

STATE OF HAWAII
EMPLOYEES' RETIREMENT SYSTEM
City Financial Tower
201 Merchant Street, Suite 1400
Honolulu, Hawaii 96813-2980
Website: ers.ehawaii.gov

July 1, 2020

HAWAII DOMESTIC RELATIONS ORDERS

Guide for ERS Members, Former Members, Retirants, Spouses, and Former Spouses

BACKGROUND

The Hawaii Domestic Relations Orders or HiDRO law, Hawaii Revised Statutes §88-93.5 Distribution of property in a divorce action, effective July 1, 2020, allows the Employees' Retirement System (ERS) to make direct payments of all or part of an ERS retirement benefit to an alternate payee (spouse or former spouse). The HiDRO is a domestic relations order that has been entered or domesticated by a Hawaii court, and qualified by the ERS.

The information provided here is to help interested parties understand a HiDRO. It does not cover all the laws and procedures applicable to the HiDRO. General information about the ERS plan and options for members, former members, and retirants is available at the ERS website (<http://ers.ehawaii.gov>).

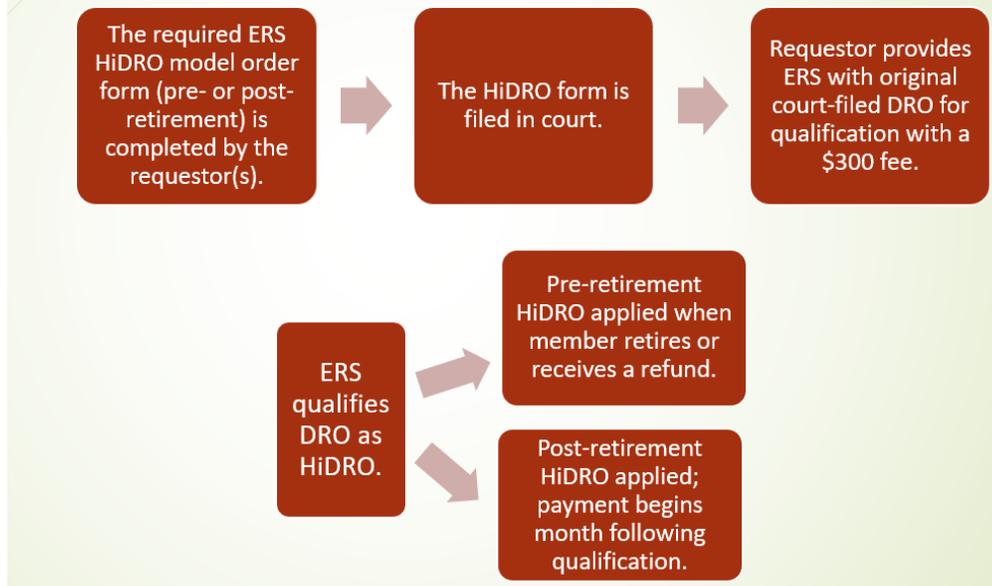
While the ERS can provide information about the benefits plan and procedures, it cannot provide legal advice. The information provided here should not be relied on as a determination of any legal issues under state law. You should consult an attorney to protect your interest in ERS benefits and determine your statutory rights under state law.

ABOUT HiDRO

A HiDRO can be applied to the ERS retirement benefits of a member, former member with vested status, or retirant (also known as the retiree). A HiDRO can be qualified by the ERS before retirement (pre-retirement) or after retirement (post-retirement). All HiDRO-related payments are subject to the ERS plan rules and regulations.

The ERS provides required model forms for pre- and post-retirement HiDROs. (See the flow chart on the next page.) The form must be completed by the requesting party or parties. The form must then be entered by a court. In Hawaii, it would be entered in Family Court; if entered by a foreign court, it must also be domesticated by a Hawaii court. A certified copy of the HiDRO model form (and domestication order, if applicable) may then be submitted to ERS for qualification as a HiDRO. A HiDRO can only be applied after it is qualified by the ERS. A Complaint for Divorce or Divorce Decree cannot be used as a HiDRO.

HiDRO qualification steps



Pre- and Post-Retirement HiDRO Model Forms

Both HiDRO model forms identify the member and the alternate payee (spouse or former spouse) and their mailing addresses. It also identifies the amount or percentage of a benefit to be paid to the alternate payee, or the manner in which the percentage is to be determined. A non-refundable fee of \$300 is required each time a HiDRO is submitted to the ERS for qualification.

A pre-retirement HiDRO model form (Form ERS-300) may be used if the ERS member is an active member or a former member with vested status who has not retired or has not withdrawn contributions. A qualified pre-retirement HiDRO will be applied at the time retirement benefits are eligible to be paid to the member. The pre-retirement HiDRO can be applied to a monthly pension and/or a refund if a member chooses a refund retirement option (Contributory and Hybrid plans only). It can also be applied to a refund of a member's accumulated contributions and/or hypothetical account balances prior to retirement (Contributory and Hybrid plans only). Active members are not allowed to withdraw from their accumulated contributions and/or hypothetical account balances. The ERS will not accept a pre-retirement HiDRO model form for qualification on or after the member or former member's retirement date.

A post-retirement HiDRO model form (Form ERS-301) may be used if the member is or has ever retired. It can be submitted anytime during the retirement. It can only be applied to a monthly pension and is not retroactive prior to the qualification. Payments are applied for the month after ERS qualifies the HiDRO. A post-retirement HiDRO model form will not be accepted before a member is retired.

It is important to know that HiDRO becomes void when the member, former member with vested status, retirant, or alternate payee dies. The HiDRO also does not allow for the election of a retirement option or the designation of a beneficiary, or the payment of a lump sum when a lump sum is not otherwise available to a member or retirant.

Review of Proposed HiDRO Model Forms

The ERS will not qualify as a HiDRO, any HiDRO model form prior to its entry by a court. However, the ERS permits the review of a “proposed” HiDRO model form, prior to being entered by a court, to determine if it would meet the requirements of a HiDRO. The fee for review of a “proposed” HiDRO model form is \$300 (non-refundable) with each submission. A determination that a “proposed” HiDRO model form meets the requirements of a HiDRO, is meant to save parties the potential time and cost associated with having to obtain multiple court orders, is not a qualification that it is a HiDRO or will be a HiDRO once entered by a court, and is not meant to replace the qualification process. To be qualified as a HiDRO, the “proposed” HiDRO model form will need to be entered by a court, and then submitted to the ERS for qualification with another \$300 fee for qualification.

Review of Court-Entered HiDRO Model Forms

A HiDRO model form that has been entered by a court will be reviewed for qualification by the ERS to determine if it meets the requirements of HiDRO. If it is qualified as a HiDRO, it will be applicable at the time retirement benefits are eligible to be paid to the member. If it is not qualified as a HiDRO, it will be returned with an explanation of the requirements that it doesn't meet.

