



## Court Holds that Welfare Plan QDROs are Not Preempted by ERISA

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The trial court in *Metro. Life Insurance Company v. Hanson*, 2009 WL 3268640 (D.N.H. 2009), held that a qualified domestic relations order (QDRO), which awarded benefits under an ERISA welfare benefit plan to the participant's children, was enforceable with respect to a welfare benefit plan. The insurer brought an action in federal court asking the court to determine whether the participant's surviving spouse should receive the benefits as awarded under a QDRO or whether the participant's wife should receive benefits under the beneficiary designation in effect at the time of the participant's death.

QDROs are usually used to assign to an alternate payee certain benefits earned by the participant under a qualified pension plan. In this case, the surviving spouse argued that the QDRO rules are not enforceable with respect to a welfare benefit plan. The trial court disagreed, reasoning that the QDRO rules are not limited to pension plans. The trial court stated that the "overwhelming weight of authority" supported applying the QDRO rules to welfare benefit plans and cited cases from several other federal circuits in support of its decision.