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Sent: Saturday, May 05, 2007 11:12 AM

To: EBSA, E-ORI - EBSA

Subject: Child Support QDROs

My name is Nancy Bennett Bunn, and my law practice is limited to the division of retirement benefits incidental to divorce or legal separation.

I note others have commented, and I join those comments, that there is a need to clarify that the attainment of majority of the participant's children will not preclude a QDRO from collecting child support arrearages.

Because Section 414(p) defines an alternate payee as a "spouse, former spouse, child or other dependent" of the participant, it has been assumed by many plan administrators that the child must be a minor child and thus dependent on the participant. However, neither a spouse nor former spouse need be a "dependent". (Many seek a property division QDRO.)

It should be made clear that support for a minor child can be collected through a QDRO after the child has attained majority. There is obviously a problem that is easy to fix. And, considering the responses, it is a widespread problem.

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