

QDRO INTRODUCTION

Thank you for your interest in having Dru Horenstein Law Firm draft the court orders necessary for you to receive or transfer an interest in your retirement accounts pursuant to your divorce or legal separation. Please review the attached document QDRO PROCESS before you start completing an intake form.

In order to start working for you, Dru Horenstein Law Firm needs an intake completed for **each retirement** asset being divided. For example if you have a pension and a 401k that needs to be divided, two intakes need to be completed. Email or fax the intakes to Dru Horenstein. You will also need to provide certain retirement documents as requested in the intake form.

One note: If you are dividing military, civil or federal service, railroad, or State or city plans, please contact Dru for an intake specific to the division of those types of assets as they are governed by very different federal and state statutes.

Upon receiving the intakes, Dru will contact you to confirm the amount of work you need and the fees that will be charged. In addition, Dru will ask you to sign a legal services agreement so you fully understand and agree to the scope of services and the cost of the services.

Upon receiving all the necessary information and the fees, Dru will begin drafting your QDRO court orders.

The number one question Dru receives is how long will it take? The drafting of the QDRO, once all the information is provided and the fees are paid, takes about one to two weeks. The final acceptance of the QDRO by the plan administrators takes 60 to 180 days generally and is totally dependent on the plan administrator and their own internal process. This is a long process that we have no control over. All we can do is to work together to make sure all the information is provided in a timely matter so the plan administrator has a draft QDRO to review as soon as possible.

Thank you for choosing our firm to help you.

Dru Horenstein Family Law PLLC

QDRO Process Involves 15 Steps

1. Pursuant to a state action filed for divorce or legal separation, the parties and/or their attorneys research and obtain retirement plan information.
2. Parties come to an agreement regarding the division of the plan between the parties or a judge orders how the plans are to be divided.
3. Based on the agreement or order, the parties/attorneys hire an attorney who specializes in the preparation of a QDRO.
4. Once hired, the attorney needs information regarding the plan, the agreements, as well as personal identification information of the parties.
5. The QDRO is drafted.
6. The QDRO is sent to the parties to review the draft.
7. The draft QDRO is sent to the Plan Administrator for review.
8. The Plan approves the QDRO or rejects the QDRO and asks for changes.
9. If necessary, a revised QDRO draft is sent to the plan.
10. Plan accepts the draft QDRO.
11. QDRO is filed in court and a judge's signature is necessary.
12. A certified copy of the QDRO is sent to the Plan Administrator.
13. The Plan Administrator sends an acceptance letter.
14. The Plan Administrator sends information to the parties.
15. The case is closed.

Average length of time 60 to 180 days primarily because of steps 5-14 and because federal law allows the plans to implement timelines that are reasonable. The plans vary on their interpretation of reasonable.

Common Problems with QDRO orders or what can cause a delay?

1. Incorrect/incomplete information provided to QDRO attorney initially or later during the process
2. Agreements regarding certain pensions and or accounts are contrary to federal law or contrary to the specific plan procedures
3. Delay in response from the Plan Administrator
4. Parties agree to modify the agreement or change the draft QDRO.
5. Family law attorneys and parties response regarding review and acceptance of the QDRO.

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**DOMESTIC RELATIONS ORDER
CLIENT INFORMATION SHEET**

USE THIS INTAKE ONLY IF YOU ARE DIVIDING AN ERISA PENSION OR 401K ACCOUNT. DO NOT USE THIS INTAKE FOR MILITARY OR RAILROAD OR CIVIL/FEDERAL SERVICE OR STATE OR CITY PLANS SUCH AS WASHINGTON STATE PERS OR SEATTLE RETIREMENT PLAN. CONTACT DRU HORENSTEIN DIRECTLY FOR INTAKE SPECIFIC TO THOSE PLANS OR IF YOU ARE UNSURE WHAT TYPE OF PLAN YOU HAVE

**PLEASE COMPLETE THIS INTAKE FOR EACH ORDER , EACH ACCOUNT NECESSARY TO DIVIDE.
PLEASE PROVIDE THE FOLLOWING INFORMATION IN ADDITION TO THIS INTAKE:**

- 1. Divorce or legal separation decree or separation agreement or CR2A agreement**
- 2. Divorce or legal separation petition**
- 3. Summary Plan Description (SPD) or Plan summary obtained from the Plan**
- 4. Qdro procedures from the Plan**

Joint Representation _____ (2 names) DRU hired on behalf of both parties

Sole Representation _____ (1 name) DRU hired on behalf of one party

PETITIONER: (the person who filed for divorce)

Name: _____

Address: _____

Phone number and Email: _____

Social Security Number: _____ DOB: _____

Legal Counsel: _____

RESPONDENT:

Name: _____

Address: _____

Phone number and Email: _____

Social Security Number: _____ DOB: _____

Legal Counsel: _____

Date of Marriage: _____

Date of Separation: _____

Date of Divorce: _____

Retirement Plan Name: _____

ADDITIONAL QUESTIONS: Please answer where applicable

FOR A PENSION PLAN (ERISA, PRIVATE PLAN) DEFINED BENEFIT PLAN

- A. Is the Participant (member of the plan) in Pay status? (ie receiving pension now)
Yes or No or Unknown
- B. If yes, did he or she elect a survivorship benefit at retirement? Yes or No or Unknown

Alternate Payee (the non member of the plan) Interest

- 1. A. Shared interest division: Yes or No or Unknown, if yes, then survivorship benefits, Yes or No, Unknown OR
B. Separate interest division: Yes or No, Unknown
- 2. A. Percentage Yes or No or Unknown OR
B. Fixed amount Yes or No or Unknown
- 2. Early retirement subsidies, Yes or No or Unknown
- 3. Pre-Retirement Protection, Yes or No or Unknown

FOR A DEFINED CONTRIBUTION ACCOUNT, 401K,

- 1. Fixed amount awarded such as \$10,000k ? Yes, or No or Unknown
if known, how much?
- 2. Gains and losses on that amount and if so from which date? Yes or No or Unknown
For example: \$10,000 as of September 1, 2015 and losses and gains on that amount until distributed to the Alternate Payee