Request for Information

Prior to completing a HiDRO model form, either of the parties in a divorce action can make a request for a member, former member with vested status or retirant's ERS retirement benefits-related information by submitting an ERS Request for Information form (Form ERS-303). A certified copy of the Complaint for Divorce or Divorce Decree is required if the requestor is not the member, former member or retirant. (See HRS 88-93.5). The ERS will not release any beneficiary information except to the member or retirant. The ERS will research and provide the information available at the time of the request and mail the information to the requestor. The information does not include any projected future benefits. The member, former member with vested status, or retirant will be notified when a request of information is made from a spouse or ex-spouse.

ERS Retirement Plan

The ERS provides a lifetime pension to members who meet retirement requirements. ERS members are required to be enrolled in a plan based on their occupation. The plans are Contributory, Noncontributory and Hybrid, but details of the plan vary depending on the member's occupation and the employee's start date. To learn more about the plans, go to

<http://ers.ehawaii.gov>. The basic calculation for a benefit, also known as the maximum allowance, is based on a formula using the years of service, the average highest-three or highest-five years of eligible compensation, and a benefit factor (percentage) based on the plan of the member. Some of the options available for retirement also take into consideration the age of the member and beneficiary, and the contributions. The ERS will not determine or project a monthly pension until the member is retired and their pension is finalized, or in the case of a refund before retirement, until the member's accumulated contributions and/or hypothetical account balances is finalized.

Payment to the Alternate Payee – Pre-retirement HiDRO

When the alternate payee is eligible to receive a payment, he or she will be notified by the ERS, and provided with the information and forms required to receive payment. For a pre-retirement HiDRO, eligibility to receive payment occurs when a member or former member with vested benefit status retires or receives a refund of accumulated contributions and/or hypothetical account balances.

The alternate payee's payment from a monthly retirement pension would be effective at the same time as the retirant. If the required forms are not received in time from the alternate payee, the initial payments will be held, including any option refunds. After a reasonable period of delay, however, the ERS will determine the retirant's due payments accordingly.

If a member or former member with vested status receives a refund of accumulated contributions and/or hypothetical account balances prior to retiring, the payment to the alternate payee would be available at the same time. The former member will no longer be eligible for a retirement benefit. The HiDRO cannot be applied to any refund already disbursed by the ERS.

For more information on ERS's retirement plans, go to <http://ers.ehawaii.gov>.

Payment to the Alternate Payee – Post-retirement HiDRO

When a HiDRO is qualified after the member or former member with vested status retires, and the alternate payee is eligible to receive a payment, he or she will be notified by the ERS, with the information and forms needed to receive payment. Payments will begin the month after ERS qualifies the HiDRO and receives the required forms for payment.

Estimated Initial Payment and Finalization of Benefits

It is important to note that initial payment of benefits is based on an estimated amount and adjusted after the pension or refund is reviewed and finalized by the ERS. Any adjustment is passed along to the member, former member with vested status, or retirant, as well as the alternate payee.

Post-retirement increase

For a monthly pension payment, the alternate payee will proportionately receive the same annual post-retirement increase as the retirant. For Contributory, Noncontributory and Hybrid retirants with membership dates prior to July 1, 2012, the increase is 2.5% of the base monthly benefit. For Contributory and Hybrid retirants with membership dates after June 30, 2012, the increase is 1.5% of the base monthly benefit. For a pre-retirement HiDRO, the first post-retirement increase would be effective July 1 in the year after the member’s retirement. For a post-retirement HiDRO, previous increases, if any, are calculated into the benefit at the time of the first payment and future, proportionate increases will occur every July 1.

Death of retirant or alternate payee

The HiDRO becomes void upon the death of the retirant or alternate payee. If the retirant dies before the alternate payee, payment will be ceased to the alternate payee under the HiDRO, and survivor benefit payment will start for the beneficiary named by the retirant. If the alternate payee dies before the retirant, the amount paid to the alternate payee will be restored to the retirant starting the month after the date of death. If a named beneficiary dies before both the retirant and alternate payee, and the retirant is eligible for an increase in his or her monthly pension, the increase would also be passed along to the alternate payee.

It is important to report the death of a retirant, beneficiary, or alternate payee as soon as possible. Any overpayment to the retirant or alternate payee under a HiDRO resulting in amounts owed to the other party will not be recovered or paid by the ERS; such overpayment would need to be resolved between the parties themselves. Any overpayment resulting in amounts owed to ERS should be transmitted by the party that was overpaid to the ERS. (Hawaii Revised Statutes §88-93.5(r)).

References

Hawaii Revised Statutes, Chapter 88-93.5 Distribution of property in a divorce action, effective July 1, 2020

Hawaii Administrative Rules, Chapter 6-40 Hawaii Domestic Relations Orders, effective July 1, 2020

Hawaii Domestic Relations Orders Frequently Asked Questions, July 1, 2020

Contact ERS

If you have any questions, please contact us at (808) 586-1735 from 7:45 a.m. to 4:30 p.m., Monday through Friday, except on State Holidays. The phone numbers for the Neighbor Islands and continental United States are also listed.

Hawaii	974-4000 ext. 61735	Molokai/Lanai	1-800-468-4644 ext, 61735
Maui	984-2400 ext. 61735	Continental US	1-888-659-0708
Kauai	274-3141 ext. 61735		

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July 1, 2020

**HAWAII DOMESTIC RELATIONS ORDERS
FREQUENTLY ASKED QUESTIONS**

This document is intended for ERS members and other parties interested in the Hawaii Domestic Relations Orders (HiDRO). It contains general information about the HiDRO, but not inclusive of all information related to the HiDRO. An accompanying ERS HiDRO Guide is also available. If you have further questions, call ERS at 808-586-1735.

GENERAL INFORMATION

Should I get a HiDRO? The ERS does not advise whether a member, former member, retirant (also known as the retiree), or their spouse or ex-spouse should obtain a HiDRO. The ERS can provide information about its retirement benefits plan and procedures but cannot provide legal advice. The information provided here should not be relied for determination of any legal issues under state law. You should consult an attorney to protect your interest in ERS benefits and determine your legal rights under state law.

If I have a divorce decree, will ERS automatically pay my spouse or ex-spouse starting on July 1, 2020 in accordance with my divorce decree? No. A HiDRO model form would need to be entered by a court, and then submitted and qualified by the ERS before ERS makes payment to an alternate payee. A Divorce Decree or Complaint for Divorce cannot be used as a HiDRO.

What is the difference between the pre-retirement and post-retirement HiDRO model forms? A pre-retirement HiDRO model form should be submitted if the member or former member is not yet retired, or has not previously retired. A court-entered pre-retirement HiDRO model form submitted to the ERS on or after the member's retirement date will not be accepted. The pre-retirement HiDRO can be applied to a retirement benefit when the member retires, or to a termination refund if a member or former vested member takes a refund of an accumulated account and/or hypothetical account (Hybrid plan only) balance prior to retirement. A post-retirement HiDRO model form should be submitted if the member is a retirant, or has previously retired (and returned to work). The alternate payee's payment is from the retirant's monthly pension, starting the month after qualification of the HiDRO.

