

## **Stanislaus County 457 Deferred Compensation Plan QDRO- Qualified Domestic Relations Order Information**

**What is a Qualified Domestic Relations Order (QDRO)?** - A Qualified Domestic Relations Order (QDRO) is a court order that allows the Stanislaus County Deferred Compensation Plan ("the plan") to legally pay benefits to someone (alternate payee) other than the individual participating in the plan. Without the QDRO, the plan cannot legally make payments to a former spouse. It is the responsibility of the participant, alternate payee and legal counsel for both parties to determine whether an order is a QDRO and provide written direction to "the plan" as to the appropriate division of the assets.

**What is a Joinder?** - A Joinder is a legal document served on "the plan" (Stanislaus County Deferred Compensation Plan) before the QDRO is prepared which notifies the plan that a former spouse is claiming a right to some of the deferred compensation benefits. Once the plan is served, it will NOT make any distributions to anyone until it receives the QDRO. You will file the "Joinder", which "joins" the Stanislaus County Deferred Compensation Plan in your dissolution and puts them on notice that there is an adverse interest in the plan. Stanislaus County requires a Joinder before they will implement the QDRO.

**Why do I need a QDRO?** - Without a QDRO, "the plan" may not be aware of a divorce or a former spouse's right to any of the plan benefits. The plan might pay all benefits to the individual actually participating in the plan, not the former spouse, even if there is already a marital settlement agreement (called an MSA) or judgment of dissolution, because they generally do not meet the requirements of a QDRO. If the individual participating in the plan dies after the divorce but without a QDRO, it is possible that the former spouse will receive no money from the plan. The QDRO can also prevent later lawsuits.

**Why should QDROs be pre-approved by the Plan Administrator before filing with the Court?** - An order is not designated as a QDRO until the Stanislaus County Counsel for the Deferred Compensation Plan approves, even if it is already signed by the judge. This means that in addition to the general legal requirements, "the plan" will require the QDRO to include specific language or provisions. If the plan rejects an order already signed by the court, you will have to file another order with the court and obtain the judge's signature to amend the first one.

**Why should I have the QDRO prepared by a professional?** - A family law attorney or paralegal obtains pre-approval, whenever possible, to avoid multiple court orders and delay. In addition, some courts may require a letter of approval from the Stanislaus County Deferred Compensation Plan before signing the Order. As experts in QDRO law, a family law attorney or paralegal can negotiate changes with the Plan Administrator's Counsel from Model language to accurately incorporate your dissolution agreement into the QDRO.

The Joinder will need to be legally served to the Stanislaus County Deferred Compensation Plan and delivered to the Stanislaus County Counsel Office:

Stanislaus County Counsel  
Attention: Deirdre McGrath  
1010 10<sup>th</sup> Street Suite 6400  
Modesto, CA 95354

Once the QDRO is approved by Stanislaus County Counsel for the Deferred Compensation Plan, it will be sent to the Stanislaus County CEO-Risk Management Division for processing.