KPPA Ad Hoc Regulations Committee
November 20, 2026 at 10:00 a.m. Eastern Time
Live Video Conference/Facebook Live

AMENDED AGENDA

1.	Call to Order	Keith Peercy
2.	Opening Video Teleconference Statement	Legal Services
3.	Roll Call	Sherry Rankin
4.	Public Comment	Sherry Rankin
5.	Approval of Minutes* - September 16, 2026	Keith Peercy
6.	Administrative Regulation 105 KAR 2:190 * Qualified Domestic Relations Orders	Carole Catalfo Nathan Goodrich
7.	Administrative Regulation 105 KAR 3:010 * Applications for disability or survivor benefits	Carole Catalfo Nathan Goodrich
8.	Certification letter* 105 KAR 4:250 – Participation of County Attorney employees	Carole Catalfo Nathan Goodrich
9.	Adjourn	Keith Peercy

*Action may be taken by the KPPA Ad Hoc Regulation Committee

MINUTES OF MEETING
KENTUCKY PUBLIC PENSIONS AUTHORITY
SPECIAL CALLED AD HOC REGULATION COMMITTEE
SEPTEMBER 16, 2026, AT 10:00 AM
VIA LIVE VIDEO TELECONFERENCE

At the special called meeting of the Kentucky Public Pensions Authority Ad Hoc Regulation Committee held on September 16, 2026, the following members were present: Keith Peercy (Chair), George Cheatham, and Jim Tony Fulkerson. Staff members present were CERS CEO Ed Owens III, Ryan Barrow, Erin Surratt, Michael Lamb, Odette Gwandi, Victoria Hale, Nathan Goodrich, Carole Catalfo, Shaun Case, Sherry Rankin, and Mary Hill

1. Mr. Peercy called the meeting to ***order.***

2. Mr. Goodrich read the ***Legal Opening Statement.***

3. Ms. Rankin called ***roll.***

4. Ms. Rankin indicated that no ***Public Comment*** was received.

5. Mr. Peercy introduced agenda item ***Approval of Minutes – March 5, 2026*** *(Video 00:05:57 to 00:06:14)*. Mr. Fulkerson made a motion to approve the minutes of the meeting held March 5, 2026, as presented. Mr. Cheatham seconded the motion. The motion passed unanimously.

6. Mr. Peercy introduced agenda item ***Upcoming Regulations Overview.*** *(Video 00:06:17 to 00:07:23)*. Mr. Goodrich provided an update on the status of upcoming regulations, highlighting the completion of the recodification process that reorganized existing regulations into five (5) subject-based chapters. The Legislative Research Commission's ("LRC") recent completion of this process removed previous delays, and an employer interest regulation was under staff review for future committee consideration. Carol Catalfo was introduced to discuss the regulations scheduled for the current meeting.

7. Mr. Peercy introduced agenda item ***Administrative Regulation 105 KAR 1:365 (Hybrid Cash Plan Balance).*** *(Video 00:07:24 to 00:11:01).* Ms. Catalfo gave a brief summary of proposed revisions to regulation 105 KAR 1:365, including moving definitions for decompression and military omitted service, restricting account balance refunds for members charged with employment-related felonies until a final appealable court judgment is received, removal of Form 2022 in favor of a citation, updating Form 2013 to clarify contact information updates, and compliance with KRS Chapter 13A drafting requirements.

   Following her presentation, Mr. Cheatham noted a discrepancy between the summary and the proposed regulation and Ms. Catalfo stated she would be sure to revise the regulation to reflect the correct language. Mr. Peercy then requested a motion to approve regulation 105 KAR 1:365, as amended, and to forward it to the full KPPA Board for its approval. Mr. Cheatham made the motion, and it was seconded by Mr. Fulkerson. A vote was held and the motion passed unanimously.

8. Mr. Peercy introduced agenda item ***Administrative Regulation 105 KAR 2:270 (Federal Tax Withholding).*** *(Video 00:11:03 to 00:17:10).* Ms. Catalfo provided an overview of proposed changes to regulation 105 KAR 2:270, which governs federal tax withholding procedures, forms, and definitions for members, beneficiaries, and alternate payees. Key changes include updating definitions for 'beneficiary' and 'death benefit' to include special needs trusts, as required by recent legislation (Senate Bill 85), and removing several forms from the regulation to reference them elsewhere, reducing redundancy.

   Form 6028, an IRS form previously incorporated by reference, was removed to allow the agency to post the most current IRS version without undergoing a lengthy regulatory process. The same approach was taken for the special tax notice, allowing KPPA to provide the most recent IRS publication directly. Sections 4, 5, and 6 of the regulation were clarified regarding their applicability to specific members or beneficiaries, and language was updated to comply with statutory drafting requirements.

   Following the presentation, Mr. Peercy requested a motion to approve regulation 105 KAR

2:270 as presented, and to forward it to the full KPPA Board for its approval. Mr. Cheatham made the motion to approve, and it was seconded by Mr. Fulkerson. A vote was held and the motion passed unanimously.

9. Mr. Peercy introduced agenda item ***Administrative Regulation 105 KAR 2:420 (401(h) Account).*** *(Video 00:17:14 to 00:19:35).* Regulation 105 KAR 2:240 establishes 401(h) accounts for KRS and CERS employers not eligible for the insurance trust. Clarifications were made regarding mandatory contributions for health insurance benefits versus the insurance trust, and the 1% mandatory contribution was removed to comply with Senate Bill 10 of the 2025 legislative session. Statutory references were corrected and language revised to comply with KRS Chapter 13A drafting requirements. The regulation will expire in January 2027 unless action is taken to keep it effective. A certification letter will be filed to request the regulation remains effective until proposed changes become effective. Mr. Peercy then requested a motion to approve regulation 105 KAR 2:420, as presented, and to forward it to the full KPPA Board for its approval. Mr. Fulkerson made a motion to approve, and it was seconded by Mr. Cheatham. A vote was held and the motion passed unanimously.

10. Mr. Peercy introduced agenda item, ***Administrative Regulation 105 KAR 5:200 (Retirement Procedures).*** *(Video 00:19:37 to 00:22:03).* Regulation 105 KAR 5:200 was reviewed, with key changes including the addition of special needs trust as an optional beneficiary on the death benefit designation form (Form 6030), removal of Form 6017 to allow use of the most recent IRS form, removal of Form 2035 with citation to its regulation, and updates to definitions and language for compliance. Board approval was requested for both ordinary and emergency versions of 105 KAR 5:200, enabling members to select the special needs trust option as soon as the regulation is filed with the LRC. Governor approval will also be required if the board approves. Mr. Peercy then requested a motion to approve regulation 105 KAR 5:200 as presented, including authorizing staff to file an identical emergency version in order to comply with Senate Bill 85 and send it to the full KPPA Board for approval. Mr. Cheatham made the motion to approve and it was seconded by Mr. Fulkerson. A vote was held and the motion passed unanimously.

11. Mr. Peercy introduced agenda item, ***Administrative Regulation 105 KAR 5:202 (Notification***

of Retirement). *(Video 00:22:04 to 00:23:23).* Ms. Catalfo explained that Regulation 105 KAR 5:202 focused on Form 6000, which is used by members to notify the agency of pending retirement. The proposed change adds special needs trust as an optional beneficiary. She also requested to file an emergency version of the regulation so that the updated Form 6000 would be immediately available to members upon filing. Mr. Peercy requested a motion to approve regulation 105 KAR 5:202, including filing the emergency version to comply with Senate Bill 85, and send it to the full KPPA Board for approval. Mr. Cheatham made the motion to approve, and it was seconded by Mr. Fulkerson. A vote was held and the motion passed unanimously.

12. Mr. Peercy introduced agenda item, ***Administrative Regulation 105 KAR 5:390 (Employment After Retirement).*** *(Video 00:23:26 to 00:27:10).* The summary of changes to regulation 105 KAR 5:390 included clarified definitions for bona fide separation from service; refined definitions for employee and prearranged agreement; and added the definition for statutory officer. It also clarified statutory language and deadlines for information submissions and added factors for determining employment status (independent contractor, leased employee, volunteer). The new language also established when an employer is exempt from paying contributions, clarified relationships not covered by the regulation, removed Form 6000 and referenced Form 202 instead. This change reduced required forms from 12 to 7 and streamlined language to comply with 13A drafting requirements.

    Following the presentation, Mr. Peercy requested a motion to approve 105 KAR 5:390 as presented and send it to the full KPPA Board for approval. Mr. Cheatham made the motion to approve, and it was seconded by Mr. Fulkerson. A vote was held and the motion passed unanimously.

13. Mr. Peercy introduced agenda item, ***Certification Letter for Expiring Regulations:***

    - ***105 KAR 2:240 – 401(h) account (filing simultaneously with regulation discussed above)***
    - ***105 KAR 3:180 – Death before retirement procedures***
    - ***105 KAR 3:240 – Death after retirement procedures***

    (Video 00:27:11 to 00:30:06). Certification letters are required for three (3) regulations (2:420, 3:180, and 3:240) due to expire in January 2027. The letters will be filed

simultaneously with revised regulations. Regulations 3:180 and 3:240 (death before and after retirement) are also expiring and changes are anticipated in spring next year. Certification letters are needed to keep these regulations effective until then, as required by 13A. Mr. Peercy then requested a motion to approve the Certification Letters for Expiring Regulations as presented, and to forward them to the full KPPA Board for its approval. Mr. Cheatham made the motion to approve, pending the final Legal cross-reference and review, and it was seconded by Mr. Fulkerson. A vote was held and the motion passed unanimously.

14. There being no further business, Mr. Peercy ***adjourned*** the meeting.

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CERTIFICATION

I do certify that I was present at this meeting, and I have recorded the above actions of the Kentucky Public Pensions Authority Ad Hoc Regulation Committee on the various items considered by it at this meeting. Further, I certify that all requirements of KRS 61.805-61.850 were met in conjunction with this meeting.

_____
Recording Secretary

We, the Chair of the Kentucky Public Pensions Authority Ad Hoc Regulation Committee and Executive Director, do certify that the Minutes of Meeting held on September 16, 2026, were approved on November 20, 2026.

_____
KPPA Ad Hoc Regulation Committee Chair

_____
Executive Director

I have reviewed the Minutes of the September 16, 2026, Kentucky Public Pensions Authority Ad Hoc Regulation Committee Meeting for content, form, and legality.

_____
Executive Director, Office of Legal Services

To: Ad Hoc Regulations Review Committee
Date: November 20, 2026

105 KAR 2:190 – Qualified Domestic Relations Orders (QDROs) - establishes the requirements, procedures, and forms necessary to administer QDROs. Revisions include:

- Consolidating repetitive / redundant language **Due to the extent of consolidation, a "clean" version of the proposed regulation has also been provided
- Clarifying that KPPA will not administer QDROs that would result in payments exceeding a participant's monthly retirement benefit
- Removing mathematical formulas (the formulas will remain in the instructions for each form)
- Updating statutory references and language to comply with drafting requirements / conventions and KRS Chapter 13A
- Removing instructions from associated forms to streamline the forms and so that instructions can be revised as needed without requiring the regulation to be opened, and
- Correcting statutory and regulatory references due to legislative changes

105 KAR 3:010 – Applications for disability or survivor benefits – this new administrative regulation establishes the uses of the documents necessary to apply for disability retirement or survivor benefits. Since recodification of KPPA regulations placed all disability and survivor benefit regulations in Chapter 3, this new regulation initiates the application process for those benefits. While the associated forms are already in use, they have been revised to meet current needs. We intend to review and update all the Chapter 3 regulations in 2027 and because many of these documents are currently incorporated by reference in multiple Chapter 3 regulations we wanted to have these documents housed in this regulation so that we can proceed with removing the documents from the other regulations and just cross-referencing to this regulation instead. Ultimately this will assist in keeping our regulations current and help us comply with KRS Chapter 13A.
**** Revision 11/17/2026 – Form 6016 (Federal Tax Withholding Preference for Non-Periodic Payments to Estates, January 2017) was added to the regulation. This form was recently discovered in a review of Chapter 3 regulations.**

Certification letters– KRS 13A.3102 and 13A.3104 mandate that administrative regulations expire 7 years after their last effective date unless the agency files changes to the regulation or sends a letter certifying that the regulation may remain in effect for an additional 7 years without change, or remain in effect for 18 months during which time changes will be filed.

105 KAR 4:250 – Participation of county attorney employees – this regulation will expire in June 2027. The Office of Legal Services has reviewed and the regulation complies with existing law. In August, the KPPA emailed all county attorneys for feedback regarding whether potential changes were needed. The Kentucky County Attorneys Association provided the only response, and indicated that, after discussion, its Board concluded that no changes were necessary. Staff recommends filing a certification letter that the regulation should remain in effect for an additional 7 years.

FINANCE AND ADMINISTRATION CABINET

Kentucky Public Pensions Authority

(Amendment)

105 KAR 2:190. Qualified domestic relations orders.

RELATES TO: KRS 15.802, 16.505, 16.568, 16.576, 16.577, 16.578, 16.582, 16.583, 16.645(5), 61.505, 61.510, 61.542, 61.559, 61.580, 61.583, 61.590, 61.595, 61.597, 61.600, 61.605, 61.610, 61.615, 61.621, 61.625, 61.635, 61.637, 61.640, 61.661, 61.663, 61.690, 61.691, 78.510, 78.545, 78.5510, 78.5512, 78.5514, 78.5516, 78.5518, 78.5522, 78.5524, 78.5526, 78.5528, 78.5532, 78.5540, 78.640, 78.652, 26 U.S.C. 414(p)

STATUTORY AUTHORITY: KRS 16.645, 61.505(1)(g), 61.690, 78.545

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with KRS 13A.150(2) because it does not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with and necessary or proper to carry out KRS 16.505 through 16.652, 61.510 through 61.705, and 78.510 through 78.852. KRS 16.645, 61.690(3)(b), and 78.545 require the Kentucky Retirement Systems and the County Employees Retirement System to promulgate an administrative regulation establishing the requirements, procedures, and forms necessary to administer qualified domestic relations orders (QDROs). This administrative regulation

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establishes the requirements, procedures, and forms necessary to administer QDROs.

Section 1. Definitions.

(1) "Basic retirement allowance" means the basic payment option defined by KRS 61.542(5)(f).

(2) "Benefit" means the retirement allowance defined by KRS 16.505(12), 61.510(16), and 78.510(16).

(3) "Date of divorce" means the date a decree of dissolution of marriage is entered by a court of competent jurisdiction.

(4) "Effective retirement date" means the first date upon which a member's early, normal, or disability retirement benefits began or will begin.

(5) "Marital service" means the amount of service earned and purchased during the marriage.

(6) "Unreduced retirement benefit" means the full retirement allowance for which a participant is entitled in accordance with KRS 16.576, 16.577, 16.583, 61.559, 61.595, 61.597, 78.5510, 78.5512, 78.5514, and 78.5516.

Section 2. Information Requests.

(1) If a court requires information to calculate the amount due to an alternate payee for the purposes of a QDRO, the participant shall complete, sign, and file a valid Form 6433, Authorization for Release of Information and Request for Information for Qualified Domestic Relations Order, to obtain the needed information.

(2) In response to a valid Form 6433, if the participant has not yet retired, the agency shall provide as of the date of the divorce indicated on the QDRO, or if the date of divorce is not provided the last date contributions were reported, the participant's:

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(a) Accumulated account balance during the marriage in each of the systems in which the participant has marital service;

(b) Total number of months of service credit earned and purchased in each of the systems in which the participant has service;

(c) The number of months of service credit earned and purchased during the marriage in each of the systems in which the participant has marital service;

(d) Based on the participant's final compensation and service credit or accumulated account balance, hypothetical:

1. Monthly retirement allowance pursuant to KRS 16.576, 16.577, 16.583, 61.559, 61.595, 61.597, 78.5510, 78.5512, 78.5514, and 78.5516 broken down by each of the systems in which the participant has marital service;

2. Partial lump sum payment option without survivor rights with a one (1) time lump-sum payment equal to twelve (12) monthly retirement allowances and the reduced ongoing monthly retirement allowance pursuant to KRS 61.635(12) and 78.545 that the participant would receive beginning on the date the participant is eligible for an unreduced retirement benefit,[~~and~~] broken down by each of the systems in which the participant has marital service; and

3. Actuarial equivalent refund payment or accumulated account balance refund payment the participant would receive, broken down by each of the systems in which the participant has marital service, when the participant is eligible for an unreduced retirement benefit.

(3) In response to a valid Form 6433, if the participant retired prior to the effective date of the divorce indicated on the QDRO, the agency shall provide the participant's:

(a) Current monthly retirement benefit in each of the systems from which the participant is receiving a monthly retirement benefit;

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(b) Total number of months of service credit earned and purchased during the marriage in each of the systems from which the participant is receiving a monthly retirement benefit; and

(c) Total number of months of service credit in each of the systems from which the participant is receiving a monthly retirement benefit.

(4) (a) The alternate payee may request and obtain information necessary for a court to calculate the amount due to the alternate payee for purposes of the QDRO by completing and filing a Form 6433, Authorization for Release of Information and Request for Information for Qualified Domestic Relations Orders, and submitting a court-issued subpoena or order compelling the release of the requested information.

(b) The agency shall respond to a court-issued subpoena or order compelling the release of the requested information and Form 6433 filed pursuant to this subsection as established in subsection (2) or (3) of this section.

(5)(a) If information other than the information supplied by the agency in accordance with subsections (2) and (3) of this section is required:

1. The participant shall file an additional written and signed request for information;

2. The alternate payee shall file an additional written and signed request for information, and attach a court-issued subpoena or order compelling the release of the requested information; or

3. Legal counsel shall file an additional written and signed request for information, and documentation that he or she represents the participant or alternate payee. An alternate payee's legal counsel shall also file a court-issued subpoena or order compelling the release of the requested information.

(b) Requests for information, other than the information supplied by the agency in

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accordance with subsections (2) through (4) of this section, shall be answered pursuant to KRS 61.661 and 78.545.

Section 3. (1) If the court determines that the alternate payee shall be paid an alternative percentage of the participant's retirement payment option or accumulated account balance refund, the payment to the alternate payee shall not exceed the participant's:

(a) Retirement allowance amount elected at retirement;

(b) Actuarial equivalent refund pursuant to KRS 61.635(11) and 78.545; or

(c) Accumulated account balance refund pursuant KRS 61.625 and 78.545.

(2) The agency shall:

(a) Not administer a QDRO if enforcement of the QDRO would result in payments due to the alternate payee that exceed the participant's monthly retirement benefit; and

(b) Notify the participant, alternate payees, and their legal counsel if a QDRO cannot be administered due to the exhaustion of the participant's monthly retirement benefit.

Section 4. QDROs Prior to July 14, 2000. This section shall only apply to QDROs the agency approved for enforcement prior to July 14, 2000. After the participant notifies the agency of his or her requested effective retirement date, the agency shall administer a valid QDRO approved by the agency that was entered prior to the participant's effective retirement date as established in this section.

(1) The agency shall provide the participant and the alternate payee information regarding the amount of the benefits payable pursuant to the QDRO.

(2) The amount of the benefits payable pursuant to a valid QDRO shall be determined as established in paragraphs (a) through (f) of this subsection.

(a) The percentage of benefit due to the alternate payee shall be calculated by dividing

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the participant's months of marital service pursuant to the QDRO by the participant's total service credit, and multiplying the result by the percentage allocated to the alternate payee.

(b) If a lump sum payment equal to the participant's accumulated account balance is to be made, the percentage due to the alternate payee calculated pursuant to paragraph (a) of this subsection shall be multiplied by the participant's accumulated account balance and the result paid to the alternate payee. The participant shall be paid all amounts in excess of the amounts paid to the alternate payee.

(c) If a monthly payment is to be made, the percentage due to the alternate payee calculated pursuant to paragraph (a) of this subsection shall be multiplied by the participant's basic retirement allowance and the result shall be paid monthly to the alternate payee. The participant shall be paid all amounts in excess of the amounts paid to the alternate payee.

(d) To calculate the amount payable to an alternate payee, service credit:

1. Added for disability retirement benefits under KRS 16.582, 61.600, 61.605, 78.5522, or 78.5524 shall not be included and;

2. Purchased during the period of marriage shall be included

(e) The payment options offered to the alternate payee:

1. Shall be based on the alternate payee's life expectancy;

2. Shall include only the payment options established in KRS 61.635 and 78.545 which do not provide lifetime benefits to a beneficiary; and

3. If the participant is eligible, shall include the ten (10) year certain option as established in KRS 16.576(4).

(f) The alternate payee of a QDRO approved for enforcement by the agency prior to July 14, 2000, shall receive increases given recipients pursuant to KRS 61.691 and 78.5518.

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(3) (a) If the participant predeceases his or her effective retirement date and the alternate payee, the participant's account shall be divided in accordance with the QDRO between the alternate payee and the participant's beneficiary. If the survivor benefit is:

1. A refund of the participant's accumulated account balance, the alternate payee shall only be offered a lump sum payment representing a portion of the participant's accumulated account balance calculated in accordance with subsection (2)(b) of this section; or

2. Calculated pursuant to KRS 16.578, 61.640, or 78.5532, the alternate payee shall be allowed to choose a lifetime annuity, a sixty (60) month certain payment, a 120 month certain payment, or an actuarial equivalent refund.

(b) If a participant with a:

1. Pre-retirement QDRO dies after his or her effective retirement date and predeceases the alternate payee, there shall be no change to the alternate payee's benefits.

2. Post-retirement QDRO predeceases the alternate payee, the QDRO shall be void and no further payment shall be made to the alternate payee.

(4) If the alternate payee predeceases the participant:

(a) After the participant's effective retirement date, a lump sum, determined actuarially, of the payments remaining to the alternate payee shall be paid to the alternate payee's estate.

(b) Prior to the participant's effective retirement date or account withdrawal, the QDRO shall be void and payment shall not be made to the alternate payee or his or her estate.

(5) When benefits become payable to the alternate payee, the agency shall establish a separate account for the alternate payee consisting of the alternate payee's pro rata share determined pursuant to subsection (2) of this section. Once the alternate payee's account has been established, the alternate payee shall not be entitled to further benefits acquired by the

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participant.

Section 5. QDROs On or After July 15, 2010.

(1) This section through Section 20 of this administrative regulation shall only apply to QDROs approved for enforcement by the agency on or after July 15, 2010.

(2) A QDRO may apply to any of the systems in which the participant has marital service subject to the QDRO and from which the participant will receive retirement benefits, except for the excess benefit plans established in KRS 16.568, 61.663, and 78.652.

(3) A valid QDRO shall be complete and contain all information required on the form established in this subsection that applies to the subject matter of the order.

(a) Form 6434, Pre-Retirement Qualified Domestic Relations Order for Division of Marital Property, for a QDRO concerning the division of marital property that is completed pre-retirement;

(b) Form 6435, Post-Retirement Qualified Domestic Relations Order for Division of Marital Property, for a QDRO concerning the division of marital property that is completed post-retirement;

(c) Form 6436, Qualified Domestic Relations Order for Child Support, for a QDRO concerning the order of child support;

(d) Form 6437, Qualified Domestic Relations Order for Child Support by an Administrative Agency, for a QDRO concerning child support when completed by an Administrative Agency with the statutory authority to complete it; or

(e) Form 6438, Qualified Domestic Relations Order for Alimony/Maintenance, for a QDRO concerning alimony or maintenance.

Section 6. Pre-retirement QDROs for the Division of Marital Property.

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(1) Only a QDRO for division of marital property shall be filed prior to a participant's effective retirement date.

(2) A QDRO issued for division of the participant's retirement account, pursuant to a divorce entered prior to the participant's effective retirement date, shall be filed prior to retirement on a valid Form 6434, Pre-Retirement Qualified Domestic Relations Order for Division of Marital Property.

(3)(a) The effective date of the Form 6434 shall be:

1. The participant's effective retirement date as established in KRS 61.590 and 78.545; or

2. If the Form 6434 is approved after the participant's effective retirement date, the month following the month the agency approved the Form 6434 for enforcement.

(b) If the participant receives a lump-sum payment representing monthly retirement benefits paid retroactive to the participant's effective retirement date, the alternate payee shall receive a portion of the lump sum payment as included on the Form 6434.

(c) If the participant is not receiving a retirement benefit, then the alternate payee shall not receive a retirement benefit.

(4) (a) A Form 6434 filed on or after July 1, 2024 shall include the amount to be paid to the alternate payee. The court shall calculate the amount to be paid to the alternate payee by using:

1. A dollar amount;

2. A percentage of the participant's marital service; or

3. An alternative percentage of the participant's retirement payment option or accumulated account balance refund.

(b) If the court determines a dollar amount to be paid to the alternate payee, then the court

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shall complete all fields to indicate a:

1. Monthly dollar amount if the participant elects a monthly retirement allowance;

2. One (1) time lump-sum dollar amount if the participant elects the actuarial equivalent refund payment option pursuant to KRS 61.635(11) and 78.545;

3. Lump-sum dollar amount from participant's accumulated account balance refund if the participant elects to terminate membership pursuant to KRS 61.625 and 78.545; and

4. One (1) time lump-sum payment and a monthly dollar amount if the participant elects a partial lump-sum payment option pursuant to KRS 61.635(12) and 78.545.

(c) 1. If the court determines that a percentage of the participant's marital service be paid to the alternate payee, the percentage shall be:

a. The number of months during which the participant was a contributing member of the retirement systems and married to the alternate payee including service purchased during the marriage, divided by the total number of months of service credit used to calculate the participant’s retirement payment option; and

b. Converted into a percentage by multiplying by one hundred, and dividing the percentage by two (2).

2. The agency shall determine marital service based on the marital period determined by the court in the QDRO;

3. The participant's total service credit shall be determined by the agency prior to the participant's filing a request for an accumulated account balance refund, and shall be the total number of months of service credit used to calculate the participant's retirement payment options or the total number of months of service credit the participant had at the time of the request for an accumulated account balance refund; and

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4. To determine the amount due to the alternate payee, the percentage calculated in subparagraph 1. of this paragraph shall be applied to the:

a. Participant's basic monthly retirement allowance pursuant to KRS 16.576, 16.577, 16.583, 61.559, 61.595, 61.597, 78.5510, 78.5512, 78.5514, and 78.5516;

b. Participant's actuarial equivalent refund;

c. Participant's accumulated account balance refund; or

d. For QDROs filed on or after July 1, 2024, the one (1) time lump-sum payment and to either the reduced monthly retirement allowance payment with no survivor rights option elected by the participant pursuant to KRS 61.635(12)(a) and 78.545, or if the participant elected a payment option with survivor rights pursuant to KRS 61.635(12)(b) and 78.545, the correlating reduced monthly retirement allowance payment without survivor rights.

(d) Payment of an alternative percentage of the participant's retirement payment option or accumulated account balance refund shall be as established in Section 3 of this administrative regulation.