What information is required by the HiDRO model form? The required HiDRO model form, provided by the ERS, is required to identify the member and the alternate payee and their addresses. It also indicates the percentage or amount to be paid to the alternate payee, or the way

in which the percentage is to be determined if it is based on the dates of marriage. The form also specifies that the HiDRO applies to ERS. The required HiDRO model form must be entered by a court (and domesticated if entered by a court outside of Hawaii) prior to being considered for qualification by the ERS. The HiDRO model form is available at <http://ers.ehawaii.gov> or by calling 808-586-1735.

What is the general process of the ERS's qualification of a HiDRO model form? The requesting party or parties or their legal representatives are required to complete a HiDRO model form, and obtain entry of the HiDRO model form by a court (and domestication if entered by a court outside of Hawaii). The court-entered HiDRO model form is submitted to ERS with a \$300 fee for review, which will determine whether the court-entered HiDRO model form is qualified as a HiDRO. Upon qualification, the HiDRO will be applied to a former member or retiree's benefit in accordance with a pre- or post-retirement HiDRO.

Would I be able to have a proposed HiDRO model form reviewed by the ERS before it has been entered by the court? Yes. The ERS can review a completed proposed HiDRO model form to determine if it would meet the requirements of a HiDRO, but a court-entered HiDRO model form would still need to be submitted in order to be qualified by the ERS. Each proposed or court-entered HiDRO model form will be subject to the non-refundable \$300 fee for each review.

The HiDRO model form refers to "service credits the system determines has been credited to the Member" when choosing a percentage in the formula based on the dates of marriage. What are "service credits?" An ERS service credit is earned each month that a member works a minimum number of hours and/or days. It is possible for a member to not receive service credits when on leave without pay or employed in a position that is ineligible for ERS membership.

Can the ERS help me with the filing of the HiDRO model form in court? No. Seek legal advice and/or check with the appropriate court in which the divorce was filed.

FEES, PAYMENTS AND TAXES

Will there be any ERS fees related to the filing of a HiDRO? The law allows the ERS to collect filing fees for the review of proposed HiDRO model forms, and the review for qualification of court-entered HiDRO model forms. The ERS Board of Trustees approved a non-refundable filing fee of \$300 for each court-entered and proposed HiDRO model form review. Additional fees may be incurred if the HiDRO model form requires further legal or actuarial review.

When will an alternate payee start receiving payments? For a post-retirement HiDRO, payments directly from ERS begin the month after the HiDRO model form is qualified by the ERS. For a pre-retirement HiDRO, alternate payee payments begin at the same time the member begins receiving retirement payments. For a refund to a member or former member prior to retirement, a pre-retirement HiDRO would be applied when the member or former member is processed for a refund. Payments may be delayed if not all required forms are turned in by the

alternate payee. Recurring monthly payments are made by direct deposit once a month, at the end of the month.

Will the alternate payee have to pay taxes? An alternate payee, who is a spouse or former spouse of a member or retirant, generally has the same tax consequences as the member or retirant, including rollover rights of eligible lump-sum payments. The alternate payee is responsible for applicable taxes on ERS distributions. Consult a tax adviser if you have additional questions.

Are alternate payees eligible for the annual post-retirement increase? The alternate payee will receive a post-retirement increase each year when the retirant receives it.

Can a HiDRO be applied to any benefits already distributed or paid out by the ERS? No. The HiDRO does not provide payment of benefits that have already been distributed to the former ERS member or retirant.

Can the HiDRO be applied to an active member's contributions? No. A pre-retirement HiDRO can only be applied if a member or former vested member requests and receives a refund of accumulated contributions and/or hypothetical account balances prior to retirement. A former member who has taken a refund prior to retirement is no longer a member of the system and is not eligible for a retirement benefit.

REQUESTS FOR INFORMATION

Can I make a request for HiDRO-related information for an ERS member, former member with vested benefit status or retirant prior to seeking a HiDRO? Yes. Upon receipt of a completed ERS Request for Information form and a copy of the certified copy of the complaint for divorce or a divorce decree, the ERS will provide the spouse or former spouse with HiDRO-relevant ERS information of the member, former member or retirant. A member seeking information can submit a Request for Information form without the complaint for divorce or divorce decree. Beneficiary information will not be released. The information provided is based on the date of request and does not project any future benefits.

How can I find information about the ERS retirement plans? Brochures for the plans are located on our website: <http://ers.ehawaii.gov>.

BENEFICIARIES AND RETIREMENT OPTION

Does the HiDRO affect a member's designation of beneficiary or selection of retirement payment option? No. A HiDRO cannot require the designation of a particular person as the beneficiary of death benefits, or the selection of a particular retirement payment option.

DEATH

Can the HiDRO specify a lifetime benefit for the alternate payee? No. A HiDRO is void upon the death of the member, former member with vested status, retirant, or alternate payee. Generally, if a member or retirant predeceases an alternate payee, HiDRO payments to the alternate payee, if any, would stop, and the designated beneficiary or beneficiaries would receive

death benefits, if any. If the alternate payee predeceases a retirant, the portion being paid to the alternate payee would be restored to the member the month after the death was reported to the ERS.

RESOURCES

Hawaii Revised Statues Chapter 88-93.5, Distribution of property in a divorce action, effective July 1, 2020

Hawaii Administrative Rules Chapter 6-40 Hawaii Domestic Relations Orders, effective July 1, 2020

Hawaii Domestic Relations Orders Guide, July 1, 2020

Contact ERS

If you have any questions, please contact us at (808) 586-1735 from 7:45 a.m. to 4:30 p.m., Monday through Friday, except on State Holidays. The phone numbers for the Neighbor Islands and continental United States are also listed.

Hawaii	974-4000 ext. 61735
Maui	984-2400 ext. 61735
Kauai	274-3141 ext. 61735
Molokai/Lanai	1-800-468-4644 ext, 61735
Continental US	1-888-659-0708

This document is prepared by:

Attorney for Plaintiff Defendant

Name: _____

Address: _____

Telephone Number: (_____) _____ - _____

STATE OF HAWAI'I

FAMILY COURT

_____ CIRCUIT

_____ (Name),	)	FC-D No. _____
Plaintiff)	
	)	HAWAII DOMESTIC RELATIONS
v.	)	ORDER FOR THE EMPLOYEES'
	)	RETIREMENT SYSTEM OF THE STATE
_____ (Name),	)	OF HAWAII (PRE-RETIREMENT)
Defendant)	
	)	Judge: _____
	)	Hearing date: _____
_____)	

HAWAII DOMESTIC RELATIONS ORDER FOR THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII (**PRE-RETIREMENT**)

A hearing was held before the Presiding Judge or an affidavit was submitted and the Court waived hearing on the matter. After full consideration of the evidence,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

1. This Hawaii Domestic Relations Order for the Employees' Retirement System of the State of Hawaii ("Order") is intended to meet the requirements for a "Hawaii domestic relations order" relating to the Employees' Retirement System of the State of Hawaii ("ERS" or "System"), as set forth in Section 88-93.5 of the Hawai'i Revised Statutes ("HRS"), as revised, and Sections 6-40-1, et seq., of the Hawai'i Administrative Rules ("HAR"). This Order is an integral part of the Decree of Divorce signed on _____ (date).
2. This Order creates or recognizes the right of an alternate payee, or assigns to the alternate payee, the right to receive a portion of the benefits payable with respect to a member, a former member with vested benefit status, or retirant (herein after referred as "Member") under the System.

