payment options for division of the retirement account, the Court must choose one 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. The Court shall designate a specific dollar amount be withheld from each possible payment type.

For example: The Participant's projected basic monthly retirement allowance is \$1,000.00 per month, projected actuarial equivalent refund amount is \$30,000, projected accumulated account balance amount is \$10,000, and projected one-time partial lump-sum payment amount is \$5,000 with an ongoing monthly retirement allowance of \$800. The Court could order:

A. DOLLAR AMOUNT PURSUANT TO 105 KAR 1:190 SECTION 5(4):

If the Participant elects a plan of payment that consists of: (1) a monthly retirement allowance, (2) an actuarial equivalent refund, (3) a refund of his or her accumulated account balance, or (4) a one-time partial lump-sum payment with a reduced monthly retirement allowance, KPPA shall withhold and pay to the Alternate Payee, as appropriate:

\$200.00 per month from the Participant's monthly retirement allowance;

\$10,000.00 from the Participant's actuarial equivalent refund;

\$3,000.00 from the Participant's refund of his or her accumulated account balance;

\$1,000.00 from the Participant's one-time partial lump sum payment and thereafter, \$150.00 per month from the Participant's reduced monthly retirement allowance.

Option B. The second payment option establishes the alternate payee's payment as a percentage based on the marital service, as provided by the Court, which will be calculated at the time of the Participant's retirement or request for a refund of his or her accumulated account balance.

For example: Fred and Sue were married for 162 months. Fred had 60 months of service accrued in CERS prior to marriage. Fred continues to earn service credit after he and Sue divorce.

Kentucky Public Pensions Authority

Form 6434

Revised 09/2024 **7/2024**



This Order is: New Corrected Amended Corrected Amended

COMMONWEALTH OF KENTUCKY

Family/Circuit Court

Division _____

Civil Action No. _____ -CI- _____

Name

PETITIONER

vs.

Name

RESPONDENT

**PRE-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)

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 in full to the KPPA through a single transaction 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. KPPA shall notify the Alternate Payee by U. S. Mail sent to the Alternate Payee's last known mailing address on file with KPPA when the Participant files a Notification of Retirement or an Application for a Refund of his or her accumulated account balance.

14. This Order does not require the Participant to select a particular retirement payment option or terminate his/her membership.

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

16. 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.

17. 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.

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

19. 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 allowance payment, an actuarial equivalent refund, or a refund of his or her accumulated account balance from KPPA.

20. If the Participant's monthly retirement allowance payment, actuarial equivalent refund, or refund of his or her accumulated account balance from KPPA 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.

21. The Alternate Payee's right to receive an amount from the Participant's monthly retirement allowance payment, actuarial equivalent refund, or a refund of his or her accumulated account balance shall terminate upon:

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

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

23. 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.

24. 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.

25. 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 allowance other than to the payment from the Participant's account provided under this Order.



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.

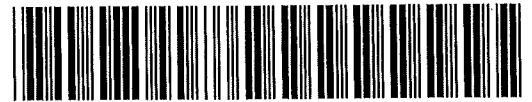
Option A. The first payment option allows the Court to determine a specific dollar amount to be paid to the Alternate Payee from Participant's monthly retirement benefit. For example: The participant receives a monthly retirement allowance of \$2,000.00 per month, the Court could order:

- 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.

Kentucky Public Pensions Authority

Form 6435
Revised 06/2024 **7/2024**



This Order is: New Corrected Amended Corrected Amended

COMMONWEALTH OF KENTUCKY

Family/Circuit Court

Division _____

Civil Action No. _____ -CI- _____

PETITIONER

Name

vs.

RESPONDENT

Name

**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):

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)

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.

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.