(e) To determine the amount due to the alternate payee, the percentage indicated on the QDRO shall be applied.

(5) (a) If a Form 6434 is filed prior to July 1, 2024 and the participant elects to receive a partial lump sum payment option pursuant to KRS 61.635(12) and 78.545, the alternate payee shall:

1. Receive a dollar amount or percentage applied to the participant's basic monthly retirement allowance; and

2. Not receive a portion of the partial lump-sum payable to the participant.

(b) A Form 6434 filed prior to July 1, 2024 shall include the amount to be paid to the

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alternate payee. The court shall calculate the amount to be paid to the alternate payee as established in subsection 4(a) of this section.

(c) If the court determines a dollar amount to be paid to the alternate payee, then the court shall complete all fields to indicate a:

1. Monthly dollar amount if the participant elects a monthly retirement allowance, including the reduced monthly retirement allowance payable under a partial lump-sum option pursuant to KRS 61.635(12) and 78.545;

2. One (1) time lump-sum dollar amount if the participant elects the actuarial equivalent refund payment option pursuant to KRS 61.635(11) and 78.545; or

3. Lump-sum dollar amount from the participant's accumulated account balance refund if the participant elects to terminate membership pursuant to KRS 61.625 and 78.545.

(d) 1. If the court determines that a percentage of the participant's marital service be paid to the alternate payee, the percentage shall be determined based on the calculation and applications established in subparagraphs (4)(c)1. through 3. of this section;

2 The percentage calculated pursuant to this paragraph shall be applied as established in clauses (4)(c)4.a. through c. of this section; and

3. The percentage indicated on the QDRO shall be applied.

(e) Payment of an alternative percentage of the participant’s retirement payment option or accumulated account balance refund shall be as established in Section 3 of this administrative regulation.

Section 7. Post Retirement QDRO for the Division of Marital Property.

(1) A QDRO issued for division of the participant's retirement account pursuant to a divorce decree entered after the participant's effective retirement date, or initially filed with the

agency following the participant's effective retirement date, shall be filed on a valid Form 6435, Post-Retirement Qualified Domestic Relations Order for Division of Marital Property.

(a) A monthly dollar amount;

(b) 1. A percentage of the participant's selected monthly retirement benefit attributable to the marital service, which shall be determined using the calculation established in Section 6(4)(c)1. through 3. of this administrative regulation; and

2. The agency shall determine the marital service based on the marital period determined by the court in the QDRO; or

(c) An alternative percentage of the participant's selected monthly retirement benefit in the system or systems affected by the QDRO as established in Section 3 of this administrative regulation.

Section 8. Child Support QDROs.

(1) A QDRO issued for payment of child support shall be filed on a valid:

(a) Form 6436, Qualified Domestic Relations Order for Child Support entered by a court of competent jurisdiction; or

(b) Form 6437, Qualified Domestic Relations Order for Child Support by an Administrative Agency, completed by an administrative agency with statutory authority to issue an order for child support in accordance with the laws governing child support.

(2) The QDRO shall include the monthly dollar amount of child support to be paid.

(3) The agency shall remit the payment for child support to the centralized registry established pursuant to KRS 15.802.

(a) The payment for child support shall be made payable to "Kentucky Child Support Enforcement."

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(b) The participant's name and Social Security number shall be noted on the payment.

(4) The agency shall only accept a Form 6436 or a Form 6437 if the participant is retired and is receiving a monthly retirement benefit.

Section 9. Alimony or Maintenance QDROs.

(1) A QDRO issued for payment of alimony or maintenance shall be filed on a valid Form 6438, Qualified Domestic Relations Order for Alimony/Maintenance, completed by a court of competent jurisdiction in accordance with the laws governing alimony or maintenance.

(2) The QDRO shall include the monthly dollar amount or percentage of the participant's monthly retirement allowance to be paid to the alternate payee for alimony or maintenance.

(3) The agency shall only accept a Form 6438 if the participant is retired and is receiving a monthly retirement allowance.

Section 10. Filing a QDRO With the Agency.

(1) A valid QDRO shall be complete and contain all information required on the form that applies to the subject matter of the order.

(a) A QDRO shall be signed by the judge of a court of competent jurisdiction and entered and certified by the Clerk of the Court, except as established in paragraph (b) of this subsection.

(b) The Form 6437, Qualified Domestic Relations Order for Payment of Child Support by an Administrative Agency, shall be signed by the head of the administrative agency, or his or her designee, with statutory authority to issue a QDRO.

(2) A valid copy of the QDRO that meets the requirements established in subsection (1) of this section shall be filed with the agency.

(3) (a) A QDRO pending before an appellate court and that is not final shall not be filed with the agency.

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(b) The agency shall not be responsible or liable for payments made pursuant to a QDRO filed in violation of this subsection that was amended or dissolved by an appellate court of competent jurisdiction.

(4) A nonrefundable processing fee of fifty (50) dollars shall be submitted by certified check or money order made payable to the Kentucky State Treasurer with a filed QDRO, except as established in paragraph (b) or (c) of this subsection. The agency shall not review a QDRO for enforcement approval unless the fee is submitted with the QDRO.

(a) Only one (1) certified check or money order shall be submitted to pay the fee.

(b) The agency shall not require a fee for a Form 6436 or a Form 6437.

(c) If the divorce action was filed in forma pauperis:

1. The agency shall waive the filing fee; and

2. A copy of the order allowing the action to be filed in forma pauperis shall be filed with the valid entered and certified QDRO.

(5) (a) If the agency determines that the QDRO does not comply with KRS 16.645, 61.690, 78.545, 26 U.S.C. 414(p), or this administrative regulation, the participant, alternate payee, or their legal counsel shall have until the end of the ninetieth (90th) calendar day from the date the agency provided notice of the deficiency as established in Section 12(4) of this administrative regulation, to file a corrected QDRO without an additional fee.

(b) If a corrected valid QDRO is not filed by the end of the ninetieth (90th) calendar day from the date of the notice, then an additional nonrefundable fifty (50) dollar processing fee shall be required for any new or corrected QDRO.

(c) If the participant requests and receives an accumulated account balance refund during the ninety (90) calendar day period established in this subsection, and a corrected QDRO is filed

after the participant has received the accumulated account balance refund, the QDRO shall not be valid and enforceable by the agency.

Section 11. Deposit of Fees. All fees collected pursuant to this administrative regulation shall be deposited in the Retirement Allowance Account established in KRS 61.580 and 78.640.

Section 12. Approving a QDRO for Enforcement.

(1) (a) A QDRO shall not be effective until the agency determines that it complies with KRS 16.645, 61.690, 78.545, 26 U.S.C. 414(p), and this administrative regulation, and approves the QDRO for enforcement.

(b) For QDROs filed on or after July 11, 2011, the agency shall provide notice of its determination by the end of the forty-fifth (45th) calendar day from the date the QDRO is received.

(2) (a) The agency shall provide notice that the QDRO has been approved for enforcement to the:

1. Participant;

2. Participant's legal counsel;

3, Alternate payee; and

3. Alternate payee's legal counsel.

(b) If the participant has not yet retired, the agency shall place a valid and approved QDRO on file until the participant files a notification of retirement or an application for an accumulated account balance refund.

(c) If the participant has retired, the agency shall begin enforcing the QDRO the month after it is approved for enforcement.

(3) (a) Except as provided in paragraph (c) of this subsection, the alternate payee shall

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complete and file a valid Form 6130, Authorization for Deposit of Retirement Payment, incorporated by reference in 105 KAR 5:200, or if he or she does not have an account with a financial institution, a valid Form 6135, Request for Payment by Check, incorporated by reference in 105 KAR 5:200, prior to receiving payment pursuant to a QDRO.

(b) If the alternate payee has not filed a valid Form 6130, or a valid Form 6135, by the last day of the month before the first payment under the approved QDRO is due to the alternate payee, the agency shall segregate and hold the alternate payee's payments for a period of no more than eighteen (18) calendar months, beginning on the first day of the month following the date the first payment was required by the QDRO. The agency shall:

1. Pay the segregated amount to the alternate payee, if a valid Form 6130[,] or a valid Form 6135 is filed within the eighteen (18) calendar month hold period;

2. Pay the segregated amount to the participant, if a valid Form 6130[,] or a valid Form 6135 is not filed within the eighteen (18) calendar month hold period; or

3. Apply the QDRO prospectively only if, after the eighteen (18) calendar month hold period expires, a valid Form 6130 or a valid Form 6135 is filed.

(c) An alternate payee listed on a valid Form 6436, Qualified Domestic Relations Order for Child Support, or a valid Form 6437, Qualified Domestic Relations Order for Child Support by an Administrative Agency, shall not file a Form 6130 or a Form 6135.

(4)(a) The agency shall provide written notice to the parties as established in subsection 2(a) of this section if it determines that the QDRO does not comply with KRS 16.645, 61.690, 78.545, 26 U.S.C. 414(p), or this administrative regulation, including the:

a. Reason for the determination; and

b. Changes necessary to make the QDRO compliant.

(b) If the sole deficiency is that the QDRO is not entered or certified, the agency shall segregate and hold any payments due to the alternate payee pursuant to the QDRO for up to eighteen (18) calendar months, beginning the first day of the month after the date the QDRO was found noncompliant with this subsection.

1. If, within the eighteen (18) calendar month hold period, the entered and certified QDRO is filed, the agency shall pay the segregated amount to the alternate payee; or

2. When the eighteen (18) calendar month hold period ends, if the entered and certified QDRO is not on file, the agency shall pay the segregated amount to the participant.

3. If an entered and certified QDRO is filed after the eighteen (18) calendar month hold period expires, the QDRO shall only be applied prospectively.

Section 13. Multiple QDROs.

(1) Multiple QDROs on file for a participant's account shall be administered for:

(a) Division of Marital Property first;

(b) Child Support second; and

(c) Alimony/Maintenance third.

(2) If multiple QDROs in any category established in subsection (1) of this section are on file, they shall be administered in the order of approval by the agency.

Section 14. Multiple Retirement Accounts. For participants who retired and subsequently reemployed with an employer in a regular full-time position prior to September 1, 2008, new QDROs affecting the participant's retirement account shall be administered as established in subsections (1) and (2) of this section.

(1) A valid Form 6434, Pre-Retirement Qualified Domestic Relations Order for Division of Marital Property, that is filed with and approved for enforcement by the agency shall be

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applied to any of the participant's retirement accounts from which the participant has not retired.

(2) Any of the valid QDROs established in this subsection that are filed with and approved for enforcement by the agency shall be applied to any of the participant's retirement accounts from which the participant has retired:

(a) Post-Retirement Qualified Domestic Relations Order for Division of Marital Property;

(b) Qualified Domestic Relations Order for Child Support;

(c) Qualified Domestic Relations Order for Child Support by an Administrative Agency; or

(d) Qualified Domestic Relations Order for Alimony/Maintenance.

Section 15. Amending or Terminating a QDRO.

(1) If a QDRO approved for enforcement by the agency is amended or terminated, the participant, alternate payee, or their legal counsel shall file the:

(a) Amended entered and certified valid QDRO as established in Section 10 of this administrative regulation; or

(b) Entered and certified order from a court of competent jurisdiction terminating the QDRO.

(2) Except as established in paragraph (a) or (b) of this subsection, a nonrefundable processing fee of twenty-five (25) dollars shall be submitted by certified check or money order made payable to the Kentucky State Treasurer for the amended QDRO or order terminating the QDRO. The agency shall not review the amended QDRO or order terminating the QDRO unless the fee is submitted with the amended QDRO or order terminating the QDRO.

(a) If the divorce action was filed in forma pauperis:

1. The agency shall waive the filing fee; and

2. A copy of the order allowing the action to be filed in forma pauperis shall be filed with the entered and certified valid QDRO.

(b) A fee shall not be required for a Form 6436, Qualified Domestic Relations Order for Child Support, or a Form 6437, Qualified Domestic Relations Order for Child Support by an Administrative Agency.

(3) The agency shall review the amended QDRO as established in Section 12 of this administrative regulation.

(4) (a) If the agency determines that the amended QDRO does not comply with KRS 16.645, 61.690, 78.545, 26 U.S.C. 414(p), and this administrative regulation, or that the order terminating the QDRO is insufficient, the participant, alternate payee, or their legal counsel shall have until the end of the ninetieth (90th) calendar day from the date the agency provided notice of the deficiency, as established in Section 12(4) of this administrative regulation, to file a corrected amended valid QDRO or a corrected order terminating the QDRO.

(b) If a corrected amended valid QDRO or a corrected order terminating the QDRO is not filed by the end of the ninetieth (90th) calendar day from the date of notification, then an additional nonrefundable twenty-five (25) dollar processing fee shall be submitted with an amended valid QDRO or order terminating the QDRO that is filed after the ninety (90) calendar day period.

(5) An amended valid QDRO or an order terminating a QDRO approved by the agency shall only be administered prospectively.

Section 16. Disability Retirement Benefits.

(1) If a participant with a QDRO on file is awarded disability retirement benefits pursuant to KRS 16.582, 61.600, 61.621, 78.545, 78.5522, or 78.5524, the alternate payee's portion of the

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participant's disability retirement benefit shall be calculated as established in paragraph (a) or (b) of this subsection.

(a) If the QDRO ordered that the alternate payee be paid a specific dollar amount from the participant's retirement benefit as established in Section 6(5)(a), Section 8, or Section 9 of this administrative regulation, the agency shall pay the specific dollar amount regardless of any enhancement of the participant's retirement benefit.

(b) If the QDRO ordered that the alternate payee be paid a percentage of the participant's retirement benefit as established in Section 6(5)(b) and (c) or Section 9 of this administrative regulation, and

1. The participant began participating prior to August 1, 2004, the agency shall not use the service credit added to the participant's account pursuant to KRS 16.582(5)(a), 61.605(1), 78.5522(6), or 78.5524(5) to calculate the amount due to the alternate payee under the QDRO on file at the agency; or

2. The participant began participating on or after August 1, 2004, the agency shall use the participant’s benefit pursuant to KRS 16.582(5)(b) and (c), 61.605(2), 78.5522(6)(b) and (c), or 78.5524(5)(b) and (c) to calculate the amount due to the alternate payee.

(2) If the participant's disability retirement benefits are discontinued pursuant to KRS 61.610, 61.615, 78.5526, and 78.5528, and the:

(a) Participant does not begin receiving early retirement benefits, the alternate payee's payment shall be discontinued;

(b) Participant’s benefit is changed to the participant's early retirement benefit, the alternate payee shall receive payment from the early retirement benefit pursuant to the QDRO;

(c) Participant’s disability retirement benefits are reinstated pursuant to KRS 61.615 and

78.5528, the alternate payee's payment shall be reinstated;

(d) Participant later begins receiving early retirement benefits, the alternate payee shall receive payment from the early retirement benefit pursuant to the QDRO; or

(e) Participant later begins receiving retirement benefits at normal retirement age, the alternate payee shall receive payment pursuant to subsection (1)(a) and (b) of this section.

Section 17. Events That Amend or Terminate a QDRO for Division of Marital Property, Alimony, or Maintenance.

(1) The participant, the alternate payee, or legal counsel for either party shall notify the agency of an event that causes payments to the alternate payee under a QDRO for Division of Marital Property or a QDRO for Alimony/Maintenance to end in accordance with KRS 16.645, 61.690(7), and 78.545.

(2) In the event of the participant's or alternate payees' death, the QDRO on file shall be void and payment shall not be made to the alternate payee or his or her estate.

(3) The agency shall segregate and hold any payments due to the alternate payee beginning the month after the agency's receipt of the notice established in subsection (1) of this section until the:

(a) Participant, alternate payee, or either party's legal counsel files proof of the event that causes payments to the alternate payee to end; or

(b) Agency independently verifies the event that causes payments to the alternate payee to end.

(4) The participant, alternate payee, or either party's legal counsel shall file a copy of the alternate payee's marriage certificate or the alternate payee's or participant's death certificate as proof of the event that causes payment to the alternate payee to end.

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(5) If a QDRO includes the number of months of payments, payment to the alternate payee shall cease after the designated number of months expires and a notice of the exhaustion of payments shall not be required.

(6) If proof is not filed or obtained by the end of the ninetieth (90^{th}) calendar day from the notice to the agency, the payments being held shall be released to the alternate payee.

(7) The agency shall not be responsible or liable for any payments made to the alternate payee if the participant failed to provide proper notification and documentation of the event that causes payments to the alternate payee to end.

Section 18. Event That Amends or Terminates a QDRO for Child Support.

(1) The participant shall notify the agency of an event that causes payments to the alternate payee under a QDRO for Child Support to be amended or to end.

(2) (a) The agency shall segregate and hold the payments due to the alternate payee pursuant to a valid QDRO for child support upon the filing of:

1. An order changing the custody of the child to someone other than the alternate payee;

2. A copy of the child's marriage certificate;

3. A letter from the child's high school indicating the child's graduation date if the child is age eighteen (18) or older;

4. The child's birth certificate indicating the child is age eighteen (18) or older;

5. An order of emancipation of the minor child; or

6. The child's death certificate.

(b) If the QDRO for child support is for the support of more than one (1) child, the agency shall not segregate or hold payments due to the alternate payee.

(c) If the participant does not file documentation to amend or terminate the QDRO for

child support in accordance with Section 15 of this administrative regulation by the end of the ninetieth (90th) calendar day from the participant's submission as established in paragraph (a) of this subsection, the payments being held shall be released to the alternate payee.

(3) The agency shall not be responsible or liable for any payments made to the alternate payee if the participant failed to provide proper notice, documentation of the event, the amended QDRO, or the court order that causes payments to the alternate payee to end or be amended as established in this section.

Section 19. Correction or Change to Retirement Benefits.

(1) If the participant's retirement benefit is corrected pursuant to KRS 61.685 and 78.545, the alternate payee's payment shall also be corrected. If the alternate payee was:

(a) Overpaid, the agency shall withhold the amount of the overpayment from the alternate payee's payment; or

(b) Underpaid, the agency shall pay the alternate payee a lump sum payment of the additional funds due from the participant's payment.

(2) After the effective date of any cost-of-living increase established pursuant to KRS 61.691 and 78.5518, the agency shall recalculate the amounts due under a QDRO.

(3) Payment to the alternate payee shall not change as a result of a change to the participant's retirement benefits as established in KRS 61.542(5)(b) and 78.545.

Section 20. Alternate Payee's Contact Information. The alternate payee shall notify the agency in writing of any change in mailing address. The agency shall contact the alternate payee at the last known mailing address on file to notify the alternate payee when a benefit under the QDRO becomes payable. The agency shall not have a duty or obligation to search for or locate an alternate payee.

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Section 21. Hospital and Medical Insurance. Eligibility for a hospital or medical insurance plan administered by the agency shall not be established or required by a QDRO.

Section 22. Agency Subpoena or As a Party to a Domestic Relations Action.

(1) Any person or party who attempts to make the agency a party to a domestic relations action regarding a QDRO, or who requests a subpoena for the personal appearance of a representative of the agency to appear at a deposition or in a court or administrative proceeding regarding a QDRO, shall reimburse the agency for the travel expenses and services of the agency's representative, or representatives, and the agency's legal counsel, as an administrative fee including:

(a) The Internal Revenue Service standard mileage rate based on the shortest and most direct distance to and from the agency office according to Google maps, Apple maps, or Waze;

(b) Parking and tolls;

(c) Meals if the agency's personnel are required to travel and be away from the agency from 6:30 a.m. to 9 a.m., 11 a.m. to 2 p.m., or 5 p.m. to 9 p.m.;

(d) The wages earned by the agency's employees during the time period they are away from the agency calculated by multiplying the hourly rate of each employee by the number of hours each employee was away from the office;

(e) The agency's costs and legal fees; and

(f) Lodging expenses, if necessary.

(2) The agency shall send an estimated amount owed for expenses to the person or party requesting the subpoena.

(a) The person or party requesting the subpoena shall remit payment via a certified check or money order for the estimated expenses made payable to the Kentucky State Treasurer before

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the date of appearance ordered in the subpoena.

(b) The agency shall send an invoice for any additional expenses owed by the party or issue a refund for any amount exceeding the expenses.

Section 23. Agency Liability. The agency, its trustees, and employees shall not be liable for making or withholding payments in accordance with this administrative regulation.

Section 24. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form 6434, "Pre-Retirement Qualified Domestic Relations Order for Division of Marital Property", January 2027;

(b) Form 6435, "Post-Retirement Qualified Domestic Relations Order for Division of Marital Property", January 2027;

(c) Form 6436, "Qualified Domestic Relations Order for Child Support", January 2027;

(d) Form 6437, "Qualified Domestic Relations Order for Child Support by an Administrative Agency", January 2027;

(e) Form 6438, "Qualified Domestic Relations Order for Payment of Alimony/Maintenance", January 2027; and

(f) Form 6433, "Authorization for Release of Information and Request for Information for Qualified Domestic Relations Orders", January 2027.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, from 8 a.m. to 4:30 p.m. This material is also available on the agency's website at kyret.ky.gov.

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FINANCE AND ADMINISTRATION CABINET

Kentucky Public Pensions Authority

(Amendment)

105 KAR 2:190. Qualified domestic relations orders.

RELATES TO: KRS 15.802, 16.505, 16.568, 16.576, 16.577, 16.578, 16.582, 16.583, 16.645(5), 61.505, 61.510, 61.542, 61.559, 61.580, 61.583, 61.590, 61.595, 61.597, 61.600, 61.605, 61.610, 61.615, 61.621, 61.625, 61.635, 61.637, 61.640, 61.661, 61.663, 61.690, 61.691, 78.510, 78.545, 78.5510, 78.5512, 78.5514, 78.5516, 78.5518, 78.5522, 78.5524, 78.5526, 78.5528, 78.5532, 78.5540, 78.640, 78.652,[~~205.712,~~] 26 U.S.C. 414(p)

STATUTORY AUTHORITY: KRS 16.645, 61.505(1)(g), 61.690, 78.545

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with KRS 13A.150(2) because it does not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with and necessary or proper to carry out KRS 16.505 through 16.652, 61.510 through 61.705, and 78.510 through 78.852. KRS 16.645, 61.690(3)(b), and 78.545 require the Kentucky Retirement Systems and the County Employees Retirement System to promulgate an administrative regulation establishing the requirements, procedures, and forms necessary to administer qualified domestic relations orders (QDROs). This administrative regulation

establishes the requirements, procedures, and forms necessary to administer QDROs.

Section 1. Definitions.

(1) "Basic retirement allowance" means the basic payment option[~~as~~] defined by KRS 61.542(5)(f)[~~and 78.545~~].

(2) "Benefit" means the retirement allowance[~~as~~] defined by KRS 16.505(12), 61.510(16), and 78.510(16).

(3) "Date of divorce" means the date a[~~the~~] decree of dissolution of marriage is entered by a court of competent jurisdiction.

(4) "Effective retirement date" means the first date upon which a member's early, normal, or disability retirement benefits began or will begin.

(5) "Marital service" means the amount of service earned and purchased during the marriage.

(6) "Unreduced retirement benefit" means the full retirement allowance for which a participant is entitled in accordance with KRS 16.576, 16.577, 16.583, 61.559, 61.595, 61.597, 78.5510, 78.5512, 78.5514, and 78.5516.

Section 2. Information Requests.

(1) If a court requires information[~~is necessary for the Court~~] to calculate the amount due to an[~~the~~] alternate payee for the purposes of a QDRO, the participant shall complete, sign, and file a valid Form 6433, Authorization for Release of Information and Request for Information for Qualified Domestic Relations Order, to obtain the needed information.

(2) In response to a[~~filed~~] valid Form 6433, if the participant has not yet retired, the agency shall provide as of the date of the divorce indicated on the QDRO, or if the date of divorce is not provided the last date contributions were reported, the participant's:

(a) Accumulated account balance during the marriage in each of the systems in which the participant has marital service;

(b) Total number of months of service credit earned and purchased in each of the systems in which the participant has service;

(c) The number of months of service credit earned and purchased during the marriage in each of the systems in which the participant has marital service;

(d) Based on the participant's final compensation and service credit or accumulated account balance, hypothetical:

1.[~~(d)~~] Monthly[~~The hypothetical monthly~~] retirement allowance pursuant to KRS 16.576, 16.577, 16.583, 61.559, 61.595, 61.597, 78.5510, 78.5512, 78.5514, and 78.5516[~~the participant would receive beginning on the date the participant is eligible for an unreduced retirement benefit, and~~] broken down by each of the systems in which the participant has marital service[~~. The hypothetical monthly retirement allowance shall be based on:~~

~~1. The participant's final compensation and service credit; or~~

~~2. The participant's accumulated account balance~~];

2.[~~(e)~~] Partial[~~The hypothetical partial~~] lump sum payment option without survivor rights with a one (1) time lump-sum payment equal to twelve (12) monthly retirement allowances and the reduced ongoing monthly retirement allowance pursuant to KRS 61.635(12) and 78.545 that the participant would receive beginning on the date the participant is eligible for an unreduced retirement benefit,[~~and~~] broken down by each of the systems in which the participant has marital service[~~. The hypothetical partial lump sum payment option and reduced ongoing monthly retirement allowance shall be based on:~~

~~1. The participant's final compensation and service credit; or~~

~~2. The participant's accumulate account balance~~]; and

3.[~~(f)~~] Actuarial[~~The hypothetical actuarial~~] equivalent refund payment or accumulated account balance refund payment the participant would receive, broken down by each of the systems in which the participant has marital service, when the participant is eligible for an unreduced retirement benefit[~~based on:~~

~~1. The final compensation and service credit; or~~

~~2. The participant's accumulated account balance~~].

(3) In response to a[~~filed~~] valid Form 6433, if the participant retired prior to the effective date of the divorce indicated on the QDRO, the agency shall provide the participant's:

(a) Current monthly retirement benefit in each of the systems from which the participant is receiving a monthly retirement benefit;

(b) Total number of months of service credit earned and purchased during the marriage in each of the systems from which the participant is receiving a monthly retirement benefit; and

(c) Total number of months of service credit in each of the systems from which the participant is receiving a monthly retirement benefit.

(4) (a) The alternate payee may request and obtain[~~the~~] information necessary for a[~~the~~] court to calculate the amount due to the alternate payee for purposes of the QDRO by completing and filing a[~~valid~~] Form 6433, Authorization for Release of Information and Request for Information for Qualified Domestic Relations Orders, and submitting a court-issued[~~and an attached court issued~~] subpoena or order compelling the release of the requested information.

(b) The agency shall respond to a court-issued subpoena or order compelling the release of the requested information and[~~valid~~] Form 6433 filed pursuant to[~~in accordance with~~] this subsection[~~in the same manner~~] as established in subsection (2) or (3) of this section[~~as~~

~~applicable~~].

