

The Irving Law Firm

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Divorce & Family Law | Fairfax, Virginia

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Divorce and Retirement Accounts Fairfax VA The Irving Law Firm QDROs Retirement accounts are among the most significant financial assets in many Fairfax County marital estates, and their division in divorce requires court orders that meet specific legal requirements to be effective. The Irving Law Firm handles the division of private sector retirement plans through qualified domestic relations orders (QDROs), government retirement plans through specialized orders, and thrift savings and similar plans through the orders their specific plan administrators require. Understanding the technical requirements for each type of account is essential to ensuring that the division is actually carried out as the court ordered. A QDRO is an order that is entered by the divorce court and submitted to a private sector retirement plan administrator directing the plan to pay a specified portion of the plan participant's benefit to the former spouse as an alternate payee. A QDRO must comply with the Employee Retirement Income Security Act (ERISA) requirements for the type of plan involved, and each plan may have its own additional specifications that must be met before the plan administrator will accept the order. Errors in QDRO drafting can result in rejection, delay, and loss of benefits that were intended to be transferred. For defined contribution plans such as 401(k) accounts, the QDRO specifies a dollar amount or percentage of the account that is assigned to the alternate payee as of a specified date. For defined benefit pension plans, which pay a monthly benefit at retirement, the QDRO must address the formula for calculating the alternate payee's share of the monthly benefit, the survivor benefit election, and any actuarial assumptions relevant to the value being transferred.

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The Irving Law Firm coordinates the drafting and submission of QDROs and equivalent orders for all retirement account types represented in Fairfax County marital estates, working with plan administrators to ensure that the orders are accepted and executed correctly. Call (571) 474-1990 for QDRO and retirement account divorce assistance. The Irving Law [You can find out more](#) Firm, 10505 Judicial Drive, Suite 300, Fairfax, VA 22030.