

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

4 **By: Representatives K. Wood, M. Wilson and Watts**

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## **For An Act To Be Entitled**

8 "AN ACT TO AUTHORIZE THE CHANCERY COURTS OF ARKANSAS TO  
9 ENTER ORDERS KNOWN AS QUALIFIED DOMESTIC RELATIONS  
10 ORDERS; AND FOR OTHER PURPOSES."

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### **Subtitle**

13 "AN ACT TO AUTHORIZE THE CHANCERY COURTS OF ARKANSAS TO  
14 ENTER ORDERS KNOWN AS QUALIFIED DOMESTIC RELATIONS  
15 ORDERS."

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. As used in this act, unless the context otherwise requires:

20 (1) "Chancery court" means the equity court of each county in the State  
21 of Arkansas created under Arkansas Code § 16-13-301 et seq.;

22 (2) "Domestic relations order" means any judgement, decree, or order,  
23 including approval of a property settlement agreement, which relates to the  
24 provisions for child support, alimony payment, or marital property rights, to  
25 a spouse, former spouse, child or other dependents, of a participant under  
26 Arkansas law;

27 (3) "Qualified domestic relations order" means a domestic relations  
28 order:

29 (A) Which creates or recognizes the existence of an alternate  
30 payees\_ right to, or assigns to an alternate payee the right to, receive all  
31 or a portion of the benefits payable with respect to a participants retirement  
32 plan; and

33 (B) Which clearly specifies, the name and last known mailing  
34 address (if any) of the participant and the name and mailing address of each  
35 alternate payee covered by the order, the amount or percentage of the

1 participant\_s benefits to be paid by the plan to each alternate payee or the  
2 manner in which the amount or percentage is determined, the number of payments  
3 or period of time to which the order applies, and each retirement plan to  
4 which the order applies; and

5 (C) Which does not require the retirement plan to provide any  
6 type or form of benefit, or pay options not otherwise available under the  
7 plan, does not require the plan to provide increased benefits, and does not  
8 require the payment of benefits to an alternate payee which are required to be  
9 paid to another *alternate payee under another* order previously determined to  
10 be a qualified domestic relations order. or

11 (4) "Participant" means any person or member of a retirement plan;

12 (5) "Retirement plan" means *any retirement plan, private or public,*  
13 *including but not limited to:* Arkansas Teacher Retirement System, the Arkansas  
14 State Police Retirement System, the Arkansas State Highway Employees\_  
15 Retirement System, the Arkansas Public Employees' Retirement System, the  
16 Arkansas Judicial Retirement System and other state supported alternate  
17 retirement systems.

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19 SECTION 2. Notwithstanding, Arkansas Code §§ 24-3-212 and 24-7-715 or  
20 any other laws of Arkansas limiting the application of legal process to any  
21 retirement plans, the chancery courts of Arkansas are empowered to enter  
22 qualified domestic relations orders to reach any and all retirement annuities  
23 and benefits of any retirement plan.

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25 SECTION 3. Notwithstanding, Arkansas Code §§ 24-3-212 and 24-7-715 or  
26 any other laws of Arkansas limiting the application of legal process to any  
27 retirement plans, the Arkansas Teacher Retirement System, the Arkansas State  
28 Police Retirement System, the Arkansas State Highway Employees\_ Retirement  
29 System, the Arkansas Public Employees' Retirement System, the Arkansas  
30 Judicial Retirement System and any other state supported retirement system  
31 shall comply with any qualified domestic relations order as defined in this  
32 act. The Boards of Trustees of *the retirement systems* shall promulgate rules  
33 and regulations to implement this act and shall adopt a *uniform legal form, as*  
34 *approved by the Legislative Council,* for use in preparing qualified domestic  
35 relations orders for each retirement plan.

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SECTION 4. All provisions of this act of general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

*/s/K. Wood, et al*

***As Engrossed: 3/16/93 3/26/93***

**HB 1966**

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