

Instructions for QILDRO Form

Please follow these instructions for completing the QILDRO form.

Do not alter the form. Doing so will invalidate the QILDRO.

1. Caption:

- Enter court's judicial district and county. (The issuing court must be an Illinois court.)
- Enter the case caption and case number.

2. Section II:

- Enter member's name, mailing address and social security number.
- Enter alternate payee's name, mailing address and social security number.
- Check the box that indicates the relationship of the alternate payee to the Fund member during the course of the QILDRO.

3. Section III: For the alternate payee to receive a portion of a **retirement benefit**, enter either:

- (A)(1), the exact dollar amount; or
- (A)(2), the percentage per month of the marital portion of the retirement benefit (also complete Section IX); or
- (A)(3), the percentage per month of the gross retirement benefit and check one option that applies.

If Section III (A) is left blank, no benefit will be paid to the alternate payee from the member's retirement benefit.

- (B) If the member already receives retirement benefits, check only ONE option to determine when benefits will be payable to the alternate payee.
- (C) Automatically applies if the member does not yet receive retirement benefits.
- (D) Check only one option for when benefits will cease to be paid to the alternate payee.

4. Section IV: Check the appropriate box to indicate whether or not the alternate payee is to receive a proportionate share of the applicable cost of living adjustment increases on the retirement benefit.

5. Section V: For the alternate payee to receive a portion of a **contribution refund**, or **lump-sum retirement benefit**, enter either:

- (A)(1), the exact dollar amount; or
- (A)(2), the percentage of the marital portion of the refund or lump-sum retirement benefit* (also complete Section IX); or
- (A)(3), the percentage of the gross refund or lump-sum retirement benefit.

If Section V is left blank, no benefit will be paid to the alternate payee from the member's refund or lump-sum retirement benefit. If an amount or percentage is entered, the alternate payee will receive the benefit when a refund of contributions or payment of a lump-sum retirement is payable to the member.

** LABF does not pay lump-sum retirement benefits. At retirement or resignation, the member may be eligible for a retirement benefit, depending on the member's age and service. If not yet eligible for an annuity, the member is eligible for a refund of contributions, but may leave contributions with this Fund until eligible for a benefit at a later age or with a reciprocal retirement system.*

6. Section VI: For the alternate payee to receive a portion of a **partial refund of contributions**, enter either:

- (A)(1), the exact dollar amount; or
- (A)(2), the percentage of the marital portion of the partial refund benefit (also complete Section IX); or
- (A)(3), the percentage of the gross partial refund benefit.

If Section VI is left blank, the alternate payee will not receive any portion of the member's partial refund. If an amount or percentage is entered, the alternate payee will receive the benefit when a partial refund of contributions is payable to the member.

7. Section VII: For the alternate payee to receive a portion of a **death benefit****, enter either:

- (A)(1), the exact dollar amount; or
- (A)(2), the percentage of the marital portion of the death benefit (also complete Section IX); or
- (A)(3), the percentage of the gross death benefit.

If Section VII is left blank, no benefit will be paid to the alternate payee from the member's death benefit. If an amount or percentage is entered, the alternate payee will receive the benefit when it becomes payable to the beneficiary of the member.

*** LABF does not pay a death benefit, except to provide a beneficiary a refund of the member's contributions not already received as annuity payments.*

8. Section IX: Marital Portion Benefit Calculation Formula

This section must be filled out only when a percentage option is selected to calculate marital portion benefits in Sections III(A)(2), V(A)(2), VI(A)(2), and VII(A)(2).

- For subsection (1), please check only one box for **each** of "A" "B" and "C". Make sure that the marriage dates are listed where applicable. If nothing is checked, nothing is assumed, and the QILDRO is invalidated in the case of the percentage option.

If "other" is selected in "A" and/or "B" and/or "C", then a supplemental order must be entered with this QILDRO to clarify the intent of the parties or the court as to that item. The supplemental order cannot require the Fund to take any action not permitted under Illinois law or the LABF's administrative rules.

9. Section (XIII): This section must be completed if more than one QILDRO has been entered into the courts for the member and the alternate payee.

10. Signature lines: The QILDRO must be signed and dated by the issuing judge, and signed by the member and the alternate payee.

A \$50.00 processing fee must accompany the QILDRO when it is filed with the Fund.

A certified copy of the court order must be submitted to our office. A certified copy bears the Clerk of Court's seal or stamp certifying the document as a true and correct copy of the original document. A plain or file-stamped copy will be rejected.

