

## AFTER DEATH FILING OF A DOMESTIC RELATIONS ORDER

The source of the data presented in this article is the Code of Federal Regulations, updated and revised to June 17, 2020.

### ISSUE

Can a Domestic Relations Order be filed AFTER the death of the participant spouse?

### ANSWER

YES! There is no federal bar to the filing of a Domestic Relations Order after the death of the plan participant. This type of filing was specifically recognized in the Pension Protection Act of 2006.

The key is to file your "posthumous" (after death) QDRO as promptly as possible. Your concern should be to act before the money is distributed to another. Prompt Action does not mean quick filing of posthumous Qualified Domestic Relations Order. Federal Law permits this type of filing even years after the death of your Former Spouse.

Act Quickly.

Your first and most important function is to alert the Plan's Administrator of your claim and of your right to this money, based on Title 29 U.S.C. 1132.

Format of First Claim.

Your claim to the decedent's Plan Assets, will be in the form of a request for a "QDRO Hold" on the money.

GETTING THE "GOLD"

For preparation of your QDRO Hold letter and then the Qualified Domestic Relations Order essential to support your claim to all or a portion of the Decedent's Pension Assets, contact Troyan & Associates, P.A.

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