

SUMMARY STATEMENT

Kesting v. Kesting, Docket No. 42875

The Idaho Supreme Court upheld the decision of a magistrate judge, who issued a Judgment of Qualified Domestic Relations Order or QDRO, that was based on a spousal support agreement that was not incorporated into a divorce decree. The Court held that where a judgment for spousal support arrearages is based on a contract between spouses who are divorcing, the judgment can support the issuance of a QDRO, allowing the aggrieved spouse to collect the judgment from the defaulting party's pension fund, even though that fund would ordinarily be exempt from collection proceedings.