(5)(a) If information other than the information supplied by the agency in accordance with subsections (2) and[~~through~~] (3) of this section is required:

1. The participant shall file an additional written and signed request for information[~~in writing~~];

2. The alternate payee shall file an additional written and signed request for information[~~in writing~~], and attach a court-issued[~~an attached court issued~~] subpoena or order compelling the release of the requested information; or

3. Legal counsel shall file an additional written and signed request for information[~~in writing~~], and documentation that he or she represents the participant or alternate payee[~~, as applicable~~]. An alternate payee's legal counsel shall also file a court-issued[~~court issued~~] subpoena or order compelling the release of the requested information.

(b) Requests for information, other than the information supplied by the agency in accordance with subsections (2) through (4) of this section, shall be answered pursuant to KRS 61.661 and 78.545.

Section 3. (1) If the court determines that the alternate payee shall be paid an alternative percentage of the participant's retirement payment option or accumulated account balance refund, the payment to the alternate payee shall not exceed the participant's:

(a) Retirement allowance amount elected at retirement;

(b) Actuarial equivalent refund pursuant to KRS 61.635(11) and 78.545; or

(c) Accumulated account balance refund pursuant KRS 61.625 and 78.545.

(2) The agency shall:

(a) Not administer a QDRO if enforcement of the QDRO would result in payments due to

the alternate payee that exceed the participant's monthly retirement benefit; and

(b) Notify the participant, alternate payees, and their legal counsel if a QDRO cannot be administered due to the exhaustion of the participant's monthly retirement benefit.

Section 4. QDROs Prior to July 14, 2000. This[~~The provisions of this~~] section shall only apply to QDROs the agency[~~that were~~] approved for enforcement[~~by the agency~~] prior to July 14, 2000. After the participant notifies the agency of his or her requested effective retirement date, the agency shall administer a valid QDRO approved by the agency that was entered prior to the participant's effective retirement date as established in[~~subsections (1) through (5) of~~] this section.

(1) The agency shall provide the participant and the alternate payee[~~,~~] information regarding the amount of the benefits payable pursuant to the QDRO.

(2) The amount of the benefits payable pursuant to a valid QDRO shall be determined as established in paragraphs (a) through (f) of this subsection.

(a) The percentage of benefit due to the alternate payee shall be calculated by dividing the participant's months of marital service pursuant to the QDRO by the participant's total service credit, and multiplying the result by the percentage allocated to the alternate payee.[~~computed based on the following calculation.~~

$$\frac{\text{\% allocated to Alternate Payee pursuant to QDRO}}{} \times \frac{\text{marital service per QDRO}}{\text{Participant's total service credit}} = \frac{\text{Percentage of benefit due to the alternate payee}}{}$$

(b) If a lump sum payment equal to[~~the balance of~~] the participant's accumulated account balance is to be made, the percentage due to the alternate payee calculated pursuant to[~~as calculated by~~] paragraph (a) of this subsection shall be multiplied by the participant's accumulated account balance and the result paid to the alternate payee. The participant shall be

paid all amounts in excess of the amounts paid to the alternate payee.

(c) If a monthly payment is to be made, the percentage due to the alternate payee calculated pursuant to paragraph (a)[~~, as calculated by paragraph(a)~~] of this subsection[~~,~~] shall be multiplied by the participant's basic retirement allowance and the result shall be paid monthly to the alternate payee. The participant shall be paid all amounts in excess of the amounts paid to the alternate payee.

(d) To calculate the amount payable to an alternate payee, service credit:

1. Added[~~Service credit added~~] for disability retirement benefits under KRS 16.582, 61.600, 61.605, 78.5522, or 78.5524 shall not be included and;[~~in determining the amount payable to the alternate payee.~~]

2. Purchased[~~Service credit purchased~~] during the period of marriage shall be included[~~in the calculation under this paragraph.~~]

(e) The payment options offered to the alternate payee:

1. Shall be based on the alternate payee's life expectancy;

2. Shall include only the payment options established in KRS 61.635 and 78.545[~~,~~] which do not provide lifetime benefits to a beneficiary; and

3. If the participant is eligible, shall include the ten (10) year certain option as established in KRS 16.576(4).

(f) The alternate payee of a QDRO approved for enforcement by the agency prior to July 14, 2000, shall receive increases given recipients pursuant to[~~under~~] KRS 61.691 and 78.5518.

(3) (a) If the participant predeceases[~~dies prior to~~] his or her effective retirement date and[~~prior to the death of~~] the alternate payee, the participant's account shall be divided in accordance with the QDRO between the alternate payee and the participant's beneficiary. If the

survivor benefit is:

1. A[~~If the death benefit is a~~] refund of the participant's accumulated account balance, the alternate payee shall only be offered a lump sum payment representing a portion of the participant's accumulated account balance calculated in accordance with subsection (2)(b) of this section; or [~~.~~]

2. Calculated[~~If the death benefit is calculated~~] pursuant to[~~under~~] KRS 16.578, 61.640, or 78.5532, the alternate payee shall be allowed to choose a lifetime annuity, a sixty (60) month certain payment, a 120 month certain payment, or an actuarial equivalent refund.

(b)[~~1.~~] If a participant with a:

1. Pre-retirement[~~pre-retirement~~] QDRO dies after his or her effective retirement date and predeceases[~~prior to the death of~~] the alternate payee, there shall be no change to the alternate payee's benefits.

2. Post-retirement[~~If a participant with a post-retirement~~] QDRO predeceases[~~dies prior to the death of~~] the alternate payee, the QDRO[~~on file~~] shall be void and no further payment shall be made to the alternate payee.

(4)[~~(a)~~] If the alternate payee predeceases the participant:

(a) After[~~after~~] the participant's effective retirement date, a lump sum, determined actuarially, of the payments remaining to the alternate payee[~~, if any,~~] shall be paid to the alternate payee's estate.

(b) Prior[~~If the alternate payee predeceases the participant prior~~] to the participant's effective retirement date or account withdrawal[~~of account~~], the QDRO[~~on file~~] shall be void and payment shall not be made to the alternate payee or his or her estate.

(5) When benefits become payable to the alternate payee, the agency shall establish a

separate account for the alternate payee consisting[~~, which shall consist~~] of the alternate payee's pro rata share determined pursuant to subsection (2) of this section. Once the alternate payee's account has been established, the alternate payee shall not be entitled to further benefits acquired by the participant.

Section 5[~~Section 4.~~] QDROs On or After July 15, 2010.

(1) This section[~~and Sections 5~~] through Section 20 of this administrative regulation shall only apply to QDROs approved for enforcement by the agency on or after July 15, 2010.

(2) A QDRO may apply to any of the systems in which the participant has marital service subject to[~~that is the subject of~~] the QDRO and from which the participant will receive retirement benefits, except for the excess benefit plans established in[~~by~~] KRS 16.568, 61.663, and 78.652.

(3) A valid QDRO shall be complete and contain all information required on the form established in this subsection that applies to the subject matter of the order.[~~:~~]

(a) Form 6434, Pre-Retirement Qualified Domestic Relations Order for Division of Marital Property, for a QDRO concerning the division of marital property that is completed pre-retirement;

(b) Form 6435, Post-Retirement Qualified Domestic Relations Order for Division of Marital Property, for a QDRO concerning the division of marital property that is completed post-retirement;

(c) Form 6436, Qualified Domestic Relations Order for Child Support, for a QDRO concerning the order of child support;

(d) Form 6437, Qualified Domestic Relations Order for Child Support by an Administrative Agency, for a QDRO concerning child support when completed by an

Administrative Agency with the statutory authority to complete it; or

(e) Form 6438, Qualified Domestic Relations Order for Alimony/Maintenance, for a QDRO concerning alimony or maintenance.

Section 6[~~Section 5~~]. Pre-retirement QDROs for the Division of Marital Property.

(1) Only a QDRO for[~~the purpose of the~~] division of marital property shall be filed prior to a participant's effective retirement date.

(2) A QDRO issued for[~~purpose of the~~] division of the participant's retirement account, pursuant to a divorce entered prior to the participant's effective retirement date, shall be filed prior to retirement on a valid Form 6434, Pre-Retirement Qualified Domestic Relations Order for Division of Marital Property.[~~A Form 6434 entered or initially filed after the participant's retirement date shall be in compliance with Section 6 of this administrative regulation.~~]

(3)(a) The effective date of the Form 6434[~~, Pre-Retirement Qualified Domestic Relations Order for Division of Marital Property,~~] shall be:

1. The[~~the~~] participant's effective retirement date as established in KRS 61.590 and 78.545;[~~,~~] or

2. If[~~if~~] the Form 6434 is approved after[~~following~~] the participant's effective retirement date, the month following the month the agency approved the Form 6434[~~was approved~~] for enforcement[~~by the agency~~].

(b)[~~(a)~~] If the participant receives a lump-sum payment representing monthly retirement benefits paid retroactive[~~retroactively~~] to the participant's effective retirement date, the alternate payee shall receive a portion of the lump sum payment as included on the Form 6434.

(c)[~~(b)~~] If the participant is not receiving a retirement benefit, then the alternate payee shall not receive a retirement benefit.

(4) (a) A Form 6434[~~, Pre-Retirement Qualified Domestic Relations Order for Division of Marital Property,~~] filed on or after July 1, 2024 shall include the amount to be paid to the alternate payee. The court shall[~~use one (1) of the following methods to~~] calculate the amount to be paid to the alternate payee by using:

1. A dollar amount;

2. A percentage of the participant's marital service; or

3. An alternative percentage of the participant's retirement payment option or accumulated account balance refund.

(b) If the court determines a dollar amount to be paid to the alternate payee, then the court shall complete all fields to indicate a:

1. Monthly[~~A monthly~~] dollar amount if the participant elects a monthly retirement allowance;

2. One[~~A one~~] (1) time lump-sum dollar amount if the participant elects the actuarial equivalent refund payment option pursuant to KRS 61.635(11) and 78.545;

3. Lump-sum[~~A lump-sum~~] dollar amount from participant's[~~refund of his or her~~] accumulated account balance refund if the participant elects to terminate[~~his~~] membership pursuant to KRS 61.625 and 78.545; and

4. One[~~A one~~] (1) time lump-sum payment and a monthly dollar amount if the participant elects a partial lump-sum payment option pursuant to KRS 61.635(12) and 78.545.

(c) 1. If the court determines that a percentage of the participant's marital service be paid to the alternate payee, the percentage shall be:[~~determined~~]

a. The number of months during which the participant was a contributing member of the retirement systems and married to the alternate payee including service purchased during the

marriage, divided by the total number of months of service credit used to calculate the participant's retirement payment option; and

b. Converted into a percentage by multiplying by one hundred, and dividing the percentage by two (2).

[based on the following calculation.

$$\left[\frac{\text{Months of marital service in which participant was a contributing member of the system affected by the QDRO}}{\text{Participant's total service credit used to calculate the retirement payment option}}\right] \times 100 \div 2 = \text{Percentage of benefit due to the alternate payee}$$

2. The agency shall determine[the] marital service based on the marital period[as] determined by the court in the QDRO;

3. The participant's total service credit shall be determined by the agency prior to the participant's filing[of] a request for an[a refund of the] accumulated account balance refund, and shall be the total number of months of service credit used to calculate the participant's retirement payment options or the total number of months of service credit the participant had at the time of the request for an[refund of the] accumulated account balance refund; and

4. To determine the amount due to the alternate payee, the percentage calculated in subparagraph 1. of this paragraph shall be applied to the[following as appropriate]:

a. Participant's[The participant's] basic monthly retirement allowance pursuant to KRS 16.576, 16.577, 16.583, 61.559, 61.595, 61.597, 78.5510, 78.5512, 78.5514, and 78.5516;

b. Participant's[The participant's] actuarial equivalent refund;

c. Participant's[The participant's refund of his or her] accumulated account balance refund; or

d. For QDROs filed on or after July 1, 2024, the[The] one (1) time lump-sum payment[,]

and to either the reduced monthly retirement allowance payment with no survivor rights option elected by the participant pursuant to KRS 61.635(12)(a) and 78.545, or if the participant elected a payment option with survivor rights pursuant to KRS 61.635(12)(b) and 78.545, the correlating reduced monthly retirement allowance payment without survivor rights.

(d) Payment of an alternative percentage of the participant's retirement payment option or accumulated account balance refund shall be as established in Section 3 of this administrative regulation.[~~1. If the court determines that an alternative percentage of the participant's retirement payment option or accumulated account balance refund be paid to the alternate payee, the payment to the alternate payee shall not exceed the participant's:~~

~~a. Retirement allowance amount elected at retirement;~~

~~b. Actuarial equivalent refund pursuant to KRS 61.635(11) and 78.545; or~~

~~c. Refund of his or her accumulated account balance pursuant KRS 61.625 and 78.545.~~

(e)[~~2.~~] To determine the amount due to the alternate payee, the percentage indicated on the QDRO shall be applied[~~to the following as appropriate:~~

~~a. The participant's basic monthly retirement allowance pursuant to KRS 16.576, 16.577, 16.583, 61.559, 61.595, 61.597, 78.5510, 78.5512, 78.5514, and 78.5516;~~

~~b. The participant's actuarial equivalent refund;~~

~~c. The participant's refund of his or her accumulated account balance; or~~

~~d. The one (1) time lump-sum payment, and to either the reduced monthly retirement allowance payment with no survivor rights option elected by the participant pursuant to KRS 61.635(12)(a) and 78.545, or if the participant elected a payment option with survivor rights pursuant to KRS 61.635(12)(b) and 78.545, the correlating reduced monthly retirement allowance payment without survivor rights~~].

(5) (a) If a Form 6434[~~, Pre-Retirement Qualified Domestic Relations Order for Division of Marital Property,~~] is filed prior to July 1, 2024 and the participant elects to receive a partial lump sum payment option pursuant to KRS 61.635(12) and 78.545, the alternate payee shall:

1. Receive[~~Shall receive~~] a dollar amount or percentage applied to the participant's basic monthly retirement allowance; and

2. Not[~~Shall not~~] receive a portion of the partial lump-sum payable to the participant.

(b) A Form 6434 filed prior to July 1, 2024 shall include the amount to be paid to the alternate payee. The court shall[~~use one (1) of the following methods to~~] calculate the amount to be paid to the alternate payee as established in subsection 4(a) of this section[~~:~~

~~1. A dollar amount;~~

~~2. A percentage of the participant's marital service; or~~

~~3. An alternative percentage of the participant's retirement payment option or accumulated account balance refund~~].

(c) If the court determines a dollar amount to be paid to the alternate payee, then the court shall complete all fields to indicate a:

1. Monthly[~~A monthly~~] dollar amount if the participant elects a monthly retirement allowance, including the reduced monthly retirement allowance payable under a partial lump-sum option pursuant to KRS 61.635(12) and 78.545;

2. One[~~A one~~] (1) time lump-sum dollar amount if the participant elects the actuarial equivalent refund payment option pursuant to KRS 61.635(11) and 78.545; or[~~and~~]

3. Lump-sum[~~A lump-sum~~] dollar amount from the participant's[~~refund of his or her~~] accumulated account balance refund if the participant elects to terminate[~~his or her~~] membership pursuant to KRS 61.625 and 78.545.

(d) 1. If the court determines that a percentage of the participant's marital service be paid to the alternate payee, the percentage shall be determined based on the calculation and applications established in subparagraphs (4)(c)1. through 3. of this section;[~~following calculation.~~]

~~Months of marital service in which participant was a contributing member of the system affected by the QDRO~~ / ~~Participant's total service credit used to calculate the retirement payment option~~ X 100 ÷ 2 = ~~Percentage of benefit due to the alternate payee~~

[~~2. The agency shall determine the marital service based on the marital period[as] determined by the court in the QDRO;~~

~~3. The participant's total service credit shall be determined by the agency prior to the participant's filing of a request for a refund of the accumulated account balance, and shall be the total number of months of service credit used to calculate the participant's retirement payment options or the total number of months of service credit the participant had at the time of the request for refund of the accumulated account balance; and~~]

2.[~~4.~~] The percentage[~~To determine the amount due to the alternate payee, the above percentage~~] calculated pursuant to this paragraph shall be applied as established in clauses (4)(c)4.a. through c. of this section; and[~~to the following as appropriate:~~

~~a. The participant's basic monthly retirement allowance pursuant to KRS 16.576, 16.577, 16.583, 61.559, 61.595, 61.597, 78.5510, 78.5512, 78.5514, and 78.5516;~~

~~b. The participant's actuarial equivalent refund; or~~

~~c. The participant's refund of his or her accumulated account balance~~.

~~(e) [1. If the court determines that an alternative percentage of the participant's retirement payment option or accumulated account balance refund be paid to the alternate payee, the~~

~~payment to the alternate payee shall not exceed the participant's:~~

~~a. Retirement allowance amount elected at retirement;~~

~~b. Actuarial equivalent refund pursuant to KRS 61.635(11) and 78.545; or~~

~~c. Refund of his or her accumulated account balance pursuant KRS 61.625 and 78.545.~~

3.[~~2.~~] The percentage[~~To determine the amount due to the alternate payee, the percentage~~] indicated on the QDRO shall be applied[~~to the following as appropriate:~~

~~a. The participant's basic monthly retirement allowance pursuant to KRS 16.576, 16.577, 16.583, 61.559, 61.595, 61.597, 78.5510, 78.5512, 78.5514, and 78.5516;~~

~~b. The participant's actuarial equivalent refund; or~~

~~c. The participant's refund of his or her accumulated account balance~~].

(e) Payment of an alternative percentage of the participant's retirement payment option or accumulated account balance refund shall be as established in Section 3 of this administrative regulation.

Section 7[~~Section 6~~]. Post Retirement QDRO for the Division of Marital Property.

(1) A QDRO issued for[~~purposes of~~] division of the participant's retirement account pursuant to a divorce decree entered after the participant's effective retirement date, or initially filed with the agency following the participant's effective retirement date, shall be filed on a valid Form 6435, Post-Retirement Qualified Domestic Relations Order for Division of Marital Property.

(2) The Form 6435[~~, Post-Retirement Qualified Domestic Relations Order for Division of Marital Property,~~] shall include the amount to be paid to the alternate payee. The court shall[~~use one (1) of the following methods to~~] calculate the amount to be paid to the alternate payee by using:

(a) A monthly dollar amount;

(b) 1. A percentage of the participant's selected monthly retirement benefit attributable to the marital service, which shall be determined using the calculation established in Section 6(4)(c)1. through 3. of this administrative regulation; and[~~determined based on the following calculation,~~]

$$\left[\frac{\text{Months of marital service in which participant was a contributing member of the system affected by the QDRO}}{\text{Participant's total service credit used to calculate the retirement payment option}}\right] \times 100 \div 2 = \text{Percentage of benefit due to the alternate payee}$$

2. The agency shall determine the marital service based on the marital period[~~as~~] determined by the court in the QDRO; or

(c) An alternative percentage of the participant's selected monthly retirement benefit in the system or systems affected by the QDRO as established in Section 3 of this administrative regulation.

Section 8[~~Section 7~~]. Child Support QDROs.

(1) A QDRO issued for[~~purposes of~~] payment of child support shall be filed on a valid:

(a)[~~A valid~~] Form 6436, Qualified Domestic Relations Order for Child Support entered by a court of competent jurisdiction; or

(b)[~~A valid~~] Form 6437, Qualified Domestic Relations Order for Child Support by an Administrative Agency, completed by an administrative agency with statutory authority to issue an order for child support in accordance with the laws governing child support.

(2) The QDRO shall include the monthly dollar amount of child support to be paid.

(3) The agency shall remit the payment for child support to the centralized registry established pursuant to KRS 15.802[~~205.712 and defined by 921 KAR 1:001, Section 1(5)~~].

(a) The payment for child support shall be made payable to "Kentucky Child Support Enforcement."

(b) The participant's name and Social Security number shall be noted on the payment.

(4) The agency shall only accept a Form 6436[~~, Qualified Domestic Relations Order for Child Support,~~] or a Form 6437[~~, Qualified Domestic Relations Order for Child Support by an Administrative Agency,~~] if the participant is retired and is receiving a monthly retirement benefit.

Section 9[~~Section 8~~]. Alimony or Maintenance QDROs.

(1) A QDRO issued for[~~purposes of~~] payment of alimony or maintenance[~~pursuant to KRS 403.200~~] shall be filed on a valid Form 6438, Qualified Domestic Relations Order for Alimony/Maintenance, completed by a court of competent jurisdiction in accordance with the laws governing alimony or maintenance.

(2) The QDRO shall include the monthly dollar amount or percentage of the participant's monthly retirement allowance to be paid to the alternate payee for alimony or maintenance.

(3) The agency shall only accept a Form 6438[~~, Qualified Domestic Relations Order for Alimony/Maintenance~~] if the participant is retired and is receiving a monthly retirement allowance.

Section 10[~~Section 9~~]. Filing a QDRO With the Agency.

(1) A valid QDRO shall be complete and contain all information required on the form[~~A QDRO shall be on the form incorporated by reference in this administrative regulation~~] that applies to the subject matter of the order.

(a) A QDRO shall be signed by the judge of a court of competent[~~with~~] jurisdiction[~~over the case,~~] and entered and certified by the Clerk of the Court, except as established in paragraph

(b) of this subsection.

(b) The Form 6437, Qualified Domestic Relations Order for Payment of Child Support by an Administrative Agency, shall be signed by the head of the administrative agency, or his or her designee, with statutory authority to issue a QDRO.

(2) A valid copy of the QDRO that meets the requirements established in[~~of~~] subsection (1) of this section shall be filed with the agency.

(3) (a) A[~~No one shall file a~~] QDRO pending[~~that is~~] before an appellate court and that is not final shall not be filed with the agency.

(b) The agency shall not be responsible or liable[~~have responsibility or liability~~] for payments made pursuant to a QDRO filed in violation of this subsection that was amended[~~altered~~] or dissolved by[~~an order of~~] an appellate court of competent jurisdiction.

(4) A nonrefundable processing fee of fifty (50) dollars shall be submitted by certified check or money order[~~in the amount of fifty (50) dollars~~] made payable to the Kentucky State Treasurer[~~as a nonrefundable processing fee~~] with a filed QDRO, except as established in paragraph (b) or (c) of this subsection. The agency shall not review a[~~the~~] QDRO[~~to approve~~] for enforcement approval unless the fee is submitted with the QDRO.

(a) Only one (1) certified check or money order shall be submitted to pay[~~in payment of~~] the fee.

(b) The agency shall not require a fee[~~There shall not be a fee required~~] for a Form 6436[~~, Qualified Domestic Relations Order for Child Support,~~] or a Form 6437[~~, Qualified Domestic Relations Order for Child Support by an Administrative Agency~~].

(c) If the divorce[~~dissolution of marriage~~] action was filed in forma pauperis:[~~, then~~]

1. The[~~the~~] agency shall waive the filing fee; and[~~.~~]

2. A copy of the order allowing the[~~dissolution of marriage~~] action to be filed in forma pauperis shall be filed with the valid entered and certified QDRO.

(5) (a) If the agency determines that the QDRO does not comply with KRS 16.645, 61.690, 78.545, 26 U.S.C. 414(p), or this administrative regulation, the participant, alternate payee, or their legal counsel shall have until the end of the ninetieth (90th) calendar day[~~ninety (90) calendar days~~] from the date the agency provided notice[~~agency's notification~~] of the deficiency as established[~~was provided, as detailed~~] in Section 12(4)[~~11(4)~~] of this administrative regulation, to file a corrected QDRO without an additional fee.

(b) If a corrected valid QDRO is not filed by[~~filedby~~] the end of the ninetieth (90th) calendar day[~~ninety (90) calendar days~~] from the date of the notice[~~notification~~], then an additional nonrefundable fifty (50) dollar processing fee shall be required for[~~with~~] any new or corrected QDRO[~~filed after the ninety (90) calendar days shall be required~~].

(c) If the participant requests and receives an[~~a refund of his or her~~] accumulated account balance refund during the ninety (90) calendar day period established in this subsection, and a corrected QDRO is filed after the participant has received the[~~a refund of his or her~~] accumulated account balance refund,[~~then~~] the QDRO shall not be valid and enforceable by the agency.

Section 11[~~Section 10~~]. Deposit of Fees. All fees collected pursuant to this administrative regulation shall be deposited in the Retirement Allowance Account established in KRS 61.580 and 78.640.

Section 12[~~Section 11~~]. Approving a QDRO[~~Determining if a QDRO is Approved~~] for Enforcement.

(1)[~~The agency shall determine if the QDRO is complete and qualifies as a valid QDRO pursuant to KRS 16.645, 61.690, 78.545, 26 U.S.C. 414(p), and this administrative regulation.~~]

(a) A QDRO shall not be effective until the agency determines[~~has determined~~] that it complies with KRS 16.645, 61.690, 78.545, 26 U.S.C. 414(p), and this administrative regulation, and approves the QDRO for enforcement.

(b) For QDROs filed on or after July 11, 2011, the[~~The~~] agency shall provide notice[~~notification~~] of its determination by the end of the forty-fifth (45th) calendar day[~~day forty-five (45) calendar days~~] from the date the QDRO is received[~~filed on or after July 15, 2011~~].

(2) (a) The agency shall provide notice that the QDRO has been approved for enforcement[~~notification~~] to the:

1. Participant[~~the participant~~];

2. Participant's[~~the participant's~~] legal counsel[~~, if known~~];

3, Alternate[~~the alternate~~] payee; and

3. Alternate[~~alternate~~] payee's legal counsel[~~, if known, that the QDRO has been approved for enforcement~~].

(b)[~~(a)~~] If the participant has not yet retired, the agency shall place a[~~an otherwise~~] valid and approved QDRO on file until the participant files a notification of retirement or an application for an[~~a refund of his or her~~] accumulated account balance refund.

(c)[~~(b)~~] If the participant has retired, the agency shall begin enforcing[~~to enforce~~] the QDRO the month after it is approved for enforcement[~~by the agency~~].

(3) (a) Except as provided in paragraph (c) of this subsection, the alternate payee shall complete and file a valid Form 6130, Authorization for Deposit of Retirement Payment, incorporated by reference in 105 KAR 5:200, or if he or she does not have an account with a financial institution, a valid Form 6135, Request for[~~Payment of Retirement~~] Payment by Check,

incorporated by reference in 105 KAR 5:200, prior to receiving payment pursuant to[~~under~~] a QDRO.

(b) If the alternate payee has not filed a valid Form 6130, or a valid Form 6135, by the last day of the month before the first payment under the approved QDRO is due to[~~be paid to~~] the alternate payee, the agency shall segregate and hold the alternate payee's payments for a period of no more than eighteen (18) calendar months,[~~with the period~~] beginning on the first day of the month following the date the first payment was required by the QDRO[~~approved for enforcement by the agency~~]. The agency shall:

1. Pay the segregated amount to the alternate payee, if a valid Form 6130[~~,~~] or a valid Form 6135 is filed within the eighteen (18) calendar month hold period;

2. Pay the segregated amount to the participant, if a valid Form 6130[~~,~~] or a valid Form 6135 is not filed within the eighteen (18) calendar month hold period; or

3. Apply the QDRO prospectively only[~~,~~] if, after the eighteen (18) calendar month hold period expires, a valid Form 6130[~~,~~] or a valid Form 6135[~~,~~] is filed.

