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STATE OF HAWAII
EMPLOYEES' RETIREMENT SYSTEM
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revised October 28, 2026

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 with vested benefit status (collectively referred to as member), retirant (also known as the retiree), or their spouse or ex-spouse should obtain a HiDRO. While the ERS can provide information about the plan, benefits 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.

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

What is the difference between the pre-retirement and post-retirement HiDRO model forms? A pre-retirement HiDRO model form (Form ERS-300) should be submitted if the member or former member is not yet retired, has not previously retired, and has not withdrawn contributions upon termination from employment (termination distribution). A court-entered pre-retirement HiDRO model form submitted to the ERS on or after the date of a member's retirement or termination distribution will not be accepted. The pre-retirement HiDRO can provide an alternate payee with a portion of the member's monthly pension and refund of accumulated contributions when the member retires, or termination distribution if and when a member terminates service and withdraws accumulated contributions and/or hypothetical account balance (Hybrid plan only) balance prior to retirement. A post-retirement HiDRO model form (Form ERS-301) should be submitted if the member is a retirant, or has previously retired

(and returned to work). The post-retirement HiDRO can provide an alternate payee with 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. 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. Failure to use HiDRO Model Forms, or modification of HiDRO Model Forms, may result in denial of qualification as a HiDRO. The HiDRO model form is available at http://ers.ehawaii.gov or by calling 808-586-1735.

What is the general process for a HiDRO model form to be qualified by the ERS as a HiDRO? 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 in the State of Hawaii (or domestication by a court in in the State of Hawaii if entered by a court outside of Hawaii). For the ERS to determine whether the court-entered HiDRO model form is qualified as a HiDRO, the requesting party(ies) will need to submit to the ERS, an original certified copy of the court-entered HiDRO model form, a Request for Review (Form ERS-302), and a $300 fee for review. Upon qualification, the HiDRO will be applied to a former member or retirant's benefit or termination distributions 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. However, the review of a proposed HiDRO model form (prior to court entry) is optional; the review of a proposed HiDRO model form does not result in qualification as a HiDRO or entitle an alternate payee to a portion of the member/retirant's retirement benefits or termination distributions; a court-entered HiDRO model form will still need to be submitted and qualified by the ERS for the alternate payee to receive a portion of the member/retirant's retirement benefits or termination distributions; and each review of proposed or court-entered HiDRO model form will be subject to the non-refundable $300 fee for each review. An original certified copy of the Complaint for Divorce or Divorce Decree also is required if the requestor is not the member or retirant.

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.

What is required if I am asking my attorney to submit HiDRO-related requests on my behalf? Requests for Review of HiDROs (Form ERS-302) and Requests for Information (Form ERS-303) submitted by third parties (such as an attorney) on behalf of a requestor will not be processed unless the ERS is provided with a letter containing the original signature of the requestor verifying that the third party is authorized to act on their behalf.

FEES, PAYMENTS AND TAXES

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

When will an alternate payee start receiving payments? For a pre-retirement HiDRO, the ERS will make direct payments to the alternate payee at the same time the member begins receiving retirement benefit payments and refund of accumulated contributions, or termination distributions. For a post-retirement HiDRO, the ERS will make direct payments to the alternate payee beginning the month after the HiDRO model form is qualified as a HiDRO. 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.

Can the HiDRO be applied to an active member's contributions? No. A pre-retirement HiDRO can only be applied to a member's retirement benefits and refund of accumulated contributions upon retirement, or termination distributions (accumulated contributions and/or hypothetical account balances) upon termination from employment. A former member who has taken a termination distribution is no longer a member of the system and is no longer eligible for retirement benefits.

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.

Will the alternate payee have to pay taxes? An alternate payee 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.

REQUESTS FOR INFORMATION

Can I make a request for HiDRO-related information for an ERS member or retirant prior to seeking a HiDRO? Yes. Upon receipt of a completed ERS Request for Information (Form ERS-303) and an original certified copy of the complaint for divorce or divorce decree, the ERS will provide the spouse or former spouse with HiDRO-relevant ERS information of the member retirant. A member seeking information can submit a Request for Information (Form ERS-303) without the complaint for divorce or divorce decree. Beneficiary information will not be released. The ERS will provide information available as of the date of the request, and will not include projected 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, 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 is 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, revised October 28, 2026

Contact ERS

If you have any questions, please contact us at (808) 586-1735 from 8:00 a.m. to 4:00 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