3. The MEMBER of the System is:

Plaintiff Defendant (check one)

Name: _____

Mailing Address: _____

Telephone: (_____) _____ - _____

Social Security Number: xxx - xx - _____

Employer: _____

Employer's Address: _____

4. The ALTERNATE PAYEE (spouse or former spouse) is:

Plaintiff Defendant (check one)

Name: _____

Mailing Address: _____

Telephone: (_____) _____ - _____

Social Security Number: xxx - xx - _____

5. Member and Alternate Payee were married on _____ (date).

6. **RETIREMENT BENEFITS.** As part of the division of the property of the parties, the Alternate Payee is awarded a portion of retirement benefits made by the System pursuant to HRS § 88-73, 88-75, 88-79, 88-281, 88-284, 88-285, 88-331, 88-334 and/or 88-336, if and at the time the retirement benefits become payable to the Member, as provided by and subject to the System's governing laws and rules, and Paragraphs 8 and 9 below.

A. **Monthly Retirement Allowance.** The Alternate Payee's portion of the Member's monthly retirement allowance under the retirement allowance payment option elected by the Member and remaining after payments required pursuant to earlier Hawaii domestic relations orders, shall be (check one):

1. A percentage determined by the following formula:

		Months of service credits the system determines has been credited to the Member from _____ (date of marriage) through _____ (date of divorce)
_____ % (fractional marital property interest)	X	Total months of service credit the system determines has been credited to the Member upon retirement

2. _____ (numerical percentage) %.

3. \$ _____ (numerical dollar amount), or the total distribution payable to the Member, whichever is less.

4. None.

B. Refund of Accumulated Contributions. The Alternate Payee’s portion of the Member’s refund of accumulated contributions under the retirement allowance option providing for the refund of accumulated contributions elected by the Member, if any, and remaining after payments required pursuant to earlier Hawaii domestic relations orders, shall be (check one):

1. A percentage determined by the following formula:

		Months of service credits the system determines has been credited to the Member from _____ (date of marriage) through _____ (date of divorce)
_____ % (fractional marital property interest)	X	Total months of service credit the system determines has been credited to the Member upon retirement

2. _____ (numerical percentage) %.

3. \$ _____ (numerical dollar amount), or the total distribution payable to the Member, whichever is less.

4. None.

C. Commencement and Termination of Payment. Payments to the Alternate Payee shall be effective as of the same date that benefit payments are available to the Member. Payments of the portion awarded to the Alternate Payee, subject to Paragraphs 6(D), 7, 8 and 9 below, shall terminate upon the death of the Retirant, or upon the death of the Alternate Payee, whichever is earlier.

D. Payment Upon the Death of the Retirant or Alternate Payee. When the system receives a certified copy of this Order prior to the Retirant's retirement, and if this Order is determined to be a Hawaii domestic relations order, the portion awarded to the Alternate Payee by the Order shall be paid as a portion of the retirement benefit the Retirant is receiving pursuant to HRS §§ 88-73, 88-75, 88-79, 88-281, 88-284, 88-285, 88-331, 88-334 and/or 88-336 as follows:

1. If the alternate payee will be named beneficiary under any option elected by the Retirant at retirement, upon the death of the Retirant or the alternate payee, the benefit amount to be paid to the survivor shall be the amount required under the option elected by the Retirant at retirement, as though no Hawaii domestic relations order had existed; or
2. If the alternate payee will not be a named beneficiary under the option elected by the Retirant at retirement, and the Retirant predeceases the alternate payee, payments to the alternate payee shall cease and payments to the Retirant's named beneficiary or beneficiaries shall be made as required under the option elected by the Retirant at retirement, as though no Hawaii domestic relations order had existed. If the alternate payee will not be a named beneficiary under the option elected by the Retirant at retirement, and the alternate payee predeceases the Retirant, the benefit then being paid to the Retirant shall be increased by the amount of the benefit that was being paid to the alternate payee at time of death.

7. TERMINATION DISTRIBUTIONS. As part of the division of the property of the parties, the Alternate Payee is awarded a portion of the distribution of accumulated contributions and/or hypothetical account balances made by the System pursuant to HRS §§ 88-96 and/or 88-341, if and at the time they are withdrawn by the Member as provided by and subject to the System's governing laws and rules, and subject to Paragraphs 8 and 9 below. The Alternate Payee's portion of the Member's distribution of accumulated contributions and/or hypothetical account balances, if any, remaining after payments required pursuant to earlier Hawaii domestic relations orders, shall be (check one):

- A.** A percentage determined by the following formula:

$$\begin{array}{r}
 \frac{\text{Months of service credits the system determines has} \\
 \text{been credited to the Member from} \\
 \text{_____ (date of} \\
 \text{marriage) through _____ (date of} \\
 \text{divorce)}}{\text{Total months of service credit the system determines} \\
 \text{has been credited to the Member upon termination of} \\
 \text{membership}} \\
 \times \\
 \frac{\text{_____ \%}}{\text{(fractional} \\
 \text{marital} \\
 \text{property} \\
 \text{interest)}}
 \end{array}$$

- B.** _____ (numerical percentage) %.
- C.** \$ _____ (numerical dollar amount), or the total distribution payable to the Member, whichever is less.
- D.** None.

When the System receives a certified copy of this Order prior to the Member's termination of membership, if this Order is determined to be a Hawaii domestic relations order, and if the Member terminates membership in the System by withdrawal of contributions and/or hypothetical account balance pursuant to HRS §§ 88-96 and/or 88-341, the System, except as provided in Paragraphs 8 and 9 below, shall pay the Alternate Payee at the time contributions and/or hypothetical account balance are withdrawn, the portion that is awarded to the Alternate Payee in the form of a lump sum.

8. When the System has not yet begun to make payment to the Alternate Payee under this Order and is provided with proof of the death of the Alternate Payee, benefits payable with respect to the Member shall be paid without regard to this Order.

9. If the Member retires or withdraws accumulated contributions and/or hypothetical account balances after this Order is determined to be a Hawaii domestic relations order, and subsequently returns to employment requiring active membership in the system:

- A. Payments to the Alternate Payee pursuant to the Order shall not be suspended; and
- B. The System shall pay to the Alternate Payee no portion of any benefits payable to the Member that result from the resumption of membership, even if those benefits result in part from reinstatement of service credit initially credited during marriage.

