

# MILITARY COURT ORDER NEW REQUEST PACKET



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*Trusted experts since 1985*

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This document is meant to be a guide to help attorneys know what they must provide to retain our services. As always, we welcome phone calls. We are glad to discuss the specifics of your case and what information we would need from you to get started.

Contents of this packet:

- Checklist detailing what we need and how to submit it;
- Instructions for obtaining military benefit information;
- Request form; and
- Explanation of our requesting attorney policy.

## ***Retention Overview***

To retain our services, you must provide the information detailed in the checklist. We will draft the order in accordance with the terms of the Separation Agreement or Judgment Entry. In the event that any details are not provided in that document, we will require that you provide instruction prior to preparing our draft. We will take instruction only from you as "Requesting Attorney". Once the draft is prepared, we will respond to and discuss the meaning and impact of the provisions with opposing counsel only after verifying that they have received a copy of our draft from you. We will not make any changes to our draft without receiving instruction from you to do so.

## ***National Defense Authorization Act 2017***

The passing of the NDAA 2017 by Congress has redefined the term "disposable retired pay" to mean the accrued benefit as of the date of divorce or date of separation if earlier for all divorces finalized on or after December 23, 2016. As such, a traditional coverture fraction cannot be utilized unless the divorce was finalized after the Member retired or the divorce occurred prior to December 23, 2016. For further information and recommended approaches, please reference our [separation agreement language](#).

Only attorneys may retain our services. Although our company employs attorneys, we do not represent clients or perform any services for non-lawyers. If you are a party in a divorce and wish to use our services, please have your attorney contact our office.

# HOW TO OBTAIN MILITARY INFORMATION

To obtain the information necessary for working with military pensions, the military member must secure all applicable information as outlined below. We believe much of this information can be obtained by the member online at the following link: <https://mypay.dfas.mil/>

## Active/Active Reserves

- Leave and Earnings Statement (LES) for active duty members, an example of a LES can be found at the following link: <https://www.dfas.mil/militarymembers/payentitlements/aboutpay.html>
- Retirement Points History statement (chronological statement of retirement points) for reservists, an example of this statement can be found at the following link: <http://cufon.org/CRG/memo/186584k.html>
- The member's current rank and the date of promotion to that rank
- Whether the member's rank has changed during the three years preceding the date of divorce or separation, and if so, a list of those changes.
- If an officer, has the member been an officer for 10 or more years?
- Whether the member received a Career Status Bonus or not.

## Retired Not Receiving a Benefit

- All information above
- A certificate of release or discharge (DD Form 214)
- Members benefit if already determined by the military

## Retired Receiving a Benefit with NO Disability Component

- A Retiree Account Statement (DFAS-CL Form 7220)
- Retirement Points History Statement (chronological statement of retirement points) for reservists, an example of this statement can be found at the following link: <http://cufon.org/CRG/memo/186584k.html>
- Leave and Earnings Statement (LES) for active duty members, an example of a LES can be found at the following link: <https://www.dfas.mil/militarymembers/payentitlements/aboutpay.html>

## Retired Receiving a Benefit with a Disability Component

- All information as for retired above
- What is the VA disability rating?

# ATTORNEY CHECKLIST FOR MILITARY DRAFTING

## 1 To retain our military drafting services, you must provide the following:

- Request Form:** The Military Request Form can be found on the next page of this packet or at our [website](#). If you would like to complete this request online rather than using this downloaded form, visit our [online portal](#).
- Instructions:** If you are requesting our office to prepare an Order, please provide a copy of the Separation Agreement or Judgement Entry, or in the event that these do not yet exist, instructions on how to divide the benefit in a letter.
- Plan Information:** We require the military member's benefit information. Please see the prior page for the detailed list of specific information needed depending on the member's status as well as guidance for obtaining it.
- Prepayment:** We require the full \$500 fee before we provide the draft Order, but a minimum of \$200 is required to be considered retained. You may send a check by mail or [pay online](#). There is a \$100 discount for each additional Order requested in a case.

*Please note, if we do not receive all of the four items listed above (including a minimum \$200 prepayment) within 45 days, we will consider ourselves not to have been retained and will return all original documents to you.*

## 2 Once you gather the information above, submit the request.

Email: [admin@qdgroup.com](mailto:admin@qdgroup.com)

Mail: 780 East Smith Road, Medina, OH 44256

## 3 Once retained, we may also require additional documents. After reviewing your submission, we will advise you if we require anything further.