(c) An alternate payee listed on a valid Form 6436, Qualified Domestic Relations Order for Child Support, or a valid Form 6437, Qualified Domestic Relations Order for Child Support by an Administrative Agency, shall not file a Form 6130 or a Form 6135.

(4)(a) The[~~If the agency determines that the QDRO does not comply with KRS 16.645, 61.690, 78.545, 26 U.S.C. 414(p), or this administrative regulation, the~~] agency shall provide written notice to the parties as established in subsection 2(a) of this section if it determines that the QDRO does not comply with KRS 16.645, 61.690, 78.545, 26 U.S.C. 414(p), or this administrative regulation[~~notification to the participant, the participant's legal counsel, if known, the alternate payee, and alternate payee's legal counsel, if known~~], including the:

a.[~~1.~~] Reason[~~That the agency has determined the QDRO does not comply with KRS 16.645, 61.690, 78.545, 26 U.S.C. 414(p), or this administrative regulation;~~

~~2. The reason~~] for the determination[~~that the QDRO does not comply with KRS 16.645, 61.690, 78.545, 26 U.S.C. 414(p), or this administrative regulation~~]; and

b.[~~3.~~] Changes[~~The changes~~] necessary to make the QDRO compliant[~~in compliance with KRS 16.645, 61.690, 78.545, 26 U.S.C. 414(p), and this administrative regulation~~].

(b) If the sole deficiency is that the QDRO is not entered or certified, the agency shall segregate and hold any payments due to the alternate payee pursuant to the QDRO for up to eighteen (18) calendar months,[~~with the period~~] beginning the first day of the month after the date the QDRO was found[~~to be~~] noncompliant[~~in accordance~~] with this subsection.

1. If, within the eighteen (18) calendar month hold period, the entered and certified QDRO is filed, the agency shall pay the segregated amount to the alternate payee; or

2. When the eighteen (18) calendar month hold period ends, if the entered and certified QDRO is not on file, the agency shall pay the segregated amount to the participant.

3. If an entered and certified QDRO is filed after the eighteen (18) calendar month hold period expires, the QDRO shall only be applied prospectively.

Section 13[~~Section 12~~]. Multiple QDROs.

(1) Multiple[~~If there are multiple~~] QDROs on file for a participant's account[~~, the QDROs~~] shall be administered for[~~in the following order~~]:

(a)[~~QDROs for the~~] Division of Marital Property first;

(b)[~~QDROs for~~] Child Support second; and

(c)[~~QDROs for~~] Alimony/Maintenance third.

(2) If multiple QDROs in any category established in subsection (1) of this section[~~for the~~

~~Division of Marital Property~~] are on file, they shall be administered in the order of approval by the agency.

[~~(3) If multiple QDROs for Child Support are on file, they shall be administered in the order of approval by the agency.~~

~~(4) If multiple QDROs for Alimony/Maintenance are on file, they shall be administered in the order of approval by the agency.~~

~~(5) The agency shall not administer a QDRO if enforcement of the QDRO would result in the total amount of payments due to the alternate payees to exceed the participant's monthly retirement benefit under the multiple QDROs approved for enforcement by the agency. The agency shall notify the participant and alternate payees if a QDRO cannot be administered due to the exhaustion of the participant's monthly retirement benefit.~~]

Section 14[~~Section 13~~]. Multiple Retirement Accounts. For participants who retired and subsequently reemployed with an employer in a regular full-time position prior to September 1, 2008, new QDROs affecting the participant's retirement account shall be administered as established in subsections (1) and (2) of this section.

(1) A valid Form 6434, Pre-Retirement Qualified Domestic Relations Order for Division of Marital Property, that is filed with and approved for enforcement by the agency shall be applied to any of the participant's retirement accounts[~~retirement account of the participant~~] from which the participant has not retired.

(2) Any of the[~~following~~] valid QDROs established in this subsection that are filed with and approved for enforcement by the agency shall be applied to any of the participant's retirement accounts[~~account of the participant~~] from which the participant has retired:

(a)[~~Form 6435,~~] Post-Retirement Qualified Domestic Relations Order for Division of

Marital Property;

(b)[~~Form 6436~~] Qualified Domestic Relations Order for Child Support;

(c)[~~Form 6437,~~] Qualified Domestic Relations Order for Child Support by an Administrative Agency; or

(d)[~~Form 6438,~~] Qualified Domestic Relations Order for Alimony/Maintenance.

Section 15[~~Section 14~~]. Amending or Terminating a QDRO[~~terminating QDRO's~~].

(1) If a QDRO approved for enforcement by the agency is amended or terminated, the participant, alternate payee, or their legal counsel shall file the:

(a) Amended[~~The amended~~] entered and certified valid QDRO as established in Section 10[~~9~~] of this administrative regulation; or

(b) Entered[~~The entered~~] and certified order from a court of competent jurisdiction terminating the QDRO.

(2) Except as established in paragraph (a) or (b) of this subsection, a nonrefundable processing fee of twenty-five (25) dollars shall be submitted by certified check or money order made payable to the Kentucky State Treasurer[~~as a nonrefundable processing fee~~] for the amended QDRO or order terminating the QDRO. The agency shall not review the amended QDRO or order terminating the QDRO unless the fee is submitted with the amended QDRO or order terminating the QDRO.

(a) If the divorce[~~dissolution of marriage~~] action was filed in forma pauperis:[~~, then the~~]

1. The agency shall waive the filing fee; and[~~. A~~]

2. A copy of the order allowing the[~~dissolution of marriage~~] action to be filed in forma pauperis shall be filed with the entered and certified valid QDRO.

(b) A fee shall not be[~~There shall not be a fee~~] required for a Form 6436, Qualified

Domestic Relations Order for Child Support, or a Form 6437, Qualified Domestic Relations Order for Child Support by an Administrative Agency.

(3) The agency shall review the amended QDRO as established in Section 12[~~using the same procedures established in Section 11~~] of this administrative regulation.

(4) (a) If the agency determines that the amended QDRO does not comply with KRS 16.645, 61.690, 78.545, 26 U.S.C. 414(p), and this administrative regulation, or that the order terminating the QDRO is insufficient, the participant, alternate payee, or their legal counsel shall have until the end of the ninetieth (90th) calendar day[~~day ninety (90) calendar days~~] from the date the agency provided notice[~~of the agency's notification~~] of the deficiency, as established in Section 12(4)[~~11(4)~~] of this administrative regulation,[~~was provided~~] to file a corrected amended valid QDRO or a corrected order terminating the QDRO.

(b) If a corrected amended valid QDRO or a corrected order terminating the QDRO is not filed by the end of the ninetieth (90th) calendar day[~~ninety (90) calendar days~~] from the date of notification, then an additional nonrefundable twenty-five (25) dollar processing fee shall be submitted with an amended valid QDRO or order terminating the QDRO that is filed after the ninety (90) calendar day period.

(5) An amended valid QDRO or an order terminating a QDRO approved by the agency shall only be administered prospectively.

Section 16[~~Section 15~~]. Disability Retirement Benefits[~~for Members Participating Prior to August 1, 2004.~~

~~(1) The provisions of this section shall only apply to participants who were participating prior to August 1, 2004.~~]

(1)[~~(2)~~] If a participant with a QDRO on file is awarded disability retirement benefits

pursuant to KRS 16.582, 61.600, 61.621, 78.545, 78.5522, or 78.5524, the alternate payee's portion of the participant's disability retirement benefit shall be calculated as established in paragraph (a) or (b) of this subsection.

(a) If the QDRO ordered that the alternate payee be paid a specific dollar amount from the participant's retirement benefit as established in Section 6(5)(a), Section 8, or Section 9[~~Section 5(5)(a), Section 7, or Section 8~~] of this administrative regulation, the agency shall pay the specific dollar amount regardless of any enhancement of the participant's retirement benefit.

(b) If the QDRO ordered that the alternate payee be paid a percentage of the participant's retirement benefit as established in Section 6(5)(b) and (c) or Section 9[~~Section 5(5)(b) and (c) or Section 8~~] of this administrative regulation; and[~~,~~]

1. The participant began participating prior to August 1, 2004, the agency shall not use the service credit added to the participant's account pursuant to KRS 16.582(5)(a), 61.605(1), 78.5522(6), or 78.5524(5) to calculate[~~for calculating~~] the amount due to the alternate payee[~~is due~~] under the QDRO on file at the agency; or

2. The participant began participating on or after August 1, 2004, the agency shall use the participant's benefit pursuant to KRS 16.582(5)(b) and (c), 61.605(2), 78.5522(6)(b) and (c), or 78.5524(5)(b) and (c) to calculate the amount due to the alternate payee.

(2)[~~(3)~~] If the participant's disability retirement benefits are discontinued pursuant to KRS 61.610, 61.615, 78.5526, and 78.5528, and the[~~then~~]:

(a) Participant[~~If the participant~~] does not begin receiving early retirement benefits, the alternate payee's payment shall be discontinued;

(b) Participant's[~~If the participant's~~] benefit is changed to the participant's early retirement benefit, the alternate payee shall receive payment from the early retirement benefit

pursuant to the QDRO;

(c) Participant's[~~If the participant's~~] disability retirement benefits are reinstated pursuant to KRS 61.615 and 78.5528, the alternate payee's payment shall be reinstated;

(d) Participant[~~If the participant~~] later begins receiving early retirement benefits, the alternate payee shall receive payment from the early retirement benefit pursuant to the QDRO; or

(e) Participant[~~If the participant~~] later begins receiving retirement benefits at normal retirement age, the alternate payee shall receive payment pursuant to subsection (1)(a)[~~(2)(a)~~] and (b) of this section.

[~~Section 16. Disability Retirement Benefits for Members Participating on or after August 1, 2004.~~

~~(1) The provisions of this section shall only apply to participants whose participation began on or after August 1, 2004.~~

~~(2) If a participant who has a QDRO on file is awarded disability retirement benefits pursuant to KRS 16.582, 61.600, 61.621, 78.545, 78.5522, or 78.5524 the alternate payee's portion of the participant's disability retirement benefit shall be calculated as established in paragraph (a) or (b) of this subsection.~~

~~(a) If the QDRO ordered that the alternate payee be paid a specific dollar amount from the participant's retirement benefit as established in Section 5(5)(a), Section 7, or Section 8 of this administrative regulation, the agency shall pay the specific dollar amount regardless of any enhancement of the participant's retirement benefit.~~

~~(b) If the QDRO ordered that the alternate payee be paid a percentage of the participant's retirement benefit as provided in Section 5(5)(b) and (c) or Section 8 of this administrative regulation, the agency shall use the participant's benefit pursuant to KRS 16.582(5)(b) and (c),~~

~~61.605(2), 78.5522(6)(b) and (c), or 78.5524(5)(b) and (c) for calculating the amount the alternate payee is due under the QDRO on file.~~

~~(3) If the participant's disability retirement benefits are discontinued pursuant to KRS 61.610, 61.615, 78.5526, and 78.5528, then:~~

~~(a) If the participant does not begin receiving early retirement benefits, the alternate payee's payment shall be discontinued;~~

~~(b) If the participant's benefit is changed to the participant's early retirement benefit, the alternate payee shall receive payment from the early retirement benefit pursuant to the QDRO;~~

~~(c) If the participant's disability retirement benefits are reinstated pursuant to KRS 61.615 and 78.5528, the alternate payee's payment shall be reinstated;~~

~~(d) If the participant later begins receiving early retirement benefits, the alternate payee shall receive payment from the early retirement benefit pursuant to the QDRO; or~~

~~(e) If the participant later begins receiving retirement benefits at normal retirement age, the alternate payee shall receive payment pursuant to subsection (2)(a) and (b) of this section.~~]

Section 17. Events That[~~End or~~] Amend or Terminate a QDRO for Division of Marital Property, Alimony, or Maintenance.

(1) The participant, the alternate payee, or legal counsel for either party shall notify[~~be responsible for notifying~~] the agency of an event that causes payments to the alternate payee under a QDRO for Division of Marital Property or a QDRO for Alimony/Maintenance to end in accordance with KRS 16.645, 61.690(7), and 78.545.

(2) In the event of the participant's[~~participant~~] or alternate payees' death, the QDRO on file shall be void and payment shall not be made to the alternate payee or his or her estate.

(3) The agency shall segregate and hold any payments due to the alternate payee

beginning the month after the agency's receipt of the notice established in subsection (1) of this section[~~notification~~] until the[~~one (1) of the following occurs~~]:

(a) Participant[~~The participant~~], alternate payee, or either party's legal counsel files proof of the event that causes payments to the alternate payee to end; or

(b) Agency[~~The agency~~] independently verifies the event that causes payments to the alternate payee to end.

(4) The[~~As applicable, the~~] participant, alternate payee, or either party's legal counsel shall file a copy of the alternate payee's marriage certificate or the alternate payee's or participant's death certificate as proof of the event that causes payment to the alternate payee to end.

(5) If a QDRO includes the number of months of payments, payment to the alternate payee shall cease after the designated number of months expires[~~expire,~~] and a notice of the exhaustion of payments shall not be required.

(6) If proof is not filed or obtained by the end of the ninetieth (90th) calendar day[~~ninety (90) calendar days~~] from the notice[~~notification~~] to the agency, the payments being held shall be released to the alternate payee.

(7) The agency shall not be responsible or liable for any payments made to the alternate payee if the participant failed to provide proper notification and documentation of the event that causes payments to the alternate payee to end.

Section 18. Event That[~~Ends or~~] Amends or Terminates a QDRO for Child Support.

(1) The participant shall notify[~~be responsible for notifying~~] the agency of an event that causes payments to the alternate payee under a QDRO for Child Support to be amended or to end.

(2) (a) The agency shall segregate and hold the payments due to the alternate payee pursuant to[~~under~~] a valid QDRO for child support upon the filing of[~~if one (1) of the following is filed~~]:

1. An order changing the custody of the child to someone other than the alternate payee;

2. A copy of the child's marriage certificate;

3. A letter from the child's high school indicating the child's graduation date[~~,~~] if the child is age[~~of~~] eighteen (18) or older;

4. The child's birth certificate indicating the child is age eighteen (18) or older;

5. An order of emancipation of the minor child; or

6. The child's death certificate.

(b) If the QDRO for child support is for the support of more than one (1) child, the agency shall not segregate or hold payments due to the alternate payee.

(c) If the participant does not file documentation to amend or terminate the QDRO for child support in accordance with Section 15[~~14~~] of this administrative regulation by the end of the ninetieth (90th) calendar day[~~end of day ninety (90) calendar days~~] from the participant's submission as established in paragraph (a) of this subsection, the payments being held shall be released to the alternate payee.

(3) The agency shall not be responsible or liable for any payments made to the alternate payee if the participant failed to provide proper notice[~~notification~~], documentation of the event, the amended QDRO, or the court order that causes payments to the alternate payee to end or be amended as established in this section.

Section 19. Correction or Change to Retirement Benefits.

(1) If the participant's retirement benefit is corrected pursuant to KRS 61.685 and 78.545,

the alternate payee's payment shall also be corrected. If the alternate payee was:

(a) Overpaid[~~If the alternate payee was overpaid because of the error that is being corrected pursuant to KRS 61.685 and 78.545~~], the agency shall withhold the amount of the overpayment from the alternate payee's payment; or[~~.~~]

(b) Underpaid[~~If the alternate payee was underpaid because of the error that is being corrected pursuant to KRS 61.685 and 78.545~~], the agency shall pay the alternate payee a lump sum payment of the additional funds due from the participant's payment.

(2) After the effective date of any cost-of-living increase established pursuant to KRS 61.691 and 78.5518, the agency shall recalculate the amounts due under a QDRO[~~being administered by the agency~~].

(3) Payment to the alternate payee shall not change as a result of a change to[~~in~~] the participant's retirement benefits as established in KRS 61.542(5)(b) and 78.545.

Section 20. Alternate Payee's Contact Information. The alternate payee shall notify[~~be responsible for notifying~~] the agency in writing of any change in mailing address. The agency shall contact the alternate payee at the last known mailing address on file to notify the alternate payee when[~~ifwhen~~] a benefit under the QDRO becomes payable. The agency shall not have a duty or obligation to search for or locate an alternate payee.

Section 21. Hospital and Medical Insurance. Eligibility for a hospital or medical insurance plan administered by the agency shall not be established or required by a QDRO.

Section 22. Agency Subpoena or As a Party to a Domestic Relations Action.

(1) Any person or party who attempts to make the agency a party to a domestic relations action regarding a QDRO, or who requests a subpoena[~~be issued~~] for the personal appearance of a representative of the agency to appear at a deposition or in a court or administrative proceeding

regarding a QDRO, shall reimburse the agency for the travel expenses and services of the agency's representative, or representatives, and the agency's legal counsel, as an administrative fee including:

(a) The Internal Revenue Service standard mileage rate based on the shortest and most direct distance to and from the agency office according to Google maps, Apple maps, or Waze;

(b) Parking and tolls;

(c) Meals if the agency's personnel are required to travel and be away from the agency[~~retirement office~~] from 6:30 a.m. to 9 a.m., 11 a.m. to 2 p.m., or 5 p.m. to 9 p.m.;

(d) The wages earned by the agency's employees during the time period they are away from the agency[~~retirement office~~] calculated by multiplying the hourly rate of each employee by the number of hours each employee was away from the office;

(e) The agency's costs and legal fees; and

(f) Lodging expenses, if necessary.

(2) The agency shall send an estimated amount owed for expenses to the person or party requesting the subpoena.

(a) The person or party requesting the subpoena shall remit payment via a certified check or money order for the estimated expenses made payable to the Kentucky State Treasurer before the date of appearance ordered in the subpoena.

(b) The agency shall send an invoice for any additional expenses owed by the party or issue a refund for any amount exceeding[~~over the cost of~~] the expenses.

Section 23. Agency Liability. The[~~Neither the~~] agency,[nor] its trustees, and[~~nor its~~] employees shall not be liable[~~have any liability~~] for making or withholding payments in accordance with[~~the provisions of~~] this administrative regulation.

Section 24. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form 6434, "Pre-Retirement Qualified Domestic Relations Order for Division of Marital Property", January 2027[~~July 2024~~];

(b) Form 6435, "Post-Retirement Qualified Domestic Relations Order for Division of Marital Property", January 2027[~~July 2024~~];

(c) Form 6436, "Qualified Domestic Relations Order for Child Support", January 2027[~~July 2024~~];

(d) Form 6437, "Qualified Domestic Relations Order for Child Support by an Administrative Agency", January 2027[~~October 2025~~];

(e) Form 6438, "Qualified Domestic Relations Order for Payment of Alimony/Maintenance", January 2027[~~July 2024~~]; and

(f)[~~Form 6130, "Authorization for Deposit of Retirement Payment", June 2023;~~

~~(g) Form 6135, "Payment of Retirement Payment by Check", June 2023]; and~~

~~(h)~~] Form 6433, "Authorization for Release of Information and Request for Information for Qualified Domestic Relations Orders", January 2027[~~March 2024~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, from 8 a.m. to 4:30 p.m. This material is also available on the agency's website[~~Web site~~] at kyret.ky.gov.

105 KAR 2:190 Qualified domestic relations orders is approved for filing.

_____ _____

Ryan Barrow, Date
Executive Director
Kentucky Public Pensions Authority

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, March 22, 2027 at 10 a.m. EST at the KPPA, 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing of their intent to attend, otherwise the hearing may be canceled. This hearing is open to the public and any person wishing to be heard will be given an opportunity to comment on the proposed administrative regulation.

In lieu of attending the public hearing, individuals may submit written comments on the proposed administrative regulation which shall be accepted through March 31, 2027 and shall receive the same consideration as verbal comments. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person listed below.

Contact person: Carole J. Catalfo, Policy Specialist
Legal Non-Advocacy Division
Kentucky Public Pensions Authority
1260 Louisville Road
Frankfort, Kentucky 40601
Phone (502) 696-8679
Fax (502) 696-8615
Email: Legal.Non-Advocacy@kyret.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

105 KAR 2:190
Contact Person: Carole J. Catalfo
Phone: (502) 696-8679
Email: Legal.Non-Advocacy@kyret.ky.gov

Subject Headings: Child Support, Retirement and Pensions, State Employees

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements, procedures, and forms necessary for the agency to administer QDROs.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the requirements, procedures, and forms necessary for the agency to administer QDROs.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with KRS 16.505 through 16.652, 61.510 through 61.705, and 78.510 through 78.852. KRS 16.645, 61.690(3)(b), and 78.545 require the Kentucky Retirement Systems and the County Employees Retirement System to promulgate an administrative regulation establishing the requirements, procedures, and forms necessary to administer qualified domestic relations orders (QDROs).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing the requirements, procedures, and forms necessary to administer QDROs.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation corrects a statutory reference to KRS 205.712 which has been renumbered to 15.802; deletes an erroneous reference to 921 KAR 1:001; adds Section 11(5) regarding QDROs that exceed amounts available for payment; removes forms 6130 and 6135 which are incorporated by reference in 105 KAR 5:200; revises all remaining forms by removing “Instructions” to streamline the forms and so that instructions can be revised as needed without requiring the administrative regulation to be opened; and makes grammatical and drafting changes to comply with KRS Chapter 13A.

(b) The necessity of the amendment to this administrative regulation: The amendment to

this administrative regulation is necessary to correct a statutory reference to KRS 205.712 which has been renumbered to 15.802; delete an erroneous reference to 921 KAR 1:001; add Section 11(5) regarding QDROs that exceed amounts available for payment; remove forms 6130 and 6135 which are incorporated by reference in 105 KAR 5:200; revise all remaining forms by removing "Instructions" to streamline the forms and so that instructions can be revised as needed without requiring the administrative regulation to be opened; and make grammatical and drafting changes to comply with KRS Chapter 13A.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with KRS 16.505 through 16.652, 61.510 through 61.705, and 78.510 through 78.852. KRS 16.645, 61.690(3)(b), and 78.545 require the Kentucky Retirement Systems and the County Employees Retirement System to promulgate an administrative regulation establishing the requirements, procedures, and forms necessary to administer qualified domestic relations orders (QDROs).

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist in the effective administration of the statutes by further clarifying the requirements, procedures, and forms necessary to administer QDROs.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? (If yes, provide the year of the legislation and either the bill number or KY Acts chapter number being implemented). No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Currently there are approximately 874 total alternate payees (576 in CERS, 258 in KERS, and 40 in SPS). This administrative regulation will only affect those members for whom a QDRO has been issued.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The regulated community will be minimally impacted because the administrative regulation is already being implemented as written.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional costs to comply with the amendment because it is already being implemented as written.

(c) As a result of compliance, what benefits will accrue to the entities identified in

question (4): The regulated community will benefit from clarified requirements, procedures, and forms necessary for the agency to administer QDROs.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no additional costs because the regulation is already being implemented as written.

(b) On a continuing basis: There will be no additional costs because the regulation is already being implemented as written.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and agency funds).

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No, an increase in fees or funding will not be necessary.

(9) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: Yes, this administrative regulation establishes a fee of $50 to initiate a new QDRO, and a fee of $25 to file an amended or terminated QDRO, except in cases of child support or when the original court action was filed in forma pauperis.

(10) TIERING: Is tiering applied? (Explain why or why not) No, tiering is not applied. The processes and procedures regarding QDRO administration are the same for all members.

FISCAL IMPACT STATEMENT

105 KAR 2:190
Contact Person: Carole J. Catalfo
Phone: (502) 696-8679
Email: Legal.Non-Advocacy@kyret.ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 16.645, 61.505(1)(g), 61.690, 78.545

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 16.645, 61.505(1)(g), 61.690, 78.545

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Public Pensions Authority. There are no other affected state units, parts, or divisions.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: N/A. This is not a new administrative regulation.

For subsequent years: Agency expenditures are generally for legal and accounting staff involved in administering QDROs.

2. Revenues:

For the first year: N/A. This is not a new administrative regulation.

For subsequent years: In CY2026, the KPPA collected approximately $6,550 for new QDROs, and approximately $1,150 for amended or terminated QDROs.

3. Cost Savings:

For the first year: N/A. This is not a new administrative regulation.

For subsequent years: The revenues generated defray a fractional amount of staff costs to administer QDROs.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): There are no affected local entities.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:
   For the first year: N/A
   For subsequent years: N/A
2. Revenues:
   For the first year: N/A
   For subsequent years: N/A
3. Cost Savings:
   For the first year: N/A
   For subsequent years: N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: This administrative regulation has minimal fiscal impact. It is being implemented as written.

(b) Methodology and resources used to determine the fiscal impact: The agency analyzed its costs, fees, processes, and procedures for administering QDROs.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(14): No, this administrative regulation will not have a major economic impact as defined by KRS 13A.010(14). In calendar year 2026, the KPPA collected approximately $7,700 to administer new, amended, and terminated QDROs.

(b) The methodology and resources used to reach this conclusion: The agency analyzed its costs, fees, processes and procedures for administering QDROs.

SUMMARY OF CHANGES TO MATERIALS INCORPORATED BY REFERENCE

Form 6433, "Authorization for Release of Information and Request for Information for Qualified Domestic Relations Orders", January 2027, is the one (1) page form that members use to authorize release of information related to the court case from which the QDRO is generated.

Changes to the previous form include:

Replacing a citation to “105 KAR 1:190” with 105 KAR 2:190”

Form 6434, "Pre-Retirement Qualified Domestic Relations Order for Division of Marital Property", January 2027, is the 4-page form used by current members and courts to report division of marital property to the agency.

Changes to the previous form include:

Removing two (2) pages of instructions that will still be sent to members, but will allow more flexibility based upon the needs of members, the agency, and developing technology.

Replacing citations to “105 KAR 1:190” with 105 KAR 2:190”

Replacing citations to “105 KAR 1:190, Section 5(4)”, with “105 KAR Section 6(4)”

Form 6435, "Post-Retirement Qualified Domestic Relations Order for Division of Marital Property", January 2027, is the 5-page form used by retired members and courts to report division of marital property to the agency..

Changes to the previous form include:

Removing two (2) pages of instructions that will still be sent to members, but will allow more flexibility based upon the needs of members, the agency, and developing technology.

Replacing citations to “105 KAR 1:190” with “105 KAR 2:190”

Replacing citations to “105 KAR 1:190, Section 6(2)(a)”, with “105 KAR Section 7(2)(a)”

Replacing citations to “105 KAR 1:190, Section 6(2)(b)”, with “105 KAR Section 7(2)(b)”

Replacing citations to “105 KAR 1:190, Section 6(2)(c)”, with “105 KAR Section 7(2)(c)”

Form 6436, "Qualified Domestic Relations Order for Child Support", January 2027, is the 4-page form used by members and the court to report to the agency necessary child support information upon which a QDRO is based.

