



ADMINISTRATIVE RULES OF MONTANA

2.43.5111 QUALIFIED DOMESTIC RELATIONS ORDERS – CONTENTS

- (1) A QDRO must contain the following information:
 - (a) the name, current mailing address, date of birth, and social security number of the participant;
 - (b) the name, current mailing address, date of birth, and social security number of the alternate payee;
 - (c) the amount or percentage of the participant's account, distribution, or payments to be paid by the Deferred Compensation (457) Plan to the alternate payee, or a description of how to calculate the amount or percentage;
 - (d) the number of payments or the period of time to which the order applies if the participant is receiving periodic or annuity payments; and
 - (e) if the participant receives lump sum payments in addition to periodic payments, the QDRO must specify a separate proportion or fixed amount to be applied to the lump sum payments. Otherwise the lump sum payments will not be divided.
- (2) A QDRO must meet the following requirements:
 - (a) a QDRO must create or recognize the right of an alternate payee to all or a portion of a participant's account;
 - (b) a QDRO must relate to Title 40, MCA marital property rights, alimony, or child or other dependent support;
 - (c) the specified distribution or payment must be of a type or form permitted under the Deferred Compensation (457) Plan;
 - (d) the specified amount or duration of the payment to the alternate payee may not be greater than that available to the participant under the Deferred Compensation (457) Plan;
 - (e) the alternate payee may not be granted payment of any benefits that have already been awarded to another alternate payee under another order previously determined to be a QDRO; and
 - (f) the QDRO must contain a statement that the QDRO is subject to review and approval by the board.

Implementing statute(s): 19-50-102, MCA

History: NEW, 2002 MAR p. 2185, Eff. 8/16/02; AMD & TRANS, from ARM 2.43.1811, 2008 MAR p. 2467, Eff. 12/1/08.