

## **Kent County Deferred Compensation (457) Plan Required Information for Domestic Relations Orders**

The following information is provided for employees who find it necessary to assign a portion of their **Kent County Deferred Compensation Plan** account to a spouse or former spouse or some other alternate payee in accordance with a property settlement; typically due to divorce.

This is not intended to be legal or tax advice and should not be relied upon as such. Instead, this is provided as a guide for the preparation of a Domestic Relations Order to be entered into court and then served upon the plan.

A Domestic Relations Order is a court order made pursuant to state domestic relations law (including community property law), relating to the property rights of an Alternate Payee. Please note that a judgment of divorce is not sufficient; a court-certified copy of a Qualified Domestic Relations Order is required for the plan to take action.

A Qualified Domestic Relations Order must:

- Be directed to the plan, not to the plan provider, Nationwide:  
**Kent County Human Resources Department  
300 Monroe Avenue NW  
Grand Rapids, MI 49503  
ATTN: Retirement Services;**
- Specify the legal Plan name: **Kent County Deferred Compensation Plan**
- Create or recognize the existence of the right of an Alternate Payee to all or a portion of the benefits payable to a Participant under the Plan;
- Clearly specify the names and last known mailing addresses of the Participant and the Alternate Payee. In addition, Dates of birth and Social Security numbers are to be provided on an attachment to the order which will not be filed with the Court.
- Clearly specify the amount or percentage of the Participant's benefits which are to be segregated for the Alternate Payee designating a specific "as of" date for the segregation;
- If applicable, clearly specify whether earnings accrue on the Alternate Payee's benefits from the "as of" date to the actual date of segregation;

- Not provide for any actions to be taken by the Plan which are inconsistent with the Plan document;
- Not provide for any form of payment to the Alternate Payee that is not permitted by the Plan;
- Not require the payment of benefits to an Alternate Payee which is required by a prior domestic relations order to be paid to another Alternate Payee.

In addition, the following information should also be considered:

- Distributions made to an Alternate Payee are reported as taxable income to the Alternate Payee. Taxes will be withheld in accordance with the law.
- The Alternate Payee may not make any contributions to the separate account established for them.
- The Alternate Payee is permitted to designate beneficiary(ies) for his or her account.
- The Alternate Payee has the right to exercise exchanges among the funding options as permitted by the Plan and investment providers.
- The Alternate Payee will receive quarterly statements of his or her account which will be mailed to the address contained in the Order.