Employees' Retirement System
of the State of Hawaii

Hawaii Domestic Relations Orders (HiDRO)

ers.ehawaii.gov

July 2020 (updated October 28, 2026)

Employees' Retirement System
of the State of Hawaii

Information from ERS

- While the ERS can provide information about the benefit plan and procedures, it cannot provide legal advice, and 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 legal rights under state law.
- This presentation is a general overview of the Hawaii Domestic Relations Order and is not inclusive of all HiDRO information. Resources are available at the ERS website and by calling the ERS. The website and contact information is listed at the end of the presentation.

What is the Hawaii Domestic Relations Orders (HiDRO) law?

- Provides authority for the ERS to make direct payments of retirement benefits to the spouse or former spouse of an ERS member, former member with vested status, or retirant under a qualified domestic relations order.
- Hawaii Revised Statutes Chapter 88, Section 93.5
- Legislation: Act 30 (HB2341, HD1, SD2, 2018). Amends Act 263 (SLH 2016)
- Hawaii Administrative Rules, Chapter 6-40 Hawaii Domestic Relations Orders
- Effective date: July 1, 2020

Definitions

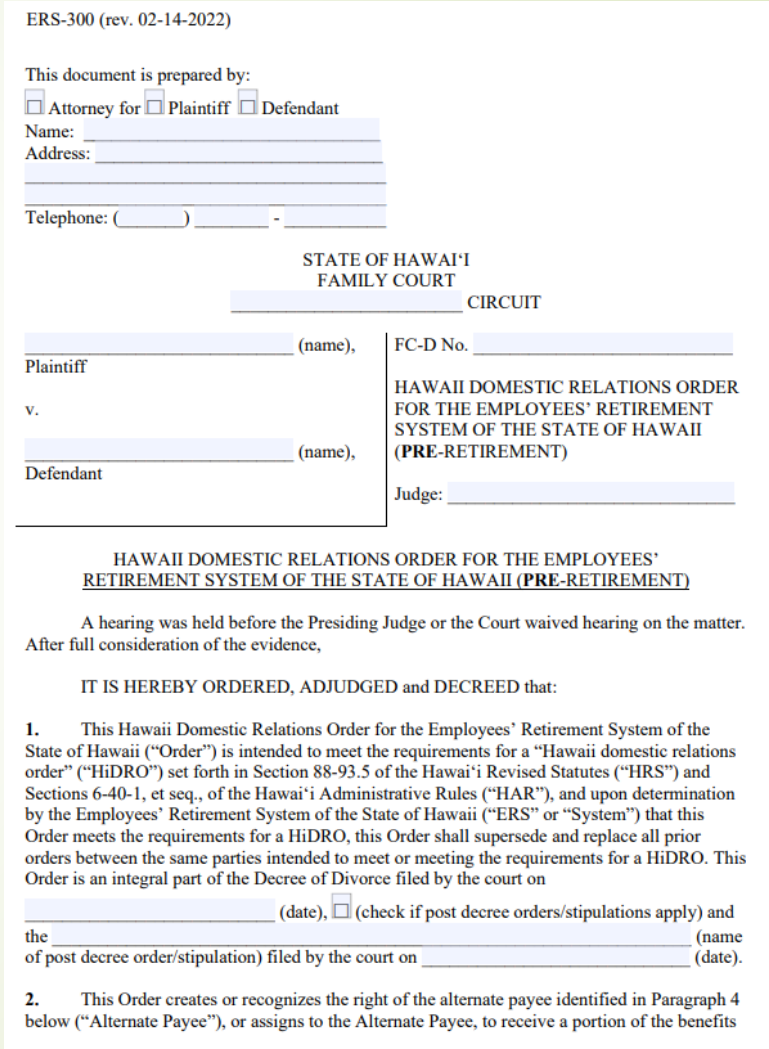
- **Domestic relations order** is a judgment, decree, or order, including approval of a property settlement agreement.

- **Hawaii Domestic Relations Order (HiDRO)** is a domestic relations order that creates the right of an alternate payee (such as a spouse or former spouse), or assigns to an alternate payee, the right to receive all or a portion of the benefits payable with respect to an ERS member, a former member with vested benefit status, or a retirant. A court-filed domestic relations order must be qualified by the ERS to become a HiDRO before any payments can be made. A required model order form is provided by the ERS.

