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specializing in the administration of 401(k) plans

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HERE'S THE SCOOP ON TREATMENT OF SAME-GENDER SPOUSES UNDER IRS REVENUE RULING 2013-17

NEW GUIDANCE FOR ALL FEDERAL TAX PURPOSES:

On August 29th the Treasury and IRS issued Revenue Ruling 2013-17 to address how same-gender married couples are to be treated for federal tax purposes. Under the ruling, same-gender couples who were legally married in a state, the District of Columbia, a U.S. territory, or a foreign country that recognizes same-gender marriage must be treated as married for all federal tax purposes, which includes qualified retirement plans. The determination of whether a couple is legally married is based on where the marriage took place (i.e. the marriage took place in a state that has legalized same-gender marriage); the married couple's state of residence is immaterial.

Please note that registered domestic partnerships, civil unions, or similar formal relationships recognized under state law are not recognized under this ruling as legally married spouses.

Qualified retirement plans must comply with this ruling effective September 16, 2013.

Although we can only advise on plan issues, this ruling involves all federal tax provisions where marriage is a factor. You can access a copy of the ruling and the FAQs the IRS issued [here](#).

ADDITIONAL GUIDANCE/ACTION PENDING

The IRS intends to issue additional guidance regarding how qualified plans must comply with this ruling and the Windsor decision, to specifically address plan amendments (and timing of any required amendments) and any necessary corrections relating to plan operations for periods before future guidance is issued.

HOW THIS IMPACTS YOUR PLAN NOW:

If your plan document was provided by QPPI, the term "spouse" is not specifically defined, so the document is compliant with this ruling. If you use a different plan document you need to check with that provider to determine whether your plan document will be compliant as of the September 16th effective date of this ruling.

A participant's marital status can impact your plan in several ways including: beneficiary designations (spousal consent is required unless the spouse is sole primary beneficiary), Required Minimum Distribution (age 70 ½) calculations, Qualified Domestic Relations Orders (QDROs), and hardship reasons relating to expenses for a spouse. Please keep this ruling in mind when dealing with these matters.

Please contact QPPI at 630-469-3581 if you have any questions or need additional information.

This article is only intended to provide general information. It does not offer legal or tax advice, or profess to treat all of the issues surrounding any one topic.