10. Any amount payable by the ERS, other than those payable to the Alternate Payee under Paragraphs 6 and 7 above, shall be payable directly to the Member, the Member's beneficiaries, or the estate, heirs, or legatees of either, in accordance with the System's laws and rules. If the Member, or the beneficiary or estate of either, receives the amount of any distribution that has been awarded to the Alternate Payee, the recipient shall be designated a constructive trustee for the amount received and shall immediately transmit that amount to the person to whom the amount should have been paid. If the Alternate Payee, or the estate, heirs, or legatees of the Alternate Payee receive any amount of a distribution that has not been awarded to the Alternate Payee, the recipient shall be designated a constructive trustee for the amount received and shall immediately transmit that amount to the Member, or other person to whom the amount should have been paid. If the Member, Member's beneficiary, Alternate Payee, or their estate, heirs, or legatees, receives any amount that should not have been paid by the System, the recipient shall be designated a constructive trustee for the amount received and shall immediately transmit that amount to the System.

11. The Alternate Payee is ordered to report any payments received from the System on any applicable income tax return in accordance with the Internal Revenue Code provisions or regulations in effect at the time any payments are issued by the ERS. The System is authorized to issue a Form 1099R, or other applicable form on any direct payment made to the Alternate Payee.

12. The Alternate Payee is ordered to provide the System with prompt notification of any changes in the Alternate Payee's direct deposit and mailing address. The System shall not be liable for failing to make payments to the Alternate Payee if the System does not have current direct deposit information for the Alternate Payee at the time of payment. Nor is the System liable for the non-receipt of a Form 1099R if the ERS does not have current mailing address information at the time of issue.

13. The Member or the Alternate Payee shall furnish an original certified copy of this Order to the ERS. The Order is not a qualified Hawaii domestic relations order until an original copy is received by the ERS and is thereafter so deemed pursuant to HRS § 88-93.5, as revised, and HAR § 6-40-1, et seq.

14. This Order shall not be interpreted in any way to:

- A. Require the designation by the Member of a particular person as the recipient of benefits upon the death of the Member;
- B. Require the selection of a particular benefit payment plan or option or to limit the benefit payment plans or options from which the Member may select;
- C. Require any action on the part of the System contrary to its governing laws or plan provisions other than the direct payment of the benefit awarded to the Alternate Payee;
- D. Award the Alternate Payee an interest that is contingent on any condition other than those conditions resulting in the liability of the System for payment under its plan provisions;
- E. Give to someone other than the Member the right to designate a beneficiary or to choose any retirement plan or option available from the system;
- F. Attach a lien to any part of amounts payable with respect to the Member;
- G. Require the System to make a lump sum payment of the awarded portion of the benefits to the Alternate Payee that are not otherwise payable in a lump sum;
- H. Require the System to terminate the Member from membership or employment, to refund contributions, or to retire the Member;
- I. Provide any type or form of benefit, or any option, not otherwise provided by the System;
- J. Provide increased benefits, determined on the basis of actuarial value; or

INSTRUCTIONS FOR HAWAII DOMESTIC RELATIONS ORDER
FOR THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII
(PRE-RETIREMENT FORM ERS-300 ONLY)

These instructions are for the completion of a Hawaii Domestic Relations Order (HiDRO) for the Employees' Retirement System (ERS) of the State of Hawaii and are specific to a pre-retirement order to be filed and qualified before the retirement of a member or former member with vested status. If the member is retired, a post-retirement form should be used. A Divorce Decree or Complaint for Divorce **cannot** be used in place of this form.

A Hawaii Domestic Relations Order allows the ERS to pay directly all or a portion of a retiree's benefit to an alternate payee, such as a spouse or former spouse. Benefits include the member's monthly retirement allowance (and, if applicable, optional contribution refunds) and termination distributions should the member terminate prior to retirement. This form must be filed in the State of Hawaii Family Court, then qualified by the ERS to be valid. A fee of \$300 (check made to the Employees' Retirement System of the State of Hawaii) also must accompany any form before it is reviewed for qualification by ERS. If the Order is to be filed outside of Hawaii, please contact the ERS (808) 586-1735 for instructions.

General information about the ERS plan and options for members, former members, and retirees is available at the ERS website (ers.ehawaii.gov). If more information about a specific member's account is needed prior to filing a HiDRO form, contact the ERS for a request for information form and release requirements. While the ERS can provide information about the benefits plan and procedures, it cannot provide you with legal advice. Information provided should not be relied on as a determination of any legal issues under state law. You should consult an attorney to protect your interest in ERS benefits and determine your statutory rights under state law.

Read and fill out the form completely to avoid any unnecessary fees.

INSTRUCTIONS (by the paragraph number on the form)

Caption (the blanks above the title, "HAWAII DOMESTIC RELATIONS ORDER FOR THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII (PRE-RETIREMENT)"). Enter the name, address and telephone number of the party preparing the document; enter the name of the court, names of parties, case number, name of judge, and hearing date.

Paragraph numbers:

1. Enter the date the Divorce Decree was signed.
3. Fill in the name and information of the member, and checkmark whether the member is the plaintiff or defendant in the Divorce Decree.
4. Fill in the name and information of the Alternate Payee, and checkmark whether the alternate payee is the plaintiff or defendant in the Divorce Decree.
5. Enter the date of marriage (month, day, year).
- 6A. Applies to the member's **monthly retirement payment. Choose one (1, 2, 3 or 4):**
 - **Checkmark 1** if the portion paid to the alternate payee is to be determined by the formula using the member's service credits based on the dates of marriage and divorce. Enter the numerical percentage to be used in the line above the (fractional marital property of interest). In the top right of the formula, enter the date of marriage and the date of divorce. The bottom right of the formula will be member's total service credits at the time of the member's

retirement. The alternate payee's portion will be calculated using this formula at the time of retirement.

- **Checkmark 2** if the portion to the alternate payee is a numerical percentage of the entire monthly pension payment.
- **Checkmark 3** if the portion to the alternate payee is a numerical dollar amount or the total distribution payable to the member, whichever is less.
- **Checkmark 4** if none of the retiree's pension monthly pension payment will be distributed to the alternate payee.

6B. Applies to a **Refund of Accumulated Contributions** as part of the retirement payment.

Contributory and Hybrid members can take a lump sum refund of accumulated contributions at the time of retirement, depending on the selected retirement option that they choose. **Choose one (1, 2, 3 or 4). If the member is Noncontributory, select No. 4, because no refund is available.**

- **Checkmark 1** if the portion paid to the alternate payee is to be determined by the formula using the member's service credits based on the dates of marriage and divorce. Enter the numerical percentage to be used in the line above the (fractional marital property of interest). In the top right of the formula, enter the date of marriage and the date of divorce. The bottom right of the formula will be member's total service credits at the time of the member's termination. The alternate payee's portion will be calculated using this formula.
- **Checkmark 2** if the portion to the alternate payee is a numerical percentage of the entire refund.
- **Checkmark 3** if the portion to the alternate payee is a numerical dollar amount or the total distribution payable to the member, whichever is less.
- **Checkmark 4** if none of the retiree's refund of contributions or hypothetical balance will be distributed to the alternate payee.