Changes to the previous form include:

Removing two (2) pages of instructions that will still be that will still be sent to members, but will allow more flexibility based upon the needs of members, the agency, and developing technology.

Replacing citations to “105 KAR 1:190” with “105 KAR 2:190”

Form 6437, "Qualified Domestic Relations Order for Child Support by an Administrative Agency", September 2026, is the 3-page form used by members and the Office of the Attorney General to report to the agency necessary child support information upon which a QDRO is based.

Changes to the previous form include:

Removing one (1) page of instructions that will still be sent to members and the Attorney General’s office, but will allow more flexibility based upon the needs of members, the agency, and developing technology.

Replacing citations to “105 KAR 1:190” with “105 KAR 2:190”

Form 6438, "Qualified Domestic Relations Order for Payment of Alimony/Maintenance", September 2026, is the 3-page form used by members and courts to report information regarding alimony or maintenance payments to the agency.

Changes to the previous form include:

Removing two (2) pages of instructions that will still be that will still be sent to members, but will allow more flexibility based upon the needs of members, the agency, and developing technology.

Replacing citations to “105 KAR 1:190” with “105 KAR 2:190”

KENTUCKY PUBLIC PENSIONS AUTHORITY
1260 Louisville Road • Frankfort, KY 40601
Phone: (502) 696-8800 • Fax: (502) 696-8822 • kyret.ky.gov

Form 6433
Revised 01/2027

Authorization for Release of Information and Request for Information for Qualified Domestic Relations Order

Member Information

Member Name:	Member ID or Social Security Number:

KPPA will update contact information for your retirement account based on the details provided below.

Address:	City:	State:	Zip Code:

Phone (select type) ◯ Mobile ◯ Home ◯ Work	Personal Email:

Purpose of Request (select all that apply): ☐ Division of Property ☐ Child Support ☐ Alimony/Maintenance

Are you a retired member? ☐ Yes ☐ No	Date of Marriage:	Date, or expected date, of Divorce:

☐ Check this box if this is a preliminary request and an actual case number has not been established. If checked, skip to the "Authorization" section and complete as directed. In the event that a divorce case is filed and a case number is established, or if the form incorrectly indicates that this was a preliminary request, a new authorization with all sections completed must be filed.

Divorce Case Information – must be completed if a case number has been established.

Case Name: v.		
County:	Family/Circuit Court	Case Number:

Attorney Information

Is an attorney representing you? ☐ Yes - complete this section ☐ No - skip to the "Alternate Payee Information" Section

Attorney Name:		Phone:	
Firm Name:		Fax:	
Address:	City:	State:	Zip Code:

Alternate Payee Information: Please provide the following information for the person who will be paid under the Qualified Domestic Relations Order (QDRO).

Name:	Date of Birth:	Social Security Number:	
Address:	City:	State:	Zip Code:

Alternate Payee's Attorney Information

Is an attorney representing the alternate payee? ☐ Yes - complete this section ☐ No - skip to the "Authorization" Section

Attorney Name:		Phone:	
Firm Name:		Fax:	
Address:	City:	State:	Zip Code:

Authorization: This section must be complete with a signature witnessed.

I _____ request that Kentucky Public Pensions Authority provide information pursuant to 105 KAR 2:190 Section 2 to me and authorize KPPA to release the information to my attorney, alternate payee, alternate payee's attorney, and the court. I agree to release and hold KPPA harmless from any liability whatsoever that may arise from the release of records or information under this Authorization. Said release shall be binding upon me, my spouse, successors, heirs and/or assigns.

Signature: _____ Date: _____

Witness Signature: _____ Date: _____

KENTUCKY PUBLIC PENSIONS AUTHORITY
1260 Louisville Road • Frankfort, KY 40601
Phone: (502) 696-8800 • Fax: (502) 696-8822 • kyret.ky.gov

Form 6433
Revised 01/2027 ~~03/2024~~

Authorization for Release of Information and Request for Information for Qualified Domestic Relations Order

Member Information

Member Name:	Member ID or Social Security Number:

KPPA will update contact information for your retirement account based on the details provided below.

Address:	City:	State:	Zip Code:

Phone (select type) ◯ Mobile ◯ Home ◯ Work	Personal Email:

Purpose of Request (select all that apply): ☐ Division of Property ☐ Child Support ☐ Alimony/Maintenance

Are you a retired member? ☐ Yes ☐ No	Date of Marriage:	Date, or expected date, of Divorce:

☐ Check this box if this is a preliminary request and an actual case number has not been established. If checked, skip to the "Authorization" section and complete as directed. In the event that a divorce case is filed and a case number is established, or if the form incorrectly indicates that this was a preliminary request, a new authorization with all sections completed must be filed.

Divorce Case Information – must be completed if a case number has been established.

Case Name: v.		
County:	Family/Circuit Court	Case Number:

Attorney Information

Is an attorney representing you? ☐ Yes - complete this section ☐ No - skip to the "Alternate Payee Information" Section

Attorney Name:		Phone:	
Firm Name:		Fax:	
Address:	City:	State:	Zip Code:

Alternate Payee Information: Please provide the following information for the person who will be paid under the Qualified Domestic Relations Order (QDRO).

Name:	Date of Birth:	Social Security Number:	
Address:	City:	State:	Zip Code:

Alternate Payee's Attorney Information

Is an attorney representing the alternate payee? ☐ Yes - complete this section ☐ No - skip to the "Authorization" Section

Attorney Name:		Phone:	
Firm Name:		Fax:	
Address:	City:	State:	Zip Code:

Authorization: This section must be complete with a signature witnessed.

I _____ request that Kentucky Public Pensions Authority provide information pursuant to 105 KAR 2:1901:190 Section 2 to me and authorize KPPA to release the information to my attorney, alternate payee, alternate payee's attorney, and the court. I agree to release and hold KPPA harmless from any liability whatsoever that may arise from the release of records or information under this Authorization. Said release shall be binding upon me, my spouse, successors, heirs and/or assigns.

Signature: _____ Date: _____

Witness Signature: _____ Date: _____

Kentucky Public Pensions Authority

Form 6434
Revised 01/2027

This Order is: ☐ New ☐ Corrected ☐ Amended ☐ Corrected Amended

COMMONWEALTH OF KENTUCKY

_____ Family/Circuit Court

Division _____

Civil Action No. _____ -CI- _____

_____ PETITIONER
Name

vs.

_____ RESPONDENT
Name

PRE-RETIREMENT QUALIFIED DOMESTIC RELATIONS ORDER FOR DIVISION OF MARITAL PROPERTY

The Court finds the following facts and issues the following Order pursuant to KRS 403.190, KRS 16.645, KRS 61.690, KRS 78.545, and 105 KAR 2:190:

1. This Order is intended to comply with and be administered and interpreted in conformity with 26 U.S.C. Sections 401(a) and 414(p), KRS 16.645, KRS 61.690, KRS 78.545, and KRS Chapter 403.

2. The following information is provided for the Participant:

Name: _____

Kentucky Public Pensions Authority Member ID or SSN: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

3. The following information is provided for the Alternate Payee:

Name: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

4. The "Retirement System(s)" affected by the Order are (check the box below for each retirement system to which this Order applies):

This Order shall be processed only using the System indicated, and shall not be valid or processed if the participant does not have service credit in the System indicated.

☐ **State Police Retirement System**
(Kentucky State Police troopers)

☐ **County Employees Retirement System**
(City/county local governments, eligible local agencies, school boards)

☐ **Kentucky Employees Retirement System**
(State departments, boards, state colleges and universities, employers directed by Executive Order of the Governor to participate in KERS, and quasi-governmental agencies)

5. The date of the marriage is _____

6. The date that the dissolution of the marriage was entered is _____

7. **Obligation of Participant and Alternate Payee:** The Participant and the Alternate Payee are ordered to notify the Kentucky Public Pensions Authority (KPPA) in writing of a change in the individual's mailing address. KPPA shall not be responsible for any failure of communication or receipt of payment caused by the failure of the Participant or the Alternate Payee to provide a current mailing address. KPPA is under no statutory or regulatory duty to attempt to find any party who does not inform KPPA. of his/her current address and shall not attempt to locate any party who does not inform KPPA of his or her current address.

8. **Amount Payable to the Alternate Payee:** Upon the Participant receiving a payment from KPPA, the Court orders that KPPA shall, in accordance with KRS 16.645, 61.690, 78.545, and 105 KAR 2:190, withhold and pay to the Alternate Payee the following: ***[Designate only one option (A, B or C) and complete entirely]*** (see instructions for details and examples)

☐ **OPTION A** - DOLLAR AMOUNT PURSUANT TO 105 KAR 2:190 SECTION 6(4):
If the Participant elects a plan of payment that consists of: (1) a monthly retirement allowance, (2) an actuarial equivalent refund, (3) a refund of his or her accumulated account balance, or (4) a one-time partial lump-sum payment with a reduced monthly retirement allowance, KPPA shall withhold and pay to the Alternate Payee, as appropriate: (Each space **MUST** have a dollar amount provided)

$_____ per month from the Participant's basic monthly retirement allowance;

$_____ from the Participant's actuarial equivalent refund;

$_____ from the Participant's refund of his or her accumulated account balance;

$_____ from the Participant's one-time partial lump sum payment and thereafter, $_____ per month from the Participant's reduced monthly retirement allowance.

OR

☐ **OPTION B** - PERCENTAGE CALCULATED PURSUANT TO 105 KAR 2:190, SECTION 6(4):
KPPA shall pay to the Alternate Payee an amount withheld from the Participant's retirement payment option that is based on a percentage, which shall be determined pursuant to 105 KAR 2:190 Section 6(4) as set forth below:

$$\left[\frac{\text{Months of martial service in which participant was a contributing member of the system affected by the QDRO}}{\text{Participant's total service credit used to calculate the retirement payment option}}\right] \times 100 \div 2 = \text{Percentage of benefit due to the alternate payee}$$

To determine the amount due to the Alternate Payee, the above percentage shall be applied to the Participant's elected plan of payment or accumulated account balance refund in accordance with 105 KAR 2:190, Section 6(4).

OR

☐ **OPTION C** - ALTERNATIVE PERCENTAGE DESIGNATION PURSUANT TO 105 KAR 2:190 SECTION 6(4):
KPPA shall withhold from the Participant's retirement payment option and pay to the Alternate Payee _____ % of the Participant's elected plan of payment or accumulated account balance refund, applied in accordance with 105 KAR 2:190 Section 6(4).

9. If the Participant selects a retirement payment option that provides for a monthly retirement allowance, KPPA shall withhold the dollar amount or percentage provided in Section 8 of this Order: ***(Select one option below)***

☐ for a time period of _____ months, subject to the provisions of KRS 16.645, 61.690, and 78.545.

OR

☐ until the Participant's or the Alternate Payee's death, whichever comes first.

10. Any cost-of-living increase provided in KRS 61.691 and 78.5518 shall be administered as follows:
(Do not complete this item if the Participant has been ordered to pay the Alternate Payee a percentage of his/her monthly retirement allowance.)

☐ All to the Participant.

OR

☐ Divided between the Participant and the Alternate Payee pursuant to KRS 16.645, 61.690(9), and 78.545.

The payment of the administrative fee provided for in KRS 16.645, 61.690(10), 78.545, and 105 KAR 2:190 shall be paid in full to the

KPPA through a single transaction as follows:

☐ All to be paid by the Participant.

OR

☐ All to be paid by the Alternate Payee.

OR

☐ Equally shared between the Participant and the Alternate Payee.

11. This Order applies to payments to be made after the approval of the Order for enforcement by KPPA under KRS16.645, 61.690, 78.545, and 105 KAR 2:190.

12. KPPA shall notify the Alternate Payee by U. S. Mail sent to the Alternate Payee's last known mailing address on file with KPPA when the Participant files a Notification of Retirement or an Application for a Refund of his or her accumulated account balance.

13. This Order does not require the Participant to select a particular retirement payment option or terminate his/her membership.

14. The Participant is ordered to notify KPPA of the death of the Alternate Payee.

15. KPPA shall not be liable to the Participant for payments made to the Alternate Payee after the Alternate Payee's death or for other payments made to the Alternate Payee to which the Alternate Payee was not entitled.

16. The Alternate Payee is ordered to immediately return any payments made pursuant to this Order that are received by the Alternate Payee after the death of the Participant.

17. The terms of this Order can only be amended or terminated by subsequent order of this Court.

18. As provided by KRS 16.645, 61.690, and 78.545, the Alternate Payee's right to payment under this Order is conditional on the Participant's right to a monthly retirement allowance payment, an actuarial equivalent refund, or a refund of his or her accumulated account balance from KPPA.

19. If the Participant's monthly retirement allowance payment, actuarial equivalent refund, or refund of his or her accumulated account balance from KPPA is subject to more than one Order under KRS 16.645, 61.690, and 78.545, the amount paid to the Alternate Payee under this Order may be reduced based on the priority of the other Orders.

20. The Alternate Payee's right to receive an amount from the Participant's monthly retirement allowance payment, actuarial equivalent refund, or a refund of his or her accumulated account balance shall terminate upon:

a. The death of the Participant or the Alternate Payee; or
b. The termination of an allowance paid to the Participant; or
c. Subsequent Order of the Court terminating the Alternate Payee's rights.

21. Payments under this Order shall commence as provided by KRS 16.645, 61.690, and 78.545.

22. As provided in KRS 16.645, 61.690(4)(a), and 78.545, this Order does not and shall not be construed to require KPPA to take any action not authorized under state or federal law.

23. As provided in KRS 16.645, 61.690(4)(b), and 78.545, this Order does not and shall not be construed to require KPPA to provide any benefit, allowance, or other payment not authorized under state or federal law.

24. As provided in KRS 16.645, 61.690(4)(c), and (d) and 78.545, this Order does not and shall not be construed to grant the Alternate Payee any separate right, title, interest, or to any retirement allowance other than to the payment from the Participant's account provided under this Order.

SO ORDERED this ____ day of _____, 20 _____

(Clerk's Certification Seal)

_____

Judge _____ Family/Circuit Court, Div. _____

CERTIFICATION OF SERVICE

I, Clerk of the above Court, do hereby certify that an attested copy of the foregoing has been served by mailing same to the following on this _____ day of _____, 20 _____ to:

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

_____

Clerk _____ Circuit Court

By: _____ D.C.

HAVE SEEN AND AGREED: (Not Required)

_____
Signature of the Participant

_____
Signature of the Alternate Payee

_____
Signature of Attorney for Participant

_____
Signature of Attorney for Alternate Payee

Printed Name
of Participant: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

Printed Name
of Alternate Payee: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

KENTUCKY PUBLIC PENSIONS AUTHORITY
1260 Louisville Road • Frankfort, KY 40601
Phone: (502) 696-8800 • Fax: (502) 696-8822 • kyret.ky.gov

Form 6434
Revised 07/2024

Print

Pre-Retirement Qualified Domestic Relations Order for Division of Marital Property

Instructions for Completion

GENERAL INFORMATION

- The printed language on the Form 6434, "Pre-Retirement Qualified Domestic Relations Order for Division of Marital Property" (QDRO) cannot be altered. The QDRO will be rejected by Kentucky Public Pensions Authority (KPPA) if the printed language is altered in any manner. (See KRS 16.645, 61.690, 78.545, and 105 KAR 1:190).
- Information provided is to assist participants (active, inactive, and retired members) going through a divorce whose retirement account might be subject to division as marital property.
- All participants are strongly advised to seek financial, legal, or other expert advice. KPPA is not rendering legal, financial, or any other type of professional advice in these instructions and nothing in these instructions should be construed as providing legal, financial, or any other type of professional advice. KPPA cannot make a determination of the status of a participant's retirement account as marital property. The Court must decide what is marital property and how the marital property is to be divided.
- The Court, the attorneys, and the parties to the dissolution of marriage action are strongly encouraged to review the KPPA's "Summary Plan Description" to understand how a participant's retirement benefits are determined. The "Summary Plan Description" contains detailed information concerning retirement benefits and can be found on KPPA's website, kyret.ky.gov.
- If specific participant retirement account information is necessary for the Court to calculate the amount due to the alternate payee, a completed Form 6433, "Authorization for Release of Information and Request for Information for a Qualified Domestic Relations Order" must be filed with KPPA. The Form 6433 can be found on KPPA's website, kyret.ky.gov.
- The alternate payee will not be eligible for benefits under the QDRO until the participant retires or receives a refund of their accumulated account balance.
- The participant is still required to submit a copy of the divorce decree even if the participant submits a QDRO.

SECTION BY SECTION INSTRUCTIONS. These instructions only cover sections that require completion by the Court.

Section 2. The Court must complete all fields.

Section 3. The Court must complete all fields.

Section 4. The Court must mark all retirement systems to which this order applies. If a Participant has service credit in multiple retirement systems, the Court should mark only the systems affected by the QDRO for marital service.

NOTE: If the Participant is not certain which retirement system the service credit is in, it is vital that the Participant contact KPPA or access his/her Member Self-Service Portal to obtain the accurate retirement system information to provide to the Court.

Section 5. The Court must enter the date of the marriage that is the subject of this divorce action.

Section 6. The Court must enter the date of the dissolution of the marriage that is the subject of this divorce action.

Section 8. There are three payment options for division of the retirement account, the Court must choose **one** Option A, B, or C.

Option A. The first payment option allows the Court to determine a specific dollar amount to be paid to the Alternate Payee. The Court shall designate a specific dollar amount be withheld from each possible payment type.

For example: The Participant's projected basic monthly retirement allowance is $1,000.00 per month, projected actuarial equivalent refund amount is $30,000, projected accumulated account balance amount is $10,000, and projected one-time partial lump-sum payment amount is $5,000 with an ongoing monthly retirement allowance of $800. The Court could order:

☒ A. DOLLAR AMOUNT PURSUANT TO 105 KAR 1:190 SECTION 5(4):

If the Participant elects a plan of payment that consists of: (1) a monthly retirement allowance, (2) an actuarial equivalent refund, (3) a refund of his or her accumulated account balance, or (4) a one-time partial lump-sum payment with a reduced monthly retirement allowance, KPPA shall withhold and pay to the Alternate Payee, as appropriate:

$200.00 per month from the Participant's monthly retirement allowance;
$10,000.00 from the Participant's actuarial equivalent refund;
$3,000.00 from the Participant's refund of his or her accumulated account balance;
$1,000.00 from the Participant's one-time partial lump sum payment and thereafter, **$150.00** per month from the Participant's reduced monthly retirement allowance.

Option B. The second payment option establishes the alternate payee's payment as a percentage based on the marital service, as provided by the Court, which will be calculated at the time of the Participant's retirement or request for a refund of his or her accumulated account balance.

For example: Fred and Sue were married for 162 months. Fred had 60 months of service accrued in CERS prior to marriage. Fred continues to earn service credit after he and Sue divorce.

☒ B. PERCENTAGE PURSUANT TO 105 KAR 1:190 SECTION 5(4):

KPPA shall pay an amount withheld from the Participant's retirement payment option that is based on a percentage, which shall be determined pursuant to 105 KAR 1:190 Section 5(4) as set forth below:

$$\left[\frac{\text{Months of martial service in which participant was a contributing member of the system affected by the QDRO}}{\text{Participant's total service credit used to calculate the retirement payment option}}\right] \times 100 \div 2 = \text{Percentage of benefit due to the alternate payee}$$

To determine the amount due to the Alternate Payee, the above percentage shall be applied to the Participant's elected plan of payment or accumulated account balance refund in accordance with 105 KAR 1:190 Section 5(4).

At retirement, Fred has accrued a total of 324 months of service credit. KPPA will calculate the percentage as follows:

$$\left[\frac{\text{162 (months of service earned during marriage)}}{\text{324 (months of total service credit at retirement)}}\right] \times 100 \div 2 = \text{25\% due to the alternate payee}$$

Sue will be paid one of the following based on Fred's elected plan of payment:

- If Fred elects a monthly retirement benefit - 25% of his **basic** monthly retirement allowance payment (**not** of the payment option he selects). **Note**: If Fred's basic monthly retirement allowance payment would be $1,000/month, but he selects the Survivorship 100% payment option that will pay him $900/month, Sue will be paid $250/month.
- If Fred elects an actuarial equivalent refund - 25% of the actuarial equivalent refund.
- If Fred elects a refund of his accumulated account balance - 25% of the refund of his accumulated account balance.
- If Fred elects a Partial Lump Sum Payment Option (PLSO) - 25% of Fred's lump sum payment, **and** 25% of the corresponding monthly payment calculated based on the **without survivor rights option** (**not** of the PLSO with survivor rights payment option, if selected). **Note:** If Fred's reduced ongoing monthly retirement allowance without survivor rights option would be $800/month, but he selects a Survivorship option that will pay him $700/month, Sue will be paid the correlating reduced monthly retirement allowance payment without survivor rights of $200/month.

Option C. The third option allows the Court to set a percentage that may or may not be based on the marital service. The percentage set by the Court pursuant to this option shall be calculated at the time of retirement or request for a refund of his or her accumulated account balance.

For example: The Court awards Sue 40% of Fred's elected plan of payment from his retirement account. The Court would select Option C by placing an "X" and indicating the set percentage as follows:

☒ C. Alternative percentage designation pursuant to 105 KAR 1:190 Section 5(4):

KPPA shall withhold from the Participant's retirement payment option and pay to the Alternate Payee 40% of the Participant's elected plan of payment or accumulated account balance refund, applied in accordance with 105 KAR 1:190 Section 5(4).

Sue will be paid one of the following based on Fred's elected plan of payment:

- If Fred elects a monthly retirement benefit - 40% of his **basic** monthly retirement allowance payment (**not** of the payment option he selects). **Note:** If Fred's basic monthly retirement allowance payment would be $1,000/month, but he selects the Survivorship 100% payment option which will pay him $900/month, Sue will still be paid $400/month).
- If Fred elects an actuarial equivalent refund - 40% of the actuarial equivalent refund.
- If Fred elects a refund of his accumulated account balance - 40% of the refund of his accumulated account balance.
- If Fred elects a Partial Lum-Sum Payment Option (PLSO) - 40% of Fred's lump sum payment, **and** 40% of the monthly payment calculated based on the **without survivor rights option** (**not** of the PLSO with survivor rights payment option, if selected). **Note:** If Fred's reduced ongoing monthly retirement allowance with without survivor rights option would be $800/month, but he selects a Survivorship option that will pay him $700/month, Sue will still be paid the correlating reduced monthly retirement allowance payment without survivor rights of $320/month).

Section 9. The Court shall order the time period the payments under the QDRO shall be made if the Participant selects a retirement payment option that pays a monthly retirement allowance. The Court shall choose whether to limit the payments to a certain number of months or until the Participant's or Alternate Payee's death, whichever comes first.

Section 10. The Court must decide how the cost-of-living increase provided in KRS 61.691 and 78.5518 is to be divided if the Court ordered the Alternate Payee be paid a specific dollar amount under Section 8, Option A.

Section 11. The Court must indicate how the administrative fee for filing the QDRO is to be paid.

NOTE: KPPA can only accept one check or money order for the fee, so the parties will need to determine who will submit payment with the QDRO. Fees are $50.00 for the original and $25.00 for an amended. **QDROs submitted without a certified check or money order payable to the Kentucky State Treasurer for the full amount owed cannot be reviewed or processed by KPPA.**

Kentucky Public Pensions Authority

Form 6434
Revised 01/2027 [~~07/2024~~]

This Order is: ☐ New ☐ Corrected ☐ Amended ☐ Corrected Amended

COMMONWEALTH OF KENTUCKY

_____ Family/Circuit Court

Division _____

Civil Action No. _____ -CI- _____

_____ PETITIONER
Name

vs.

_____ RESPONDENT
Name

PRE-RETIREMENT QUALIFIED DOMESTIC RELATIONS ORDER FOR DIVISION OF MARITAL PROPERTY

The Court finds the following facts and issues the following Order pursuant to KRS 403.190, KRS 16.645, KRS 61.690, KRS 78.545, and 105 KAR 2:190[~~1:190~~]:

1. This Order is intended to comply with and be administered and interpreted in conformity with 26 U.S.C. Sections 401(a) and 414(p), KRS 16.645, KRS 61.690, KRS 78.545, and KRS Chapter 403.

2. The following information is provided for the Participant:

Name: _____

Kentucky Public Pensions Authority Member ID or SSN: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

3. The following information is provided for the Alternate Payee:

Name: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

4. The "Retirement System(s)" affected by the Order are (check the box below for each retirement system to which this Order applies):

This Order shall be processed only using the System indicated, and shall not be valid or processed if the participant does not have service credit in the System indicated.

☐ **State Police Retirement System**
(Kentucky State Police troopers)

☐ **County Employees Retirement System**
(City/county local governments, eligible local agencies, school boards)

☐ **Kentucky Employees Retirement System**
(State departments, boards, state colleges and universities, employers directed by Executive Order of the Governor to participate in KERS, and quasi-governmental agencies)

5. The date of the marriage is _____

6. The date that the dissolution of the marriage was entered is _____

7. **Obligation of Participant and Alternate Payee:** The Participant and the Alternate Payee are ordered to notify the Kentucky Public Pensions Authority (KPPA) in writing of a change in the individual's mailing address. KPPA shall not be responsible for any failure of communication or receipt of payment caused by the failure of the Participant or the Alternate Payee to provide a current mailing address. KPPA is under no statutory or regulatory duty to attempt to find any party who does not inform KPPA. of his/her current address and shall not attempt to locate any party who does not inform KPPA of his or her current address.

8. **Amount Payable to the Alternate Payee:** Upon the Participant receiving a payment from KPPA, the Court orders that KPPA shall, in accordance with KRS 16.645, 61.690, 78.545, and 105 KAR 2:190[~~1:190~~], withhold and pay to the Alternate Payee the following: ***[Designate only one option (A, B or C) and complete entirely]*** (see instructions for details and examples)

☐ **OPTION A** - DOLLAR AMOUNT PURSUANT TO 105 KAR 2:190 SECTION 6(4)[~~1:190 SECTION 5(4)~~]:
If the Participant elects a plan of payment that consists of: (1) a monthly retirement allowance, (2) an actuarial equivalent refund, (3) a refund of his or her accumulated account balance, or (4) a one-time partial lump-sum payment with a reduced monthly retirement allowance, KPPA shall withhold and pay to the Alternate Payee, as appropriate: (Each space **MUST** have a dollar amount provided)

$_____ per month from the Participant's basic monthly retirement allowance;

$_____ from the Participant's actuarial equivalent refund;

$_____ from the Participant's refund of his or her accumulated account balance;

$_____ from the Participant's one-time partial lump sum payment and thereafter, $_____ per month from the Participant's reduced monthly retirement allowance.

