JusticeXpress Florida
FLORIDA LEGAL DOCUMENT PREPARATION

STEP-BY-STEP GUIDE

Plan Administrator Submission Guide

How to get a Qualified Domestic Relations Order (QDRO) **qualified and approved** by a retirement plan administrator — **before the judge signs.**

2	4	18 mo
APPROVALS REQUIRED	STEPS TO APPROVAL	SEGREGATION WINDOW

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START HERE

Plan approval first, judge's signature second

Most people think the job is done once a judge signs the Qualified Domestic Relations Order. It is not — and getting the signature **first** is the most common and costly mistake. A QDRO pays nothing until the **retirement plan administrator** accepts it and agrees to administer it. The smart sequence is to have the plan **pre-approve a draft before the judge ever signs it.**

THE CONCEPT THAT TRIPS EVERYONE UP

A QDRO needs **two separate approvals** — the **plan administrator's** and the **court's** — and the order matters. First, the plan reviews and accepts an unsigned draft. Next, the court signs the plan-approved order as part of your divorce. Finally, the plan formally "qualifies" the signed order — confirming it follows the plan's rules and federal law. A court-signed order the plan rejects pays out nothing and usually means going back to court for an amended order.

The right sequence at a glance

Stage	Who approves	What they are checking
1. Plan pre-approval	The retirement plan administrator	That your unsigned draft meets the plan's terms and federal law (ERISA / Internal Revenue Code §414(p)), so it will qualify once entered.
2. Court	Family-law judge in your divorce case	That the plan-approved order matches your Marital Settlement Agreement or Final Judgment — then the judge signs and enters it.
3. Plan qualification	The retirement plan administrator	That the certified, court-signed order qualifies — typically the same text it pre-approved. No money moves until it does.

WHY THIS GUIDE EXISTS

Plan administrators reject a large share of orders on the first pass — usually for fixable, technical reasons. The single best way to avoid that is to get the plan's blessing on a **draft** before the judge ever signs. This guide walks you through that, in order.

WHAT JUSTICEXPRESS FLORIDA PREPARES

JusticeXpress Florida prepares QDROs for **defined contribution plans only** — account-balance plans such as **401(k) plans**. We do not prepare orders dividing defined benefit (monthly pension) plans, or the government, federal, military, and IRA accounts described on page 4. Those are covered in this guide for general information only; for them, consult a licensed Florida attorney.

What you will do, in four steps

Step 1 · Identify the plan and obtain its written QDRO procedures and model language.

Step 2 · Submit a **draft** for pre-approval and revise until the plan signals it will accept it.

Step 3 · Have the court sign the **plan-approved** order, then submit a certified copy to the plan.

Step 4 · Track the plan's review, segregation of funds, and final qualification.

STEP 1 OF 4

Identify the plan — and get its rulebook

Every plan administrator has discretion to set the exact form, wording, and procedure for the orders it will accept. Before drafting anything, you must learn that plan's specific rules.

1 Pin down the exact plan name and type

Get the legal plan name from a benefits statement, the Summary Plan Description, or the plan's HR/benefits office — not just the employer's name. Note whether it is a **defined benefit** plan (a monthly pension) or a **defined contribution** plan (a 401(k), 403(b), or similar account balance). The dividing method differs sharply between the two.

2 Find the plan administrator

The administrator is the entity legally responsible for the plan — sometimes the employer, often a third-party record-keeper or a "QDRO consulting" service the plan has hired. The Summary Plan Description lists the administrator's name and address.

3 Request the plan's written QDRO procedures and any model order

Federal law requires covered plans to maintain **written QDRO procedures** and to provide them on request. Ask for both the procedures and any **model or template order**. Using the plan's own preferred language is the fastest route to qualification.

MATCH THE ORDER TO YOUR JUDGMENT

Your QDRO must be **consistent with your Florida Final Judgment of Dissolution of Marriage and your Marital Settlement Agreement.** The QDRO is the instrument that *implements* the retirement division already ordered — it cannot grant more, or less, than the court awarded.

INFORMATION YOU WILL NEED TO COLLECT

Full legal names, dates of birth, and Social Security numbers of both the **participant** (the employee) and the **alternate payee** (the former spouse); current mailing addresses; the plan name and number; the account or pension details; and the **valuation date** and amount or percentage to be assigned.

