STATE OF HAWAII
EMPLOYEES' RETIREMENT SYSTEM
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HAWAII DOMESTIC RELATIONS ORDERS

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

BACKGROUND

A Hawaii Domestic Relations Order (HiDRO) (Hawaii Revised Statutes §88-93.5) is a domestic relations order that has been entered or domesticated by a court in the State of Hawaii, and qualified by the ERS. A HiDRO allows the ERS to directly pay all or a portion of a member, former member with vested status (collectively referred to as member) or retirant's (also known as the retiree) benefits to an alternate payee, such as a spouse or former spouse.

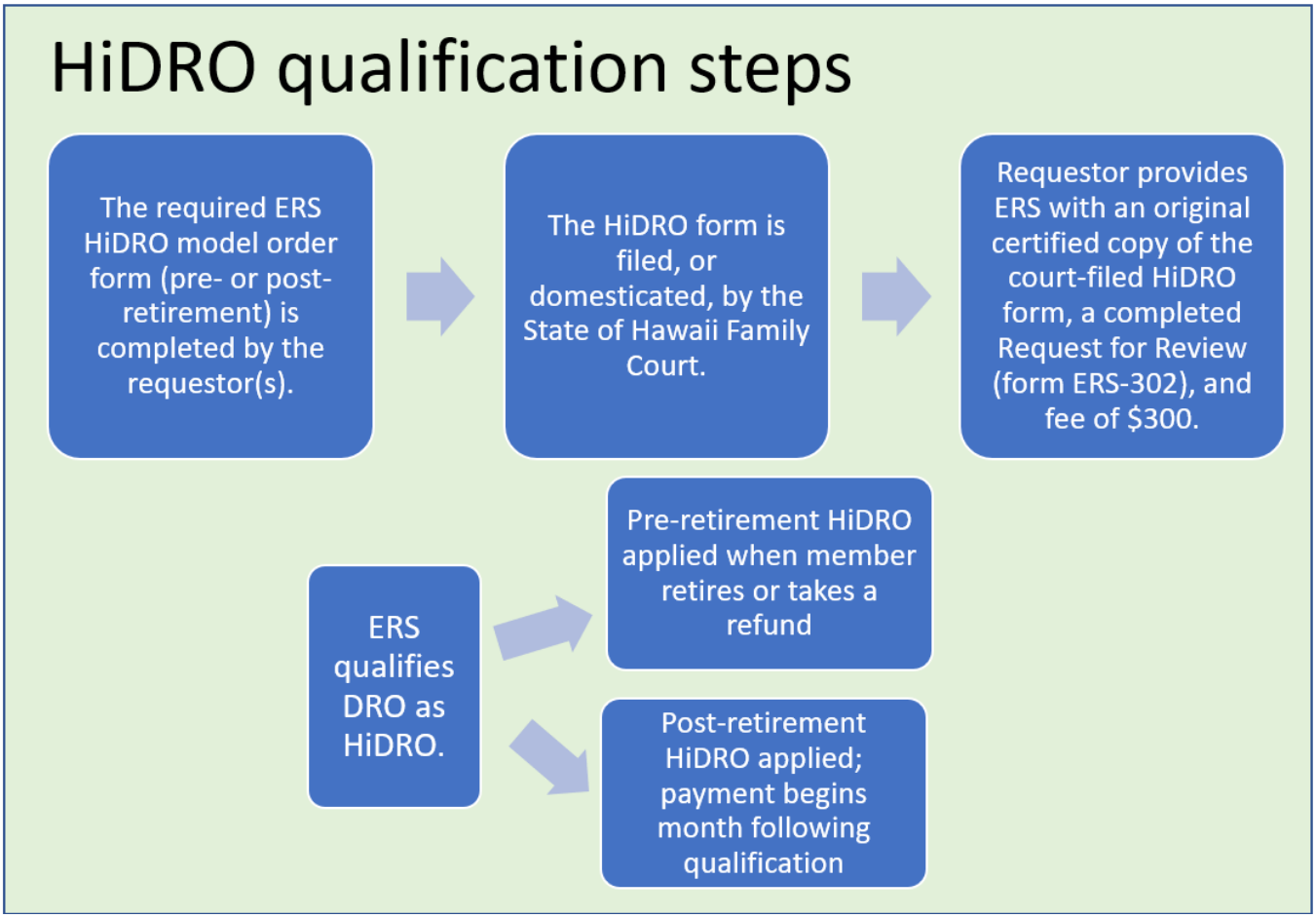
The information provided here is to help interested parties understand a HiDRO. It does not cover all the laws and procedures applicable to the HiDRO. General information about the ERS plan and benefits is available at the ERS website (http://ers.ehawaii.gov).

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.

ABOUT HiDRO

A HiDRO can be applied to the ERS retirement benefits of a member or retirant. A HiDRO can be qualified by the ERS before retirement (pre-retirement, Form ERS-300) or after retirement (post-retirement, Form ERS-301). 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 below). 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. An original certified copy of the court-filed HiDRO model form (and domestication order, if applicable) may then be submitted to ERS for qualification as a HiDRO, together with a Request for Review form (Form ERS-302), and fee of $300.00. A HiDRO can only be applied after it is qualified by the ERS. A Complaint for Divorce or Divorce Decree cannot be used in place of a HiDRO.



