



STATE TEACHERS
RETIREMENT SYSTEM
OF OHIO

DIVORCE

Division of Property Orders (DOPO)

**Payment of a Portion of a Participant's Retirement Benefit
to Former Spouse During the Participant's Life**

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This brochure is a summary written in plain language for use by STRS Ohio members. It is not intended as a substitute for the Ohio Revised Code or the Ohio Administrative Code or for any state or federal law or regulation, nor will its interpretation prevail should a conflict arise between it and any law or regulation. More information may be obtained by contacting STRS Ohio toll free at 888-227-7877. This general information about STRS Ohio benefits and rights and divorce is provided to assist members and their attorneys and is not legal or tax advice.

Introduction

State Teachers Retirement System of Ohio (STRS Ohio) provides retirement benefits for teachers and administrators employed by public schools, colleges and universities. It is created and governed by Chapter 3307, Revised Code, and consists of a Defined Benefit Plan (see *Service Retirement and Plans of Payment* brochure, Defined Benefit Plan), a Defined Contribution Plan (see *Service Retirement and Plans of Payment* brochure, Defined Contribution Plan) and a Combined Benefit Plan (see *Service Retirement and Plans of Payment* brochure, Combined Plan). Information regarding STRS Ohio and these plans is available on the STRS Ohio website at: www.strsoh.org/publications/brochures.

STRS Ohio is a tax-qualified governmental plan under 401(a) of the Internal Revenue Code and is not subject to the Employee Retirement Income Security Act (ERISA). Members of STRS Ohio do not participate in Social Security.

Ohio law provides that former spouses can receive a portion of a member's benefits during the member's lifetime. Members' retirement benefits are also subject to income withholding orders for child support and spousal support.

Division of Property Orders (DOPO)

A court can order that a portion of a member's (participant's) account be paid to the member's former spouse (alternate payee). This order is a Division of Property Order (DOPO). The alternate payee will not receive a payment until the participant receives a payment as provided in the DOPO. DOPOs are governed by Sections 3105.80-3105.90, R.C., and Ohio Administrative Code 3307-9-01.

Before Preparing a DOPO

Before you or your attorney begin preparing the DOPO, you must determine the following:

- Is the member of STRS Ohio (participant) enrolled in the Defined Benefit, Defined Contribution or Combined Plan?
- Is the participant an active, inactive or retired member?
- How much service credit does the participant have with STRS Ohio?
- Does the participant have a reemployed retiree money purchase annuity account?

The participant may obtain the information listed above as well as make calculations of benefits by accessing their Online Personal Account via the STRS Ohio website at www.strsoh.org.

Obtaining Information From STRS Ohio

Section 3307.20, R.C., prohibits STRS Ohio from releasing information about a participant's account, even in response to a subpoena. There are **only** two methods for someone other than the participant to obtain information about a participant's account to use to prepare a DOPO:

1. The participant executes an *Authorization for Release of Retirement Account Information*. The participant must specifically name the person(s) who may receive account information pursuant to this authorization. Authorizations are valid only for six months after execution. The participant may designate a period of time shorter than six months, or
2. The court may issue an order as provided in Section 3105.87, R.C., *DOPO: Release of STRS Ohio Member Account Information Form*.

After receipt of either of the above, STRS Ohio will provide the following information regarding the participant:

- Membership status with STRS Ohio;
- Contributions and/or service credit history as of the last fiscal year end date reported to STRS Ohio;
- If the participant is receiving a benefit payment from STRS Ohio, including the type and gross amount of the current benefit payment being paid; or
- If the participant is not receiving a benefit payment from STRS Ohio, including an estimate of the participant's age and service retirement benefit under a Single Life Annuity plan of payment as of the participant's earliest eligibility date, assuming no further service after the last fiscal year reported to STRS Ohio.

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS

Plaintiff/Petitioner, :
v. : Case No. _____

Defendant/Petitioner. : Judge _____

**JUDGMENT ENTRY FOR PRODUCTION OF INFORMATION
PURSUANT TO SECTION 3105.87, R.C.**

This matter came before the court upon _____'s motion requesting the court issue an order pursuant to Section 3105.87, R. C. requiring the State Teachers Retirement System of Ohio (STRS Ohio) to provide the information from _____'s (Member) STRS Ohio personal history record necessary for the preparation of a Division of Property Order (DOPO) as allowed by law.

