

QDRO NEW REQUEST PACKET



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Trusted experts since 1985

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This document is meant to be a guide to help attorneys know what they must provide to retain our services. As always, we welcome phone calls. We are glad to discuss the specifics of your case and what information we would need from you to get started.

Contents of this packet:

- Checklist detailing what we need and how to submit it;
- Request form; and
- Explanation of our requesting attorney policy.

Retention Overview

To retain our services, you must provide the information detailed in the checklist. We will draft the order in accordance with the terms of the Separation Agreement or Judgment Entry. In the event that any details are not provided in that document, we will require that you provide instruction prior to preparing our draft. If both the decree and the request form are silent regarding assignment directives, we will use our default approaches. We will take instruction only from you as "Requesting Attorney". Once the draft is prepared, we will respond to and discuss the meaning and impact of the provisions with opposing counsel only after verifying that they have received a copy of our draft from you. We will not make any changes to our draft without receiving instruction from you to do so.

Discovery

A standard QDRO request does not include discovery. If you need assistance obtaining the plan participant's benefit information, please visit our website, or call us to discuss your specific case.

Pre-Approval

Our drafting service now includes pre-approval at no additional charge. It typically takes 30-60 days for a Plan Administrator to review a draft QDRO. If you would like to opt out of this service, please check the appropriate box on the request form. You will be given a copy of the QDRO when we send it to the Plan Administrator, and you can have it court-certified at any time, especially if time is a factor. Also, please note that not all Plan Administrators will review a draft QDRO; some will only accept a court-certified copy.

Only attorneys may retain our services. Although our company employs attorneys, we do not represent clients or perform any services for non-lawyers. If you are a party in a divorce and wish to use our services, please have your attorney contact our office.

ATTORNEY CHECKLIST FOR QDRO DRAFTING

1 To retain our QDRO drafting services, you must provide the following:

- ☐ **Request Form:** The QDRO Request Form can be found on the next page of this packet or at our [website](#). If you would like to complete this request online rather than using this downloaded form, visit our [online portal](#).
- ☐ **Instructions:** If you are requesting our office prepare an Order, please provide a copy of the Separation Agreement or Judgement Entry, or in the event that these do not yet exist, instructions on how to divide the benefit in a cover letter or on the request form.
- ☐ **Plan Information:** We require a current Account Statement (for Defined Contribution Plans) or Accrued Benefit Statement (for Defined Benefit Plans). If you do not have any plan information and need us to send discovery, we offer discovery assistance at \$100/plan with a notarized Limited Authorization signed by the Participant.

Prepayment: We require the full \$600 fee before we provide the draft QDRO, but a minimum of \$200 is required to be considered retained. You may send a check by mail or [pay online](#).

Please note, if we do not receive all of the four items listed above (including a minimum \$200 prepayment) within 45 days, we will consider ourselves not to have been retained and will return all original documents to you.

2 Once you gather the information above, submit the request.

Email: admin@qdrogroup.com

Mail: 377B Lear Rd, #286 Avon Lake, OH 44012

3 Once retained, we may also require additional documents. After reviewing your submission, we will advise you if we require any further documentation. In the event that you have any of the following items, please provide them with your initial submission. This may expedite the process.

- Any additional participant-specific plan information (i.e., balances for use in offset, etc.)
- Model QDRO Language
- Written QDRO Procedures
- Summary Plan Description

Once we receive all the information we need, our turnaround time is 5-7 business days.

Once the QDRO is completed, it will be emailed to you.

If you need the Order sooner, we offer expedited services for additional fees.

QDRO REQUEST FORM

A standard request is \$600 and includes: (1) judgment entry review, (2) plan document review, (3) plan verification, (4) a draft QDRO, and (5) pre-approval, if the Plan will review a draft.

Complex plans and discovery require additional fees.

☐ I opt out of free pre-approval. Note: A review of the draft QDRO typically takes 30-60 days.

☐ Send a copy of the final work product to Opposing Counsel

Requesting Attorney Information

Represents: ☐ Plaintiff ☐ Defendant

- Name _____
- Address, City, State, Zip _____
- Phone _____
- Email _____
- Assistant Email _____

Opposing Counsel Information

- Name _____
- Address, City, State, Zip _____
- Phone _____
- Email _____
- Assistant Email _____

Duration of the Marriage

Date of Marriage _____ Date of Divorce _____

In order to expedite the drafting process and to receive the Order within our 5-7 business day turnaround, please (1) complete this form, (2) provide a copy of the divorce decree/settlement agreement language, (3) send prepayment in full, and (4) provide the Participant's account statement/plan information.