KENTUCKY PUBLIC PENSIONS AUTHORITY

1260 Louisville Road • Frankfort, KY 40601
Phone: (502) 696-8800 • Fax: (502) 696-8822 • kyret.ky.gov

Form 6436
Revised ~~03/2024~~
7/2024

Qualified Domestic Relations Order for Child Support

Instructions for Completion

GENERAL INFORMATION

- The printed language on the Form 6436, "Qualified Domestic Relations Order for Child Support" (QDRO) cannot be altered. The QDRO will be rejected by 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).
- Participants are active, inactive, and retired members.
- 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.
- 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 at kyret.ky.gov.
- This form can only be used if the participant is retired and is receiving a monthly retirement benefit.

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.

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 only the systems affected by the QDRO.

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 6. The Court must list the child(ren) for which the child support has been ordered. If there are more than three children, please attach an additional page.

Section 7. The Court shall enter the monthly dollar amount child support payment to be withheld from the Participant's monthly retirement benefit.

Section 8. The Court must decide how the cost-of-living increase provided in KRS 61.691 and 78.5518 is to be divided. The Court may order that all of the cost-of-living adjustment be made to the Participant or that it be divided as provided in KRS 16.645, 61.690(9), and 78.545.

5. **Obligation of Participant and Alternate Payee:** The Participant and the Alternate Payee are ordered to notify the Kentucky Public Pensions Authority (KPPA) in writing of any change in circumstance regarding this Order. 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 necessary information. 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 KPPA of his/her current address.

6. This Court has ordered the Participant to pay child support to support the following child(ren):

Name: _____	Date of Birth: _____
Name: _____	Date of Birth: _____
Name: _____	Date of Birth: _____

7. Pursuant to the laws governing the calculation of child support, KPPA shall withhold \$ _____ per month from the Participant's monthly retirement allowance and pay that amount as child support by check paid to "Kentucky Child Support Enforcement". KPPA is ordered to include the Participant's name and Social Security Number on the payment.

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

All to the Participant.

OR

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

9. Payments under this Order shall continue until the Order is amended or terminated as provided in 105 KAR 1:190.

10. 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.

11. The Participant is ordered to notify KPPA of any event which terminates his or her obligations under this Order as provided in 105 KAR 1:190 Section 18.

12. KPPA shall not be liable to the Participant for payments made to the Alternate Payee after an event which terminates his or her obligations under this Order as provided in 105 KAR 1:190, or for other payments made to the Alternate Payee to which the Alternate Payee was not entitled.

13. 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.

14. The terms of this Order can only be amended or terminated by subsequent order of this Court, or upon meeting one of the requirements provided in 105 KAR 1:190 Section 18.

15. 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.

16. The Alternate Payee's right to receive an amount from the Participant's monthly retirement benefit payment shall terminate upon:

- a. The death of the Participant, the Alternate Payee, or all the children named in this Order; or
- c. The termination of a benefit paid to the Participant; or
- d. Subsequent Order of the Court terminating the Alternate Payee's rights.

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

18. 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.

19. 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.

20. 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.

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: _____



Qualified Domestic Relations Order for Child Support by an Administrative Agency

Instructions for Completion

GENERAL INFORMATION

- The printed language on the Form 6437, "Qualified Domestic Relations Order for Child Support by an Administrative Agency" (QDRO) cannot be altered. The QDRO will be rejected by 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).
- Participants are active, inactive, and retired members.
- 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.
- This form can only be used if the participant is retired and is receiving a monthly retirement benefit.

SECTION BY SECTION INSTRUCTIONS

These instructions will only cover sections that require completion by the Agency.

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

Section 3. The Agency shall enter the Alternate Payee's name.

Section 4. The Agency shall mark all retirement systems to which this order applies. If a Participant has service credit in multiple retirement systems, the Agency should mark only the systems affected by the QDRO.

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 Agency.

Section 6. The Agency shall list the child(ren) for which the child support has been ordered. If there are more than three children, please attach an additional page.

Section 7. The Agency shall enter the monthly dollar amount child support payment to be withheld from the Participant's monthly retirement benefit.