The required HiDRO model form includes:

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- The name and mailing address of the ERS member, former member with vested benefits status, or retirant (retiree).
- The name and mailing address of the alternate payee (such as a spouse or former spouse) covered by the order.
- The amount or percentage of the benefits to be paid by the system to the alternate payee, or the manner in which the percentage is to be determined.
- The order specifically applies to the ERS.



ERS-300 (rev. 02-14-2022)

This document is prepared by:
☐ Attorney for ☐ Plaintiff ☐ Defendant
Name: _____
Address: _____
_____
_____
Telephone: (_____) _____ - _____

STATE OF HAWAI'I
FAMILY COURT
_____ CIRCUIT

_____ (name),
Plaintiff

v.

_____ (name),
Defendant

FC-D No. _____

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

Judge: _____

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 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" ("HiDRO") set forth in Section 88-93.5 of the Hawai'i Revised Statutes ("HRS") and Sections 6-40-1, et seq., of the Hawai'i Administrative Rules ("HAR"), and upon determination by the Employees' Retirement System of the State of Hawaii ("ERS" or "System") that this Order meets the requirements for a HiDRO, this Order shall supersede and replace all prior orders between the same parties intended to meet or meeting the requirements for a HiDRO. This Order is an integral part of the Decree of Divorce filed by the court on

_____ (date), ☐ (check if post decree orders/stipulations apply) and the _____ (name of post decree order/stipulation) filed by the court on _____ (date).

2. This Order creates or recognizes the right of the alternate payee identified in Paragraph 4 below ("Alternate Payee"), or assigns to the Alternate Payee, to receive a portion of the benefits

Pre- vs. Post-Retirement HiDROs

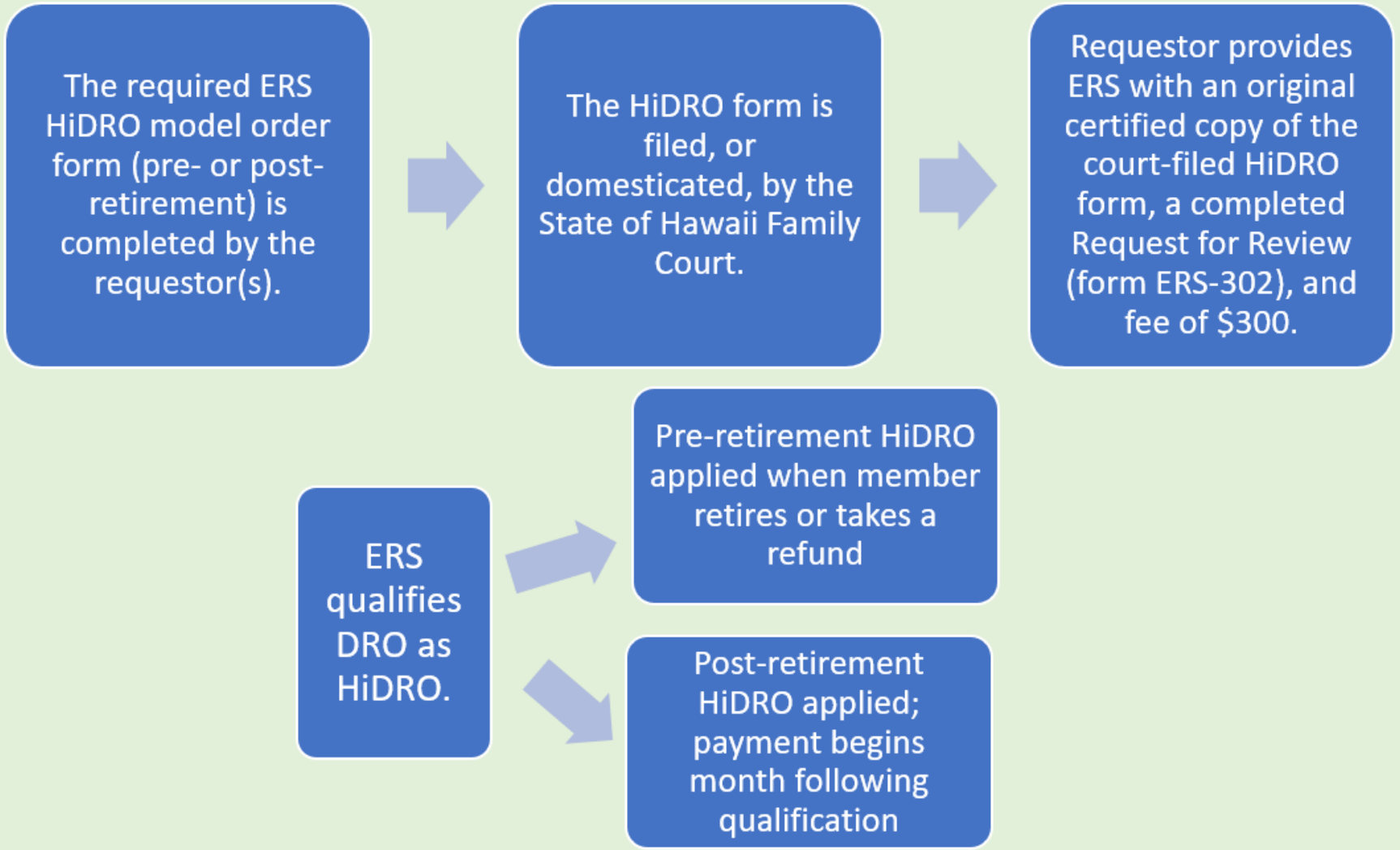
- A pre-retirement, court-filed HiDRO model form can be submitted to ERS for qualification any time prior to a member's retirement or termination distribution. A post-retirement, court-filed HiDRO model form can be submitted for qualification on or after the retirement date.
- A pre-retirement HiDRO can cover a monthly pension and a refund of accumulated contributions, if a refund option chosen. It can also be applied to a member or former vested member's distribution of accumulated contributions or and/or hypothetical account balance when they are withdrawn.
- A post-retirement HiDRO can only be applied to a monthly pension. Payments begin the month after qualification and are not retroactive.