Plaintiff Information

- Name _____ Gender: ☐ Male ☐ Female
- Address, City, State, Zip _____
- SSN _____ DOB _____

Plaintiff Plan Information *(Complete only if Plaintiff participates in the Plan)*

- Employer/Company Name _____ Plan Name _____
- Employer Address, City, State, Zip _____
- Phone _____ Contact Person _____
- Recordkeeper/Fund Holder _____ Hire Date _____
- Employment Status: ☐ Active ☐ Terminated on _____ ☐ Retired on _____
- In payout status? ☐ Yes ☐ No

If you are requesting QDROs for more than one plan, please complete the Plan Information section on a separate form and submit that at the same time. Alternatively, you can provide the additional plan details in a cover letter.

Assignment Instructions - Defined Contribution Plan (e. g. 401(k)s, 403(b)s, Profit Sharing, Thrift Plans, Deferred Comp).

Complete this section only if the details are not included in the judgment entry. If both are silent, we will use our defaults.

- Amount (% or \$): _____ Assignment Date: _____ Choose One: ☐ Marital portion ☐ Total account balance
- Include gains/losses: ☐ Yes (default) ☐ No
- Loan Treatment: ☐ Include in total account balance ☐ Exclude from total account balance (default)
- Who pays the QDRO review fee? ☐ Split (default) ☐ Only the Participant ☐ Only the Alternate Payee

Please note that the Alternate Payee's share will be assigned on a pro-rata basis unless otherwise specified.

Assignment Instructions - Defined Benefit Plan (e.g. pensions and retirement plans)

Complete this section only if the details are not included in the judgment entry. If both are silent, we will use our defaults.

Amount: _____ % marital portion _____ % frozen as of the divorce date _____ % total benefit at retirement
_____ \$ per month Other: _____

- Whose life expectancy?* ☐ Alternate Payee (separate interest) (default) ☐ Participant (shared payment)
- Include a qualified pre-retirement survivor annuity (QPSA)? ☐ Yes (default) ☐ No
- Include a qualified post-retirement joint and survivor annuity (QJSA)? ☐ Yes (default) ☐ No (only for shared payment)
- Include early retirement subsidies and supplements? ☐ Yes (default) ☐ No
- Include cost-of-living-adjustments? ☐ Yes (default) ☐ No

**Please note that if the Participant is in payout status, the QDRO MUST use a shared payment approach and the form of benefit elected cannot be altered.*

Defendant Information

- Name _____ Gender: ☐ Male ☐ Female
- Address, City, State, Zip _____
- SSN _____ DOB _____

Defendant Plan Information *(Complete only if Defendant participates in the Plan)*

- Employer/Company Name _____ Plan Name _____
- Employer Address, City, State, Zip _____
- Phone _____ Contact Person _____
- Recordkeeper/Fund Holder _____ Hire Date _____
- Employment Status: ☐ Active ☐ Terminated on _____ ☐ Retired on _____
- In payout status? ☐ Yes ☐ No

If you are requesting QDROs for more than one plan, please complete the Plan Information section on a separate form and submit that at the same time. Alternatively, you can provide the additional plan details in a cover letter.

Assignment Instructions - Defined Contribution Plan (e. g. 401(k)s, 403(b)s, Profit Sharing, Thrift Plans, Deferred Comp).

Complete this section only if the details are not included in the judgment entry. If both are silent, we will use our defaults.

- Amount (% or \$): _____ Assignment Date: _____ Choose One: ☐ Marital portion ☐ Total account balance
- Include gains/losses: ☐ Yes (default) ☐ No
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- Who pays the QDRO review fee? ☐ Split (default) ☐ Only the Participant ☐ Only the Alternate Payee

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Complete this section only if the details are not included in the judgment entry. If both are silent, we will use our defaults.

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- Include early retirement subsidies and supplements? ☐ Yes (default) ☐ No
- Include cost-of-living-adjustments? ☐ Yes (default) ☐ No

**Please note that if the Participant is in payout status, the QDRO MUST use a shared payment approach and the form of benefit elected cannot be altered.*

RETENTION/REQUESTING ATTORNEY POLICY

We can only be retained by attorneys; we do not work directly with divorcing parties or other lay people. This policy sets forth the general framework that we use when working with attorneys.