REFERENCE

Not every retirement account uses a "QDRO"

The term "QDRO" technically applies to private employer plans governed by ERISA. Government, military, federal, and IRA accounts each use a different order, a different reviewer, and different rules. Identify which lane you are in before you draft.

Type of account	Order you submit	Who reviews / approves it
Private employer plan (401(k), pension, 403(b)) — ERISA	Qualified Domestic Relations Order (QDRO)	The plan administrator. Governed by ERISA & IRC §414(p).
Florida Retirement System (FRS)	Income Deduction Order / QDRO meeting FRS rules	FRS Division of Retirement. A governmental plan — **not** subject to ERISA; follows Florida law and its own procedures.
Other state, county, or municipal pension	Order in the form that plan requires	That public plan's administrator, under Florida or local rules.
Federal civilian (FERS / CSRS)	Court Order Acceptable for Processing (COAP)	U.S. Office of Personnel Management (OPM).
Federal Thrift Savings Plan (TSP)	Retirement Benefits Court Order (RBCO)	The TSP record-keeper.
Military retired pay	Military Pension Division Order (under the USFSPA)	Defense Finance and Accounting Service (DFAS).
IRA (traditional or Roth)	**No QDRO.** A "transfer incident to divorce" instruction	The IRA custodian, based on the divorce decree (IRC §408(d)(6)).

TWO RULES WORTH KNOWING EARLY

Military "10/10 rule": DFAS will pay a former spouse directly only when the marriage overlapped at least 10 years of creditable service. **IRAs need no court order to qualify** — but the transfer must be done correctly through the custodian to stay tax-free, so do not simply withdraw funds.

IF YOU HAVE MORE THAN ONE ACCOUNT

Each plan generally needs its **own separate order** in that plan's required format. One document rarely divides several different plans.

WHAT JUSTICEXPRESS FLORIDA PREPARES

JusticeXpress Florida prepares orders only for **defined contribution plans**, such as 401(k) plans. The other account types in this table — and defined benefit pensions — are included for general information only.

STEP 2 OF 4 · THE MOST IMPORTANT STEP

Get a draft pre-approved before the judge signs

This is the step that prevents the most heartache. Most administrators will review a **draft** order and tell you whether they will qualify it — before it is ever entered by the court.

WHY PRE-APPROVAL MATTERS

Fixing wording on a **draft** takes an email. Fixing wording **after** a judge has signed means going back to court for an amended order — more time, more cost, and sometimes a reluctant ex-spouse. Pre-approval turns a multi-month problem into a one-week exchange.

How pre-approval works

1 Send the unsigned draft to the plan

Submit the proposed order to the plan administrator and ask them to review it for qualification and to flag any required changes.

2 Revise to match the plan's requirements

Adopt the plan's preferred language and correct anything they identify. Repeat until the plan confirms the draft would be acceptable.

3 Then — and only then — route it for signatures

Have both parties (or counsel) approve the final form, and submit it to the court for the judge's signature and entry.

DECISIONS THE DRAFT MUST SETTLE

For a **defined contribution** account: the exact dollar amount or percentage, the **valuation date**, and whether the alternate payee shares in **gains and losses** between that date and the transfer. For a **defined benefit** pension: the formula (often a "coverture" fraction), and the treatment of **survivor benefits** and any early-retirement subsidies.

THE LEGAL CHECKLIST

What every QDRO must contain

Federal law (ERISA §206(d)(3) and Internal Revenue Code §414(p)) sets a floor: an order cannot be qualified unless it **clearly specifies** each of the following.

- [ ] **The parties.** The name and last known mailing address of the **participant** (the employee) and of each **alternate payee** (the former spouse or dependent) covered by the order.
- [ ] **The amount.** The dollar amount or percentage of the participant's benefit to be paid to the alternate payee — or the precise **method** for determining it.
- [ ] **The duration.** The number of payments or the period to which the order applies.
- [ ] **The plan.** Each retirement plan to which the order applies, identified clearly.

