

Information for Lawyers

The terms of the QDRO, QILDRO or other retirement order depend upon the terminology drafted in the Marital Settlement Agreement or Judgment of Dissolution of Marriage. In order to determine the best way to divide the benefits, and if the plans can be divided, the terms of the plans should be reviewed prior to settlement. Dorothy is happy to assist attorneys to understand the terms of plans and draft the appropriate language for the marital settlement agreement so there are no surprise issues regarding the division of the retirement benefits after the settlement is completed.

The best time to enter the QDRO, QILDRO or other retirement order is at the prove-up or when the divorce documents are entered. The reason for doing so is to eliminate lingering uncompleted legal issues after the divorce is final. The time to get the order done is when the parties are motivated to get the divorce and associated issues completed and also avoid the problem of buyer's remorse.

Please take note that retirement plans often take 30 – 60 days to approve a QDRO. Therefore, in order to get a pre-approved QDRO ready to enter at the time of the divorce, we need to start the process several months before the divorce is final. A QDRO can also be entered without pre-approval. However, if it is not approved by the plan administrator, it will need to be revised.

In order to assist you and your clients with understanding and dividing retirement benefits, it would be helpful to obtain the statements, benefit estimates, summary plan descriptions, plan documents, and QDRO procedures for each plan. If you have not obtained same in discovery, I can do so; however, there may be an additional fee for doing discovery.

I am willing to work directly with the attorneys or the clients on cases. The attorney or law firm may put me on retainer to review retirement documents and draft documents. The client can also pay me directly.

Dorothy A. Voigt carries malpractice insurance and will guarantee that every order drafted is accepted by the retirement plan. Have your orders drafted by a licensed attorney.