OR

☐ **OPTION B** - PERCENTAGE CALCULATED PURSUANT TO 105 KAR 2:190, SECTION 6(4)[~~1:190 SECTION 5(4)~~]:
KPPA shall pay to the Alternate Payee an amount withheld from the Participant's retirement payment option that is based on a percentage, which shall be determined pursuant to 105 KAR 2:190 Section 6(4)[~~1:190 Section 5(4)~~] as set forth ~~below~~:

$$\left[\frac{\text{Months of martial service in which participant was a contributing member of the system affected by the QDRO}}{\text{Participant's total service credit used to calculate the retirement payment option}}\right] \times 100 \div 2 = \text{Percentage of benefit due to the alternate payee}$$

To determine the amount due to the Alternate Payee, the above percentage shall be applied to the Participant's elected plan of payment or accumulated account balance refund in accordance with 105 KAR 2:190, Section 6(4)[~~1:190 Section 5(4)~~].

OR

☐ **OPTION C** - ALTERNATIVE PERCENTAGE DESIGNATION PURSUANT TO 105 KAR 2:190 SECTION 6(4) [~~1:190 SECTION 5(4)~~]:

KPPA shall withhold from the Participant's retirement payment option and pay to the Alternate Payee _____ % of the Participant's elected plan of payment or accumulated account balance refund, applied in accordance with 105 KAR 2:190 Section 6(4)[~~1:190 Section 5(4)~~].

9. If the Participant selects a retirement payment option that provides for a monthly retirement allowance, KPPA shall withhold the dollar amount or percentage provided in Section 8 of this Order: ***(Select one option below)***

☐ for a time period of _____ months, subject to the provisions of KRS 16.645, 61.690, and 78.545.

OR

☐ until the Participant's or the Alternate Payee's death, whichever comes first.

10. Any cost-of-living increase provided in KRS 61.691 and 78.5518 shall be administered as follows:
(Do not complete this item if the Participant has been ordered to pay the Alternate Payee a percentage of his/her monthly retirement allowance.)

☐ All to the Participant.

OR

☐ Divided between the Participant and the Alternate Payee pursuant to KRS 16.645, 61.690(9), and 78.545.

The payment of the administrative fee provided for in KRS 16.645, 61.690(10), 78.545, and 105 KAR 2:190[~~1:190~~] shall be paid in full to the KPPA through a single transaction as follows:

☐ All to be paid by the Participant.

OR

☐ All to be paid by the Alternate Payee.

OR

☐ Equally shared between the Participant and the Alternate Payee.

11. This Order applies to payments to be made after the approval of the Order for enforcement by KPPA under KRS16.645, 61.690, 78.545, and 105 KAR 2:190[~~1:190~~].

12. KPPA shall notify the Alternate Payee by U. S. Mail sent to the Alternate Payee's last known mailing address on file with KPPA when the Participant files a Notification of Retirement or an Application for a Refund of his or her accumulated account balance.

13. This Order does not require the Participant to select a particular retirement payment option or terminate his/her membership.

14. The Participant is ordered to notify KPPA of the death of the Alternate Payee.

15. KPPA shall not be liable to the Participant for payments made to the Alternate Payee after the Alternate Payee's death or for other payments made to the Alternate Payee to which the Alternate Payee was not entitled.

16. The Alternate Payee is ordered to immediately return any payments made pursuant to this Order that are received by the Alternate Payee after the death of the Participant.

17. The terms of this Order can only be amended or terminated by subsequent order of this Court.

18. As provided by KRS 16.645, 61.690, and 78.545, the Alternate Payee's right to payment under this Order is conditional on the Participant's right to a monthly retirement allowance payment, an actuarial equivalent refund, or a refund of his or her accumulated account balance from KPPA.

19. If the Participant's monthly retirement allowance payment, actuarial equivalent refund, or refund of his or her accumulated account balance from KPPA is subject to more than one Order under KRS 16.645, 61.690, and 78.545, the amount paid to the Alternate Payee under this Order may be reduced based on the priority of the other Orders.

20. The Alternate Payee's right to receive an amount from the Participant's monthly retirement allowance payment, actuarial equivalent refund, or a refund of his or her accumulated account balance shall terminate upon:

a. The death of the Participant or the Alternate Payee; or
b. The termination of an allowance paid to the Participant; or
c. Subsequent Order of the Court terminating the Alternate Payee's rights.

21. Payments under this Order shall commence as provided by KRS 16.645, 61.690, and 78.545.

22. As provided in KRS 16.645, 61.690(4)(a), and 78.545, this Order does not and shall not be construed to require KPPA to take any action not authorized under state or federal law.

23. As provided in KRS 16.645, 61.690(4)(b), and 78.545, this Order does not and shall not be construed to require KPPA to provide any benefit, allowance, or other payment not authorized under state or federal law.

24. As provided in KRS 16.645, 61.690(4)(c), and (d) and 78.545, this Order does not and shall not be construed to grant the Alternate Payee any separate right, title, interest, or to any retirement allowance other than to the payment from the Participant's account provided under this Order.

SO ORDERED this ____ day of _____, 20 _____

(Clerk's Certification Seal)

_____

Judge _____ Family/Circuit Court, Div. _____

CERTIFICATION OF SERVICE

I, Clerk of the above Court, do hereby certify that an attested copy of the foregoing has been served by mailing same to the following on this _____ day of _____, 20 _____ to:

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

_____

Clerk _____ Circuit Court

By: _____ D.C.

HAVE SEEN AND AGREED: (Not Required)

_____
Signature of the Participant

_____
Signature of the Alternate Payee

_____
Signature of Attorney for Participant

_____
Signature of Attorney for Alternate Payee

Printed Name
of Participant: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

Printed Name
of Alternate Payee: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

Kentucky Public Pensions Authority

Form 6435
Revised 01/2027

This Order is: ☐ New ☐ Corrected ☐ Amended ☐ Corrected Amended

COMMONWEALTH OF KENTUCKY

_____ Family/Circuit Court

Division _____

Civil Action No. _____ -CI- _____

_____ PETITIONER
Name

vs.

_____ RESPONDENT
Name

POST-RETIREMENT QUALIFIED DOMESTIC RELATIONS ORDER FOR DIVISION OF MARITAL PROPERTY

The Court finds the following facts and issues the following Order pursuant to KRS 403.190, KRS 16.645, KRS 61.690, KRS 78.545, and 105 KAR 2:190:

1. This Order is intended to comply with and be administered and interpreted in conformity with 26 U.S.C. Sections 401(a) and 414(p), KRS 16.645, KRS 61.690, KRS 78.545, and KRS Chapter 403.

2. The following information is provided for the Participant:

Name: _____

Kentucky Public Pensions Authority Member ID or SSN: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

3. The following information is provided for the Alternate Payee:

Name: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

4. The "Retirement System(s)" affected by the Order are (check the box below for each retirement system to which this Order applies):

This Order shall be processed only using the System indicated, and shall not be valid or processed if the participant does not have service credit in the System indicated.

☐ **State Police Retirement System**
(Kentucky State Police troopers)

☐ **County Employees Retirement System**
(City/county local governments, eligible local agencies, school boards)

☐ **Kentucky Employees Retirement System**
(State departments, boards, state colleges and universities, employers directed by Executive Order of the Governor to participate in KERS, and quasi-governmental agencies)

5. The date of the marriage is _____

6. The date that the dissolution of the marriage was entered is _____.

7. **Obligation of Participant and Alternate Payee:** The Participant and the Alternate Payee are ordered to notify KPPA in writing of a change in the individual's mailing address. KPPA shall not be responsible for any failure of communication or receipt of payment caused by the failure of the Participant or the Alternate Payee to provide a current mailing address. KPPA is under no statutory or regulatory duty to attempt to find any party who does not inform KPPA of his/her current address and shall not attempt to locate any party who does not inform the KPPA of his/her current address.

8. **Amount Payable to the Alternate Payee:** The Court orders that KPPA, in accordance with KRS 16.645, 61.690, 78.545, and 105 KAR 2:190, shall withhold and pay to the Alternate Payee the following: ***[Designate only one option (A, B or C)]***

☐ **OPTION A** - DOLLAR AMOUNT PURSUANT TO 105 KAR 2:190 SECTION 72)(a):

KPPA shall pay $ _____ directly to the Alternate Payee from the Participant's monthly retirement benefit.

OR

☐ **OPTION B** - PERCENTAGE PURSUANT TO 105 KAR 2:190 SECTION 7(2)(a):

KPPA shall pay to the Alternate Payee 50% of the benefit attributable to the participants earned and/or purchased service credit during the marriage to be determined as set forth below:

$$\left[\frac{\text{Months of martial service in which participant was a contributing member of the system affected by the QDRO}}{\text{Participant's total service credit used to calculate the retirement payment option}}\right] \times 100 \div 2 = \text{Percentage of benefit due to the alternate payee}$$

OR

☐ **OPTION C** - ALTERNATIVE PERCENTAGE DESIGNATION PURSUANT TO 105 KAR 2:190 SECTION 7(2)(c)

KPPA shall pay to the Alternate Payee ____ % of the Participant's monthly retirement allowance affected by this Order.

9. KPPA shall withhold the dollar amount or percentage provided in Section 8 of this Order: *(Select one option below)*

☐ for a time period of _____ months, subject to the provisions of KRS 16.645, 61.690, and 78.545.

OR

☐ until the Participant's or the Alternate Payee's death, whichever comes first.

10. Any cost of living increase provided in KRS 61.691 and 78.5518 shall be administered as follows:
(Do not complete this item if the Participant has been ordered to pay the Alternate Payee a percentage of his/her monthly retirement benefit.)

☐ All to the Participant.

OR

☐ Divided between the Participant and the Alternate Payee pursuant to KRS 16.645, 61.690(9), and 78.545.

11.The payment of the administrative fee provided for in KRS 16.645, 61.690(10), 78.545, and 105 KAR 2:190 shall be paid as follows:

☐ All to be paid by the Participant.

OR

☐ All to be paid by the Alternate Payee.

OR

☐ Equally shared between the Participant and the Alternate Payee.

12. This Order applies to payments to be made after the approval of the Order for enforcement by KPPA under KRS 16.645, 61.690, 78.545, and 105 KAR 2:190.

13. The Participant is ordered to notify KPPA of the death of the Alternate Payee.

14. KPPA shall not be liable to the Participant for payments made to the Alternate Payee after the Alternate Payee's death or for other payments made to the Alternate Payee to which the Alternate Payee was not entitled.

15. The Alternate Payee is ordered to immediately return any payments made pursuant to this Order that are received by the Alternate Payee after the death of the Participant.

16. The terms of this Order can only be amended or terminated by subsequent order of this Court.

17. As provided by KRS 16.645, 61.690, and 78.545, the Alternate Payee's right to payment under this Order is conditional on the Participant's right to a monthly retirement benefit payment from KPPA.

18. If the Participant's monthly retirement benefit payment is subject to more than one Order under KRS 16.645, 61.690, and 78.545 the amount paid to the Alternate Payee under this Order may be reduced based on the priority of the other Orders.

19. The Alternate Payee's right to receive a payment under this Order shall terminate upon:
- a. The death of the Participant; or
- b. The death of the Alternate Payee; or
- c. The termination of a benefit paid to the Participant; or
- d. Subsequent Order of the Court terminating the Alternate Payee's rights.

20. Payments under this Order shall commence as provided by KRS 16.645, 61.690, and 78.545.

21. As provided in KRS 16.645, 61.690(4)(a), and 78.545, this Order does not and shall not be construed to require KPPA to take any action not authorized under state or federal law.

22. As provided in KRS 16.645, 61.690(4)(b), and 78.545, this Order does not and shall not be construed to require KPPA to provide any benefit, allowance, or other payment not authorized under state or federal law.

23. As provided in KRS 16.645, 61.690(4)(c), and (d) and 78.545, this Order does not and shall not be construed to grant the Alternate Payee any separate right, title, interest, or to any retirement benefit other than to the payment from the Participant's account provided under this Order.

SO ORDERED this ____ day of _____, 20 _____ .

_____

(Clerk's Certification Seal) Judge _____ Family/Circuit Court, Div. _____

CERTIFICATION OF SERVICE

I, Clerk of the above Court, do hereby certify that an attested copy of the foregoing has been served by mailing same to the following on this _____ day of _____, 20 _____ to:

Name: _____ Name: _____

Address: _____ Address: _____

Address: _____ Address: _____

City, State, Zip: _____ City, State, Zip: _____

_____

Clerk _____ Circuit Court

By: _____ D.C.

HAVE SEEN AND AGREED: (Not Required)

Signature of the Participant

Signature of the Alternate Payee

Signature of Attorney for Participant

Signature of Attorney for Alternate Payee

Printed Name
of Participant:

Printed Name
of Alternate Payee:

Address:

Address:

City, State, Zip:

City, State, Zip:

Phone:

Phone:

Fax:

Fax:

KENTUCKY PUBLIC PENSIONS AUTHORITY
1260 Louisville Road • Frankfort, KY 40601
Phone: (502) 696-8800 • Fax: (502) 696-8822 • kyret.ky.gov

Post Retirement Qualified Domestic Relations Order for Division of Marital Property

Instructions for Completion

GENERAL INFORMATION

- The printed language on the Form 6435, "Post Retirement Qualified Domestic Relations Order for Division of Marital Property" (QDRO) cannot be altered. The QDRO will be rejected by the Kentucky Public Pensions Authority (KPPA) if the printed language is altered in any manner (See KRS 16.645, 61.690, 78.545, and 105 KAR 1:190).
- Information provided is to assist participants (active, inactive, and retired members) going through a divorce whose retirement account might be subject to division as marital property.
- All participants are strongly advised to seek financial, legal, or other expert advice. KPPA is not rendering legal, financial, or any other type of professional advice in these instructions and nothing in these instructions should be construed as providing legal, financial, or any other type of professional advice. KPPA cannot make a determination of the status of a participant's retirement account as marital property. The Court must decide what is marital property and how the marital property is to be divided.
- The Court, the attorneys, and the parties to the dissolution of marriage action are strongly encouraged to review the KPPA's "Summary Plan Description" to understand how a participant's retirement benefits are determined. The "Summary Plan Description" contains detailed information concerning retirement benefits and can be found on KPPA's website, kyret.ky.gov.
- If specific participant retirement account information is necessary for the Court to calculate the amount due to the alternate payee, a completed Form 6433, "Authorization for Release of Information and Request for Information for a Qualified Domestic Relations Order" must be filed with KPPA. The Form 6433 can be found on KPPA's website, kyret.ky.gov.
- This form can only be used if the participant is retired and is receiving a monthly retirement benefit.
- The participant is still required to submit a copy of the divorce decree even if the participant submits a QDRO.

SECTION BY SECTION INSTRUCTIONS. **These instructions will only cover sections that require completion by the Court.**

Section 2. The Court must enter the Participant's name, the Participant's KPPA member identification number (or social security number) and current mailing address.

Section 3. The Court must enter the Alternate Payee's name and current mailing address.

Section 4. The Court must mark all retirement systems to which this order applies. If a Participant has service credit in multiple retirement systems, the Court should mark all the systems to which the QDRO should apply. **NOTE:** If the participant is not certain which retirement system the service credit is in, it is vital that the participant contact KPPA or access his/her Retiree Self-Service Portal to obtain the accurate retirement system information to provide to the Court.

Section 5. The Court must enter the date of the marriage that is the subject of this divorce action.

Section 6. The Court must enter the date of the dissolution of the marriage that is the subject of this divorce action.

Section 8. Payment Options. There are three options for division of the retirement account. The Court can only choose one payment option - Option A, B, or C.

Option A. The first payment option allows the Court to determine a specific dollar amount to be paid to the Alternate Payee from Participant's monthly retirement benefit. *For example*: The participant receives a monthly retirement allowance of $2,000.00 per month, the Court could order:

☒ OPTION A - DOLLAR AMOUNT PURSUANT TO 105 KAR 1:190 SECTION 6(2)(a):
KPPA shall pay $ 300 directly to the Alternate Payee from the Participant's monthly retirement benefit.

Option B. The second payment option establishes a percentage that is based on the marital service. *For example:* Fred and Sue are getting divorced. Fred is receiving a monthly retirement benefit of $2,000. KPPA provides information that there were 243 months of marital service. Fred retired with a total of 324 months of service credit.

☒ OPTION B - PERCENTAGE PURSUANT TO 105 KAR 1:190 SECTION 6(2)(b):
KPPA shall pay to the Alternate Payee 50% of the benefit attributable to the participant's earned and/or purchased service credit during the marriage to be determined as set forth below:

$$\left[\frac{\text{Months of martial service in which participant was a contributing member of the system affected by the QDRO}}{\text{Participant's total service credit used to calculate the retirement payment option}}\right] \times 100 \div 2 = \text{Percentage of benefit due to the alternate payee}$$

A percentage based on marital service would be calculated as follows:

$$\left[\frac{243 \text{ (martial service)}}{324 \text{ (months of total service credit at retirement)}}\right] \times 100 \div 2 = \text{37.5\% due to the alternate payee}$$

Sue will receive $750 per month.

Option C. The third option allows the Court to set a percentage that may or may not be based on the marital service. *For example:* The Court awards Sue 50% of Fred's monthly retirement allowance from the payment option Fred selected at retirement. Fred is receiving a monthly retirement benefit of $2,000. The Court would complete Option C as follows:

☒ OPTION C - ALTERNATIVE PERCENTAGE DESIGNATION PURSUANT TO 105 KAR 1:190 SECTION 6(2)(c):
KPPA shall pay to the Alternate Payee 50% of the Participant's monthly retirement allowance affected by this Order.

Sue will receive $1,000 per month.

Section 9. The Court shall order the time period the payments under the QDRO shall be made. The Court shall choose whether to limit the payments to a certain number of months or until the Participant's or Alternate Payee's death, whichever comes first.

Section 10. The Court must decide how the cost of living increase provided in KRS 61.691 and 78.5518 is to be divided if the Court ordered that the Alternate Payee be paid a specific dollar amount under Section 8, Option A.

Section 11. The Court must decide how the administrative fee for filing the QDRO is to be paid.
NOTE: KPPA can only accept one check for the fee so the parties will need to determine who will submit the check with the QDRO. Fees are $50 for the original and $25 for an amended. **Any QDRO that comes in without an attached certified check or money order payable to the Kentucky State Treasurer for the full amount owed cannot be reviewed or processed by KPPA.**

Kentucky Public Pensions Authority

Form 6435 Revised
~~07/2024~~ 01/2027

This Order is: ☐ New ☐ Corrected ☐ Amended ☐ Corrected Amended

COMMONWEALTH OF KENTUCKY

_____ Family/Circuit Court

Division _____

Civil Action No. _____ -CI- _____

_____ PETITIONER
Name

vs.

_____ RESPONDENT
Name

POST-RETIREMENT QUALIFIED DOMESTIC RELATIONS ORDER FOR DIVISION OF MARITAL PROPERTY

The Court finds the following facts and issues the following Order pursuant to KRS 403.190, KRS 16.645, KRS 61.690, KRS 78.545, and 105 KAR 2:190~~1:190~~.

1. This Order is intended to comply with and be administered and interpreted in conformity with 26 U.S.C. Sections 401(a) and 414(p), KRS 16.645, KRS 61.690, KRS 78.545, and KRS Chapter 403.

2. The following information is provided for the Participant:

Name: _____

Kentucky Public Pensions Authority Member ID or SSN: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

3. The following information is provided for the Alternate Payee:

Name: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

4. The "Retirement System(s)" affected by the Order are (check the box below for each retirement system to which this Order applies):

This Order shall be processed only using the System indicated, and shall not be valid or processed if the participant does not have service credit in the System indicated.

☐ **State Police Retirement System**
(Kentucky State Police troopers)

☐ **County Employees Retirement System**
(City/county local governments, eligible local agencies, school boards)

☐ **Kentucky Employees Retirement System**
(State departments, boards, state colleges and universities, employers directed by Executive Order of the Governor to participate in KERS, and quasi-governmental agencies)

5. The date of the marriage is _____

6. The date that the dissolution of the marriage was entered is _____.

7. **Obligation of Participant and Alternate Payee:** The Participant and the Alternate Payee are ordered to notify KPPA in writing of a change in the individual's mailing address. KPPA shall not be responsible for any failure of communication or receipt of payment caused by the failure of the Participant or the Alternate Payee to provide a current mailing address. KPPA is under no statutory or regulatory duty to attempt to find any party who does not inform KPPA of his/her current address and shall not attempt to locate any party who does not inform the KPPA of his/her current address.

8. **Amount Payable to the Alternate Payee:** The Court orders that KPPA, in accordance with KRS 16.645, 61.690, 78.545, and 105 KAR 2:190~~1:190,~~ shall withhold and pay to the Alternate Payee the following: ***[Designate only one option (A, B or C)]***

☐ **OPTION A** - DOLLAR AMOUNT PURSUANT TO 105 KAR 1:190 SECTION 6(2)(a):

KPPA shall pay $ _____ directly to the Alternate Payee from the Participant's monthly retirement benefit.

OR

☐ **OPTION B** - PERCENTAGE PURSUANT TO 105 KAR 2:190 SECTION 7(2)(a)~~1:190 SECTION 6(2)(b):~~

KPPA shall pay to the Alternate Payee 50% of the benefit attributable to the participants earned and/or purchased service credit during the marriage to be determined as set forth below:

$$\left[\frac{\text{Months of martial service in which participant was a contributing member of the system affected by the QDRO}}{\text{Participant's total service credit used to calculate the retirement payment option}}\right] \times 100 \div 2 = \text{Percentage of benefit due to the alternate payee}$$

OR

☐ **OPTION C** - ALTERNATIVE PERCENTAGE DESIGNATION PURSUANT TO 105 KAR 2:190 SECTION 6(2)(~~c~~)1:190 ~~SECTION 6(2)(c)~~:

KPPA shall pay to the Alternate Payee ____ % of the Participant's monthly retirement allowance affected by this Order.

9. KPPA shall withhold the dollar amount or percentage provided in Section 8 of this Order: *(Select one option below)*

☐ for a time period of _____ months, subject to the provisions of KRS 16.645, 61.690, and 78.545.

OR

☐ until the Participant's or the Alternate Payee's death, whichever comes first.

10. Any cost of living increase provided in KRS 61.691 and 78.5518 shall be administered as follows:
(Do not complete this item if the Participant has been ordered to pay the Alternate Payee a percentage of his/her monthly retirement benefit.)

☐ All to the Participant.

OR

☐ Divided between the Participant and the Alternate Payee pursuant to KRS 16.645, 61.690(9), and 78.545.

11.The payment of the administrative fee provided for in KRS 16.645, 61.690(10), 78.545, and 105 KAR 2:190~~1:190~~ shall be paid as follows:

☐ All to be paid by the Participant.

OR

☐ All to be paid by the Alternate Payee.

OR

☐ Equally shared between the Participant and the Alternate Payee.

12. This Order applies to payments to be made after the approval of the Order for enforcement by KPPA under KRS 16.645, 61.690, 78.545, and 105 KAR 2:190~~1:190~~.

13. The Participant is ordered to notify KPPA of the death of the Alternate Payee.

14. KPPA shall not be liable to the Participant for payments made to the Alternate Payee after the Alternate Payee's death or for other payments made to the Alternate Payee to which the Alternate Payee was not entitled.

15. The Alternate Payee is ordered to immediately return any payments made pursuant to this Order that are received by the Alternate Payee after the death of the Participant.

16. The terms of this Order can only be amended or terminated by subsequent order of this Court.

17. As provided by KRS 16.645, 61.690, and 78.545, the Alternate Payee's right to payment under this Order is conditional on the Participant's right to a monthly retirement benefit payment from KPPA.

18. If the Participant's monthly retirement benefit payment is subject to more than one Order under KRS 16.645, 61.690, and 78.545 the amount paid to the Alternate Payee under this Order may be reduced based on the priority of the other Orders.

19. The Alternate Payee's right to receive a payment under this Order shall terminate upon:
- a. The death of the Participant; or
- b. The death of the Alternate Payee; or
- c. The termination of a benefit paid to the Participant; or
- d. Subsequent Order of the Court terminating the Alternate Payee's rights.

20. Payments under this Order shall commence as provided by KRS 16.645, 61.690, and 78.545.

21. As provided in KRS 16.645, 61.690(4)(a), and 78.545, this Order does not and shall not be construed to require KPPA to take any action not authorized under state or federal law.

22. As provided in KRS 16.645, 61.690(4)(b), and 78.545, this Order does not and shall not be construed to require KPPA to provide any benefit, allowance, or other payment not authorized under state or federal law.

23. As provided in KRS 16.645, 61.690(4)(c), and (d) and 78.545, this Order does not and shall not be construed to grant the Alternate Payee any separate right, title, interest, or to any retirement benefit other than to the payment from the Participant's account provided under this Order.

SO ORDERED this ____ day of _____, 20 _____ .

_____

(Clerk's Certification Seal) Judge _____ Family/Circuit Court, Div. _____

CERTIFICATION OF SERVICE

I, Clerk of the above Court, do hereby certify that an attested copy of the foregoing has been served by mailing same to the following on this _____ day of _____, 20 _____ to:

Name: _____ Name: _____

Address: _____ Address: _____

Address: _____ Address: _____

City, State, Zip: _____ City, State, Zip: _____

_____

Clerk _____ Circuit Court

By: _____ D.C.

HAVE SEEN AND AGREED: (Not Required)

Signature of the Participant

Signature of the Alternate Payee

Signature of Attorney for Participant

Signature of Attorney for Alternate Payee

Printed Name
of Participant:

Printed Name
of Alternate Payee:

Address:

Address:

City, State, Zip:

City, State, Zip:

Phone:

Phone:

Fax:

Fax:

Kentucky Public Pensions Authority

Form 6436
Revised 01/2027

This Order is: ☐ New ☐ Corrected ☐ Amended ☐ Corrected Amended

COMMONWEALTH OF KENTUCKY

_____ Family/Circuit Court

Division _____

Civil Action No. _____ -CI- _____

_____ PETITIONER
Name

vs.

_____ RESPONDENT
Name

QUALIFIED DOMESTIC RELATIONS ORDER FOR CHILD SUPPORT

The Court finds the following facts and issues the following Order pursuant to KRS 16.645, KRS 61.690, KRS 78.545, KRS 403.212, KRS 403.213, 105 KAR 2:190, and 921 KAR 1:400:

1. This Order is intended to comply with and be administered and interpreted in conformity with 26 U.S.C. Sections 401(a) and 414(p), KRS 16.645, 61.690, KRS 78.545, and KRS Chapter 403. For child support purposes, Alternate Payee, as defined at 26 U.S.C. Section 414(p), may be a spouse, former spouse, child, or other dependent of a Participant.