BEYOND THE FEDERAL MINIMUM

Most plans require **more** than this floor — for example, a specific valuation date, gain/loss treatment, and the plan's own defined terms. This is exactly why you obtain the plan's written procedures and model order in Step 1.

A QDRO CAN DO ONE THING MANY PEOPLE MISS

A properly drafted QDRO **can** treat the former spouse as a **surviving spouse** for survivor-annuity purposes on a pension — protecting the alternate payee if the participant dies. If survivor benefits matter to you, the order must say so explicitly; silence usually means no survivor protection.

Clarity beats cleverness

Administrators read orders literally. Vague phrases such as "an equitable share" or "the marital portion" without a defined formula are a leading cause of rejection. State numbers, dates, and formulas with no room for interpretation.

KNOW THE BOUNDARIES

What a QDRO cannot do

An order will be rejected if it asks the plan for something the law or the plan does not allow. Federal law expressly bars an order from doing any of the following.

A QDRO cannot…	Why
Require a type or form of benefit the plan does not already offer	The order works **within** the plan's existing options — it cannot invent new ones (for example, demanding a lump sum from a plan that pays only annuities).
Require the plan to pay increased benefits (measured by actuarial value)	The order divides an existing benefit; it cannot enlarge what the plan owes.
Assign benefits already promised to another alternate payee under an earlier QDRO	The same dollars cannot be awarded twice; a prior qualified order has priority.

PRACTICAL TRANSLATION

Draft your order to **fit the plan** — using its payment options, its formulas, and its defined terms. The QDRO is a key cut to match an existing lock; it is not a tool to change the lock.

GOVERNMENTAL AND MILITARY PLANS DIFFER

The limits above come from **ERISA**, which governs private employer plans. The Florida Retirement System, other public pensions, and military retired pay are governed by **their own statutes and rules**, which impose different (sometimes stricter) limits. Always work from the specific plan's procedures.

STEP 3 OF 4

Submitting the signed order to the plan

Once the order is pre-approved and the court has entered it, you formally deliver it to the plan administrator for final qualification. Use this checklist.

- [ ] **Certified or "conformed" copy.** Most plans require a copy of the order bearing the court's stamp and the judge's signature — not a draft.
- [ ] **Cover letter.** Identify the participant, the plan name and number, both parties' contact information, and request written confirmation of receipt and of qualification. (A template appears on the next page.)
- [ ] **Trackable delivery.** Send by a method that provides proof of delivery, and keep your receipt.
- [ ] **To the correct address.** Send to the address the plan's QDRO procedures specify — often a record-keeper or QDRO unit, not the employer's front desk.
- [ ] **Request a determination date.** Ask the plan to confirm, in writing, when it received the order and when it expects to complete its review.
- [ ] **Keep both parties informed.** The plan must notify both the participant and the alternate payee of its procedures and its decision; confirm both addresses are current.

PROTECT THE MONEY DURING REVIEW

For account-based plans, ask the administrator to **segregate** (hold separate) the alternate payee's share while the order is under review, so the participant cannot withdraw or roll it over in the meantime.

STEP 4 OF 4

What happens after you submit

The plan now runs its qualification review. Federal law sets the rhythm for ERISA plans; here is what to expect and watch for.

1 Acknowledgment

The plan promptly notifies both parties that it received the order and provides its QDRO procedures.

2 Review within a reasonable period

The administrator determines whether the order qualifies and notifies both parties in writing of the decision.

3 The 18-month segregation window

For amounts that would otherwise be payable during review, the plan separately accounts for the alternate payee's share. If the order is qualified **within 18 months**, those amounts are released to the alternate payee. If it is not qualified in that window, the plan may release them to whoever would have received them absent the order — a strong reason not to let a rejected order sit.

IF QUALIFIED

The plan administers the split: a separate account or interest is established for the alternate payee, or pension payments are divided per the order.

IF REJECTED

The plan states its reasons in writing. Correct the order — usually a wording fix — obtain an amended order if needed, and resubmit promptly.

GOVERNMENTAL, FEDERAL, AND MILITARY TIMELINES VARY

The 18-month rule and "reasonable period" standard are **ERISA** concepts. FRS, OPM, DFAS, and TSP set their own processing timelines — often measured in months. Build patience and follow-up into your plan.

