

To: Legal Service Providers  
From: State Bar of Michigan, Pro Bono Initiative and the Michigan Litigation Assistance Partnership Program (MI LAPP)  
Date Reissued: March 18, 2009  
Re: Qualified Domestic Relations Order (QDRO) Referral Process

**EXECUTIVE SUMMARY:** The MI LAPP program of the State Bar of Michigan (SBM) currently administers a QDRO referral process that provides domestic relations order (DRO) drafting assistance to Legal Service Providers. MI LAPP strives to make this process as smooth as possible keeping the interest of your client in mind. The term “Legal Service Provider” (LSP) refers to the referring agency while the term “Drafter” refers to the volunteer who with pension and financial expertise will draft the proposed DRO. SBM staff currently administers this program and aids in the referral of DRO drafting assignments to Drafters. SBM staff will attempt to make non-emergency referrals within seven business days and emergency referrals within two business days. MI LAPP expects the Drafter to complete drafting responsibilities for an emergency DRO within 30 days of the date of acceptance of the referral and within 90 days of the date of acceptance of a non-emergency DRO.

**MISSION:** MI LAPP actively refers the responsibility of drafting proposed DROs to volunteers for the benefit of low-income clients throughout the state of Michigan. The goals of this program are: (1) to provide a critical service to low-income persons in the divorce process; (2) to prevent divorced and dependent persons from being unnecessarily impoverished due to a divorce; (3) to effectively utilize the skills of pension and financial specialists to further facilitate legal services to the poor; and (4) to expand the resources available to legal services providers by providing volunteer assistance in a critical and specialized legal and financial area related to divorce actions.

**GUIDING PRINCIPLES:** MI LAPP was created to meet the needs of low-income clients and to attract willing volunteers to assist them. Your clients’ needs are at the heart of our efforts. SBM staff appreciates the time donated by volunteer Drafters and strives to reduce the administrative work for volunteers, making it as simple as possible to participate in this referral program. Volunteers are valued and thanked regularly. Legal services programs are considered key business partners and are consulted regularly to ensure program quality. MI LAPP embraces an attitude of continual quality improvement.

**QDRO REFERRAL POLICY:** In general, DRO drafting assignments referred by participating LSPs are assigned to Drafters. A Drafter prepares a proposed DRO for review and final approval of the LSP or pro bono attorney. The LSP or pro bono attorney who utilizes the QDRO referral process remains responsible for providing legal services regarding QDROs accepted for referral. If SBM staff or the Drafter determines that a QDRO referral is not appropriate, the referral may be declined (with an explanation of the rationale to the referring agency). If there are questions about a specific denial, they will (at the request of SBM staff, the LSP or the pro bono lawyer) be discussed by the QDRO Administrative Group.

**EMERGENCY AND NON-EMERGENCY REFERRALS:** MI LAPP and SBM staff recognizes that some DRO drafting assignments will be referred on an emergency basis. These are situations where there appears to be current eligibility for pension benefits and where the income from those benefits is critical to the client. These cases will be given priority.

**GEOGRAPHIC AREA SERVED:** This is a statewide program.

**ROLE OF THE DRAFTER:** The volunteer Drafter will prepare the proposed DRO for review and final approval of the LSP, and will not appear in the divorce action.

**ROLE OF LSP:** MI LAPP expects the divorce action will be an accepted case by the LSP (either directly or through a member of a local pro bono panel) and that the LSP will appear as counsel of record in the divorce action. The LSP will continue to provide all legal services regarding the QDRO, including but not limited to, ensuring that the QDRO is consistent with the terms agreed to by its client and/or the Judgment of Divorce, submitting the finalized DRO to the Plan Administrator for approval, and obtaining entry of the approved QDRO with the court.

**REFERRAL COMPLETION TIMEFRAMES:** Emergency referrals should be completed within 30 days. Non-emergency referrals should be completed within 90 days.