7. In the event the member or former Contributory or Hybrid member terminates service prior to retirement and requests a refund, item 7 applies to this **distribution of accumulated contributions or Hypothetical Balance (Hybrid Only)**. The member or former member would no longer be eligible for retirement. **Choose one (A, B, C or D). Checkmark D for a Noncontributory member.**

- **Checkmark A** if the portion to be paid to the alternate payee is to be determined by the formula using the dates of marriage and divorce. Enter the numerical percentage to be used in the line above the (fractional marital property of interest). In the top right of the formula, enter the date of marriage and the date of divorce. The bottom right of the formula will be the number of service credits the member earned at the time of termination.
- **Checkmark B** if the portion to the alternate payee is a numerical percentage of the total distribution payable to the member.
- **Checkmark C** if the portion to the alternate payee is a numerical dollar amount or the total distribution payable to the member, whichever is less.
- **Checkmark D** if none of the former member's total distribution will be payable to the alternate payee.

Signatures. The Judge's signature must be obtained after completing the form. The signatures of the parties and attorneys (if applicable) should be completed prior to submission to the Judge for signature.

Case and document name (footer). Enter the name of the parties, court, and case number.

After filing the HiDRO form in court, bring in or mail the original court order and the \$300 fee with the attached Request for Review Form (ERS-302) to the Employees' Retirement System, 201 Merchant Street, Suite 1400, Honolulu, HI 96813 or call us (808-586-1735) for Neighbor Island locations. Upon receipt, the ERS will begin review of the court-filed form for qualification.

(ERS 2020-06-29)

Employees' Retirement System of the State of Hawaii
201 Merchant St, Suite 1400
Honolulu, Hawaii 96813-2980
(808) 586-1735 <http://ers.ehawaii.gov/>

**REQUEST FOR REVIEW OF HAWAII DOMESTIC RELATIONS ORDER
OR PROPOSED HAWAII DOMESTIC RELATIONS ORDER**

INSTRUCTIONS: This is a form to request review of a Hawaii Domestic Relations Orders (HiDRO) Model Form for Pre-Retirement (ERS-300) or Post-Retirement (ERS-301) to the Employees' Retirement System. **A non-refundable fee of \$300 is required for each review.**

*Submit to the address stated above:

- A court-entered HiDRO Model Form or proposed HiDRO Model Form (absent court-entry);
- This form (completed and signed); and
- Payment of the fee for review (\$300) by check, made payable to Employees' Retirement System.

SECTION A: REQUESTOR'S INFORMATION

Name: _____

Address: _____

Phone Number _____

Court Case Number _____ **Date of Court Filing _____

ERS Member/Retirant Name: _____ Full SSN: _____ - _____ - _____

Alternate Payee Name: _____ Full SSN: _____ - _____ - _____

Alternate Payee's Date of Birth: _____ / _____ / _____
MM DD YYYY

**-- Leave blank if request is for a Proposed HiDRO

Requests submitted by a third party other than an ERS member, ERS retirant or alternate payee, will not be processed unless the ERS is provided with a letter containing the original signature of the ERS member, ERS retirant or alternate payee, verifying that the third party is authorized to act on behalf of the ERS member, ERS retirant or alternate payee.

SECTION B: PAYMENT INFORMATION

Payment for (check one): Court-entered HiDRO Proposed HiDRO

A court-entered HiDRO Model Form may be submitted for review and determination of whether it is or is not qualified as a HiDRO. **Only court-entered HiDRO Model Forms are eligible for determination by the Employees' Retirement System that it is or is not qualified as a HiDRO.**

A proposed HiDRO Model Form (absent court-entry) may be submitted for review and notice of whether it meets the requirements for a HiDRO.

SECTION C: PAYMENT SUBMISSION

Enclosed is my payment check, payable to Employees' Retirement System in the amount of \$300. I understand this fee is non-refundable. Your cancelled check will be your receipt of payment.

Requestor's Signature _____ Date _____

This document is prepared by:

Attorney for Plaintiff Defendant

Name: _____

Address: _____

Telephone Number: (_____) _____ - _____

FAMILY COURT

_____ CIRCUIT

STATE OF HAWAII

_____ (Name),	)	FC-D No. _____
Plaintiff)	
	)	HAWAII DOMESTIC RELATIONS
v.	)	ORDER FOR THE EMPLOYEES'
	)	RETIREMENT SYSTEM OF THE STATE
_____ (Name),	)	OF HAWAII (POST-RETIREMENT)
Defendant)	
	)	Judge: _____
	)	Hearing date: _____
_____)	

HAWAII DOMESTIC RELATIONS ORDER FOR THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII (POST-RETIREMENT)

A hearing was held before the Presiding Judge or an affidavit was submitted and the Court waived hearing on the matter. After full consideration of the evidence,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

1. This Hawaii Domestic Relations Order for the Employees' Retirement System of the State of Hawaii ("Order") is intended to meet the requirements for a "Hawaii domestic relations order" relating to the Employees' Retirement System of the State of Hawaii ("ERS" or "System"), as set forth in Section 88-93.5 of the Hawaii Revised Statutes ("HRS"), as revised, and Sections 6-40-1, et seq., of the Hawaii Administrative Rules ("HAR"). This Order is an integral part of the Decree of Divorce signed on _____ (date).
2. This Order creates or recognizes the right of an alternate payee, or assigns to the alternate payee, the right to receive a portion of the benefits payable with respect to a member or retirant under the System ("Retirant").

3. The RETIRANT of the System is:
 Plaintiff Defendant (check one)
 Name: _____
 Mailing Address: _____
 Telephone: (_____) _____ - _____
 Social Security Number: xxx - xx - _____
 Former Employer: _____
 Former Employer's Address: _____

4. The ALTERNATE PAYEE (spouse or former spouse) is:
 Plaintiff Defendant (check one)
 Name: _____
 Mailing Address: _____
 Telephone: (_____) _____ - _____
 Social Security Number: xxx - xx - _____

5. Retirant and Alternate Payee were married on _____ (date).

6. **RETIREMENT BENEFITS.** As part of the division of the property of the parties, the Alternate Payee is awarded a portion of each distribution of retirement benefits made by the System pursuant to HRS §§ 88-73, 88-75, 88-79, 88-281, 88-284, 88-285, 88-331, 88-334 and/or 88-336, if and at the time the retirement benefits become payable to the Retirant, as provided by and subject to the System's governing laws and rules, and Paragraphs 7, 8 and 9 below. The Alternate Payee's portion of the Retirant's monthly retirement allowance under the retirement allowance payment option elected by the Retirant and remaining after payments required pursuant to earlier Hawaii domestic relations orders, shall be (check one):

A. A percentage determined by the following formula:

	Months of service credits the system determines has been credited to the Retirant from
_____ %	_____ (date of marriage)
(fractional marital property interest)	through _____ (date of divorce)
X	Total months of service credit the system determines has been credited to the Retirant upon retirement

- B.** _____ (numerical percentage) %.
- C.** \$_____._____ (numerical dollar amount), or the total distribution payable to the Retirant, whichever is less.
- D.** None.

Payments to the Alternate Payee, subject to Paragraphs 7, 8 and 9 below, shall commence as of the first day of the month following the date upon which the Order is determined to be a Hawaii domestic relations order. Payments to the Alternate Payee, subject to Paragraphs 7, 8 and 9 below, shall terminate upon the death of the Retirant, or upon the death of the Alternate Payee, whichever is earlier.

