

Sample paragraphs for division of a Minnesota State Retirement System 401(a) account. These paragraphs can be incorporated into a Judgement and Decree for marital dissolution, or attached as an appendix. A separate domestic relations order is not required.

Identifying Information

- A. The name of the member is _____
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, at 60 Empire Drive, Suite 300, St. Paul, MN
55103-3000, of any change in address.

Plan affected by the Order

This order applies to all of the member's Minnesota State Retirement System 401(a) retirement accounts. (If the member has multiple MSRS 401(a) retirement plans, separate marital ratios will be calculated by MSRS and applied to each plan respectively, unless separate orders are drafted for each plan).

Domestic Relations Order

The court intends this order to assign said benefits under State and Federal law. This order shall not require MSRS to pay a greater total benefit, nor any benefit not allowed under the law.

Minnesota Statutes 518.58, Subdivision 3

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

Assignment of Future Payments using a Marital Ratio

The alternate payee or the alternate payee's estate shall receive from the Minnesota State Retirement System a portion of all future payments from the participant's retirement accounts. The amount payable to the alternate payee shall be _____% of the marital ratio, determined by dividing the number of married years and months that the member was covered by MSRS, by the total years and months of service credit earned, multiplied by all future retirement, disability or survivor benefits or any refund payable.

(Using 50 percent assigns one-half of the marital ratio to each party)

Refund of Account Prohibited

The member is hereby prohibited from applying for a refund of the accumulated contributions. A refund forfeits the right to a monthly benefit for all parties.

Former Spouse as the Joint and Survivor of the Former Spouse's Portion

The alternate payee shall be named as the 100 percent Joint and Survivor of only that 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 death of the participant.

The member shall be free to name another individual as the Joint and Survivor for the portion payable to the participant.

Taxes

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

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.