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Divorce Financial Counselors and Divorce Financial Analysts

QDRO REQUEST FORM

Please provide the following:

- A completed Form A & Form B
- A copy of the judgement of divorce/MSA.
- A recent statement for the account being divided, which displays the legal plan name.
- The division date, for which the alternate payee's benefit is determined, if not stated in the divorce decree is _____

Form A: Important Information

	Client A	Client B
Full Name		
Social Security Number		
Date of Birth		
Email Address		
Mailing Address		
City		
State		
Zip Code		
Attorney Name		
Attorney Email Address		
Attorney Phone Number		
Please note: In the event that both Client A and Client B opt for self-representation as Pro Se individuals in this QDRO process, their cooperation is required, and they must each submit a Form C, provided at the outset of the engagement.		
Date of Marriage	Date of Divorce	
Case Number	County	
	Attorney for Client A	Attorney for Client B
	Client A	Client B
Who will be filing the QDRO with the Court?		
Who should be copied on all correspondence?		
Who should be billed for our services?		

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Form B: QDRO Information Multiple QDROs? Please complete a form B for each Plan being divided.

Legal Plan Name	
Participant's Employer	
Plan Contact Information (if known)	
Alternate Payee Assignment of Benefits:	% or \$ of the total account balance as of (the division date)
Please identify the Plan type and answer any corresponding questions	
Defined Contribution Plan	Fee \$600
<p>◇ Investment gains/losses attributable to the alternate payee's share of the benefits from the date of valuation to the date of distribution shall be: Included Excluded</p> <p>◇ If there is an outstanding loan balance in the participant's account, the loan balance shall be: Included Excluded as an asset when calculating the alternate payee's awarded share.</p> <p>◇ For Thrift Savings Plans (TSP) ONLY, please select one of the following account options: Civilian Uniformed Services</p>	
Defined Benefit Plan	Fee \$700
<p>◇ Is the participant currently receiving benefits? Yes No</p>	
FERS	Fee \$700
<p>◇ Is the participant currently receiving benefits? Yes No. If the Participant is not currently receiving benefits, we will need the following information to draft the Order:</p> <p><u>A. Cost of Living Adjustment</u> Should COLAs be included? Yes No If the benefit amount is expressed in a flat dollar amount, FERS will not apply a cost-of-living adjustment to the former spouse's benefit. All other types of awards will include a cost-of-living adjustment.</p> <p><u>B. Survivor Benefits</u> Is the Former Spouse awarded Survivor Benefits? Yes No If so, who is responsible for the cost to maintain the Survivor Benefits? Participant Alternate Payee Split equally Please note the MSA must award Survivor Benefits for us to award them in the Order.</p> <p><u>C. Reversion of Former Spouses Benefit</u> If the Former Spouse dies before the Participant, the Former Spouse's share of the benefits shall revert to: The Retiree The estate of the Former Spouse The surviving children of the marriage including any adopted children, in equal shares. Upon the death of any child, that child's share will be distribute amount the other surviving children. If there is no reference to the reversion of the benefit in the MSA, upon the death of the former spouse, FERS will apply the default option of reversion to the Participant</p>	
Military	Fee \$700
<p>◇ Is the Former Spouse awarded Survivor Benefits? Yes No</p> <p>Please note the MSA must award Survivor Benefits for us to award them in the Order. Any election for Survivor Benefits must be made within one year of the date of divorce. DFAS will not honor any Survivor Benefit election made after that deadline. We will need the following information from the Member to draft the Order:</p> <ul style="list-style-type: none"> ◇ If the participant is active duty, we will need a current LES statement, through the date of divorce ◇ If the participant is in the reserves or if a marital portion is needed, we will need a current points history statement, through the date of divorce ◇ If the participant is in pay status, we will not need anything (unless we are awarding a martial portion, then we will need the points history statement) 	
Wisconsin Retirement System (WRS)	Fee \$250

Frequently Asked Questions

Who is the Participant?

The Participant is the account holder for the Plan to be divided.

Who is the Alternate Payee?

The Alternate Payee is the person who will be receiving the funds from the QDRO.

What if my MSA is silent in regard to gains/losses?

Per Taylor v. Taylor, if the MSA is silent and a percentage is awarded, we automatically include gains/losses on the awarded amount. If the MSA is silent and a dollar amount is awarded, we will automatically exclude gains/losses on the awarded amount.

What if my MSA is silent in regard to any outstanding loans?

If the MSA is silent regarding loans, we automatically exclude any outstanding loan balance when drafting the QDRO.

What is a Defined Contribution (DC) Plan?

If your Plan is a 401k, 403b, 457b/deferred compensation plan, 401a, etc., it is a defined contribution Plan.

What is a Defined Benefit (DB) Plan?

A DB is a pension plan.

What if I am still unsure what type of Plan I have?

Please send in the statement you have and we will review and advise accordingly.

What if I have an IRA?

What is an IRA?

An IRA is an Individual Retirement Account. Most people tend to think of an IRA as something that individuals establish on their own, such as a Traditional IRA, ROTH IRA, Rollover IRA and IRA Annuity Contracts. However, there are also three types of IRA's that businesses sponsor: SAR-SEP IRA, SIMPLE IRA, and SEP-IRA.

What makes an IRA different from an employer sponsored Plan like a 401k or pension?

- IRAs are not subject to a division via Qualified Domestic Relations Order under ERISA nor Section 414(p) of the Code but rather subject to §408 of the IRC.
- A former spouse receiving funds from an IRA division is not eligible for a penalty free distribution incident to a domestic relations matter.
- IRA custodians are not required to make any calculations as of a past date. IRA custodians are not required to determine calculations including market fluctuations or extrapolating contributions made after the date of divorce, for example. Unlike a QDRO which requires the date of division be the date of divorce, an IRA is divided as of the date the custodian receives all required paperwork from both parties with instructions on how to divide it.

How do I divide an IRA?

- Detailed information and language will get a typical IRA divided without the need for an additional clarifying court order (DRO). Options for division usually include a dollar amount, percentage, or a division of shares.
- The agreement needs to include a portion of identifying account numbers and if the former spouse does not have a like account established with same custodian, it will be the responsibility of that spouse to open a like account necessary to complete a non-taxable transfer subject to §408 of the IRC. If that spouse has an IRA elsewhere, the custodian may be able to use the existing IRA for transfer.
- The parties can divide an IRA on their own by working directly with the account custodian or local advisor and submitting the necessary forms. Generally, all that is needed is a copy of the Divorce Decree, a Transfer Form, and a New Account Application, if the receiving party does not have an existing like account to receive the transferred funds. Some custodians will also require a Letter Of Instruction (LOI) and Letter of Acceptance (LOA).