7. When the system receives a certified copy of this Order subsequent to the Retirant's retirement, and if this Order is determined to be a Hawaii domestic relations order, the portion awarded to the Alternate Payee by the Order shall be paid as a portion of the retirement benefit the Retirant is receiving pursuant to HRS §§ 88-73, 88-75, 88-79, 88-281, 88-284, 88-285, 88-331, 88-334 and/or 88-336 as follows:

- A. If the Alternate Payee is already a named beneficiary under any option elected by the Retirant at retirement, the benefit to which the Retirant is entitled, without regard to the Order, shall be apportioned between the Retirant and the Alternate Payee according to the terms of the Order. Upon the death of the Retirant or the Alternate Payee, the benefit amount to be paid to the survivor shall be the amount required under the option elected by the Retirant at retirement, as though this Order had not existed; or
- B. If the Alternate Payee is not a named beneficiary under the option elected by the Retirant at retirement, the benefit to which the Retirant is entitled without regard to the Order, shall be apportioned between the Retirant and the Alternate Payee according to the terms of the Order. If the Retirant predeceases the Alternate Payee, payments to the Alternate Payee shall cease and payments to the Retirant's named beneficiary or beneficiaries shall be made as required under the option elected by the Retirant at retirement, as though this Order had not existed. If the Alternate Payee predeceases the Retirant, the benefit then being paid to the Retirant shall be increased by the amount of the benefit that was being paid to the Alternate Payee at time of death.

8. When the System has not yet begun to make payment to the Alternate Payee under this Order and is provided with proof of the death of the Alternate Payee, benefits payable with respect to the Member shall be paid without regard to this Order.

9. If the Retirant returns to employment requiring active membership in the system:

- A. Payments to the Alternate Payee pursuant to the Order shall not be suspended; and

- B. The System shall pay to the Alternate Payee no portion of any benefits payable to the Retirant that result from the resumption of membership, even if those benefits result in part from reinstatement of service credit initially credited during marriage.

10. Any amount payable by the ERS, other than those payable to the Alternate Payee under Paragraph 6 above, shall be payable directly to the Retirant, the Retirant's beneficiaries, or the estate, heirs, or legatees of either, in accordance with the System's laws and rules. If the Retirant, or the beneficiary or estate of either, receives the amount of any distribution that has been awarded to the Alternate Payee, the recipient shall be designated a constructive trustee for the amount received and shall immediately transmit that amount to the person to whom the amount should have been paid. If the Alternate Payee, or the estate, heirs, or legatees of the Alternate Payee receive any amount of a distribution that has not been awarded to the Alternate Payee, the recipient shall be designated a constructive trustee for the amount received and shall immediately transmit that amount to the Retirant or other person to whom the amount should have been paid. If the Retirant, Retirant's beneficiary, Alternate Payee, or their estate, heirs, or legatees, receives any amount that should not have been paid by the System, the recipient shall be designated a constructive trustee for the amount received and shall immediately transmit that amount to the System.

11. The Alternate Payee is ordered to report any payments received from the System on any applicable income tax return in accordance with the Internal Revenue Code provisions or regulations in effect at the time any payments are issued by the ERS. The System is authorized to issue a Form 1099R, or other applicable form on any direct payment made to the Alternate Payee.

12. The Alternate Payee is ordered to provide the System with prompt notification of any changes in the Alternate Payee's direct deposit and mailing address. The System shall not be liable for failing to make payments to the Alternate Payee if the System does not have current direct deposit information for the Alternate Payee at the time of payment. Nor is the System liable for the non-receipt of a Form 1099R if the ERS does not have current mailing address information at the time of issue.

13. The Retirant or the Alternate Payee shall furnish an original certified copy of this Order to the ERS. The Order is not a qualified Hawaii Domestic Relations Order until an original copy is received by the ERS and is thereafter so deemed pursuant to HRS § 88-93.5, as revised, and HAR § 6-40-1, et seq.

14. This Order shall not be interpreted in any way to:

- A. Require the designation by the Retirant of a particular person as the recipient of benefits upon the death of the Retirant;
- B. Require the selection of a particular benefit payment plan or option or to limit the benefit payment plans or options from which the Retirant may select;

- C. Require any action on the part of the System contrary to its governing laws or plan provisions other than the direct payment of the benefit awarded to the Alternate Payee;
- D. Award the Alternate Payee an interest that is contingent on any condition other than those conditions resulting in the liability of the System for payment under its plan provisions;
- E. Give to someone other than the Retirant the right to designate a beneficiary or to choose any retirement plan or option available from the system;
- F. Attach a lien to any part of amounts payable with respect to the Retirant;
- G. Require the System to make a lump sum payment of the awarded portion of the benefits to the Alternate Payee that are not otherwise payable in a lump sum;
- H. Require the System to terminate the Retirant from membership or employment, to refund contributions, or to retire the Retirant;
- I. Provide any type or form of benefit, or any option, not otherwise provided by the System;
- J. Provide increased benefits, determined on the basis of actuarial value; or
- K. Require the system to provide benefits or refunds to the Alternate Payee that are required to be paid to another alternate payee pursuant to an earlier Hawaii domestic relations order.

15. This Court does not have jurisdiction over the System with respect to this divorce action, and the System shall not and has not been made a party to this divorce action and any other judicial proceeding herein. A determination by the System that this Order is not a Hawaii domestic relations order shall be subject to review as provided in HRS chapter 91, and the System's rules relating to contested cases. Any party to this divorce action who attempts to make the System a party to this divorce action shall be liable to the System for the System's costs and attorneys' fees, including attorneys' fees and costs for obtaining a dismissal.

16. The Court retains jurisdiction to amend this Order so that it will constitute a qualified Hawaii Domestic Relations Order under the System's governing laws and rules even though all other matters incident to this action or proceeding have been fully and finally adjudicated. If the System determines at any time that changes in the law, the administration of the System, or any other circumstances make it impossible to calculate the portion of a distribution awarded to the Alternate Payee by this Order and so notifies the parties, either or both parties shall immediately petition the Court for reformation of the Order.

INSTRUCTIONS FOR HAWAII DOMESTIC RELATIONS ORDER
FOR THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII
(POST-RETIREMENT FORM ERS-301 ONLY)

These instructions are for the completion of a Hawaii Domestic Relations Order (HiDRO) for the Employees' Retirement System (ERS) of the State of Hawaii and are specific to a post-retirement order to be filed and qualified after the retirement of a member or former member with vested status. If the member is not retired, a pre-retirement form should be used. A Divorce Decree or Complaint for Divorce **cannot** be used in place of this form.

A post-retirement Hawaii Domestic Relations Order allows the ERS to pay directly all or a portion of a retiree's monthly pension benefit to an alternate payee, such as a spouse or former spouse. This form must be filed in the State of Hawaii Family Court, then qualified by the ERS to be valid. A fee of \$300 (check made to the Employees' Retirement System of the State of Hawaii) also must accompany any form before it is reviewed for qualification by ERS. If the Order is to be filed outside of Hawaii, please contact the ERS (808) 586-1735 for instructions.