2. The following information is provided for the Participant:

Name: _____

Kentucky Public Pensions Authority Member ID or SSN: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

3. The following information is provided for the Alternate Payee/Custodial Parent:

Name: _____

Current Mailing Address: Centralized Collection Unit
P.O. Box 14059
Lexington, KY 40512-4059

4. The "Retirement System(s)" affected by the Order are (check the box below for each retirement system to which this Order applies):

This Order shall be processed only using the System indicated, and shall not be valid or processed if the participant does not have service credit in the System indicated.

☐ **State Police Retirement System**
(Kentucky State Police troopers)

☐ **County Employees Retirement System**
(City/county local governments, eligible local agencies, school boards)

☐ **Kentucky Employees Retirement System**
(State departments, boards, state colleges and universities, employers directed by Executive Order of the Governor to participate in KERS, and quasi-governmental agencies)

5. **Obligation of Participant and Alternate Payee:** The Participant and the Alternate Payee are ordered to notify the Kentucky Public Pensions Authority (KPPA) in writing of any change in circumstance regarding this Order. KPPA shall not be responsible for any failure of communication or receipt of payment caused by the failure of the Participant or the Alternate Payee to provide necessary information. KPPA is under no statutory or regulatory duty to attempt to find any party who does not inform KPPA of his/her current address and shall not attempt to locate any party who does not inform KPPA of his/her current address.

6. This Court has ordered the Participant to pay child support to support the following child(ren):

Name: _____ Date of Birth: _____

Name: _____ Date of Birth: _____

Name: _____ Date of Birth: _____

7. Pursuant to the laws governing the calculation of child support, KPPA shall withhold $ _____ per month from the Participant's monthly retirement allowance and pay that amount as child support by check paid to "Kentucky Child Support Enforcement". KPPA is ordered to include the Participant's name and Social Security Number on the payment.

8. Any cost of living increase provided in KRS 61.691 and 78.5518 shall be administered as follows:

☐ All to the Participant.

OR

☐ Divided between the Participant and the Alternate Payee pursuant to KRS 16.645, 61.690(9) and 78.545.

9. Payments under this Order shall continue until the Order is amended or terminated as provided in 105 KAR 2:190.

10. This Order applies to payments to be made after the approval of the Order for enforcement by KPPA under KRS 16.645, 61.690, 78.545, and 105 KAR 2:190.

11. The Participant is ordered to notify KPPA of any event which terminates his or her obligations under this Order as provided in 105 KAR 2:190 Section 18.

12. KPPA shall not be liable to the Participant for payments made to the Alternate Payee after an event which terminates his or her obligations under this Order as provided in 105 KAR 2:190, or for other payments made to the Alternate Payee to which the Alternate Payee was not entitled.

13. The Alternate Payee is ordered to immediately return any payments made pursuant to this Order that are received by the Alternate Payee after the death of the Participant.

14. The terms of this Order can only be amended or terminated by subsequent order of this Court, or upon meeting one of the requirements provided in 105 KAR 2:190 Section 18.

15. If the Participant's monthly retirement benefit payment is subject to more than one order under KRS 16.645, 61.690, and 78.545, the amount paid to the Alternate Payee under this Order may be reduced based on the priority of the other Orders.

16. The Alternate Payee's right to receive an amount from the Participant's monthly retirement benefit payment shall terminate upon:

a. The death of the Participant, the Alternate Payee; or all the children named in this Order; or
c. The termination of a benefit paid to the Participant; or
d. Subsequent Order of the Court terminating the Alternate Payee's rights.

17. Payments under this Order shall commence as provided by KRS 16.645, 61.690, and 78.545.

18. As provided in KRS 16.645, 61.690(4)(a), and 78.545, this Order does not and shall not be construed to require KPPA to take any action not authorized under state or federal law.

19. As provided in KRS 16.645, 61.690(4)(b), and 78.545, this Order does not and shall not be construed to require KPPA to provide any benefit, allowance, or other payment not authorized under state or federal law.

20. As provided in KRS 16.645, 61.690(4)(c) and (d), and 78.545, this Order does not and shall not be construed to grant the Alternate Payee any separate right, title, interest, or to any retirement benefit other than to the payment from the Participant's account provided under this Order.

SO ORDERED this ____ day of _____, 20 _____ .

_____

Judge _____ Family/Circuit Court, Div. _____

(Clerk's Certification Seal)

CERTIFICATION OF SERVICE

I, Clerk of the above Court, do hereby certify that an attested copy of the foregoing has been served by mailing same to the following on this _____ day of _____, 20 _____ to:

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

_____

Clerk _____ Circuit Court

By: _____ D.C.

HAVE SEEN AND AGREED: (Not Required)

Signature of the Participant	Signature of the Alternate Payee
Signature of Attorney for Participant	Signature of Attorney for Alternate Payee
Printed Name of Participant:	Printed Name of Alternate Payee:
Address:	Address:
City, State, Zip:	City, State, Zip:
Phone:	Phone:
Fax:	Fax:

KENTUCKY PUBLIC PENSIONS AUTHORITY
1260 Louisville Road • Frankfort, KY 40601
Phone: (502) 696-8800 • Fax: (502) 696-8822 • kyret.ky.gov

Form 6436
Revised 07/2024

Print

Qualified Domestic Relations Order for Child Support

Instructions for Completion

GENERAL INFORMATION

- The printed language on the Form 6436, "Qualified Domestic Relations Order for Child Support" (QDRO) cannot be altered. The QDRO will be rejected by Kentucky Public Pensions Authority (KPPA) if the printed language is altered in any manner. (See KRS 16.645, 61.690, 78.545, and 105 KAR 1:190).
- Participants are active, inactive, and retired members.
- All participants are strongly advised to seek financial, legal, or other expert advice. KPPA is not rendering legal, financial, or any other type of professional advice in these instructions and nothing in these instructions should be construed as providing legal, financial, or any other type of professional advice.
- If specific participant retirement account information is necessary for the Court to calculate the amount due to the alternate payee, a completed Form 6433, "Authorization for Release of Information and Request for Information for a Qualified Domestic Relations Order" must be filed with KPPA. The Form 6433 can be found on KPPA's website at kyret.ky.gov.
- This form can only be used if the participant is retired and is receiving a monthly retirement benefit.

SECTION BY SECTION INSTRUCTIONS
These instructions will only cover sections that require completion by the Court.

Section 2. The Court must enter the Participant's name, the Participant's KPPA member identification number (or social security number) and current mailing address.

Section 3. The Court must enter the Alternate Payee's name.

Section 4. The Court must mark all retirement systems to which this order applies. If a Participant has service credit in multiple retirement systems, the Court should mark only the systems affected by the QDRO.

NOTE: If the participant is not certain which retirement system the service credit is in, it is vital that the participant contact KPPA or access his/her Retiree Self-Service Portal to obtain the accurate retirement system information to provide to the Court.

Section 6. The Court must list the child(ren) for which the child support has been ordered. If there are more than three children, please attach an additional page.

Section 7. The Court shall enter the monthly dollar amount child support payment to be withheld from the Participant's monthly retirement benefit.

Section 8. The Court must decide how the cost-of-living increase provided in KRS 61.691 and 78.5518 is to be divided. The Court may order that all of the cost-of-living adjustment be made to the Participant or that it be divided as provided in KRS 16.645, 61.690(9), and 78.545.

Kentucky Public Pensions Authority

Form 6436
Revised 01/2027[07/2024]

This Order is: ☐ New ☐ Corrected ☐ Amended ☐ Corrected Amended

COMMONWEALTH OF KENTUCKY

_____ Family/Circuit Court

Division _____

Civil Action No. _____ -CI- _____

_____ PETITIONER
Name

vs.

_____ RESPONDENT
Name

QUALIFIED DOMESTIC RELATIONS ORDER FOR CHILD SUPPORT

The Court finds the following facts and issues the following Order pursuant to KRS 16.645, KRS 61.690, KRS 78.545, KRS 403.212, KRS 403.213, 105 KAR 2:190[~~1:190~~], and 921 KAR 1:400:

1. This Order is intended to comply with and be administered and interpreted in conformity with 26 U.S.C. Sections 401(a) and 414(p), KRS 16.645, 61.690, KRS 78.545, and KRS Chapter 403. For child support purposes, Alternate Payee, as defined at 26 U.S.C. Section 414(p), may be a spouse, former spouse, child, or other dependent of a Participant.

2. The following information is provided for the Participant:

Name: _____

Kentucky Public Pensions Authority Member ID or SSN: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

3. The following information is provided for the Alternate Payee/Custodial Parent:

Name: _____

Current Mailing Address: Centralized Collection Unit
P.O. Box 14059
Lexington, KY 40512-4059

4. The "Retirement System(s)" affected by the Order are (check the box below for each retirement system to which this Order applies):

This Order shall be processed only using the System indicated, and shall not be valid or processed if the participant does not have service credit in the System indicated.

☐ **State Police Retirement System**
(Kentucky State Police troopers)

☐ **County Employees Retirement System**
(City/county local governments, eligible local agencies, school boards)

☐ **Kentucky Employees Retirement System**
(State departments, boards, state colleges and universities, employers directed by Executive Order of the Governor to participate in KERS, and quasi-governmental agencies)

5. **Obligation of Participant and Alternate Payee:** The Participant and the Alternate Payee are ordered to notify the Kentucky Public Pensions Authority (KPPA) in writing of any change in circumstance regarding this Order. KPPA shall not be responsible for any failure of communication or receipt of payment caused by the failure of the Participant or the Alternate Payee to provide necessary information. KPPA is under no statutory or regulatory duty to attempt to find any party who does not inform KPPA of his/her current address and shall not attempt to locate any party who does not inform KPPA of his/her current address.

6. This Court has ordered the Participant to pay child support to support the following child(ren):

Name: _____ Date of Birth: _____

Name: _____ Date of Birth: _____

Name: _____ Date of Birth: _____

7. Pursuant to the laws governing the calculation of child support, KPPA shall withhold $ _____ per month from the Participant's monthly retirement allowance and pay that amount as child support by check paid to "Kentucky Child Support Enforcement". KPPA is ordered to include the Participant's name and Social Security Number on the payment.

8. Any cost of living increase provided in KRS 61.691 and 78.5518 shall be administered as follows:

☐ All to the Participant.

OR

☐ Divided between the Participant and the Alternate Payee pursuant to KRS 16.645, 61.690(9) and 78.545.

9. Payments under this Order shall continue until the Order is amended or terminated as provided in 105 KAR 2:190[~~1:190~~].

10. This Order applies to payments to be made after the approval of the Order for enforcement by KPPA under KRS 16.645, 61.690, 78.545, and 105 KAR 2:190[~~1:190~~].

11. The Participant is ordered to notify KPPA of any event which terminates his or her obligations under this Order as provided in 105 KAR 2:190[~~1:190~~] Section 18.

12. KPPA shall not be liable to the Participant for payments made to the Alternate Payee after an event which terminates his or her obligations under this Order as provided in 105 KAR 2:190[~~1:190~~], or for other payments made to the Alternate Payee to which the Alternate Payee was not entitled.

13. The Alternate Payee is ordered to immediately return any payments made pursuant to this Order that are received by the Alternate Payee after the death of the Participant.

14. The terms of this Order can only be amended or terminated by subsequent order of this Court, or upon meeting one of the requirements provided in 105 KAR 2:190[~~1:190~~] Section 18.

15. If the Participant's monthly retirement benefit payment is subject to more than one order under KRS 16.645, 61.690, and 78.545, the amount paid to the Alternate Payee under this Order may be reduced based on the priority of the other Orders.

16. The Alternate Payee's right to receive an amount from the Participant's monthly retirement benefit payment shall terminate upon:

a. The death of the Participant, the Alternate Payee; or all the children named in this Order; or
c. The termination of a benefit paid to the Participant; or
d. Subsequent Order of the Court terminating the Alternate Payee's rights.

17. Payments under this Order shall commence as provided by KRS 16.645, 61.690, and 78.545.

18. As provided in KRS 16.645, 61.690(4)(a), and 78.545, this Order does not and shall not be construed to require KPPA to take any action not authorized under state or federal law.

19. As provided in KRS 16.645, 61.690(4)(b), and 78.545, this Order does not and shall not be construed to require KPPA to provide any benefit, allowance, or other payment not authorized under state or federal law.

20. As provided in KRS 16.645, 61.690(4)(c) and (d), and 78.545, this Order does not and shall not be construed to grant the Alternate Payee any separate right, title, interest, or to any retirement benefit other than to the payment from the Participant's account provided under this Order.

SO ORDERED this ____ day of _____, 20 _____ .

_____

Judge _____ Family/Circuit Court, Div. _____

(Clerk's Certification Seal)

CERTIFICATION OF SERVICE

I, Clerk of the above Court, do hereby certify that an attested copy of the foregoing has been served by mailing same to the following on this _____ day of _____, 20 _____ to:

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

_____

Clerk _____ Circuit Court

By: _____ D.C.

HAVE SEEN AND AGREED: (Not Required)

Signature of the Participant	Signature of the Alternate Payee
Signature of Attorney for Participant	Signature of Attorney for Alternate Payee
Printed Name of Participant:	Printed Name of Alternate Payee:
Address:	Address:
City, State, Zip:	City, State, Zip:
Phone:	Phone:
Fax:	Fax:

Kentucky Public Pensions Authority

Form 6437
Revised 01/2027

This Order is: _ New _ Corrected _ Amended _ Corrected Amended

COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL
ADMINISTRATIVE ACTION NUMBER/IV-D NUMBER

_____

PETITIONER

_____
Name

vs.

RESPONDENT

_____
Name

QUALIFIED DOMESTIC RELATIONS ORDER FOR PAYMENT OF CHILD SUPPORT BY AN ADMINISTRATIVE AGENCY

The Office of the Attorney General finds the following facts and issues the following Order pursuant to KRS 16.645, 61.690, KRS 78.545, KRS 403.212, KRS 403.213, KRS 405.430, KRS 405.465, 105 KAR 2:190, and 921 KAR 1:400:

1. This Order is intended to comply with and be administered and interpreted in conformity with 26 U.S.C. Sections 401(a) and 414(p), KRS 16.645, 61.690, KRS 78.545, and KRS Chapter 403. For child support purposes, Alternate Payee, as defined at 26 U.S.C. Section 414(p), may be a spouse, former spouse, child, or other dependent of a Participant.

2. The following information is provided for the Participant:

Name: _____

Kentucky Public Pensions Authority Member ID or SSN: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

3. The following information is provided for the Alternate Payee/Custodial Parent:

Name: _____

Current Mailing Address: Centralized Collection Unit
P.O. Box 14059
Lexington, KY 40512-4059

4. The "Retirement System(s)" affected by the Order are (check the box below for each retirement system to which this Order applies):

This Order shall be processed only using the System indicated, and shall not be valid or processed if the participant does not have service credit in the System indicated.

D **State Police Retirement System**
(Kentucky State Police)

D **County Employees Retirement System**
(City/county local governments, eligible local agencies, school boards)

D **Kentucky Employees Retirement System**
(State departments, boards, state colleges and universities, Employers directed by Executive Order of the Governor to participate in KERS, and quasi-governmental agencies)

5. **Obligation of Participant and Alternate Payee:** The Participant and the Alternate Payee are ordered to notify the Kentucky Public Pensions Authority (KPPA) in writing of any change in circumstance regarding this Order. KPPA shall not be responsible for any failure of communication or receipt of payment caused by the failure of the Participant or the Alternate Payee to provide necessary information. KPPA is under no statutory or regulatory duty to attempt to find any party who does not inform KPPA of his/her current address and shall not attempt to locate any party who does not inform KPPA of his/her current address.

6. The Office of the Attorney General has ordered the Participant to pay child support to support the following child(ren):

Name: _____ Date of Birth: _____

Name: _____ Date of Birth: _____

Name: _____ Date of Birth: _____

7. Pursuant to the laws governing the calculation of child support, KPPA shall withhold $_____ per month from the Participant's monthly retirement allowance and pay that amount as child support by check paid to "Kentucky Child Support Enforcement". KPPA is ordered to include the Participant's name and Social Security Number on the payment.

8. Any cost-of-living increase provided in KRS 61.691 and 78.5518 shall be administered as follows:

All to the Participant.

OR

Divided between the Participant and the Alternate Payee pursuant to KRS 16.645, 61.690(9), and 78.545.

9. Payments under this Order shall continue until the Order is amended or terminated as provided in 105 KAR 2:190.

10. This Order applies to payments to be made after the approval of the Order for enforcement by KPPA under KRS 16.645, 61.690, 78.545, and 105 KAR 2:190.

11. The Participant is ordered to notify KPPA of any event which terminates his or her obligations under this Order as provided in 105 KAR 2:190 Section 18.

12. KPPA shall not be liable to the Participant for payments made to the Alternate Payee after an event which terminates his or her obligations under this Order as provided in 105 KAR 2:190, or for other payments made to the Alternate Payee to which the Alternate Payee was not entitled.

13. The Alternate Payee is ordered to immediately return any payments made pursuant to this Order that are received by the Alternate Payee after the death of the Participant.

14. If the Participant's monthly retirement benefit payment is subject to more than one Order under KRS 16.645, 61.690, and 78.545, the amount paid to the Alternate Payee under this Order may be reduced based on the priority of the other Orders.

15. The Alternate Payee's right to receive an amount from the Participant's monthly retirement benefit payment shall terminate upon:

a. The death of the Participant, the Alternate Payee, or all the children named in this Order; or
b. The termination of a benefit paid to the Participant; or
c. Subsequent QDRO from the Office of the Attorney General or Order from a court of competent jurisdiction.

16. Payments under this Order shall commence as provided by KRS 16.645, 61.690, and 78.545.

17. As provided in KRS 16.645, 61.690(4)(a), and 78.545, this Order does not and shall not be construed to require KPPA to take any action not authorized under state or federal law.

18. As provided in KRS 16.645, 61.690(4)(b), and 78.545, this Order does not and shall not be construed to require KPPA to provide any benefit, allowance, or other payment not authorized under state or federal law.

19. As provided in KRS 16.645, 61.690(4)(c) and (d), and 78.545, this Order does not and shall not be construed to grant the Alternate Payee any separate right, title, interest, or to any retirement benefit other than to the payment from the Participant's account provided under this Order.

SO ORDERED this ____ day of _____ □ 20 ____.

_____
Agency Head, Office of the Attorney General

HAVE SEEN AND AGREED: (Not Required)

_____
Signature of the Participant

_____
Signature of the Alternate Payee

_____
Signature of Attorney for Participant

_____
Signature of Attorney for Alternate Payee

Printed Name
of Participant: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

Printed Name
of Alternate Payee: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

KENTUCKY PUBLIC PENSIONS AUTHORITY
1260 Louisville **Road**• Frankfort, KY 40601
Phone: (502) 696-8800 ● Fax: (502) 696-8822 ● kyret.ky.gov

Print

Form 6437
Revised 10/2025

Qualified Domestic Relations Order for Child Support by an Administrative Agency

INSTRUCTIONS FOR COMPLETION

GENERAL INFORMATION

- The printed language on the Form 6437, "Qualified Domestic Relations Order for Child Support by an Administrative Agency" (QDRO) cannot be altered. The QDRO will be rejected by Kentucky Public Pensions Authority (KPPA) if the printed language is altered in any manner. (See KRS 16.645, 61.690, 78.545, and 105 KAR 1:190).
- Participants are active, inactive, and retired members.
- All participants are strongly advised to seek financial, legal, or other expert advice. KPPA is not rendering legal, financial, or any other type of professional advice in these instructions and nothing in these instructions should be construed as providing legal, financial, or any other type of professional advice.
- This form can only be used if the participant is retired an_d is receiving a monthly retirement benefit.

SECTION BY SECTION INSTRUCTIONS

These instructions will only cover sections that require completion by the Agency.

Section 2. The Agency shall enter the Participant's name, the Participant's KPPA member identification number (or social security number), and current mailing address.

Section 3. The Agency shall enter the Alternate Payee's name.

Section 4. The Agency shall mark all retirement systems to which this order applies. If a Participant has service credit in multiple retirement systems, the Agency should mark only the systems affected by the QDRO.

> **NOTE:** If the participant is not certain which retirement system the service credit is in, it is vital that the participant contact KPPA or access his/her Member Self-Service Portal to obtain the accurate retirement system information to provide to the Agency.

Section 6. The Agency shall list the child(ren) for which the child support has been ordered. If there are more than three children, please attach an additional page.

Section 7. The Agency shall enter the monthly dollar amount child support payment to be withheld from the Participant's monthly retirement benefit.

Section 8. The Agency shall decide how the cost-of-living increase provided in KRS 61.691 and 78.5518 is to be divided. The Agency may order that all of the cost-of-living adjustment be made to the Participant's monthly payment or that it be divided as provided in KRS 16.645, 61.690(9), and 78.545.

Kentucky Public Pensions Authority

Form 6437
Revised 01/2027[~~10/2025~~]

This Order is: _ New _ Corrected _ Amended _ Corrected Amended

COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL
ADMINISTRATIVE ACTION NUMBER/IV-D NUMBER

_____

PETITIONER

_____
Name

vs.

RESPONDENT

_____
Name

QUALIFIED DOMESTIC RELATIONS ORDER FOR PAYMENT OF CHILD SUPPORT BY AN ADMINISTRATIVE AGENCY

The Office of the Attorney General finds the following facts and issues the following Order pursuant to KRS 16.645, 61.690, KRS 78.545, KRS 403.212, KRS 403.213, KRS 405.430, KRS 405.465, 105 KAR 2:190[~~1:190~~], and 921 KAR 1:400:

1. This Order is intended to comply with and be administered and interpreted in conformity with 26 U.S.C. Sections 401(a) and 414(p), KRS 16.645, 61.690, KRS 78.545, and KRS Chapter 403. For child support purposes, Alternate Payee, as defined at 26 U.S.C. Section 414(p), may be a spouse, former spouse, child, or other dependent of a Participant.

2. The following information is provided for the Participant:

Name: _____

Kentucky Public Pensions Authority Member ID or SSN: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

3. The following information is provided for the Alternate Payee/Custodial Parent:

Name: _____

Current Mailing Address: Centralized Collection Unit
P.O. Box 14059
Lexington, KY 40512-4059

4. The "Retirement System(s)" affected by the Order are (check the box below for each retirement system to which this Order applies):

This Order shall be processed only using the System indicated, and shall not be valid or processed if the participant does not have service credit in the System indicated.

D **State Police Retirement System**
(Kentucky State Police)

D **County Employees Retirement System**
(City/county local governments, eligible local agencies, school boards)

D **Kentucky Employees Retirement System**
(State departments, boards, state colleges and universities, Employers directed by Executive Order of the Governor to participate in KERS, and quasi-governmental agencies)

5. **Obligation of Participant and Alternate Payee:** The Participant and the Alternate Payee are ordered to notify the Kentucky Public Pensions Authority (KPPA) in writing of any change in circumstance regarding this Order. KPPA shall not be responsible for any failure of communication or receipt of payment caused by the failure of the Participant or the Alternate Payee to provide necessary information. KPPA is under no statutory or regulatory duty to attempt to find any party who does not inform KPPA of his/her current address and shall not attempt to locate any party who does not inform KPPA of his/her current address.

6. The Office of the Attorney General has ordered the Participant to pay child support to support the following child(ren):

Name: _____ Date of Birth: _____

Name: _____ Date of Birth: _____

Name: _____ Date of Birth: _____

7. Pursuant to the laws governing the calculation of child support, KPPA shall withhold $ _____ per month from the Participant's monthly retirement allowance and pay that amount as child support by check paid to "Kentucky Child Support Enforcement". KPPA is ordered to include the Participant's name and Social Security Number on the payment.

8. Any cost-of-living increase provided in KRS 61.691 and 78.5518 shall be administered as follows:

All to the Participant.

OR

Divided between the Participant and the Alternate Payee pursuant to KRS 16.645, 61.690(9), and 78.545.

9. Payments under this Order shall continue until the Order is amended or terminated as provided in 105 KAR 2:190[~~1:190~~].

10. This Order applies to payments to be made after the approval of the Order for enforcement by KPPA under KRS 16.645, 61.690, 78.545, and 105 KAR 2:190[~~1:190~~].

11. The Participant is ordered to notify KPPA of any event which terminates his or her obligations under this Order as provided in 105 KAR 2:190[~~1:190~~] Section 18.

12. KPPA shall not be liable to the Participant for payments made to the Alternate Payee after an event which terminates his or her obligations under this Order as provided in 105 KAR 2:190[~~1:190~~], or for other payments made to the Alternate Payee to which the Alternate Payee was not entitled.

13. The Alternate Payee is ordered to immediately return any payments made pursuant to this Order that are received by the Alternate Payee after the death of the Participant.

14. If the Participant's monthly retirement benefit payment is subject to more than one Order under KRS 16.645, 61.690, and 78.545, the amount paid to the Alternate Payee under this Order may be reduced based on the priority of the other Orders.

15. The Alternate Payee's right to receive an amount from the Participant's monthly retirement benefit payment shall terminate upon:

a. The death of the Participant, the Alternate Payee, or all the children named in this Order; or
b. The termination of a benefit paid to the Participant; or
c. Subsequent QDRO from the Office of the Attorney General or Order from a court of competent jurisdiction.

16. Payments under this Order shall commence as provided by KRS 16.645, 61.690, and 78.545.

17. As provided in KRS 16.645, 61.690(4)(a), and 78.545, this Order does not and shall not be construed to require KPPA to take any action not authorized under state or federal law.

18. As provided in KRS 16.645, 61.690(4)(b), and 78.545, this Order does not and shall not be construed to require KPPA to provide any benefit, allowance, or other payment not authorized under state or federal law.

19. As provided in KRS 16.645, 61.690(4)(c) and (d), and 78.545, this Order does not and shall not be construed to grant the Alternate Payee any separate right, title, interest, or to any retirement benefit other than to the payment from the Participant's account provided under this Order.

SO ORDERED this ____ day of _____ □ 20 ____.

_____
Agency Head, Office of the Attorney General

HAVE SEEN AND AGREED: (Not Required)

_____
Signature of the Participant

_____
Signature of the Alternate Payee

_____
Signature of Attorney for Participant

_____
Signature of Attorney for Alternate Payee

Printed Name
of Participant: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

Printed Name
of Alternate Payee: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

Kentucky Public Pensions Authority

Form 6438
Revised 01/2027

This Order is: ☐ New ☐ Corrected ☐ Amended ☐ Corrected Amended

COMMONWEALTH OF KENTUCKY

_____ Family/Circuit Court

Division _____

Civil Action No. _____ -CI- _____

PETITIONER

_____
Name

vs.

RESPONDENT

_____
Name

QUALIFIED DOMESTIC RELATIONS ORDER FOR PAYMENT OF ALIMONY/MAINTENANCE

The Court finds the following facts and issues the following Order pursuant to KRS 403.190, KRS 16.645, KRS 61.690, KRS 78.545, and 105 KAR 2:190:

1. This Order is intended to comply with and be administered and interpreted in conformity with 26 U.S.C. Sections 401(a) and 414(p), KRS 16.645, KRS 61.690, KRS 78.545, and KRS Chapter 403.

