

## The QDRO Benefit Payment (continued)

If a QDRO for a DROP participant or a retiree is filed, payment to the alternate payee becomes effective on the first of the month following receipt of the acceptable document.

The benefit payable to the alternate will be based on the member's service accrued during the dates of the marriage, and on the reported salary on those dates. The benefit formula to be applied will be that in effect when the member retires or enters the Deferred Retirement Option Plan (DROP).

No benefit is paid to the alternate payee before the member retires or enters the DROP. Payments to the alternate payee will become payable immediately upon retirement for age and service, disability, or for DROP participation.

**Note: APERS cannot require a member to apply for benefits.**

For more information contact:

### Arkansas Public Employees Retirement System

124 W. Capitol Ave. Suite 400  
Little Rock, AR 72201

(501) 682-7800 or 1-800-682-7377

[www.apers.org](http://www.apers.org)

As much as possible, this brochure has been written in non-technical terms, avoiding the formal language of the retirement laws, rules and regulations. Any conflict between the information contained in this brochure and those retirement laws, rules and regulations must be resolved pursuant to the governing statutes, rules and regulations.

If questions about interpretation arise as a result of the attempt to make the retirement provisions easy to understand, Chapters 2, 4, and parts of 7 of Title 24 of the Arkansas Code Annotated (1987), as amended, as well as APERS promulgated regulations, must remain the final authority.

The information provided in this brochure is based on the Arkansas Retirement System laws and rules in existence at the time this brochure was published and is subject to future modification based on changes in the law.

# APERS



## Qualified Domestic Relations Order

## Qualified Domestic Relations Order or “QDRO”

The United States Department of Labor defines a Qualified Domestic Relations Order or “QDRO” as a domestic relations order that creates or recognizes the existence of an alternate payee’s right to receive, or assigns to an alternate payee the right to receive, all or a portion of the benefits payable to a participant under a pension plan.

For purposes of the APERS QDRO provisions, an alternate payee cannot be anyone other than a spouse, former spouse, child, or other dependent of a participant. This means a vested member’s benefit is subject to a QDRO in case of a divorce.

Even though the order is issued by a court, Arkansas law prohibits APERS from honoring a QDRO unless it is formatted and filed with the agency in the manner approved by the APERS Board of Trustees and by the Arkansas Legislature. APERS’ only involvement in individual cases is to inform members of proper procedures and to comply with lawful orders.

**“A vested member’s benefit may be subject to a QDRO in case of a divorce.”**

## The QDRO Process

You or your attorney can request a copy of the QDRO model from the APERS office or get one from the APERS website. The QDRO may be filed for an active, inactive, or retired member.

The QDRO must be filed in the format approved by the APERS Board of Trustees, and the signed original filed in the proper court must be submitted. If this procedure is not followed, APERS will not honor the QDRO.

Members, alternate payees and their attorneys can call APERS for a model QDRO in the proper format. Please specify if the member is active or retired when requesting information for a QDRO.

The QDRO requires some specific information from the member and the alternate payee (member’s ex spouse):

- Name
- Social Security number
- Date of birth
- Current address\*
- Date of marriage
- Date of divorce\*\*

\* The alternate payee is responsible for informing APERS of any change in address.

\*\*The divorce date must remain constant throughout the document.

## The QDRO Review

Upon receipt of a QDRO by APERS, the member’s record and the QDRO are reviewed. If the member is not or was not vested for future benefits on the divorce date or other irregularities are discovered, the QDRO will not be accepted. The member and the alternate payee are informed of the review findings in writing.

If corrections to the QDRO are necessary, a letter will be sent outlining those corrections. Attorneys may submit a draft to APERS for a determination of acceptability prior to having it signed and filed. Then, if corrections are needed, they may be made before the document is submitted in court for the judge’s signature.

## The QDRO Benefit Payment

The member must request an estimate for benefits, or the alternate payee or the alternate’s attorney may submit a notarized release from the member for an estimate of benefits. The estimate for the member is prepared using the current formula, service accrued during the dates of the marriage, and the salary projected through the date of divorce or separation. A copy of the divorce decree is not required, and it will not be recognized to pay an ex-spouse if no QDRO has been filed.

The amount of the benefit payment for the alternate payee will be stated as a percentage of the member’s benefit or stated as a specific dollar amount.