Once we receive all the information we need, our turnaround time is 5-7 business days.  
Once the Order is completed, it will be emailed to you.  
If you need the Order sooner, we offer expedited services for additional fees.

# MILITARY ORDER REQUEST FORM

**A standard request is \$500 and includes: (1) judgment entry review, (2) plan document review, and (3) a draft Court Order.**

Complex issues may require additional fees.

Send a copy of the final work product to Opposing Counsel.

## Requesting Attorney Information

Represents:  Member  Former Spouse

- Name \_\_\_\_\_
- Address, City, State, Zip \_\_\_\_\_
- Phone \_\_\_\_\_
- Email \_\_\_\_\_
- Assistant Email \_\_\_\_\_

## Opposing Counsel Information

- Name \_\_\_\_\_
- Address, City, State, Zip \_\_\_\_\_
- Phone \_\_\_\_\_
- Email \_\_\_\_\_
- Assistant Email \_\_\_\_\_

## Duration of the Marriage

• Date of Marriage \_\_\_\_\_ Date of Divorce \_\_\_\_\_ Date of Assignment \_\_\_\_\_

## Former Spouse Information

- Name \_\_\_\_\_ Gender: \_\_\_ Male \_\_\_ Female
- Address, City, State, Zip \_\_\_\_\_
- SSN \_\_\_\_\_ DOB \_\_\_\_\_
- Role \_\_\_ Plaintiff \_\_\_ Defendant

In order to expedite the drafting process and to receive the Order within our 5-7 business day turnaround, please (1) complete this form, (2) provide a copy of the divorce decree/settlement agreement language, (3) send prepayment in full, and (4) provide the Participant's account statement/plan information.

## Military Member Information

- Name \_\_\_\_\_ Gender:  Male  Female
- Address, City, State, Zip \_\_\_\_\_
- SSN \_\_\_\_\_ DOB \_\_\_\_\_
- Role  Plaintiff  Defendant
- Branch \_\_\_\_\_ Rank/Pay Grade \_\_\_\_\_
- Date of Enlistment \_\_\_\_\_ Date of Termination, if applicable \_\_\_\_\_

### Member Status:

- Active Duty: Provide the current Leave and Earnings Statement (LES)
- Reserves: Provide the Retirement Points Statement
- Currently Receiving Monthly Retirement Benefits: Provide the Retiree Account Statement (DFAS-CL Form 7220)

*(The Leave and Earnings Statement, Retirement Points Statement and Retiree Account Statement can usually be obtained at: <https://mypay.dfas.mil/mypay.aspx>)*

10/10 Rule: Did the member earn at least 10 years of service during a 10-year marriage?  Yes  No  
*(If answer is "No", DFAS will not accept "property division" order. Call for details)*

## Assignment Details

*Complete this section only if the details are not included in the judgment entry. If both are silent, we will use our defaults.*

### Amount of Assignment

- \_\_\_\_\_ % of the marital portion
- \$\_\_\_\_\_ from the Military Retired Pay upon retirement
- \_\_\_\_\_ % of the total Military Retired Pay upon retirement (cannot exceed 50%)

*For any other intended assignments, please contact us. Note: If the Participant is receiving a monthly retirement benefit, DFAS will not calculate coverture. We are able to do this calculation and assign an equivalent percentage of the total benefit if you can provide us with certain information. For a member that retired from active duty, we need the date of enlistment and date of retirement, and for a member that retired from the reserves we need a retirement points statement.*

- Include COLA increases?  Yes (default)  No (COLA cannot be included when assigning a dollar amount per month.)
- Survivor Protection (in event of Member's death):
  - Include "Former Spouse Survivor Annuity" Protection for Alternate Payee (default)
  - Do Not Include any Survivor Protection in the Order (Alternate Payee will not receive ANY benefits in the event of the Employee's death.)

# RETENTION/REQUESTING ATTORNEY POLICY

We can only be retained by attorneys; we do not work directly with divorcing parties or other lay people. This policy sets forth the general framework that we use when working with attorneys.