General

- When we are working on a matter (e.g., a valuation of a retirement benefit, drafting an order to divide a retirement benefit, legal services, etc.), we only consider one attorney to be our client. We refer to our client as the "Requesting Attorney." As you will see, the Requesting Attorney is instrumental in our process. As such, if you are the Requesting Attorney, you will need to be engaged and responsive throughout the process.
- We only have a single Requesting Attorney because it simplifies the process and it helps to avoid conflicts of interest on our end. Both attorneys can, of course, cooperate on the matter. However, we will only treat a single attorney as the Requesting Attorney.
- Unless instructed otherwise, the Requesting Attorney will be:
 - Our main contact person regarding the matter;
 - The party we will take direction from;
 - The party we will contact for any necessary fees or information;
 - The party who will receive our work product; and
 - The only party that we will provide full details of our services.
- Information that we will provide to interested parties who are not the Requesting Attorney (i.e., the plan participant, the alternate payee, and/or opposing counsel):
 - A general outline of the service we are providing and how that service fits into the divorce case.
 - A general update of the matter (e.g., we have received the necessary documents and we are moving forward, we need more information from the plan, the order will be finalized soon, etc.).
 - Unless explicitly told otherwise by the Requesting Attorney, we will **NOT** provide interested parties with specific dates that we received information, the specific dates that we completed any work, or any discussions that have occurred with the Requesting Attorney.
- Documents we will provide to the attorney opposed to the Requesting Attorney ("Opposing Counsel"):
 - Publicly available documents such as executed court orders;
 - A copy of our draft order or some other document we produced—if we are aware Opposing Counsel has already received a copy;
 - Any document that the Requesting Attorney has expressly authorized us to provide to Opposing Counsel, including our final work product;
 - Except as listed above, no other documents.

Retention

- We consider the first attorney who sends us the minimum prepayment for retention (e.g., \$200 for a division order or \$400 for legal services) **AND** submits a completed request form to be the Requesting Attorney for the service sought.
- We may have more than one Requesting Attorney for a single divorce case. For example, the first spouse's attorney may hire us to draft an order dividing that spouse's 401(k) benefit. In that same case, the second spouse's attorney may hire our services to draft an order dividing that spouse's pension benefit. In this example, although the orders are being drafted for the same divorce case, each attorney is the "Requesting Attorney" for the order being drafted for their respective client's retirement benefit.
- For our services, the limitations on Requesting Attorney is as follow:

- Drafting a division order—one Requesting Attorney per **order**.
- Valuation Services—one Requesting Attorney per **spouse**.
- Legal Service—one Requesting Attorney per **case**.

When the Original Requesting Attorney Leaves the Case

- If we received a request to do work by one Requesting Attorney but we close the file without completing any work, we will treat any subsequent request as a new request (i.e., we will not use any information from the original request and the attorney for any party can be the new Requesting Attorney).
- If we completed some work on a case and the Requesting Attorney leaves the divorce case but his/her client has retained a new attorney, the new attorney can take over as the Requesting Attorney for our services.
 - We will need some sort of proof that the new attorney is representing the client of the original Requesting Attorney (e.g., a copy of the substitution of counsel/notice of appearance).
 - In this situation, we will provide the new Requesting Attorney with any reports, orders, or separation agreement language that we have completed. However, without express permission from the former Requesting Attorney, we will not disclose any communications (oral or written) we had with the original Requesting Attorney.
- If the original Requesting Attorney leaves the case and the Opposing Counsel wants to become the Requesting Attorney, we can only make that change if: 1) the original Requesting Attorney gives express consent to the Opposing Counsel becoming the new Requesting Attorney; or 2) the original Requesting Attorney informs us, in writing, that he/she no longer represents the party from the case in question and that party/party's new attorney informs us it is okay to work with Opposing Counsel.
 - Again, we will provide the new Requesting Attorney (the former Opposing Counsel) with any reports, orders, or separation agreement language that we have completed. However, without express permission from the former Requesting Attorney, we will not disclose any communications (oral or written) we had with the original Requesting Attorney.

Completed Work

- If Opposing Counsel asks us questions on any work that we have completed (e.g., orders, valuation reports, etc.), we will explain what the language in the document means and answer general questions. However, unless we have the express permission of the Requesting Attorney, we will not explain the decisions made or communications that led to the use of the language.
- If the Requesting Attorney asks for any changes to be made to an order or other documents, we will make the changes—depending on the changes, there may be an additional fee.
- If the Opposing Counsel requests changes to an order or other document we prepared, we will only make the changes if said changes are required by the court and/or the applicable retirement plan. After we make the changes, unless instructed otherwise, we will send the amended order or other document to both the Requesting Attorney and Opposing Counsel.
- If we need to use numbers from one of our evaluation reports to effectuate the parties' intent in a division order but the Requesting Attorney for the report and the order are different, we must have permission to use the numbers.
 - We will make an exception if the numbers have been incorporated in the final decree/separation agreement.