

Retirement Division Pre-Signing Checklist

10 things to confirm before the settlement agreement is signed, because fixing these after the fact costs 10x more.

■ **Confirm the exact legal name of each retirement plan or account.**

Plan administrators reject orders with incorrect plan names. The name on the pay stub may not match the plan document.

■ **Confirm the plan type: 401(k), 403(b), pension, IRA, TSP, or other.**

The division method, the order type, and the language requirements are different for each. Getting this wrong means starting over.

■ **Specify the valuation date.**

Without a clear date, no one can calculate what is being divided. "Current balance" is not a valuation date.

■ **Specify whether gains and losses apply between the valuation date and transfer.**

If this is left out, the parties will fight about it later. Guaranteed.

■ **Address outstanding plan loans.**

Loans reduce the available balance. The settlement must say whether loans are included or excluded from the division.

■ **Confirm whether tracing is needed before agreeing on a number.**

If the account existed before the marriage, agreeing to a 50/50 split of the total balance may give away money that was never subject to division.

■ **For pensions: confirm shared payment vs. separate interest.**

These are fundamentally different structures with different timing, risk, and survivor benefit implications.

■ **For pensions: address survivor benefits.**

If the employee dies before the former spouse starts receiving payments and the order is silent on survivors, the former spouse may get nothing.

■ **Confirm who pays plan review and processing fees.**

If the settlement doesn't say, the plan decides, and it may deduct from the wrong party's share.

■ **File the QDRO immediately after the divorce is finalized.**

Every month of delay is exposure to loans, withdrawals, rollovers, and market changes.

TOVA handles pre-settlement language review, forensic tracing, pension valuations, and QDRO drafting, end to end.

Start your case and get your questions answered at tovaretirement.com