

QDRO

Research Guide

Overview

This research guide contains information and resources for a Qualified Domestic Relations Order, or “QDRO.” This is a legal document typically used in divorce proceedings that recognizes the former spouse’s right to certain retirement plan assets of their former spouse. The resources listed below are not exhaustive, and there may be additional applications not included.

Statutes & Codes

Texas Family Code / Texas Legislature
www.statutes.capitol.texas.gov

Tex. Gov’t Code § 804.003

Tex. Admin. Code 34 TAC § 47.4 and 34 TAC § 47.17

Secondary Resources in Print

QDRO's : What You Need Before You Do The Order
KF 532.7 .Q8P4 2000

QDROs : The Division of Pensions through
Qualified Domestic Relations Orders **KF 3510 .U5**
1997

Texas Family Law: Practice and Procedure **KFT**
1294 .F35

- B7.05, Ascertaining Rights of Parties, Dividing Community Property, Implementing Division of Property
- F1.21, Finalizing the Case, Preparing the Final Decree, Dividing Retirement Benefits

- F1.224, Finalizing the Case, Preparing the Final Decree, Order—Texas Qualified Domestic Relations Order
- Task F2 Concluding Client Matters, (multiple)
- Task O2.02, Dividing Property Post-Dissolution, Identifying Types of Divisible Property, Understanding Divisibility of Retirement Benefits

CLE Materials

Advanced Family Law Course KFT 1294.S83

- 2019 Ch. 7: Retirement Division and Orders by Charla H. Bradshaw
- 2019 Ch. 42: Divorce and Taxes – Questions and Answers on How the Tax Cuts and Jobs Act of 2017 Affect Divorce by Edwin W. Davis and Jeremiah W. Doyle IV
- 2018 Ch. 26: Retirement Orders: There’s More to Life Than QDROs by Charla H. Bradshaw

Advanced Family Law Drafting 2010 KFT 1294.A92

- 2010 Ch. 2: Retirement Benefits and Drafting QDROs by Charla Bradshaw Conner
- 2008 Ch. 5: QDROs and Retirement Benefits: Changes and Beyond by William C. Clifton
- 2001 Ch. P: Drafting to Incorporate changes in Military and Federal QDRO’s by James N. Higdon

Online Resources

- Law Office of Philip D. Phillips website: “QDRO Preparation”
<https://www.philliptexaslaw.com/QDRO/QDRO.htm>
- U.S. Department of Labor: QDROs

<https://www.dol.gov/sites/dolgov/files/ebsa/about-ebsa/our-activities/resource-center/publications/qdros.pdf>

- Internal Revenue Service (IRS): QDROs
<https://www.irs.gov/retirement-plans/plan-participant-employee/retirement-topics-qdro-qualified-domestic-relations-order>

Miscellaneous

- Pension Rights Center
<http://www.pensionrights.org/publications/fact-sheet/i%E2%80%99m-getting-divorced-what-qualified-domestic-relations-order-and-why-should->
- Overview of DRO, QDRO, and the process:
<https://www.investopedia.com/terms/d/domestic-relations-order-dro.asp>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)