## General

- When we are working on a matter (e.g., a valuation of a retirement benefit, drafting an order to divide a retirement benefit, legal services, etc.), we only consider one attorney to be our client. We refer to our client as the “Requesting Attorney.” As you will see, the Requesting Attorney is instrumental in our process. As such, if you are the Requesting Attorney, you will need to be engaged and responsive throughout the process.
- We only have a single Requesting Attorney because it simplifies the process and it helps to avoid conflicts of interest on our end. Both attorneys can, of course, cooperate on the matter. However, we will only treat a single attorney as the Requesting Attorney.
- Unless instructed otherwise, the Requesting Attorney will be:
  - Our main contact person regarding the matter;
  - The party we will take direction from;
  - The party we will contact for any necessary fees or information;
  - The party who will receive our work product; and
  - The only party that we will provide full details of our services.
- Information that we will provide to interested parties who are not the Requesting Attorney (i.e., the plan participant, the alternate payee, and/or opposing counsel):
  - A general outline of the service we are providing and how that service fits into the divorce case.
  - A general update of the matter (e.g., we have received the necessary documents and we are moving forward, we need more information from the plan, the order will be finalized soon, etc.).
  - Unless explicitly told otherwise by the Requesting Attorney, we will **NOT** provide interested parties with specific dates that we received information, the specific dates that we completed any work, or any discussions that have occurred with the Requesting Attorney.
- Documents we will provide to the attorney opposed to the Requesting Attorney (“Opposing Counsel”):
  - Publicly available documents such as executed court orders;
  - A copy of our draft order or some other document we produced—if we are aware Opposing Counsel has already received a copy;
  - Any document that the Requesting Attorney has expressly authorized us to provide to Opposing Counsel, including our final work product;
  - Except as listed above, no other documents.

## Retention

- We consider the first attorney who sends us the minimum prepayment for retention (e.g., \$200 for a division order or \$400 for legal services) **AND** submits a completed request form to be the Requesting Attorney for the service sought.
- We may have more than one Requesting Attorney for a single divorce case. For example, the first spouse’s attorney may hire us to draft an order dividing that spouse’s 401(k) benefit. In that same case, the second spouse’s attorney may hire our services to draft an order dividing that spouse’s pension benefit. In this example, although the orders are being drafted for the same divorce case, each attorney is the “Requesting Attorney” for the order being drafted for their respective client’s retirement benefit.
- For our services, the limitations on Requesting Attorney is as follow:

- Drafting a division order—one Requesting Attorney per **order**.
- Valuation Services—one Requesting Attorney per **spouse**.
- Legal Service—one Requesting Attorney per **case**.

## When the Original Requesting Attorney Leaves the Case

- If we received a request to do work by one Requesting Attorney but we close the file without completing any work, we will treat any subsequent request as a new request (i.e., we will not use any information from the original request and the attorney for any party can be the new Requesting Attorney).
- If we completed some work on a case and the Requesting Attorney leaves the divorce case but his/her client has retained a new attorney, the new attorney can take over as the Requesting Attorney for our services.
  - We will need some sort of proof that the new attorney is representing the client of the original Requesting Attorney (e.g., a copy of the substitution of counsel/notice of appearance).
  - In this situation, we will provide the new Requesting Attorney with any reports, orders, or separation agreement language that we have completed. However, without express permission from the former Requesting Attorney, we will not disclose any communications (oral or written) we had with the original Requesting Attorney.
- If the original Requesting Attorney leaves the case and the Opposing Counsel wants to become the Requesting Attorney, we can only make that change if: 1) the original Requesting Attorney gives express consent to the Opposing Counsel becoming the new Requesting Attorney; or 2) the original Requesting Attorney informs us, in writing, that he/she no longer represents the party from the case in question and that party/party's new attorney informs us it is okay to work with Opposing Counsel.
  - Again, we will provide the new Requesting Attorney (the former Opposing Counsel) with any reports, orders, or separation agreement language that we have completed. However, without express permission from the former Requesting Attorney, we will not disclose any communications (oral or written) we had with the original Requesting Attorney.

## Completed Work

- If Opposing Counsel asks us questions on any work that we have completed (e.g., orders, valuation reports, etc.), we will explain what the language in the document means and answer general questions. However, unless we have the express permission of the Requesting Attorney, we will not explain the decisions made or communications that led to the use of the language.
- If the Requesting Attorney asks for any changes to be made to an order or other documents, we will make the changes—depending on the changes, there may be an additional fee.
- If the Opposing Counsel requests changes to an order or other document we prepared, we will only make the changes if said changes are required by the court and/or the applicable retirement plan. After we make the changes, unless instructed otherwise, we will send the amended order or other document to both the Requesting Attorney and Opposing Counsel.
- If we need to use numbers from one of our evaluation reports to effectuate the parties' intent in a division order but the Requesting Attorney for the report and the order are different, we must have permission to use the numbers.
  - We will make an exception if the numbers have been incorporated in the final decree/separation agreement.