Based upon the _____'s motion and for good cause shown, the court hereby grants the motion. It is therefore Ordered, Adjudged and Decreed that, STRS Ohio is Ordered to release the information necessary for the preparation of a DOPO from the STRS Ohio account of Member, Social Security number or STRS Ohio UPI _____, and date of birth _____ to the following:

Name _____
Address _____
City, State Zip Code _____
Telephone Number _____

The information Ordered to be released from Member's STRS Ohio record includes the following:

1. Membership status with STRS Ohio;
2. Contributions and/or service credit history as of the last fiscal date reported to STRS Ohio;
3. If Member is currently receiving a benefit payment from STRS Ohio, the type and gross amount of the current benefit payment being paid;
4. If Member is not currently receiving a benefit payment from STRS Ohio, an estimate of Member's age and service retirement benefit under a Single Life Annuity plan of payment at Member's earliest eligibility date, assuming no further service after the last fiscal year reported to STRS Ohio.

IT IS SO ORDERED.

Judge

Do NOT Issue a Subpoena to STRS Ohio

STRS Ohio is prohibited from releasing information about a participant's account pursuant to a subpoena (see Section 3307.20, R.C.). If STRS Ohio receives a subpoena, it refers the subpoena to the Office of the Attorney General to file objections.

Completing the DOPO

First, download the fillable *Division of Property (DOPO)* form located under "Forms" at www.strsoh.org. This is the form required by Ohio Administrative Code 3307-9-01.

Helpful Hints

- Read these instructions before completing the DOPO.
 - The participant and alternate payee should make certain their current addresses are on file at STRS Ohio. If not, the participant and alternate payee should update their addresses with STRS Ohio prior to submitting the DOPO to the court to make certain that the addresses on file match those on the DOPO.
 - **Do not include service from other systems on the DOPO sent to STRS Ohio.** STRS Ohio must be the only "Public Retirement Program" selected and only service earned with STRS Ohio should be included in the numerator.
 - Make sure you are using the correct information and watch for typos. The most common reasons that DOPOs are rejected are incorrect names, addresses, birth dates or Social Security numbers.
 - Fill in all the blanks **including** the last four digits of the participant's and the alternate payee's Social Security numbers, which is required by Section 3105.82, R.C., and Ohio Administrative Code 3307-9-01(B).
 - The DOPO form is used by all five public state retirement systems in Ohio and the University/College Alternative Retirement Plan, so make certain you do not select a type of payment that does not apply to STRS Ohio.
 - The STRS Ohio Combined Plan consists of a defined benefit and defined contribution plan. If the participant is a member of the Combined Plan, types of payment for both the defined benefit and defined contribution plans must be selected. The types of payment for the Defined Benefit Plan will not apply to the Defined Contribution Plan. The type of payment for the Defined Contribution Plan will not apply to the Defined Benefit Plan.
 - STRS Ohio can provide information only on the available types and methods of payment. It cannot determine which types or methods of payment the parties should select.
-

Type of Payment

There are seven types of payment listed on the DOPO. If no type of payment is selected on the DOPO, then the alternate payee will receive a portion of the first type of payment the participant applies for and receives. STRS Ohio cannot force a participant to select a particular type of payment on retirement.

1. Age and service retirement benefit, INCLUDING Partial Lump-Sum Payments (PLOP)

- If this type of payment is selected on the DOPO, the alternate payee will receive a portion of the PLOP and the monthly benefit if the participant selects this type of payment at the time of retirement.
- This type of payment applies only to participants in the Defined Benefit and Combined Plans.

2. Age and service retirement benefit, BUT EXCLUDING Partial Lump-Sum Payments (PLOP)

- If this type of payment is selected on the DOPO, the alternate payee will only receive a portion of the monthly benefit if the participant selects this type of payment at the time of retirement.
- This type of payment applies only to participants in the Defined Benefit and Combined Plans.

3. Disability monthly benefit

- If this type of payment is selected on the DOPO, the alternate payee will receive a portion of the disability benefit if the participant applies for and receives disability.
- This type of payment applies only to participants in the Defined Benefit and Combined Plans.

