

# Understanding the QDRO Process

What QDROExpress does: QDROExpress will prepare the DROs and send them to the attorney(s) of the side(s) who paid QDROExpress. QDROExpress prepares them at the direction of, and in consultation with such attorney(s), whether the payment was made directly to QDROExpress or through the attorney. QDROExpress is not a law firm, and cannot prepare DROs for, or accept money from, unrepresented parties. If QDROExpress receives payment from both sides, QDROExpress must communicate openly with, and share information with, both attorneys. It is imperative that the party on the paying side(s) is represented by counsel until the QDRO process is complete. See “When a client terminates the attorney-client relationship,” below.

The turnaround time goal is two weeks from the time QDROExpress receives: 1) payment, 2) an understanding of the terms of the division, 3) the data about the parties and the plan(s) to be divided. If the plan administrator will review draft DROs for conditional preapproval, QDROExpress will obtain such preapproval, unless QDROExpress management is reasonably certain that the DRO will be approved.

Any revisions or amendments necessary are prepared promptly upon notice of same, at no charge.

What the attorney(s) do: The attorney(s) will obtain the signatures, enter the DRO(s) in court, and send them to the plan administrator. The attorney(s) also issue any necessary subpoenas, negotiate disputed DRO terms, file any necessary motions, and represent clients in court, if necessary. This may take anywhere from one week to several weeks, depending on the agreeability and availability of parties.

What the plan administrator does: The plan administrator is supposed to advise the parties that they have received the DRO, and that they will review it and make a determination as to its acceptability. Once the plan administrator approves the DRO, it is supposed to send another notice to the parties informing them of their rights. Benefits payable to the parties are not sent to QDROExpress. The DRO instructs the plan to make payments directly to the parties. The approval process can take anywhere from a couple of weeks to a couple of months, depending on the plan administrator’s workload.

When a client terminates the attorney-client relationship: Occasionally a party who has paid the DRO preparation fee to their attorney or to QDROExpress will terminate the relationship with their attorney. When this happens, QDROExpress needs to know who the new attorney is as soon as possible. If the client decides to proceed without an attorney, the fee paid for the DRO preparation will be refunded if the DRO has not yet been prepared, as QDROExpress cannot prepare a DRO for, or accept money from, an unrepresented party. If the DRO has been prepared, it has already been sent to the attorney, therefore QDROExpress can revise the DRO, but the new attorney’s information must be part of the revision.

A note about defined benefit pension plan DROs: Different plan administrators can interpret identical DRO provisions in different ways, and *QDROExpress strongly recommends that a letter of interpretation be requested when the court entered DRO is submitted to the plan for final qualification.* The letter should request an interpretation of the DRO, an estimate of the accrued and ancillary benefits payable to the participant and alternate payee, and an explanation of the calculations used to arrive at such estimates. No defined benefit DRO is prepared by QDROExpress without a thorough examination of the summary plan description/plan document and any QDRO materials available from the plan, but requesting this interpretive letter can uncover an unexpected or incorrect DRO interpretation by the plan administrator. Now is the time to uncover such an interpretation, as it may be too late to adequately amend the QDRO if the participant dies, or remarries and commences benefits.

**A copy of this DRO explanation process is promptly sent to the parties and attorneys of the side(s) that paid QDROExpress.**