TROUBLESHOOTING

Common rejection reasons — and the fix

Nearly every first-pass rejection falls into one of these categories. Reviewing this list before you submit can save months.

Why orders get rejected	How to avoid it
Wrong or imprecise plan name	Use the exact legal plan name and number from the Summary Plan Description.
Vague award ("equitable share," "marital portion")	State a specific dollar amount, percentage, or defined formula and a valuation date.
No valuation date or gain/loss treatment (DC plans)	Specify the date the share is measured and whether it earns gains/losses until transferred.
Asks for a benefit the plan does not offer	Use only the plan's existing payment forms and options.
Silent on survivor benefits (DB pensions)	State expressly whether the alternate payee is treated as a surviving spouse.
Order conflicts with the Final Judgment	Mirror the Marital Settlement Agreement and Final Judgment exactly.
Missing party data or stale addresses	Include full names, current mailing addresses, and required identifiers.
Submitted a draft instead of a certified copy	Send the court-entered, signed and stamped order.

THE PATTERN BEHIND ALMOST ALL OF THESE

They are **preventable in Step 2**. Pre-approval of a draft against the plan's own procedures catches the great majority of these before a judge signs.

COPY & ADAPT

Submission cover letter template

Adapt the bracketed fields. Send with a certified copy of the entered order to the address in the plan's QDRO procedures.

[Date]

[Plan Administrator / QDRO Unit Name]
[Address line 1]
[City, State ZIP]

Re: Submission of Domestic Relations Order for Qualification
Plan: [Exact Plan Name and Number]
Participant: [Full Name] | SSN on file ending [XXXX]
Alternate Payee: [Full Name]

Dear Plan Administrator:

Enclosed is a certified copy of a domestic relations order entered by the [Court / County], Florida, on [date], in the matter of [case style and number]. I respectfully request that the Plan review this order and determine whether it constitutes a Qualified Domestic Relations Order under the terms of the Plan and applicable law.

Please confirm **in writing**: (1) that you have received this order; (2) the date you expect to complete your determination; and (3) once reviewed, whether the order is qualified. Pending your determination, I request that the alternate payee's share be **segregated** and held in accordance with the Plan's procedures.

Contact information for both parties is below. Please direct all notices to both addresses.

Participant: [name, address, phone, email]
Alternate Payee: [name, address, phone, email]

Thank you for your prompt attention.

Sincerely,
[Signature, printed name, role]
Enclosure: Certified copy of entered order

TIP

If you completed Step 2, add one line: **"This order reflects the draft your office pre-approved on [date]."** It speeds the reviewer's work.

PLAIN-LANGUAGE GLOSSARY

Key terms

Participant	The employee or retiree who earned the retirement benefit.
Alternate payee	The former spouse, child, or other dependent awarded part of the benefit.
Plan administrator	The entity responsible for running the plan and for qualifying orders.
Defined benefit plan	A pension paying a monthly amount based on a formula (salary, years of service).
Defined contribution plan	An account balance such as a 401(k), 403(b), or 457 plan.
Qualification	The plan's formal acceptance of the order as a QDRO.
Coverture fraction	A formula dividing a pension by the share earned during the marriage.
Segregation	Holding the alternate payee's share separately during the plan's review.

How JusticeXpress Florida can help

JusticeXpress Florida offers **free legal information** like this guide alongside **affordable, automated document preparation** for Florida families. Our QDRO preparation service covers **defined contribution plans only**, such as 401(k) plans; we do not prepare orders for defined benefit pensions or for government, federal, military, or IRA accounts. Our role is to help you prepare accurate, complete paperwork — not to give legal advice or represent you. For complex pensions, contested matters, or strategy questions, we will tell you plainly when it is time to consult a licensed Florida attorney, and can point you toward a review option.

IMPORTANT LEGAL NOTICE — PLEASE READ

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JusticeXpress Florida cannot recommend a specific course of action, interpret how the law applies to your situation, or select legal strategies for you. Retirement-division rules vary by plan and by the type of account, and they change over time. Confirm all requirements with the specific plan administrator and the governing law, and consult a licensed Florida attorney for advice about your circumstances.

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