4. Account refund

- If this type of payment is selected on the DOPO, the alternate payee will receive a portion of the lump-sum payment if the participant elects to end the participant's membership in STRS Ohio and withdraws the entire balance of the participant's account.
- This type of payment applies to participants in the Defined Benefit, Combined and Defined Contribution Plans.

5. Additional money purchase annuity/additional annuity lump-sum refund

- This type of payment is not available at STRS Ohio and it should not be selected.

6. Reemployed retiree money purchase annuity (when monthly payment exceeds \$25) or lump-sum refund

- This type of payment is for a separate retirement account for retirees who become reemployed after they begin receiving their service retirement benefit. This type of payment should be selected only if this account is to be divided. It must be the only type of payment selected on the DOPO and the dollar amount method of payment must be used.

7. Defined Contribution Plan benefit

- This type of payment should be selected only if the participant is a member of the STRS Ohio Defined Contribution or Combined Plans. The percentage method of payment must be used for both the Defined Contribution Plan and the Combined Plan.

Method of Payment

The amount to be paid to the alternate payee is determined by the court and provided on the DOPO. There are two methods of payment — dollar amount or percentage. Only one method of payment may be selected. The court can order that a specific dollar amount be paid or a percentage of the marital portion of the benefit. (See sample DOPO form on Page 5.)

Dollar amount

- The specific dollar amount of lump-sum payments and monthly benefits must be entered. If the alternate payee is not awarded a portion of a monthly benefit or lump-sum payment, then \$0.00 must be entered. All four blanks must be completed.
- Method of Payment 1(b) applies to Type of Payment 1 and Method of Payment 1(a) applies to Types of Payment 2, 3, 4 and 6 (see Page 3).

Percentage

- The percentage of lump-sum payments and monthly benefits must be entered. If the alternate payee is not awarded a portion of a monthly benefit or lump-sum payment, then zero percent (0%) must be entered. All eight blanks from 2(a) through 2(c) must be completed. For example, "fifty percent (50%)."
- Method of Payment 2(b) applies to Type of Payment 1 and Method of Payment 2(a) applies to Types of Payment 2, 3, 4 and 7 (see Page 3 of the DOPO).
- If the participant is a member of the Combined Plan, types of payment must be selected on the DOPO for both the defined benefit portion and the defined contribution portion of the participant's account.

B. Method of Payment: If the Plan Participant is a reemployed retiree contributing to a money purchase annuity or is eligible to receive or is receiving monthly benefits or a lump sum payment from a reemployed retiree money purchase annuity, the Alternate Payee shall receive payment from the reemployed retiree money purchase annuity and any other type of payment designated in Paragraph II(A) above in a monthly or one-time dollar amount as specified in Paragraph II(B)(1)(a) below. If the Plan Participant is participating in the defined contribution program, or any of its constituent plans, the Alternate Payee shall receive payment from the defined contribution program, or any of its constituent plans, and any other type of payment designated in Paragraph II(A) above in a percentage of a fraction as specified in Paragraph II(B)(2) below. If the Plan Participant is participating in any other plan in a Public Retirement Program, the Alternate Payee shall receive payment in either a dollar amount **OR** a percentage of a fraction as specified below (i.e. Please complete Dollar Amount **OR** Percentage).

1. Dollar Amount: Paragraphs II(B)(1)(a) and (b) must be fully completed, even if the indication is to pay the Alternate Payee "\$0.00" from the Participant's periodic benefit or/and lump sum payment.

a. If the Participant elects a plan of payment that consists of a lump sum payment **OR** a plan of payment that consists of periodic benefits:

\$ _____ per benefit from the Participant's periodic benefit upon the Participant's receipt of the aggregate periodic benefit; **or**

\$ _____ from the Participant's lump sum payment upon the Participant's receipt of the payment.

Example DOPO Pages 3-4

b. If the Participant elects a plan of payment consisting of both a lump sum benefit **AND** a periodic benefit:

\$ _____ per benefit from the Participant's periodic benefit upon the Participant's receipt of the periodic benefit; **and**

\$ _____ from the Participant's lump sum benefit upon the Participant's receipt of the payment.