Section 8. The Agency shall decide how the cost-of-living increase provided in KRS 61.691 and 78.5518 is to be divided. The Agency may order that all of the cost-of-living adjustment be made to the Participant's monthly payment or that it be divided as provided in KRS 16.645, 61.690(9), and 78.545.

5. **Obligation of Participant and Alternate Payee:** The Participant and the Alternate Payee are ordered to notify the Kentucky Public Pensions Authority (KPPA) in writing of any change in circumstance regarding this Order. 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 necessary information. 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 KPPA of his/her current address.

6. The Cabinet for Health and Family Services has ordered the Participant to pay child support to support the following child(ren):

Name: _____ Date of Birth: _____

Name: _____ Date of Birth: _____

Name: _____ Date of Birth: _____

7. Pursuant to the laws governing the calculation of child support, KPPA shall withhold \$ _____ per month from the Participant's monthly retirement allowance and pay that amount as child support by check paid to "Kentucky Child Support Enforcement". KPPA is ordered to include the Participant's name and Social Security Number on the payment.

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

All to the Participant.

OR

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

9. Payments under this Order shall continue until the Order is amended or terminated as provided in 105 KAR 1:190.

10. 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.

11. The Participant is ordered to notify KPPA of any event which terminates his or her obligations under this Order as provided in 105 KAR 1:190 Section 18.

12. KPPA shall not be liable to the Participant for payments made to the Alternate Payee after an event which terminates his or her obligations under this Order as provided in 105 KAR 1:190, or for other payments made to the Alternate Payee to which the Alternate Payee was not entitled.

13. 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.

14. 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.

15. The Alternate Payee's right to receive an amount from the Participant's monthly retirement benefit payment shall terminate upon:

- a. The death of the Participant, the Alternate Payee, or all the children named in this Order; or
- b. The termination of a benefit paid to the Participant; or
- c. Subsequent QDRO from the Cabinet for Health and Family Services or Order from a court of competent jurisdiction.

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

17. 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.

18. 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.

19. 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.



Qualified Domestic Relations Order for Payment of Alimony/Maintenance

INSTRUCTIONS FOR COMPLETION

- The printed language on the Form 6438, "Qualified Domestic Relations Order for Payment of Alimony/Maintenance" (QDRO) cannot be altered. The QDRO will be rejected by 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 only the systems affected by the QDRO.

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 6. The Court shall enter the dollar amount or percentage of the Participant's monthly retirement benefit that is to be paid to the Alternate Payee.

Section 7. The Court must decide how the cost-of-living increase provided in KRS 61.691 and 78.5518 is to be divided. The Court may order that all of the cost-of-living adjustment be made to the Participant's monthly payment or that it be divided as provided in KRS 16.645, 61.690(9), and 78.545.

Section 8. The Court must decide how the administrative fee for filing the QDRO is to be paid. The Court may order that the fee be paid entirely by the Participant, entirely by the Alternate Payee, or divided between the parties equally.

NOTE: KPPA can only accept one check or money order for the fee, so the parties will need to determine who will submit payment with the QDRO. The fees are \$50.00 for the original QDRO and \$25.00 for an amended QDRO. **QDROs submitted without a certified check or money order payable to the Kentucky State Treasurer for the full amount owed cannot be reviewed or processed by KPPA.**

5. **Obligation of Participant and Alternate Payee:** The Participant and the Alternate Payee are ordered to notify the Kentucky Public Pensions Authority (KPPA) in writing of a change in the individual's mailing address. KPPA shall not be responsible for any failure of communication or of 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 or her current address and shall not attempt to locate any party who does not inform KPPA of his or her current address.

6. KPPA shall withhold \$ _____ per month from or _____ % of the Participant's monthly retirement benefit and pay that amount to the Alternate Payee as follows: *(Designate only one option.)*

for a time period of _____ months.

OR

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

OR

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

7. 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.

8. 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.

9. 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.

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

11. 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.

12. 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.

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

14. 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.

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

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

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

17. 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.

18. 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.

19. 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.

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: _____