Pre- and Post-Retirement HiDRO Model Forms

Both HiDRO model forms identify the member/retirant 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 and has not withdrawn their contributions upon termination (termination distribution). It must be submitted to the ERS prior to the member's retirement or termination distribution. The ERS will not accept a pre-retirement HiDRO model form for qualification on or after the date of the member's retirement or termination distribution. 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 retirement benefits, including a monthly pension and refund (available only for Contributory or Hybrid plan members choosing a refund retirement option). It can also be applied to a termination withdrawal of a member's accumulated contributions and/or hypothetical account balances (available only for Contributory and Hybrid plan members who terminate service and choose withdrawal instead of retirement).

A post-retirement HiDRO model form (Form ERS-301) may be used if the ERS member is or has ever retired. It can be submitted to the ERS anytime during the retirement. The ERS will not accept a post-retirement HiDRO model form before a member is retired. A post-retirement HiDRO can only be applied to a monthly pension, beginning the month after ERS qualifies the HiDRO, It is not retroactive to monthly pension payments paid prior to or during the month of qualification.

It is important to know that a HiDRO becomes void when the member, retirant, or alternate payee passes away. The HiDRO also does not provide for the election of a retirement option, 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 a Proposed HiDRO Model Form

The ERS will not qualify as a HiDRO, any HiDRO model form prior to its entry or domestication by a court in the State of Hawaii. However, the ERS permits the optional review of a "proposed" HiDRO model form, prior to being entered by a court, to determine if it meets the requirements of a HiDRO. The ERS will issue a determination of whether meets the requirements of a HiDRO, as well as an explanation of any reasons it fails to meet the requirements of a HiDRO. Each submission must include a completed Form ERS-302 (Request for Review of Hawaii Domestic Relations Order or Proposed Hawaii Domestic Relations Order) with the original signature of the requestor, and review fee of $300 (non-refundable). An original certified copy of the Complaint for Divorce or Divorce Decree is required if the requestor is not the member or retirant.

The review of a "proposed" HiDRO model form for determination of whether it meets the requirements of a HiDRO, is optional, 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 subsequently need to be entered or domesticated by a court in the State of Hawaii, and then submitted to the ERS for qualification as described below (with another $300 fee for qualification).

Review of a Court-Entered HiDRO Model Form

A HiDRO model form that has been entered or domesticated by a court in the State of Hawaii 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 indicated above. If it is not qualified as a HiDRO, it will be returned with an explanation of reasons it fails to meet the requirements for qualification as a HiDRO. Each submission must include a completed Form ERS-302 (Request for Review of Hawaii Domestic Relations Order or Proposed Hawaii Domestic Relations Order) with the original signature of the requestor, and a review fee of $300 (non-refundable).

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 or retirant's ERS retirement benefit-related information by submitting an ERS Request for Information form (Form ERS-303). An original certified copy of the Complaint for Divorce or Divorce Decree is required if the requestor is not the member or retirant. The ERS will not release any beneficiary information except to the member or retirant. The ERS will provide the information available at the time of the request. The information does not include any projected future benefits. The member or retirant will be notified when a request of information is made from a spouse or ex-spouse.

Request by a Third-Party

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.

ERS Retirement Plans

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 ERS membership 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. In lieu of the maximum allowance, the employee may elect to have an actuarially equivalent retirement allowance payment option, some of which take into consideration the age of the member and beneficiary, and the refund of contributions. The ERS will not determine or project a monthly pension until the member is retired and their pension is finalized, or a termination distribution until the member request withdrawal/distribution of their accumulated contributions or hypothetical account balance, and their accumulated contributions and/or hypothetical account balance 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, an alternate payee's eligibility to receive payment occurs when a member retires or receives a termination distribution.

Payment to an alternate payee will be made at the same time as payment is made to the retirant, subject to receiving the required forms form the alternate payee. 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.

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

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 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.

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

Post-Retirement Allowance (COLA)

An alternate payee will receive an annual post retirement allowance proportional to the alternate payee's portion of a retirant's monthly pension benefit. For Contributory, Noncontributory and Hybrid retirants with membership dates prior to July 1, 2012, the allowance is 2.5% of the base monthly pension benefit. For Contributory and Hybrid retirants with membership dates after June 30, 2012, the allowance is 1.5% of the base monthly pension benefit. For a pre-retirement HiDROs, the first post retirement allowance is added on July 1 in the year after the member's retirement. For a post-retirement HiDROs, previous post retirement allowances are added into the monthly pension benefit at the time of the first payment, and future post retirement allowances will be added every July 1.

Death of the Retirant or Alternate Payee

A HiDRO becomes void upon the death of the retirant or alternate payee. If the retirant dies before the alternate payee, payment to the alternate payee under the HiDRO will cease the month after the retirant's death, and survivor benefit payments 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 alternate payee's 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 an alternate

payee whose portion is determined by a percentage of the retirant's benefit or by a numerical dollar amount more the total distribution payable to the retirant.

Overpayment and Underpayment Between the Retirant and 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, 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	Molokai/Lanai	1-800-468-4644 ext, 61735
Maui	984-2400 ext. 61735	Continental US	1-888-659-0708
Kauai	274-3141 ext. 61735		