OR

2. Percentage: Please provide percentages in both Paragraph II(B)(2)(a) and (b) even if the percentage is "0%".

a. If the Participant elects a plan of payment that consists of either periodic benefits **OR** a lump sum payment, the Public Retirement Program shall pay directly to the Alternate Payee per benefit or in a one-time lump sum payment _____ percent (____%) of a fraction as set forth in Paragraph II(B)(2)(c) below of the Plan Participant's periodic benefit or one-time lump sum payment.

b. If the Plan Participant elects a plan of payment consisting of both a lump sum benefit **AND** a periodic benefit, the Public Retirement Program shall pay directly to the Alternate Payee _____ percent (____%) of a fraction as set forth in Paragraph II(B)(2)(c) below of the Plan Participant's periodic benefit and _____ percent (____%) of a fraction as set forth below of the Plan Participant's lump sum benefit.

c. Fraction:

i. The numerator of the fraction shall be _____, which is the number of years during which the Plan Participant was both a contributing member of the Public Retirement Program and married to the Alternate Payee. The date of marriage is _____.

ii. The denominator, which shall be determined by the Public Retirement Program at the time that the Plan Participant elects to take a benefit or a payment, shall be the Participant's total years of service credit with the Public Retirement Program or, in the case of a Participant in a retirement plan established under Chapter 3305, Revised Code, the years of participation in the plan.

- The marital portion of the benefit under the percentage method of payment is determined by coverture fraction. The numerator of the fraction is the number of years the participant was both a contributing member of STRS Ohio and married to the alternate payee (marital years), which must be provided on the DOPO. The denominator will be the total years of service, which is determined at the time of retirement or withdrawal. STRS Ohio will not determine the numerator, but it will determine the denominator.
-

Finalizing the Order

After the DOPO is signed by the judge, the clerk of court must send a certified copy of the order to STRS Ohio. Some clerks of court automatically send the certified copy of the DOPO to STRS Ohio and others require that the parties request that they submit the certified copy of the DOPO.

STRS Ohio cannot accept a DOPO submitted by an attorney or any other party other than the clerk of courts. Please do not send courtesy copies. STRS Ohio is required to reject them.

Once STRS Ohio receives a DOPO, it has 60 days to review. If everything on the DOPO is correct, then STRS Ohio will notify the clerk of court that it will retain the DOPO. If STRS Ohio rejects the DOPO, it will return the original to the clerk of court with correspondence detailing the reason(s) the DOPO was rejected. The participant, alternate payee and attorneys listed on the DOPO will be copied on the correspondence it sends to the clerk of court.

Amending a DOPO

The court must issue a subsequent order if the parties wish to change the payments being made or to be made pursuant to the terms of the DOPO. It must meet all the requirements of an original DOPO as provided above.

Termination of DOPO

The court must issue an order if the parties wish to terminate the payments being made pursuant to the DOPO. It is not required to be on the DOPO form, but the clerk of courts must submit a certified copy of the order to STRS Ohio. See Example Judgment Entry Terminating Division of Property Order on Page 7.

Example Judgment Entry Terminating Division of Property Order

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS

Plaintiff/Petitioner, :
v. : Case No. _____

Defendant/Petitioner. : Judge _____

JUDGMENT ENTRY
TERMINATING DIVISION OF PROPERTY ORDER

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that,

1. A Division of Property Order (DOPO) was entered by this Court on January 1, 2000, and was retained by the State Teachers Retirement System of Ohio (STRS Ohio).
2. The Participant is John Doe, whose date of birth is January 1, 1980 and whose last four digits of the Social Security number are xxx-xx-1234. The Alternate Payee is Jane Doe, whose date of birth is February 1, 1980, and whose last four digits of the Social Security number are xxx-xx-5678.
3. The DOPO is hereby terminated in its entirety as of the date of this order.
4. The Clerk of Court shall transmit a certified copy of this Judgment Entry to STRS Ohio.
5. The court reserves jurisdiction to enforce these provisions.

IT IS SO ORDERED.

Judge

Frequently Asked Questions

1. Will STRS Ohio charge an administrative fee for processing payments under a DOPO?

Yes. The fee is the lesser of \$400 or one percent of the amount the participant is (or would be) eligible to receive as a lump-sum payment under the plan in which he or she participates. The fee is deducted before the calculation of the limit specified by Section 3105.85, R.C., and is divided equally between the participant and alternate payee.

