

Sample paragraphs for division of a Minnesota State Retirement System Unclassified Retirement Plan 401(a) account. These paragraphs can be incorporated into a Judgement and Decree. A separate domestic relations order is not required.

A. Identifying Information

- A. The name of the member _____
with a current address of _____
and date of birth _____
- B. The name of the alternate payee is _____
with a current address of _____
and date of birth _____
- C. The parties were married on _____ and the parties have mutually agreed upon _____ as the end date of the marriage for the purpose of calculating the marital ratio.
- D. Both parties agree to notify the Administrator, Minnesota State Retirement System, 60 Empire Drive, Suite 300, St. Paul, MN 55103-3000, of any change of address.

B. Plan affected by the Order

This order applies to the member's Minnesota State Retirement System Unclassified Retirement Plan 401(a) account or corresponding General Plan 401(a) account, if elected by the member.

Note:

If the member has other MSRS retirement plans, the order must address division of those accounts separately.

C. Domestic Relations Order

There is no liquid or readily liquidated marital property sufficient to offset the value of the member's 401(a) retirement account with the Minnesota State Retirement System. Therefore, this order is intended to divide future benefits paid from the account pursuant to Minnesota statutes.

This order is intended to assign benefits payable by MSRS under State and Federal law. Nothing in this order shall require the MSRS to pay any benefit not allowed under law. The assets in the Unclassified Retirement Plan 401(a) account shall be divided as follows:

MSRS shall establish a separate account in the name of alternate payee.

(Use only one of the following)

Option 1

_____% of the value of the Unclassified Plan account as of _____ (date) shall be transferred and deposited into the alternate payee's account.

Option 2

\$_____ of the Unclassified Plan account as of _____ (date) shall be transferred and deposited into the alternate payee's account.

MSRS shall send separate quarterly statements to the member and the alternate payee. The member and the alternate payee may make investment choices to their account as provided by the MSRS Unclassified Plan. The member and the alternate payee may designate a beneficiary(ies) for their account at any time.

Under the terms of the Unclassified Plan, with 10 or more years of service, the member has the option to participate in the MSRS General Plan 401(a). An election to participate in the General Plan may be made up to 30 days after termination and is irrevocable.

Upon the member's termination from state employment, if the member does not choose General Plan coverage, the member and the alternate payee shall have all the rights and options available from MSRS as provided in Minnesota Statutes, section 352D.05, including but limited to, a lifetime annuity or refund of the account balance.

Should the participant elect General Plan coverage, all rights to participate in the Unclassified Plan shall be forfeited by both parties and the separate account established for the alternate payee shall be merged with the member's account.

Upon election of General Plan coverage, the alternate payee or the alternate payee's estate shall receive a portion of any and all future benefit payable. The portion payable to the alternate payee shall be equal to the number of married years that the member was covered by MSRS, divided by the total years of service credit earned (the marital ratio) multiplied by _____% of any annuity, refund, or other benefit payable from the General Plan.

Upon election of General Plan coverage, the member shall elect a 100 percent Joint and Survivor option naming the alternate payee as the survivor for the portion payable to the alternate payee.

Note:

This option provides a reduced lifetime retirement benefit to the alternate payee but does not affect the amount paid to the member. Without this option, the alternate payee's monthly benefit will end upon the member's death. The member shall be free to name another individual as the Joint and Survivor for the portion payable to the member.

D. Minnesota Statutes 518.58, Subdivision 3

If General Plan coverage is elected, the participant is prohibited from applying for a refund of the account. A General Plan refund forfeits the right to a monthly benefit for all parties.

E. Taxes

Each party shall be responsible for any State and Federal income tax on their respective payments, if applicable.

F. Notice and Other Requirements

Please submit a draft order to MSRS for review prior to filing and provide MSRS with the Social Security number of each party.

MSRS shall be furnished with a copy of this order once it has been filed with the court.

Note:

MSRS 401(a) plans are exempt from QDRO and ERISA rules.



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