(III) The Retirement System shall pay the indicated amounts of the member's retirement benefits to the alternate payee under the following terms and conditions:

(A) The Retirement System shall pay the alternate payee pursuant to one of the following methods (complete the ONE option that applies):

- (1) \$ _____ per month (enter amount); or
- (2) _____% (enter percentage) per month of the marital portion of said benefit with the marital portion defined using the formula in Section IX; or
- (3) _____% (enter percentage) per month of the gross amount of said benefit calculated as of the date the member's alternate payee's (check one) benefit commences (check alternate payee only if the alternate payee will commence benefits after the member commences benefits, e.g. if the member is receiving retirement benefits at the time this Order is entered).

(B) If the member's retirement benefit has already commenced, payments to the alternate payee shall commence either (check/complete the ONE option that applies):

- (1) as soon as administratively possible upon this order being received and accepted by the Retirement System; or
- (2) on the date of _____ (enter any benefit payment date that will occur at least 30 days after the date the Retirement System receives a valid QILDRO, but ONLY if payment to the alternate payee is to be delayed to some future date; otherwise check item (1) above.

(C) If the member's retirement benefit has not yet commenced, payments to the alternate payee shall commence as of the date the member's retirement benefit commences.

(D) Payments to the alternate payee under this Section III shall terminate (check/complete the ONE option that applies):

- (1) upon the death of the member or the death of the alternate payee, whichever is the first to occur; or
- (2) after _____ payments are made to the alternate payee (enter any set number) or upon the death of the member or the death of the alternate payee, whichever is the first to occur.

(IV) If the member's retirement benefits are subject to annual post-retirement increases, the alternate payee's share of said benefits shall shall not (check one) be recalculated or increased annually to include a proportionate share of the applicable annual increases.

(V) The Retirement System shall pay to the alternate payee the indicated amounts of any refund upon termination or any lump-sum retirement benefit that becomes payable to the member, under the following terms and conditions:

(A) The Retirement System shall pay the alternate payee pursuant to one of the following methods (complete the ONE option that applies):

- (1) \$ _____ (enter amount); or
- (2) _____% (enter percentage) of the marital portion of the refund or lump sum retirement benefit, with the marital portion defined using the formula in Section IX; or
- (3) _____% (enter percentage) of the gross amount of the refund or lump sum retirement benefit, calculated when the member's refund or lump sum retirement benefit is paid.

B) The amount payable to an alternate payee under Section V(A)(2) or V(A)(3) shall include any applicable interest that would otherwise be payable to the member under the rules of the Retirement System.

C) The alternate payee's share of the refund or lump sum retirement benefit under this Section V shall be paid when the member's refund or lump sum retirement benefit is paid.

(VI) The Retirement System shall pay to the alternate payee the indicated amounts of any partial refund that becomes payable to the member under the following terms and conditions:

(A) The Retirement System shall pay to the alternate payee pursuant to one of the following methods (complete the ONE option that applies):

- (1) \$ _____ (enter amount); or
- (2) _____% (enter percentage) of the marital portion of the said benefit, with the marital portion defined using the formula in Section IX; or
- (3) _____% (enter percentage) of the gross amount of the benefit calculated when the member's refund is paid.

(B) The amount payable to an alternate payee under Section VI(A)(2) or VI(A)(3) shall include any applicable interest that would otherwise be payable to the member under the rules of the Retirement System.

(C) The alternate payee's share of the refund under this Section VI shall be paid when the member's refund is paid.

(VII) The Retirement System shall pay to the alternate payee the indicated amounts of any death benefits that become payable to the member's death benefit beneficiaries or estate under the following terms and conditions:

(A) To the extent and only to the extent required to effectuate this Section VII, the alternate payee shall be designated as and considered to be a beneficiary of the member at the time of the member's death and shall receive (complete ONE of the following options):

- (1) \$ _____ (enter amount); or
- (2) _____% (enter percentage) of the marital portion of death benefits, with the marital portion defined using the formula in Section IX; or
- (3) _____% (enter percentage) of the gross amount of the death benefits calculated when said benefits become payable.

(B) The amount payable to an alternate payee under Section VII(A)(2) or VII(A)(3) shall include any applicable interest payable to the death benefit beneficiaries under the rules of the Retirement System.

(C) The alternate payee's share of death benefits under this Section VII shall be paid as soon as administratively possible after the member's death.