General information about the ERS plan and options for members, former members, and retirees is available at the ERS website (ers.ehawaii.gov). If more information about a specific member's account is needed prior to filing a HiDRO form, contact the ERS for a request for information form and release requirements. While the ERS can provide information about the benefits plan and procedures, it cannot provide you with legal advice. Information provided should not be relied on as a determination of any legal issues under state law. You should consult an attorney to protect your interest in ERS benefits and determine your statutory rights under state law.

Read and fill out the form completely to avoid any unnecessary fees.

INSTRUCTIONS (by the paragraph number on the form)

Caption (the blanks above the title, "HAWAII DOMESTIC RELATIONS ORDER FOR THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII (POST-RETIREMENT)"). Enter the name, address and telephone number of the party preparing the document; enter the name of the court, names of parties, case number, name of judge, and hearing date.

Paragraph numbers:

1. Enter the date the Divorce Decree was signed.
3. Fill in the name and information of the retirant (retiree), and checkmark whether the member is the plaintiff or defendant in the Divorce Decree.
4. Fill in the name and information of the Alternate Payee, and checkmark whether the alternate payee is the plaintiff or defendant in the Divorce Decree.
5. Enter the date of marriage (month, day, year).
6. Applies to the member's **monthly retirement payment. Choose one (1, 2, 3 or 4):**
 - **Checkmark A** if the portion paid to the alternate payee is to be determined by the formula using the member's service credits based on the dates of marriage and divorce. Enter the numerical percentage to be used in the line above the (fractional marital property of interest). In the top right of the formula, enter the date of marriage and the date of divorce. The bottom right of the formula will be member's total service credits at the time of the member's retirement. The alternate payee's portion will be calculated using this formula at the time of retirement.

- **Checkmark B** if the portion to the alternate payee is a numerical percentage of the entire monthly pension payment.
- **Checkmark C** if the portion to the alternate payee is a numerical dollar amount or the total distribution payable to the member, whichever is less.
- **Checkmark D** if none of the retiree's pension monthly pension payment will be distributed to the alternate payee.

Signatures. The Judge's signature must be obtained after completing the form. The signatures of the parties and attorneys (if applicable) should be completed prior to submission to the Judge for signature.

Case and document name (footer). Enter the name of the parties, court, and case number.

After filing the HiDRO form in court, bring in or mail the original court order and the \$300 fee with the attached Request for Review Form (ERS-302) to the Employees' Retirement System, 201 Merchant Street, Suite 1400, Honolulu, HI 96813 or call us (808-586-1735) for Neighbor Island locations. Upon receipt, the ERS will begin review of the court-filed form for qualification.

(ERS 2020-06-29)

Employees' Retirement System of the State of Hawaii
201 Merchant St, Suite 1400
Honolulu, Hawaii 96813-2980
(808) 586-1735 <http://ers.ehawaii.gov/>

**REQUEST FOR REVIEW OF HAWAII DOMESTIC RELATIONS ORDER
OR PROPOSED HAWAII DOMESTIC RELATIONS ORDER**

INSTRUCTIONS: This is a form to request review of a Hawaii Domestic Relations Orders (HiDRO) Model Form for Pre-Retirement (ERS-300) or Post-Retirement (ERS-301) to the Employees' Retirement System. **A non-refundable fee of \$300 is required for each review.**

*Submit to the address stated above:

- A court-entered HiDRO Model Form or proposed HiDRO Model Form (absent court-entry);
- This form (completed and signed); and
- Payment of the fee for review (\$300) by check, made payable to Employees' Retirement System.

SECTION A: REQUESTOR'S INFORMATION

Name: _____

Address: _____

Phone Number _____

Court Case Number _____ **Date of Court Filing _____

ERS Member/Retirant Name: _____ Full SSN: _____ - _____ - _____

Alternate Payee Name: _____ Full SSN: _____ - _____ - _____

Alternate Payee's Date of Birth: _____ / _____ / _____
MM DD YYYY

**-- Leave blank if request is for a Proposed HiDRO

Requests submitted by a third party other than an ERS member, ERS retirant or alternate payee, will not be processed unless the ERS is provided with a letter containing the original signature of the ERS member, ERS retirant or alternate payee, verifying that the third party is authorized to act on behalf of the ERS member, ERS retirant or alternate payee.

SECTION B: PAYMENT INFORMATION

Payment for (check one): Court-entered HiDRO Proposed HiDRO

A court-entered HiDRO Model Form may be submitted for review and determination of whether it is or is not qualified as a HiDRO. **Only court-entered HiDRO Model Forms are eligible for determination by the Employees' Retirement System that it is or is not qualified as a HiDRO.**

A proposed HiDRO Model Form (absent court-entry) may be submitted for review and notice of whether it meets the requirements for a HiDRO.

SECTION C: PAYMENT SUBMISSION

Enclosed is my payment check, payable to Employees' Retirement System in the amount of \$300. I understand this fee is non-refundable. Your cancelled check will be your receipt of payment.

Requestor's Signature _____ Date _____

Hawaii Domestic Relations Order (HiDRO) Request for Information

This form (Request) permits members, former members with vested status, and retirants (retiree) of the Employees' Retirement System of the State of Hawaii (ERS), and their spouse or ex-spouse (the Requestor), to request the information identified below belonging to a member, former member with vested status, or retirant, and relevant to a Hawaii Domestic Relations Orders (HiDRO). The information provided will be based on the member or retirant's employment and pension records available as of the date this Request. If this Request is submitted by a spouse or ex-spouse, a certified copy of the complaint for divorce or divorce decree must also be provided. This form may be submitted to the Employees' Retirement System, 201 Merchant Street, Suite 1400, Honolulu, HI 96813.

Information provided regarding members:

- Membership start date and termination date, if no longer employed in an ERS member position;
- Membership class(es) and periods of credited service;
- Accumulated contribution account balance (if applicable);
- Compensation history for periods of credited service;
- The most recent estimate of maximum retirement allowance, if any, without disclosure of the designated beneficiary;
- The most recent pending or filed application for retirement or refund of contributions; and
- All previous HiDRO model forms submitted for qualification or qualified.

Information provided regarding retirants:

- Retirement date(s);
- Membership class(es) and periods of credited service;
- Average Final Compensation;
- Retirement allowance payment option elected, without disclosure of the designated of beneficiary;
- Whether the Requestor has been designated as beneficiary;
- Current monthly pension (estimated or finalized);
- Refund received by the Retirant, if any (**refunds previously paid are not subject to a HiDRO**); and
- All previous HiDRO model forms submitted for qualification or qualified.

Requestor's Name:	
Requestor's Address:	
Requestor's E-Mail Address:	Requestor's Telephone:
If the Requestor is represented by an attorney, is a letter of representation attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Member/Retirant Name:	
Member/Retirant Date of Birth:	Member/Retirant Social Security Number:
Date of Marriage:	Date of Complaint for Divorce/Divorce Decree:
If the Requestor is not the Member/Retirant, is a certified copy of the Complaint for Divorce or Divorce Decree attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Signature:	Date: