

Local Rule 702

D. Qualified Domestic Retirement Order (QDRO) or other Retirement Plan Order

1. The requirements of Family Code section 2610 must be met.
2. The correct name of the employee benefit plan must be listed. If the qualified domestic relations order or other retirement plan order amends the name set forth in a judgment, it will be accepted as an amendment to the judgment.
3. Preparation of a qualified domestic relations order or other retirement plan order.
 - a. A person who is appointed by stipulation of the parties to act as a referee under Code of Civil Procedure section 638 may prepare and submit a qualified domestic relations order or other retirement plan order;
 - b. Either party or a party's attorney may prepare and submit the order;
 - c. A limited scope attorney may prepare and submit such an order.
4. An order may be submitted to the court for signature by a judicial officer and filing only if it fulfills one of the following requirements:
 - a. It is signed by both parties;
 - b. It is signed by the referee appointed by stipulation of the parties under Code of Civil Procedure section 638;
 - c. It is signed only by one party and a copy is served by mail with a statement under oath of the manner in which the mailing address of the other party was obtained, or is personally served upon the other party together with a proof of service.
 - i. The proof of service must include a notice that the responding party has 30 days from the date of mailing or personal service to file an objection with the clerk of the court and serve a copy on the other party.
 - ii. If an objection is not timely filed and served then the order shall be submitted by the clerk to a judicial officer for signature and filing.
5. Pursuant to Code of Civil Procedure section 1010.6, documents filed by parties who are represented by counsel ("Represented Parties") in ~~all~~ family law actions must be filed electronically unless the Court excuses them from doing so. For purposes of this rule, the Court requires all QDROs ~~qualified domestic retirement orders~~ or other retirement plan orders filed by Represented Parties to be electronically filed as follows:
 - a. All requirements of Local Rule 700.7 must be met.
 - b. An order must be submitted with a separate Statement of Compliance, QDRO/Other Retirement Plan (Family Law) (OCSC Local Form L-0750). A party, attorney of record, limited scope attorney, and/or person who is appointed by stipulation of the parties to act as a referee under Code of Civil Procedure section 638 must sign the Statement of

Compliance, QDRO/Other Retirement Plan (Family Law) (OCSC Local Form L-0750) under penalty of perjury or it must be filed by order of the Court.

Rule 702 revised effective January 1, 2024; revised effective July 1, 2018; revised effective July 1, 2013; Adopted effective July 1, 1984; revised effective January 1, 1987; revised effective July 1, 1994; revised effective January 1, 2007; revised effective July 1, 2011.