This is a practical handbook, not an academic treatise. It was written for people who work with Qualified Domestic Relations Orders (QDROs) every day in a “hands-on” capacity—lawyers representing divorce clients, Plan Administrators and their lawyers, state IV-D agencies using QDROs to collect child support, Family Court judges, and the paralegals, administrative assistants, and other support staff who work with them. It is designed to be a “how-to” manual and a cookbook filled with step-by-step recipes, with a practical approach to the subject. We hope you will find it so useful that you will keep it on your desk and so helpful that you will refer to it every day. QDROs are a complex and difficult subject, but they can be explained so that every interested party can understand them and put them to practical use.

Although its title is *The Complete QDRO Handbook*, this book also covers division of military retired pay; federal, state, county, and municipal civil service pensions; non-ERISA plans such as IRAs; and Qualified Medical Child Support Orders.

Who Needs This Handbook?

- **Lawyers in private practice:** This handbook will help you draft domestic relations orders—DROs—and get them accepted as “qualified” by the Plan Administrator so your clients get their fair share of pension benefits. To help you achieve that goal, this handbook will also teach you how to counsel your clients on their rights and keep them satisfied, how to conduct cost-effective
discovery, how and where to obtain the information you need from the pension plan and how to understand it once you get it, how to deal with Plan Administrators, and other tips and techniques for turning QDROs from a headache into a profit center for your law practice.

- **Plan Administrators and their lawyers**: This handbook is designed to help you efficiently and properly deal with QDRO applications so that your company’s employees view your work as a valuable part of their overall employee benefit package, not as a hostile and adversarial encounter with your legal department. To help you achieve that goal, this handbook will also help you draft and administer the written QDRO Procedures required by ERISA for your plan to comply with recent changes in this field.

- **State IV-D agencies**: This handbook is your guide to drafting and implementing QDROs to collect child support from pension plans. Although ERISA specifically provides that QDROs can be used to collect child support, few state IV-D agencies have actually implemented a QDRO program to enhance child support collections. Strategic use of QDROs can increase both the percentage of cases in which child support is collected and the amount collected per case. This handbook teaches you how to restructure your case intake and administration procedures to do that.

- **Family Court judges**: This handbook should give you a better understanding of the technical aspects of QDROs as well as of the goals and needs of all the different parties involved in QDROs—the husbands, wives, children, divorce lawyers, employee benefit plans, Plan Administrators, actuaries, plan lawyers, and IV-D agencies—so that you can help them achieve their goals and wisely resolve their disputes.

- **Paralegals, administrative assistants, and support staff**: You are the frontline troops who gather information from clients or employees, keep the files, draft the correspondence, field the angry phone calls and complaints, and make sure that what is supposed to happen really does. This handbook can help you with all of those important and valuable duties. In this handbook you’ll find the checklists, model clauses, procedures, forms, and other information you need to do your jobs.
How to Use This Handbook

QDROs are a complex and difficult subject. This handbook will help you gain a basic knowledge of all aspects of the substantive law of QDROs and familiarize you with the needs and goals of all organizations involved in them, and with employee benefit plans, divorce lawyers, IV-D agencies, and the judiciary.

Whether you are new to the area or have been dealing with QDROs for many years, we recommend that you do the following.

First, read the entire handbook from cover to cover. If you really must, you can read more rapidly or skim the sections that don’t apply directly to you, but you should have at least a passing familiarity with them. This will help you understand the “big picture”—the substantive law of QDROs, the perspectives of all the different constituencies involved in QDROs, and the practical tips and techniques for qualifying and administering QDROs.

Second, keep this book nearby so that you can consult it as a handy reference when conducting pretrial discovery, drafting and qualifying orders, and considering QDRO litigation.

Throughout this handbook we have used “he” as shorthand for “he or she,” “his” as shorthand for “his or her,” and so on. We have also quite arbitrarily and generally made the “participants” male and the “alternate payees” female. These shortcuts were taken purely for the sake of brevity, convenience, and readability; fortunately, real life is much more complex, varied, and interesting than that.

The last edition of this book was written by Mr. David Clayton Carrad, a long-time practicing Harvard-trained attorney and expert in the field of QDROs. After David passed away, the American Bar Association approached us and asked us to pick up the baton from David and write this, the fourth edition. David left a big pair of shoes to step into. David’s prior editions were well written, comprehensive, and an essential tool for the family law practitioner. In this edition, we have sought to build on the strong foundation laid by David and update based on changes and updates in the law.

We dedicate this handbook to our colleagues at Shewmaker & Shewmaker, LLC, and most specifically our spouses with whom we practice: Steven Shewmaker and Alexa Lewis. Special thanks to the members of the ABA Section of Family Law Publications Development Board for their support in publishing this fourth edition.