

**QDRO
REQUIREMENTS
CHECKLIST**

The checklist below is intended as a tool to quickly review the requirements of QDRO or EDRO without needing to review the full policy.

1. The QDRO must contain the name and the last known mailing address (if any) of the participant and each alternate payee covered by the order.
2. The QDRO must provide the amount or percentage of the participant's benefits to be paid by the plan to each alternate payee, or the manner in which the amount or percentage is to be determined.
3. The QDRO must state the number of payments or period to which the order applies, as well as each plan to which the order applies.
4. The QDRO may not require a plan to provide any type or form of benefit, or any option, not otherwise provided under the plan.
5. The QDRO may not require the plan to provide increased benefits.
6. The QDRO may not require the payment of benefits to one alternate payee which are already required to be paid to another alternate payee under an order that has been determined to be a qualified domestic relations order.
7. Exceptions for certain payments made after the earliest retirement age: a domestic relations order may not be treated as failing to meet the requirement in #4 (above) solely because:
 - the order requires payment of benefits to an alternate payee in a case where the participant has not separated from service, on or after the date on which the participant attains (or would have attained) the earliest retirement age;
 - the order requires payment of benefits to an alternate payee in a case if the participant had retired on the date on which such payment is to begin under the order (taking into account only the present value of the benefits actually accrued; not taking into account the present value of any employer subsidy for early retirement); and
 - the order requires payment of benefits to an alternate payee in any form in which such benefits may be paid under the plan to the participant (other than in the form of a joint and survivor annuity with respect to the alternate payee and his or her subsequent spouse).

8. For purposes of determining survivor benefits, to the extent provided in any qualified domestic relations order:
 - the former spouse of a participant shall be treated as a surviving spouse for purposes of sections 401(a)(11) and 417; and
 - if married for at least one year, the surviving former spouse shall be treated as meeting the requirements of section 417(d)
9. The Plan Administrator shall promptly **notify the participant and each alternate payee of the receipt of the order** and the plan's procedures for determining the qualified status of domestic relations orders, **and** within a reasonable period after receipt of the order, the Plan Administrator shall determine whether the order is a Qualified Domestic Relations Order and notify the participant and each alternate payee of the determination.
10. Each plan shall establish reasonable procedures to determine the qualified status of domestic relations orders and to administer distributions under such qualified orders. The procedures shall:
 - be in writing;
 - provide for the notification of each person specified in a domestic relations order as entitled to payment of benefits under the plan (at the address included in the domestic relations order) of such procedures promptly upon receipt by the plan of the domestic relations order; and
 - permit an alternate payee to designate a representative for receipt of copies of notices that are sent to the alternate payee with respect to a domestic relations order.

**EDRO
REQUIREMENTS
CHECKLIST**

1. The EDRO must contain the name, last known address, and Social Security number of the participant and the alternate payee.
2. The EDRO must provide the amount or percentage of the benefit to be paid to an alternate payee, or the manner under which the retirement system is to determine the amount or percentage of the benefit to be paid to an alternate payee.
3. The EDRO must state that it applies to the retirement system and that the retirement system shall make payments to the alternate payee as required under the eligible domestic relations order and this act.

4. The EDRO may not require the retirement system to provide a type or form of benefit not provided by the retirement system or a form of payment not provided by this act.
5. The EDRO may not require the retirement system to provide an increased benefit determined on the basis of actuarial value.
6. The EDRO may not require the payment of a benefit to an alternate payee that is required to be paid to another alternate payee under a previously filed eligible domestic relations order.
7. The EDRO is filed before the participant's retirement allowance effective date.
8. Except as otherwise provided, the payment of a benefit to an alternate payee under an EDRO shall begin on the retirement allowance effective date of the participant.
9. The payment of a benefit under an EDRO must be paid in one of the following forms:
 - A single life annuity that is equal to the actuarial equivalent of the alternate payee's share of the benefit payable throughout the life of the alternate payee; or,
 - If a retirement system offers a participant a reduced benefit that is equal to the actuarial equivalent of the total benefit, the reduced benefit must be paid in the manner provided under the retirement system. The EDRO must specify the percentage or amount of the reduced benefit that is payable; or,
 - A single life annuity that is equal to the alternate payee's share of the benefit payable throughout the life of the participant.
10. Each retirement system must establish a reasonable procedure to determine if a domestic relations order is an EDRO.
11. The retirement system has an obligation to promptly notify the participant and alternate payee that the retirement system has received the domestic relations order. The determination procedure used by the retirement system must be included in the notice.
12. The retirement system must determine within a reasonable time whether the domestic relations order qualifies as an EDRO. The retirement system must notify the participant and the alternate payee whether the order qualifies as an EDRO.
13. If the retirement system determines the order is an EDRO, payment of benefits must begin on the first day of the month following

the month in which the domestic relations order was determined to be an EDRO, or the first day of the month following the month in which a benefit is payable under the EDRO, whichever is later.

14. If the retirement system determines that the domestic relations order is not an EDRO the retirement system must specify in the notice why the domestic relations order is not an EDRO.
15. A determination by the retirement system that a domestic relations order is not an EDRO does not prohibit a participant, alternate payee, or court from filing an amended domestic relations order with the retirement system.
16. MCL 38.1711 provides "A domestic relations order filed with the retirement system before the effective date of this act is considered an EDRO under this act if the retirement system is making payments under the domestic relations order on the effective date of this act or to the extent a domestic relations order is consistent with the provisions of this act."