

**HOWARD COUNTY
POLICE AND FIRE EMPLOYEES' RETIREMENT PLAN
PROCEDURE TO DETERMINE THE QUALIFIED STATUS
OF DOMESTIC RELATIONS ORDERS
AND TO ADMINISTER DISTRIBUTIONS
UNDER SUCH ORDERS
("QDRO Procedures")**

1. Upon receipt by the Howard County Police and Fire Employees' Retirement Plan (the "Plan") of any domestic relations order, the Retirement Coordinator shall promptly notify the participant and each alternate payee specified in the order of the receipt of such order.

2. The Retirement Coordinator shall also promptly send a copy of these Procedures to the participant and each alternate payee specified in the order if not sent earlier.

3. The notice referred to in Paragraph 1 above and the procedures referred to in Paragraph 2 above will be sent to the addresses specified in the domestic relations order.

4. The Retirement Coordinator will review and comment upon the projected qualified status of a draft order which has not been signed by the court provided the draft order is signed by counsel for the participant and alternate payee (or by the parties themselves if either is not represented by counsel) acknowledging that the draft order is acceptable in form and content.

5. The County reserves the right to require changes to an order which has previously been reviewed and approved in draft form before approving as qualified an order which has been signed and entered by the court.

6. The County will provide the following information to the alternate payee or his or her representative upon written request:

- a. QDRO Procedures
- b. Sample Qualified Domestic Relations Order
- c. Plan Summary

The Coordinator will not release a copy of the participant's benefit statement or other information pertaining to the participant's employment with the County to the alternate payee.

7. The participant and each alternate payee specified in the domestic relations order may designate a representative to receive copies of notices that are sent to the

participant and to each alternate payee with respect to the domestic relations order. To designate a representative for receipt of copies of notices sent by the Retirement Coordinator, the participant or alternate payee shall send a letter identifying the representative, giving his or her name and address to:

**Retirement Coordinator
Howard County Police and Fire Employees' Retirement Plan
Attn: Office of Human Resources
3430 Courthouse Drive
Ellicott City, Maryland 21043-4300**

8. Upon receipt of a domestic relations order, the Retirement Coordinator will determine whether the order is a "qualified domestic relations order." Generally, an order will be "qualified" if it contains:

- (a) the name, social security number, date of birth and last known mailing address of the participant and alternate payee covered by the order;
- (b) the amount or percentage of the participant's benefits to be paid by the Plan to the alternate payee, or the manner in which such amount or percentage is to be determined;
- (c) the number of payments or period for which payments are to be made; and
- (d) the name of the Plan and Plan Administrator.

An order will not be "qualified," if it:

- (e) requires the Plan to provide a type or form of benefit or benefit option not otherwise provided under the Plan;
- (f) requires the Plan to provide increased benefits;
- (g) requires the payment of benefits to an alternate payee which are required to be paid to another alternate payee;
- (h) provides for payment of benefits to an alternate payee which commence before the commencement of benefit payments to the participant;
- (i) provides for payment of benefits to an alternate payee over a period longer than the lifetime of the participant unless the Alternate Payee is designated by the

Participant as the survivor under the joint and survivor or pop-up optional forms of payment;

(j) allows an alternate payee to designate a beneficiary to receive payments following the death of the alternate payee;

(k) fails to specifically provide that, upon the death of the alternate payee while benefits are in pay status and prior to the death of the participant, the payments being made to the alternate payee will be paid to the participant;

(l) provides for the designation of the alternate payee as the "surviving spouse" for purposes of receipt of all or a portion of any surviving spouse annuity benefit payable upon the participant's death before retirement;

(m) fails to specifically provide that no portion of any death benefit will be paid to the alternate payee upon the death of the participant prior to commencement of benefit payments if a surviving spouse annuity benefit is payable to the then-surviving spouse of the participant;

(n) provides for payment to the Alternate Payee of all or a portion of any payments made to the Participant on account of the Participant's ordinary or non-catastrophic line of duty disability before the date the Participant would have otherwise begun receiving retirement benefits from the Plan, but for the disability;

(o) fails to specifically provide that no portion of any payments made to the Participant on account of the Participant's catastrophic line of duty disability will be paid to the Alternate Payee; and

(p) provides for payment to the Alternate Payee of any portion of amounts that represent contributions to a DROP Account prior to the date the Participant receives payment from the DROP Account.

(q) provides for the payment to an alternate payee of any portion of a surviving spouse benefit payable under Section 1.439A(b)(2).

9. During any period in which the issue of whether a domestic relations order is a qualified domestic relations order is being determined, the Retirement Coordinator shall direct the Trustee to separately account for, and segregate from payment to the participant, the amounts which would have been payable to the alternate payee during such period if the order had been determined to be a qualified domestic relations order.

10. If, within the 18-month period beginning with the date on which the first payment would be required to be made under the domestic relations order, the order (or a modification of the order) is determined to be a qualified domestic relations order, the Retirement Coordinator shall notify the participant and any alternate payee(s) of this determination and shall pay the amounts which have been separately accounted for and segregated from payment under Paragraph 9 to the alternate payee(s).

11. If, within the 18-month period beginning with the date on which the first payment would be required to be made under the domestic relations order, the order (or a modification of the order) is determined not to be a qualified domestic relations order, or the issue as to whether such order is a qualified domestic relations order is not resolved, the Retirement Coordinator shall pay the amounts which have been separately accounted for and segregated from payment under Paragraph 9 to the participant or any other persons who would have been entitled to such amounts if there had been no order.

12. During the time that a draft or final order is under review by the Coordinator, a participant may not receive a Cash Out distribution of his or her Employee Contributions Benefit.

13. If the order is determined to be a qualified domestic relations order, appropriate withholding forms will be sent to the alternate payee(s) at the appropriate time before payments to the alternate payee begin. These forms must be filled out and returned to the Retirement Coordinator before any distributions will be made to the alternate payee.

14. Distributions will be made pursuant to a qualified domestic relations order in accordance with all applicable laws.

15. If the participant elects to transfer service to another governmental retirement plan following the determination that the domestic relations order is qualified, the alternate payee will be advised of the transfer and the identity of the transferee plan.