2. Can STRS Ohio accept a DOPO issued by an out-of-state court?

No. STRS Ohio cannot retain an order issued by a court outside the state of Ohio even if STRS Ohio's DOPO form is used. The DOPO must be:

- Registered as a foreign judgment pursuant to Section 2329.022, R.C., with an Ohio court;
- Transmitted to STRS Ohio by an Ohio Clerk of Courts; and
- Otherwise meet the requirements of Sections 3105.80 to 3105.90, R.C.

The parties should consult with their attorneys about registering a court order issued by an out-of-state court as a foreign judgment pursuant to Section 2329.022, R.C., and then have the Ohio Clerk of Courts transmit the order to STRS Ohio after the order has been issued by the Ohio court.

3. Will STRS Ohio accept Qualified Domestic Relations Orders (QDRO) pursuant to ERISA?

No. ERISA applies only to private pension plans. STRS Ohio is a tax-qualified governmental plan under 401(a) of the Internal Revenue Code.

4. When does STRS Ohio pay the amount due the alternate payee after it retains the DOPO?

Unlike ERISA, the statutes governing DOPOs do not create an independent property interest for the alternate payee. The alternate payee will not receive any payment unless and until the participant applies for and receives a type of payment selected on the DOPO that was retained by STRS Ohio.

5. Does STRS Ohio administer income withholding orders for child support or spousal support?

Yes. STRS Ohio will administer income withholding orders submitted by the Child Support Enforcement Agency.

6. Is there a limit on the portion of the participant's benefit that can be paid to the alternate payee?

Yes. The maximum amount of a participant's benefit that can be paid pursuant to a DOPO or an Income Withholding Order, individually or in total, is 50% of the total benefit or refund payment issued to the participant. If there are multiple DOPOs or income withholding orders for support, the income withholding orders for support will be paid first in order of receipt, then DOPOs in order of receipt. Income withholding orders for support may allow for 60% of the benefit to be withheld under certain circumstances.

7. Who is responsible for the taxes due on the funds paid to the alternate payee?

The amount of the benefit or refund paid by STRS Ohio under a DOPO to an alternate payee is reported for income tax purposes as income to the alternate payee. The alternate payee generally has the same tax options the participant has when receiving a PLOP payment or a lump-sum withdrawal.

8. Is an alternate payee eligible to receive cost-of-living adjustments (COLAs)?

Yes. If a COLA is granted to a benefit recipient, STRS Ohio must apportion any COLA between the benefit recipient and an alternate payee who is receiving a payment under a DOPO.

9. Is an alternate payee eligible for health insurance coverage in the STRS Ohio Health Care Program?

No. If the alternate payee had been covered by the STRS Ohio Health Care Program prior to the divorce, the alternate payee will be eligible for COBRA benefits.

10. Is the benefit the alternate payee receives under a DOPO a lifetime benefit?

No. Payments made under a DOPO terminate upon the death of the participant, the death of the alternate payee or the termination of the STRS Ohio benefit, whichever occurs first.

11. Does a DOPO provide the alternate payee with “survivorship” rights to a continuing benefit upon the participant’s death?

No. A DOPO terminates upon the death of the participant, death of the alternate payee or the termination of the STRS Ohio benefit, whichever occurs first. A beneficiary’s rights to a continuing benefit after the retiree’s death depend upon the plan of payment selected by the participant at retirement, not a DOPO (see “[Court Orders](#)” under Divorce on the STRS Ohio website). For a description of the differences between DOPOs and survivor benefits for former spouses, see [*A Member’s Guide to the Differences Between a Division of Property Order and a Court Order to Provide a Continuing Benefit to a Former Spouse.*](#)

12. Will the Alternate Payee receive a payment if the participant dies before retirement?

No. The DOPO applies only to payments made after service retirement, disability or account withdrawal depending on what types of payments were selected on the DOPO. If the participant dies before any of these events occurs, the alternate payee will not receive any portion of the participant’s account under the terms of the DOPO.

STATE TEACHERS RETIREMENT SYSTEM OF OHIO
275 East Broad Street
Columbus, OH 43215-3771

888-227-7877
www.strsoh.org