

TO: The Wisconsin Department of Employee Trust Funds
P.O. Box 7931
Madison, WI 53707-7931

STATE OF: _____
COURT: _____
ADDRESS: _____

<p>In re the marriage of:</p> <p>_____</p> <p style="text-align: center;">and</p> <p style="text-align: right;">Petitioner,</p> <p>_____</p> <p style="text-align: right;">Respondent.</p>	<p>FOREIGN JURISDICTION ORDER TO DIVIDE WISCONSIN RETIREMENT SYSTEM BENEFITS</p> <p>Qualified Domestic Relations Order Wis. Stat. § 40.08 (1m)</p> <p>Case No. _____</p>
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NOTE: DO NOT ALTER THIS FORM. ALTERED FORMS MAY BE REJECTED.

NOTWITHSTANDING ANY CONFLICTING OR CONTRARY PROVISIONS IN THE FINAL JUDGMENT DECREE OR ORDER TERMINATING THIS MARRIAGE, OR IN ANY PRIOR DOMESTIC RELATIONS ORDER, THE COURT FINDS:

A. PARTICIPANT & PARTICIPANT'S EMPLOYER:

The Petitioner Respondent (*Check One*) (hereinafter referred to as the "Participant") is/was employed by _____ (*Employer name*) (hereinafter called the "Participant's Employer"), a participating employer under Wis. Stat. Chapter 40. (*Note: If both the Petitioner and Respondent are participating employees whose WRS benefits are to be divided, use a separate Order for each.*)

B. TERMINATION OF MARRIAGE:

On _____ (*date*), the marriage between the Participant and his/her spouse (hereinafter referred to as the "Alternate Payee"), was terminated by this court under a final judgment, decree or order issued under the domestic relations law of this jurisdiction, namely: _____ [*statutory citation*]. Pursuant to Wis. Stat. § 40.02 (18f), the first day of the month in which the marriage of the above parties was terminated is hereinafter the "decree date."

C. DESCRIPTIONS:

PARTICIPANT	ALTERNATE PAYEE
Name (<i>Last, First, MI</i>)	Name (<i>Last, First, MI</i>)
Social Security Number	Social Security Number
Birthdate (<i>MM/DD/CCYY</i>)	Birthdate (<i>MM/DD/CCYY</i>)
Last Known Mailing Address:	Last Known Mailing Address:

D. PERCENTAGE: The Alternate Payee is awarded _____% (*insert single percentage with no more than two decimal places and not to exceed 50%*) of the value of all parts of the Participant's account as of the decree date. This cannot be a dollar figure.

(More Information on Back)

UPON THE ABOVE FACTS, IT IS HEREBY ORDERED THAT:

1. Hereinafter, the "decree date" shall be the first day of the month in which the marriage of the parties was terminated.
2. Within 30 days of a request by the Department of Employee Trust Funds, and in any event, within 45 days of this Order, the Participant shall certify and prove personal active duty military service or provide an affidavit of no active military service (ET-4322) to the Department of Employee Trust Funds, P. O. Box 7931, Madison, WI 53707-7931, in the form described by the Department. It is strongly recommended that the military affidavit be submitted with the QDRO to ensure prompt and accurate division of the Participant's account and avoid potential delays in benefits for both parties.
3. Within 30 days of receipt of a written request from the Department of Employee Trust Funds or a copy of this Order, the Participant's Employer shall submit to the Department of Employee Trust Funds a report of the earnings, service and contributions of the Participant, in the form specified by the Department. The report shall include all of the Participant's earnings, service and contributions through the day before the decree date that have not previously been reported to the Department.
4. After receipt of the above certification of military service and report of earnings, service and contributions, the Department of Employee Trust Funds shall value the Participant's benefits under the Wisconsin Retirement System as of the decree date and divide those benefits as provided under Wis. Stat. § 40.08 (1m), using the decree date and percentage awarded to the Alternate Payee.
5. Neither the Participant nor Alternate Payee shall have any ownership or control of the benefits distributed to the other as a result of this order and operation of Wis. Stat. § 40.08 (1m).
6. There shall be no division or payment of benefits which are required to be paid to the Internal Revenue Service under a lien placed on the Participant's account under 26 U.S.C. 64.
7. There shall be no benefits paid to the Alternate Payee which are also required to be paid to another alternate payee.
8. There shall be no payment of benefits exceeding in value those benefits to which the Participant is entitled on the decree date.
9. The Department of Employee Trust Funds is not required to:
 - a. Enforce or otherwise monitor the benefits assigned to the Alternate Payee under Wis. Stat. § 40.08 (1m).
 - b. Take any action or make any notifications as part of the exercise of ownership rights granted under Wis. Stat. § 40.08 (1m).
 - c. Enforce or otherwise monitor any beneficiary designation specified in any agreement of the parties or in the judgment, decree or order terminating this marriage.
10. If the aggregate benefits payable to both the Participant and the Alternate Payee would exceed the benefit limits under Section 415(b) of the Internal Revenue Code (IRC), the Department of Employee Trust Funds shall make any necessary adjustments to the Participant's and Alternate Payee's benefits on an equitable pro rata basis to assure compliance with the Internal Revenue Code.
11. This Order is intended to be a Qualified Domestic Relations Order as defined by Wis. Stat. § 40.02 (48m). It supercedes any previous order to divide the Participant's Wisconsin Retirement System benefits issued in connection with the termination of this marriage, including the judgment, decree or order terminating the marriage.

Dated this _____ day of _____, 20_____.

BY THE COURT

Judge's Signature

Print name of Judge

Note: The judge's signature, certification or court stamp must be original or it will be rejected and returned.

DISTRIBUTION OF COPIES: Original to Court file; **Certified** copy to Department of Employee Trust Funds; Copy to Petitioner; Copy to Respondent; Copy to Participant's Employer.