

## Have you ever been divorced? Don't delay your benefit, send divorce documentation to the Fund as soon as possible

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The amount of your benefit can depend on whether you have ever been divorced (even if you are re-married). Divorce agreements may award a portion of the pension benefit to the ex-spouse or a dependent. In the past, some participants didn't realize that their pension benefit was included in the settlement, so it's important that the Fund reviews the paperwork.

*We strongly recommend that you make sure the Fund has your Divorce Decree, Property Settlement, and any Qualified Domestic Relations Order (QDRO) before you submit your pension application. Without these documents, the application is incomplete and cannot be processed.*

### Get started early

If you have been divorced, we strongly urge you to read this explanation and start the process well before you wish to commence your pension benefit.

- It can be time consuming to locate or obtain copies of divorce documents.
- Each divorce is unique. The process of reviewing documents and calculating the benefit can take some time.
- You and your ex-spouse may have to go to court to obtain a court order dividing the pension benefit before your calculation can be completed.

### Documents the Fund needs if you have ever been divorced

- ✓ Divorce Decree (if a Qualified Domestic Relations Order (QDRO) is not already on file with the Fund)
- ✓ Property Settlement Agreement (if a QDRO is not already on file with the Fund)
- ✓ Qualified Domestic Relations Order (QDRO), if any

If you have been divorced more than once, the Fund needs these documents for **each divorce**, not just the most recent

## Frequently asked questions

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*Why is the Fund asking me for Divorce Decree(s), Property Settlement Agreement(s), and any QDRO(s)?*

Divorce agreements may award a portion of any pension benefit to the ex-spouse (or children or other dependent). This can only be done pursuant to a special kind of document called a Qualified Domestic Relations Order (QDRO).

In order to properly calculate the benefit amount payable to you, the Fund must determine whether a Court order exists that grants a portion of your benefit to someone else. To do that, the Fund needs the Divorce Decree, Property Settlement Agreement, and any QDRO for each divorce as part of the application.

*Is a Divorce Decree and/or Property Settlement Agreement required if the Fund already has a QDRO on file?*

If the Fund has a QDRO on file, these documents will not be required unless there is a subsequent divorce.

*What if an ex-spouse is entitled to a portion of my pension benefit?*

When either the Divorce Decree and/or the Property Settlement Agreement states that a portion of your pension benefit from the Fund should be awarded to your former spouse, and you have not already provided us with a QDRO, you and your former spouse will be asked to send us your QDRO or advise the Fund if one will be sought from the Court.

***You are required to provide contact information for your ex-spouse if the Fund does not have it.***

The parties must advise the Fund whether they are seeking (or already have) a QDRO no later than 45 days from the date of the Fund's request.

- If the parties advise that they are seeking a QDRO, your application will be considered to be incomplete and processing will not resume until the court entered QDRO has been filed with the Fund. ***We recommend that you consult a lawyer and review the Fund's QDRO procedures and model QDROs if you are seeking a QDRO.***
- If the parties do not respond to the Fund's request within 45 days or if they do, but a draft order is not received within a reasonable time after the parties advise they are seeking a QDRO, processing of your application will resume. This could affect your ex-spouse's rights under any QDRO that is entered after your benefits start, and could be contrary to your divorce order.

More information about QDROs and the Fund's procedures are available in the Fund's QDRO Procedures and Pre-Retirement and Post-Retirement Model QDROs. These documents are available on the Fund's website at [afm-epf.org](http://afm-epf.org) in Participants – Policies and Procedures.

## **More questions?**

If you have questions, please call the Fund Office at 1-212-284-1200 and select Option 2 for the Pension Department.