



## THE POLICE RETIREMENT SYSTEM OF ST. LOUIS

2020 MARKET STREET  
SAINT LOUIS, MISSOURI 63103  
Toll Free 1-800-850-4407  
(314) 241-0800 Fax (314) 241-4009

### **SUGGESTED ITEMS TO CONSIDER IN DRAFTING DOMESTIC RELATIONS ORDERS INVOLVING THE POLICE RETIREMENT SYSTEM OF ST. LOUIS**

1. Be aware that the Police Retirement System is a “governmental plan,” generally not subject to ERISA and that the System’s governing provisions contain a prohibition against the assignment of a System member’s benefits. Therefore, avoid using ERISA-based terms “Qualified Domestic Relations Order” or “QDRO”; “Qualified Survivor Annuity”; and “Alternate Payee.”
2. Consider providing for the Court to retain jurisdiction over the divorce proceedings so that further orders, including amendments to prior orders, may be authorized.
3. If applicable, make certain that the latest order clearly supersedes any and all prior orders on the same subject and consider attaching the old and new orders as exhibits.
4. The language of the new Order should state that the new Order shall not constitute an abandonment of the distribution of the Petitioner’s/Respondent’s benefits from the System as set forth in any prior order or decree handed down by the court.
5. Consider setting forth the amount to be received at retirement. The amount of a member’s accrued monthly benefit, based on said member’s Average Final Compensation *as of the date of dissolution or projected date of dissolution* can be calculated, detailed and obtained from:

Executive Director  
Police Retirement System of St. Louis  
2020 Market Street  
St. Louis, MO 63102

or:

[PRS@stlouisprs.org](mailto:PRS@stlouisprs.org)

The System member can obtain this information upon request. A System member’s attorney can obtain this information upon request, accompanied by proof of representation on attorney letterhead. All others requesting this information must show consent from either the System member or that member’s attorney, or must obtain the information via subpoena.

6. Consider setting forth the methodology or calculation to be used to divide the System member’s pension (using a percentage or formula).



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7. Consider whether or not the System member is to have the sole right to make decisions regarding participation in the plan as employment continues and benefits increase or decrease.
8. Make certain that the former spouse of the System member shall have no interest in benefits after a date certain, typically the date of the dissolution of the marriage.
9. Make certain the former spouse's benefit terminates when the member's benefit terminates, *i.e.*, upon the death of the employee. Provisions governing the System specify that the term "surviving spouse" means someone married to the member *at the time of the member's death*. Therefore, any attempt to provide for a former spouse to receive surviving spouse benefits upon the System member's death cannot be honored, as being contrary to that definition.
10. Consider whether or not the former spouse is to have an interest or portion of the System member's Deferred Retirement Option Plan ("DROP") benefits from the System, if any. If DROP benefits are being apportioned, payment of said benefits will likely have to be paid to the Registry of the Court, in order that each party receives their respective share and to allow each party to make an election on the distribution of the funds, including "rolling over" their share to a qualified investment vehicle in order to defer tax liability (such an election must be communicated to the Court).
11. Consider whether or not the former spouse is to have an interest or portion of the System member's return of contributions to the System (if member actually qualifies for retirement) or accumulated contributions (contributions plus interest) to the System (if member fails to qualify for retirement), and whether said portion is based on the entirety of the System member's tenure as a member of the System, or during such portion of the System's member's tenure that the parties were married.
12. Consider providing in the court order whether the Clerk of the forum court is authorized to pay any IRA-eligible rollover contributions (return of contributions, return of accumulated contributions and/or DROP benefits) to each party's respective third-party IRA administrator or qualified plan administrator (whose plan provides for accepting such contributions), as designated in writing by either or both parties who are eligible to receive such benefits pursuant to the terms of the court order.