(VIII) If this Order indicates that the alternate payee is to receive a percentage of any retirement benefit or refund, upon receipt of the information required to be provided by the Retirement System under Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119), the calculations required shall be performed by the member, by the alternate payee, or by their designated representatives or designated experts. The results of the calculations shall be provided to the Retirement System via a QILDRO Calculation Court Order in accordance with Section 1-119 of the Illinois Pension Code.

(IX) Marital Portion Benefit Calculation Formula (Option to calculate benefit in items III(A)(2), V(A)(2), VI(A)(2), and VII (A)(2) above). If in this Section "other" is circled in the definition of A, B, or C, then a supplemental order must be entered simultaneously with this QILDRO clarifying the intent of the parties or the Court as to that item. The supplemental order cannot require the Retirement System to take any action not permitted under Illinois law or the

Retirement System's administrative rules. To the extent that the supplemental order does not conform to Illinois law or administrative rule, it shall not be binding upon the Retirement System.

(1) The amount of the alternate payee's benefit shall be the result of $(A/B) \times C \times D$ where:

"A" equals the number of months of regular regular plus permissive other (check only one) service that the member accumulated in the Retirement System from the date of marriage _____ (enter date MM/DD/YYYY) to the date of divorce _____ (enter date MM/DD/YYYY). This number of months of service shall be calculated as whole months after receipt of information required from the Retirement System pursuant to Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119).

"B" equals the number of months of regular regular plus permissive other (check only one) service that the member accumulated in the Retirement System from the time of initial membership in the Retirement System through the member's effective date of retirement. The number of months of service shall be calculated as whole months after receipt of information required from the Retirement System pursuant to Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119).

"C" equals the gross amount of:

(i) the member's monthly retirement benefit (Section III(A)) calculated as of the member's effective date of retirement, including not including other (check only one) permissive service;

(ii) the member's refund payable upon termination or lump sum retirement benefit that becomes payable, including any payable interest (Section V(A)) calculated as of the time said refund becomes payable to the member;

(iii) the member's partial refund, including any payable interest (Section VI(A)) calculated as of the time said partial refund becomes payable to the member; or

(iv) the death benefit payable to the member's death benefit beneficiaries or estate, including any payable interest (Section VII(A)) calculated as of the time said benefit becomes payable to the member's beneficiaries;

whichever are applicable pursuant to Section III, V, VI, or VII of this Order. These gross amounts shall be provided by the Retirement System pursuant to Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119).

"D" equals the percentage noted in Section III(A)(2), V(A)(2), VI(A)(2), or VII(A)(2), whichever are applicable.

(2) The alternate payee's benefit under this Section IX shall be paid in accordance with all Sections of this Order that apply.

(X) In accordance with subsection (j) of Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119), so long as this QILDRO is in effect, the member may not elect a form of payment of the retirement benefit that has the effect of diminishing the amount of the payment to which the alternate payee is entitled, unless the alternate payee has consented to the election in writing, the consent has been notarized, and the consent has been filed with the Retirement System.

(XI) If the member began participating in the Retirement System before July 1, 1999, this Order shall not take effect unless accompanied by the written consent of the member as required under subsection (m) of Section 1-119 of the Illinois Pension Code (40 ILCS 5/1-119).

(XII) The Court retains jurisdiction over this matter for all of the following purposes:

(1) To establish or maintain this Order as a Qualified Illinois Domestic Relations Order.

(2) To enter amended QILDROs and QILDRO Calculation Court Orders to conform to the parties' Marital Settlement Agreement or Agreement for Legal Separation ("Agreement"), to the parties' Judgment for

Dissolution of Marriage or Judgment for Legal Separation ("Judgment"), to any modifications of the parties' Agreement or Judgment, or to any supplemental orders entered to clarify the parties' Agreement or Judgment.

(3) To enter supplemental orders to clarify the intent of the parties or the Court regarding the benefits allocated herein in accordance with the parties' Agreement or Judgment, with any modifications of the parties' Agreement or Judgment, or with any supplemental orders entered to clarify the parties' Agreement or Judgment. A supplemental order may not require the Retirement System to take any action not permitted under Illinois law or the retirement System's administrative rules. To the extent that the supplemental order does not conform to Illinois law or administrative rule, it shall not be binding upon the Retirement System.

(XIII) If there is a previous QILDRO for the member and alternate payee (check one),

- this QILDRO replaces all previous QILDROs for the member and the alternate payee.
- this QILDRO is in addition to any previous QILDROs for the member and the alternate payee.

Member's signature

Alternate payee's signature

Judge's signature

Date