



Dividing Retirement in Divorce

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I. Introduction

A. Importance of Retirement Benefits in Divorce

B. Overview of Applicable Laws

II. Understanding Different Types of Retirement Plans

A. Defined Benefit Plans

- 1. Characteristics
- 2. Division Methods

B. Defined Contribution Plans

- 1. Characteristics
- 2. Division Methods

C. Hybrid Plans

- 1. Characteristics
- 2. Division Methods

III. Legal Framework and Orders for Division

A. Qualified Domestic Relations Order (QDRO)

1. Definition and Purpose

2. Drafting a QDRO

B. State Governmental Plans

1. Texas-Specific Plans

2. Division Methods

C. Federal Plans

1. Federal Employee Retirement System (FERS)

2. Military Retirement

IV. Tax Implications

A. Taxation of Divided Benefits

- 1. Tax Treatment of Distributions
- 2. Impact on Alternate Payee

B. Strategic Considerations

- 1. Lump Sum vs. Annuity
- 2. Early Retirement Options

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A. Information Gathering

- Importance of Comprehensive Data
- Employee Consent and Releases

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B. Avoiding Common Pitfalls

- Freezing Benefits
- Addressing Non-Qualified Plans

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C. Working with Plan Administrators

- Building Effective Relationships
- Addressing Administrator Requirements

VI. Case Law and Precedents

A. Key Texas Cases

- Shanks v. Treadway
- Reiss v. Reiss

B. Impact of Case Law on Practice

- Ensuring Accurate and Specific Orders
- Learning from Case Law Precedents

VII. Drafting and Implementing Effective Orders



A. Checklists and Office Procedures

1. Initial Case Assessment
2. Drafting Phase



B. Common Areas of Failure

1. Misunderstanding Plan Rules
2. Failing to Secure Approval



C. Addressing Post-Divorce Issues

1. Enforcement and Amendments
2. Ongoing Legal Support

VIII. Conclusion

A. Summary of Key Points

B. Final Tips and
Recommendations

C. Q&A Session