

Where to go with questions about a QDRO

A Qualified Domestic Relations Order, or QDRO, is a court order entered pursuant to a divorce or legal separation that divides a retirement or pension plan. Retirement and pension plans are marital assets and subject to equitable division under Massachusetts General Law, Ch. 208, Section 34. The Probate and Family Court often awards the non-employee spouse a percentage of the employee's retirement annuity. The non-employee spouse becomes an alternate payee, and the QDRO is the document that effectuates the transaction.

QDROs apply to employee pension plans that are subject to the Employee Retirement Income Security Act (ERISA). ERISA is the federal law that governs private sector pensions. A comparable order is required to divide federal, state, municipal and county retirement benefits. The QDRO requires the plan administrator to pay a specified amount to the non-employee spouse as part of the division of the couple's assets, and determines who will pay income taxes on any payment. QDROs are also often required to divide 401K, 403B, IRA or SEP benefits, all of which are assets subject to equitable division in divorce cases.

All QDROs need to be drafted specifically in accordance with the terms of the pension plan

being divided. It is standard practice to submit a proposed Qualified Domestic Relations Order to the pension plan administrator for approval before it is submitted to the judge for his or her signature.

Until now, there has not been a law practice on Cape Cod devoted to drafting QDROs. Attorney Cara Harding saw the need, and is developing a practice which will focus exclusively on drafting QDROs. "After twenty-five years in divorce court, I decided it was time to take my practice in a new direction." Because she is giving up the litigation side of her practice, Attorney Harding will be able to prepare a draft QDRO for approval by the plan administrator within thirty days.

Attorney Harding has owned and operated a law practice on Cape Cod since 1994, and was employed as the Domestic Relations Staff Attorney for Piedmont Legal Services in South Carolina from 1992-1993. She received a B.A. from Boston College in 1987, a J.D. from the University of South Carolina in 1991 and a Master's Degree from Harvard University in 2009. Cara can be reached at caraharding@comcast.net or 774-994-0363. Please visit her website at www.qdrolawycararaharding.com

Dunning, Kirrane, McNichols & Garner, LLP is pleased to announce the addition of a new associate attorney, Nicole B. Norkevicius. She concentrates in representing clients in Family law matters in the Probate and Family Courts. <http://www.dunningkirrane.com/>

Attorney Norkevicius is a graduate of Worcester Polytechnic Institute and a Cum Laude graduate of New England School of Law. She is a member of the Massachusetts Bar and has practiced for over 10 years.

