

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

In re the Marriage of Richard V. Green)	No. ED94417
and Sigrid V. Green)	Appeal from the Circuit Court
)	of the St. Louis County
RICHARD V. GREEN, Petitioner/Appellant,)	Honorable John R. Essner
v.)	Date: May 3, 2011
SIGRID V. GREEN, Respondent/Respondent.)	

Husband appeals from a judgment entered by the trial court granting wife's motion for entry of a "fourth amended qualified domestic relations order" for the distribution of the marital portion of one of husband's pension accounts. This judgment modified the original dissolution judgment with respect to the division of the marital portion of the pension account and entered a fourth amended qualified domestic relations order (QDRO IV) that modified the original QDRO (QDRO I), which had been approved as "qualified." The plan administrator determined that QDRO IV was not a "qualified" order.

REVERSED AND REMANDED WITH DIRECTIONS.

Division Two Holds:

1. The legislature allows orders "intended to be" QDROs to be modified in two limited situations: 1) "for the purpose of establishing or maintaining the order as a qualified domestic relations order" or 2) "to revise or conform its terms so as to effectuate the expressed intent of the order." Section 425.330.5 RSMo (2000).
2. There is nothing in the statute that authorizes a court to replace a qualified domestic relations order with a domestic relations order that has not been qualified.
3. When a QDRO has been given "qualified" status and there is no evidence that the qualified QDRO is in jeopardy of losing its "qualified" status, a court cannot enter an amended QDRO "for the purpose of establishing or maintaining the order as a qualified domestic relations order."
4. A court has the authority to amend a qualified QDRO with another qualified QDRO if the original, qualified QDRO does not effectuate the express interest of the order. But it does not have the authority under the second exception of section 425.330.5 to amend a qualified QDRO with an unqualified QDRO that does not effectuate the express intent of the order.

Opinion by: Kathianne Knaup Crane, J.
Glenn A. Norton, P.J. and George W. Draper III, J., concur.

Attorney for Appellant: Denise Watson-Wesley Coleman

Respondent Acting *Pro Se*

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