A HiDRO does not:

- Make the ERS a party to a divorce action, or provide the family court with jurisdiction over the ERS.
- Provide any benefit prior to retirement or prior to the withdrawal of contributions by a member or former vested member
- Require anyone but the member, former member with vested status, or retirant, to designate a beneficiary as recipient of death benefits
- Require anyone but the member, former member with vested status, or retirant, to select a particular benefit payment plan or option;
- Require any action on the part of ERS contrary to its governing laws or plan provision other than the direct payment of benefits awarded to an alternate payee

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HiDRO qualification steps



Proposed HiDRO model form review

- Upon request, ERS can review a proposed HiDRO model form before it is court-filed for a $300 fee.
- ERS will review the document and determine if it meets the requirements of a HiDRO. A court-filed HiDRO model form will still need to be submitted to ERS for a qualification review with another $300 fee.
- The $300 fee will be assessed for each review. Requestor will be notified if additional legal or actuary services are needed by the ERS and the associated fee(s).

Request for Information

If more information is needed prior to the filing of a HiDRO model form, the ERS can provide HiDRO-related information of a member, former member with vested status, or retiree.

- A certified copy of a complaint for divorce or divorce decree and a Request for Information form (ERS-303) are required for the spouse or ex-spouse. Only a Request for Information form (ERS-303) is required for a member, former member, or retiree.
- Information will be based on the date of the request and will not project any future benefits.
- If the request is from a spouse or ex-spouse, the member will receive notification of what information was provided.

Other considerations

- The ERS offers a variety of options to members and retirees. More information about the plan and options can be found at the following links: https://ers.ehawaii.gov/members/active https://ers.ehawaii.gov/members/planning-for-retirement
- A qualified HiDRO is prospective and cannot be applied to benefits already distributed to the member.
- ERS will not make a lump-sum payment of any portion of a benefit that is not payable by lump sum.
- Generally, the alternate payee is subject to the same tax treatment as the member or retiree when receiving a payment from the ERS, including rollover options for a lump-sum distributions. Check with a tax consultant for further information.
- A HiDRO is void upon the death of the member, former member, retiree, or alternate payee.

Getting started



Information about the ERS, retirement plans and HiDRO are available on the ERS website (ers.ehawaii.gov):

- Retirement plan information: Under the Members tab for active and former members. Under Retirees tab for retirees.
- HiDRO information: Under the HiDRO tab near the top of the homepage.

Employees' Retirement System
of the State of Hawaii

Contact ERS

Monday-Friday 8:00am-4:00pm
(Except State Holidays)
Oʻahu: (808) 586-1735
Kauaʻi: (808) 274-3010
Hawaiʻi: (808) 974-4077
Maui: (808) 984-8181
Molokaʻi & Lānaʻi toll-free to Maui:
1 (800) 468-4644, ext. 48181
Continental U.S. toll-free to Oʻahu:
1 (888) 659-0708
ers.ehawaii.gov