2. The following information is provided for the Participant:

Name: _____

Kentucky Public Pensions Authority Member ID or SSN: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

3. The following information is provided for the Alternate Payee:

Name: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

4. The "Retirement System(s)" affected by the Order are (check the box below for each retirement system to which this Order applies):

This Order shall be processed only using the System indicated, and shall not be valid or processed if the participant does not have service credit in the System indicated.

☐ **State Police Retirement System**
(Kentucky State Police troopers)

☐ **County Employees Retirement System**
(City/county local governments, eligible local agencies, school boards)

☐ **Kentucky Employees Retirement System**
(State departments, boards, state colleges and universities, employers directed by Executive Order of the Governor to participate in KERS, and quasi-governmental agencies)

5. **Obligation of Participant and Alternate Payee:** The Participant and the Alternate Payee are ordered to notify the Kentucky Public Pensions Authority (KPPA) in writing of a change in the individual's mailing address. KPPA shall not be responsible for any failure of communication or of receipt of payment caused by the failure of the Participant or the Alternate Payee to provide a current mailing address. KPPA is under no statutory or regulatory duty to attempt to find any party who does not inform KPPA of his or her current address and shall not attempt to locate any party who does not inform KPPA of his or her current address.

6. KPPA shall withhold $ _____ per month from or _____% of the Participant's monthly retirement benefit and pay that amount to the Alternate Payee as follows: *(Designate only one option.)*

☐ for a time period of _____ months.

OR

☐ until the Participant's or the Alternate Payee's death, whichever comes first.

OR

☐ until the Alternate Payee's death, Participant's death, or the Alternate Payee's remarriage, whichever comes first.

7. Any cost-of-living increase provided in KRS 61.691 and 78.5518 shall be administered as follows:
Do not complete this item if the Participant has been ordered to pay the Alternate Payee a percentage of his/her monthly retirement benefit.

☐ All to the Participant.

OR

☐ Divided between the Participant and the Alternate Payee pursuant to KRS 16.645, 61.690(9), and 78.545.

8. The payment of the administrative fee provided for in KRS 16.645, 61.690(10), 78.545, and 105 KAR 2:190 shall be paid as follows:

☐ All to be paid by the Participant.

OR

☐ All to be paid by the Alternate Payee.

OR

☐ Equally shared between the Participant and the Alternate Payee.

9. This Order applies to payments to be made after the approval of the Order for enforcement b KPPA under KRS 16.645, 61.690, 78.545, and 105 KAR 2:190.

10. The Participant is ordered to notify KPPA of the death of the Alternate Payee.

11. KPPA shall not be liable to the Participant for payments made to the Alternate Payee after the Alternate Payee's death or for other payments made to the Alternate Payee to which the Alternate Payee was not entitled.

12. The Alternate Payee is ordered to immediately return any payments made pursuant to this Order that are received by the Alternate Payee after the death of the Participant.

13. The terms of this Order can only be amended or terminated by subsequent order of this Court.

14. If the Participant's monthly retirement benefit payment is subject to more than one Order under KRS 16.645, 61.690, and 78.545, the amount paid to the Alternate Payee under this Order may be reduced based on the priority of the other Orders.

15. The Alternate Payee's right to receive a payment under this Order shall terminate upon:
   a. The death of the Participant or the Alternate Payee; or
   b. The termination of a benefit paid to the Participant; or
   c. Subsequent Order of the Court terminating the Alternate Payee's rights.

16. Payments under this Order shall commence as provided by KRS 16.645, 61.690, and 78.545.

17. As provided in KRS 16.645, 61.690(4)(a), and 78.545, this Order does not and shall not be construed to require KPPA to take any action not authorized under state or federal law.

18. As provided in KRS 16.645, 61.690(4)(b), and 78.545, this Order does not and shall not be construed to require KPPA to provide any benefit, allowance, or other payment not authorized under state or federal law.

19. As provided in KRS 16.645, 61.690(4)(c) and (d), and 78.545, this Order does not and shall not be construed to grant the alternate payee any separate right, title, interest, or to any retirement benefit other than to the payment from the Participant's account provided under this Order.

SO ORDERED this ____ day of _____, 20 _____ .

_____

Judge _____ Family/Circuit Court, Div. _____

(Clerk's Certification Seal)

CERTIFICATION OF SERVICE

I, Clerk of the above Court, do hereby certify that an attested copy of the foregoing has been served by mailing same to the following on this _____ day of _____, 20 _____ to:

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

_____

Clerk _____ Circuit Court

By: _____ D.C.

HAVE SEEN AND AGREED: (Not Required)

Signature of the Participant	Signature of the Alternate Payee
Signature of Attorney for Participant	Signature of Attorney for Alternate Payee
Printed Name of Participant:	Printed Name of Alternate Payee:
Address:	Address:
City, State, Zip:	City, State, Zip:
Phone:	Phone:
Fax:	Fax:

KENTUCKY PUBLIC PENSIONS AUTHORITY
1260 Louisville Road • Frankfort, KY 40601
Phone: (502) 696-8800 • Fax: (502) 696-8822 • kyret.ky.gov

Print

Form 6438
Revised 07/2024

Qualified Domestic Relations Order for Payment of Alimony/Maintenance

INSTRUCTIONS FOR COMPLETION

- The printed language on the Form 6438, "Qualified Domestic Relations Order for Payment of Alimony/ Maintenance" (QDRO) cannot be altered. The QDRO will be rejected by Kentucky Public Pensions Authority (KPPA) if the printed language is altered in any manner (See KRS 16.645, 61.690, 78.545, and 105 KAR 1:190).
- Information provided is to assist participants (active, inactive, and retired members) going through a divorce whose retirement account might be subject to division as marital property.
- All participants are strongly advised to seek financial, legal, or other expert advice. KPPA is not rendering legal, financial, or any other type of professional advice in these instructions and nothing in these instructions should be construed as providing legal, financial, or any other type of professional advice. KPPA cannot make a determination of the status of a participant's retirement account as marital property. The Court must decide what is marital property and how the marital property is to be divided.
- The Court, the attorneys, and the parties to the dissolution of marriage action are strongly encouraged to review the KPPA's "Summary Plan Description" to understand how a participant's retirement benefits are determined. The "Summary Plan Description" contains detailed information concerning retirement benefits and can be found on KPPA's website, kyret.ky.gov.
- If specific participant retirement account information is necessary for the Court to calculate the amount due to the alternate payee, a completed Form 6433, "Authorization for Release of Information and Request for Information for a Qualified Domestic Relations Order" must be filed with KPPA. The Form 6433 can be found on KPPA's website, kyret.ky.gov.
- This form can only be used if the participant is retired and is receiving a monthly retirement benefit.
- The participant is still required to submit a copy of the divorce decree even if the participant submits a QDRO.

SECTION BY SECTION INSTRUCTIONS

These instructions will only cover sections that require completion by the Court.

Section 2. The Court must enter the Participant's name, the Participant's KPPA member identification number (or social security number), and current mailing address.

Section 3. The Court must enter the Alternate Payee's name and current mailing address.

Section 4. The Court must mark all retirement systems to which this order applies. If a Participant has service credit in multiple retirement systems, the Court should mark only the systems affected by the QDRO.

> ***NOTE*:** If the participant is not certain which retirement system the service credit is in, it is vital that the participant contact KPPA or access his/her Retiree Self-Service Portal to obtain the accurate retirement system information to provide to the Court.

Section 6. The Court shall enter the dollar amount or percentage of the Participant's monthly retirement benefit that is to be paid to the Alternate Payee.

Section 7. The Court must decide how the cost-of-living increase provided in KRS 61.691 and 78.5518 is to be divided. The Court may order that all of the cost-of-living adjustment be made to the Participant's monthly payment or that it be divided as provided in KRS 16.645, 61.690(9), and 78.545.

Section 8. The Court must decide how the administrative fee for filing the QDRO is to be paid. The Court may order that the fee be paid entirely by the Participant, entirely by the Alternate Payee, or divided between the parties equally.

> ***NOTE:*** KPPA can only accept one check or money order for the fee, so the parties will need to determine who will submit payment with the QDRO. The fees are $50.00 for the original QDRO and $25.00 for an amended QDRO. **QDROs submitted without a certified check or money order payable to the Kentucky State Treasurer for the full amount owed cannot be reviewed or processed by KPPA.**

Kentucky Public Pensions Authority

Form 6438
Revised 01/2027[~~07/2024~~]

This Order is: ☐ New ☐ Corrected ☐ Amended ☐ Corrected Amended

COMMONWEALTH OF KENTUCKY

_____ Family/Circuit Court

Division _____

Civil Action No. _____ -CI- _____

PETITIONER

_____
Name

vs.

RESPONDENT

_____
Name

QUALIFIED DOMESTIC RELATIONS ORDER FOR PAYMENT OF ALIMONY/MAINTENANCE

The Court finds the following facts and issues the following Order pursuant to KRS 403.190, KRS 16.645, KRS 61.690, KRS 78.545, and 105 KAR 2:190[~~1:190~~]:

1. This Order is intended to comply with and be administered and interpreted in conformity with 26 U.S.C. Sections 401(a) and 414(p), KRS 16.645, KRS 61.690, KRS 78.545, and KRS Chapter 403.

2. The following information is provided for the Participant:

Name: _____

Kentucky Public Pensions Authority Member ID or SSN: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

3. The following information is provided for the Alternate Payee:

Name: _____

Current Mailing Address: _____

_____

_____
City, State, Zip Code

4. The "Retirement System(s)" affected by the Order are (check the box below for each retirement system to which this Order applies):

This Order shall be processed only using the System indicated, and shall not be valid or processed if the participant does not have service credit in the System indicated.

☐ **State Police Retirement System**
(Kentucky State Police troopers)

☐ **County Employees Retirement System**
(City/county local governments, eligible local agencies, school boards)

☐ **Kentucky Employees Retirement System**
(State departments, boards, state colleges and universities, employers directed by Executive Order of the Governor to participate in KERS, and quasi-governmental agencies)

5. **Obligation of Participant and Alternate Payee:** The Participant and the Alternate Payee are ordered to notify the Kentucky Public Pensions Authority (KPPA) in writing of a change in the individual's mailing address. KPPA shall not be responsible for any failure of communication or of receipt of payment caused by the failure of the Participant or the Alternate Payee to provide a current mailing address. KPPA is under no statutory or regulatory duty to attempt to find any party who does not inform KPPA of his or her current address and shall not attempt to locate any party who does not inform KPPA of his or her current address.

6. KPPA shall withhold $ _____ per month from or _____% of the Participant's monthly retirement benefit and pay that amount to the Alternate Payee as follows: *(Designate only one option.)*

☐ for a time period of _____ months.

OR

☐ until the Participant's or the Alternate Payee's death, whichever comes first.

OR

☐ until the Alternate Payee's death, Participant's death, or the Alternate Payee's remarriage, whichever comes first.

7. Any cost-of-living increase provided in KRS 61.691 and 78.5518 shall be administered as follows:
Do not complete this item if the Participant has been ordered to pay the Alternate Payee a percentage of his/her monthly retirement benefit.

☐ All to the Participant.

OR

☐ Divided between the Participant and the Alternate Payee pursuant to KRS 16.645, 61.690(9), and 78.545.

8. The payment of the administrative fee provided for in KRS 16.645, 61.690(10), 78.545, and 105 KAR 2:190[~~1:190~~] shall be paid as follows:

☐ All to be paid by the Participant.

OR

☐ All to be paid by the Alternate Payee.

OR

☐ Equally shared between the Participant and the Alternate Payee.

9. This Order applies to payments to be made after the approval of the Order for enforcement b KPPA under KRS 16.645, 61.690, 78.545, and 105 KAR 2:190[~~1:190~~].

10. The Participant is ordered to notify KPPA of the death of the Alternate Payee.

11. KPPA shall not be liable to the Participant for payments made to the Alternate Payee after the Alternate Payee's death or for other payments made to the Alternate Payee to which the Alternate Payee was not entitled.

12. The Alternate Payee is ordered to immediately return any payments made pursuant to this Order that are received by the Alternate Payee after the death of the Participant.

13. The terms of this Order can only be amended or terminated by subsequent order of this Court.

14. If the Participant's monthly retirement benefit payment is subject to more than one Order under KRS 16.645, 61.690, and 78.545, the amount paid to the Alternate Payee under this Order may be reduced based on the priority of the other Orders.

15. The Alternate Payee's right to receive a payment under this Order shall terminate upon:
a. The death of the Participant or the Alternate Payee; or
b. The termination of a benefit paid to the Participant; or
c. Subsequent Order of the Court terminating the Alternate Payee's rights.

16. Payments under this Order shall commence as provided by KRS 16.645, 61.690, and 78.545.

17. As provided in KRS 16.645, 61.690(4)(a), and 78.545, this Order does not and shall not be construed to require KPPA to take any action not authorized under state or federal law.

18. As provided in KRS 16.645, 61.690(4)(b), and 78.545, this Order does not and shall not be construed to require KPPA to provide any benefit, allowance, or other payment not authorized under state or federal law.

19. As provided in KRS 16.645, 61.690(4)(c) and (d), and 78.545, this Order does not and shall not be construed to grant the alternate payee any separate right, title, interest, or to any retirement benefit other than to the payment from the Participant's account provided under this Order.

SO ORDERED this ____ day of _____, 20 _____ .

_____

Judge _____ Family/Circuit Court, Div. _____

(Clerk's Certification Seal)

CERTIFICATION OF SERVICE

I, Clerk of the above Court, do hereby certify that an attested copy of the foregoing has been served by mailing same to the following on this _____ day of _____, 20 _____ to:

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

_____

Clerk _____ Circuit Court

By: _____ D.C.

HAVE SEEN AND AGREED: (Not Required)

Signature of the Participant

Signature of the Alternate Payee

Signature of Attorney for Participant

Signature of Attorney for Alternate Payee

Printed Name
of Participant:

Address:

City, State, Zip:

Phone:

Fax:

Printed Name
of Alternate Payee:

Address:

City, State, Zip:

Phone:

Fax:

FINANCE AND ADMINISTRATION CABINET

Kentucky Public Pensions Authority

(New Administrative Regulation)

105 KAR 3:010. Applications for disability or survivor benefits.

RELATES TO: KRS 16.505 - 16.652, 61.505 - 61.705, 78.510 - 78.852

STATUTORY AUTHORITY: KRS 61.505(1)(g), 61.645(9)(e), 78.545

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with KRS 13A.150(2) because it does not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) and 61.645(9)(e) authorize the Kentucky Public Pensions Authority on behalf of Kentucky Retirement Systems and County Employees Retirement System to promulgate administrative regulations that are consistent with and necessary or proper to carry out the provisions of KRS 16.505 to 16.652, 61.505 to 61.705, and 78.510 to 78.852. KRS 16.582, 61.600 through 61.615, 61.665, 78.545, and 78.5522 through 78.5530 establish processes for applying for and review of disability retirement benefits to members of the Kentucky Employers Retirement System, the State Police Retirement System, and the County Employees Retirement System. KRS 16.578, 16.601, 61.640, 61.705, 78.5532, 78.5534 and 78.5538 provide for payment of survivorship benefits upon death of a member before or after retirement or in-line-of-duty. KRS 61.621, the Fred Capps Memorial Act, establishes duty-related disability or survivor benefits for nonhazardous employees who are killed or totally and permanently disabled from a duty-related injury. This

administrative regulation establishes the uses of the documents necessary to apply for disability retirement or survivor benefits pursuant to KRS 16.578, 16.582, 16.601, 61.600 through 61.615, 61.640, 61.665, 61.705, 78.545, 78.5522 through 78.5530, 78.5532, 78.5534, 78.5538, and the Fred Capps Memorial Act, and 105 KAR 3:180, 3:210, 3:220, 3:240, 3:310, 3:455, and 3:457.

Section 1. Uses.

(1) A member seeking to apply for disability retirement benefits shall use the documents established in this subsection to apply for disability benefits as established in KRS 16.582, 61.600 through 61.615, 61.621, 61.665, 78.545, 78.5522 through 78.5530, and the Fred Capps Memorial Act, and 105 KAR 3:210, 3:220, 3:310, and 3:455.

(a) Form 6000, "Notification of Retirement", incorporated by reference in 105 KAR 5:202, shall be used as the application for disability retirement.

(b) Form 6008, "Beneficiary Election to Continue Disability Process on Behalf of a Deceased Member", shall be filed by the beneficiary of a deceased disability retirement applicant to establish eligibility for benefits pursuant to 105 KAR 3:210, 3:310, and 3:455.

(c) Form 6110, "Affidavit of Authorization to Receive Funds on Behalf of a Minor" shall be filed by a person acting on behalf of a beneficiary who is a minor as established in 105 KAR 3:240, 3:455, and 3:457.

(d) Form 6448, "Dependent Child Designation for Total and Permanent In Line of Duty or Duty Related Disability Benefits", shall be filed by the parent or guardian of a dependent child, or the dependent child, to certify the eligibility of a dependent child to receive total and permanent disability benefits pursuant to 105 KAR 3:310 or 3:455.

(e) Form 6458, "Dependent Child Designation for In Line of Duty or Duty Related Survivor Benefits"; shall be filed by the parent or guardian of a dependent child, or the

dependent child, to certify the eligibility of a dependent child to receive In Line of Duty or Duty-Related disability benefits pursuant to 105 KAR 3:310 or 3:455.

(f) Form 8001, "Certification of Application for Disability Retirement and Supporting Medical Information", shall be filed when all medical information supporting a claim for disability retirement has been submitted as established in 105 KAR 3:210 or 3:455.

(g) Form 8025,"Authorization for Independent Medical or Psychological Exam and Release of Medical Information", shall be filed if the agency or medical examiner requests that the applicant complete an independent medical or psychological examination pursuant to 105 KAR 3:210, 3:220, 3:310, or 3:455.

(h) Form 8030, "Employer Job Description", shall be filed by a disability applicant's employer pursuant to 105 KAR 3:210, 3:310, 3:455, or 4:140.

(i) Form 8035, "Employee Job Description", shall be filed by a disability applicant pursuant to 105 KAR 3:210, 3:310, or 3:455.

(j) Form 8040, "Prescription and Nonprescription Medication" shall be filed by a disability applicant pursuant to 105 KAR 3:210, 3:310, or 3:455.

(k) Form 8846, "Travel Voucher for Independent Examination", shall be filed if a disability applicant seeks reimbursement for travel for an independent medical or psychological examination requested by the agency or medical examiner pursuant to 105 KAR 3:210, 3:220, 3:310, or 3:455.

Section 2. The documents established in this subsection shall be used to apply for survivor benefits as established in KRS 16.578, 16.601, 61.621, 61.640, 61.705, 78.5532, 78.5534, 78.5538 and the Fred Capps Memorial Act, and 105 KAR 3:180, 3:240 3:310, and 3:457.

(a) Form 6016, "Federal Income Tax Withholding Preference for Non-Periodic Payments to Estates", January 2027, shall be filed by a deceased member's estate to indicate the federal income tax withholding preference for non-periodic payments pursuant to 105 KAR 3:180, 3:240, 3:310, or 3:457.

(b) Form 6110 shall be filed by a person acting on behalf of a beneficiary who is a minor as established in 105 KAR 3:180, 3:240, 3:310, or 3:457.

(c) Form 6458 shall be filed by the parent or guardian of a dependent child, or the dependent child, to certify the eligibility of a dependent child to receive In Line of Duty or Duty-Related survivor benefits pursuant to 105 KAR 3:310 or 3:457.

(d) Form 6800, "Application for Duty Related / In Line of Duty Survivor Benefits" shall serve as the application for Duty Related or In Line of Duty Survivor benefits pursuant to 105 KAR 3:310, 3:457, and 4:140.

(e) Form 6810, "Certification of Beneficiary", shall be filed by a beneficiary to certify beneficiary status pursuant to 105 KAR 3:180, 3:240, 3:455, or 3:457.

(f) Form 8030 shall be filed by a deceased employee's employer pursuant to 105 KAR 3:310, 3:457, or 4:140.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form 6008, "Beneficiary Election to Continue Disability Process on Behalf of Deceased Member", January 2027;

(b) Form 6016, "Federal Income Tax Withholding Preference for Non-Periodic Payments to Estates, January 2027;

(c) Form 6110, "Affidavit of Authorization to Receive Funds on Behalf of a Minor",

January 2027;

(d) Form 6448, "Dependent Child Designation for Total and Permanent In Line of Duty or Duty Related Disability Benefits", January 2027;

(e) Form 6458, "Dependent Child Designation for In Line of Duty or Duty Related Survivor Benefits", January 2027;

(f) Form 6800, "Application for Duty Related/In Line of Duty Survivor Benefits, January 2027;

(g) Form 6810, "Certification of Beneficiary", January 2027;

(h) Form 8001, "Certification of Application for Disability Retirement and Supporting Medical Information", January 2027;

(i) Form 8025, "Authorization for Independent Medical or Psychological Exam and Release of Medical Information", January 2027;

(j) Form 8030, "Employer Job Description", January 2027;

(k) Form 8035, "Employee Job Description", January 2027;

(l) Form 8040, "Prescription and Nonprescription Medications", January 2027, and

(m) Form 8846, "Travel Voucher for Independent Examination", January 2027.

(2) This material may be inspected, copied, or obtained at the Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. and on the agency website at kyret.ky.gov.

105 KAR 3:010 Applications for disability or survivorship benefits is approved for filing.

_____ _____

Ryan Barrow, Date
Executive Director
Kentucky Public Pensions Authority

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, March 22, 2027 at 10 a.m. EST at the KPPA, 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing of their intent to attend, otherwise the hearing may be canceled. This hearing is open to the public and any person wishing to be heard will be given an opportunity to comment on the proposed administrative regulation.

In lieu of attending the public hearing, individuals may submit written comments on the proposed administrative regulation which shall be accepted through March 31, 2027 and shall receive the same consideration as verbal comments. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person listed below.

Contact person: Carole J. Catalfo, Policy Specialist
Legal Non-Advocacy Division
Kentucky Public Pensions Authority
1260 Louisville Road
Frankfort, Kentucky 40601
Phone (502) 696-8679
Fax (502) 696-8615
Email: Legal.Non-Advocacy@kyret.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

105 KAR 3:010
Contact Person: Carole J. Catalfo
Phone: (502) 696-8679
Email: Legal.Non-Advocacy@kyret.ky.gov

Subject Headings: Boards and Commissions, Retirement and Pensions, State Employees

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the uses of the documents necessary to apply for disability retirement or survivor benefits pursuant to KRS 16.578, 16.582, 16.601, 61.600 through 61.615, 61.640, 61.665, 61.705, 78.545, 78.5522, through 78.5530, 78.5532, 78.5534, 78.5538, and the Fred Capps Memorial Act, and 105 KAR 3:180, 3:210, 3:220, 3:240, 3:310, 3:455, and 3:457.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the uses of the documents necessary to apply for disability retirement or survivor benefits pursuant to KRS 16.578, 16.582, 16.601, 61.600 through 61.615, 61.640, 61.665, 61.705, 78.545, 78.5522 through 78.5530, 78.5532, 78.5534, 78.5538, and the Fred Capps Memorial Act, and 105 KAR 3:180, 3:210, 3:220, 3:240, 3:310, 3:455, and 3:457.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) and 61.645(9)(e) authorize the Kentucky Public Pensions Authority on behalf of Kentucky Retirement Systems and County Employees Retirement System to promulgate administrative regulations that are consistent with and necessary or proper to carry out the provisions of KRS 16.505 to 16.652, 61.505 to 61.705, and 78.510 to 78.852. KRS 16.582, 61.600 through 61.615, 61.665, 78.545, and 78.5522 through 78.5530 establish processes for applying for and review of disability retirement benefits to members of the Kentucky Employers Retirement System, the State Police Retirement System, and the County Employees Retirement System. KRS 16.578, 16.601, 61.640, 61.705, 78.5532, 78.5534 and 78.5538 provide for payment of survivorship benefits upon death of a member before or after retirement or in-line-of-duty. KRS 61.621, the Fred Capps Memorial Act, establishes duty-related disability or survivor benefits for nonhazardous employees who are killed or totally and permanently disabled from a duty-related injury. This administrative regulation establishes the uses of the documents necessary to apply for disability retirement or survivor benefits pursuant to KRS 16.578, 16.582, 16.601, 61.600 through 61.615, 61.640, 61.665, 61.705, 78.545, 78.5522 through 78.5530, 78.5532, 78.5534, 78.5538, and the Fred Capps Memorial Act, and 105 KAR 3:180, 3:210, 3:220, 3:240, 3:310, 3:455, and 3:457.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing the uses of the forms necessary to apply for disability retirement or survivor benefits pursuant to KRS 16.578, 16.582, 16.601, 61.600

through 61.615, 61.640, 61.665, 61.705, 78.545, 78.5522 through 78.5530, 78.5532, 78.5534, 78.5538, and the Fred Capps Memorial Act, and 105 KAR 3:180, 3:210, 3:220, 3:240, 3:310, 3:455, and 3:457.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? (If yes, provide the year of the legislation and either the bill number or KY Acts chapter number being implemented). Yes.

KRS 16.578 - Amended 2026 Ky. Acts ch. 18, sec. 2, effective July 15, 2026.

KRS 16.582 - Amended 2022 Ky. Acts ch. 216, sec. 1, effective April 14, 2022.

KRS 61.505 - Amended 2024 Ky. Acts ch. 55, sec. 1, effective July 15, 2024. -- Amended 2023 Ky. Acts ch. 28, sec. 1, effective June 29, 2023. -- Amended 2022 Ky. Acts ch. 216, sec. 2, effective April 14, 2022.

KRS 61.640 - Amended 2026 Ky. Acts ch. 18, sec. 5, effective July 15, 2026.

KRS 61.645 - Amended 2024 Ky. Acts ch. 55, sec. 13, effective July 15, 2024. -- Amended 2023 Ky. Acts ch. 94, sec. 3, effective June 29, 2023. -- Amended 2022 Ky. Acts ch. 216, sec. 12, effective April 14, 2022.

KRS 61.610 - Amended 2022 Ky. Acts ch. 216, sec. 8, effective April 14, 2022.

KRS 61.615 - Amended 2024 Ky. Acts ch. 55, sec. 10, effective July 15, 2024. -- Amended 2022 Ky. Acts ch. 216, sec. 9, effective April 14, 2022.

KRS 61.665 - Amended 2024 Ky. Acts ch. 55, sec. 14, effective July 15, 2024. -- Amended 2022 Ky. Acts ch. 216, sec. 14, effective April 14, 2022.
KRS 61.705 - Amended 2024 Ky. Acts ch. 55, sec. 18, effective July 15, 2024.

KRS 78.5524 – Amended 2022 Ky. Acts ch. 216, sec. 20, effective April 14, 2022.

KRS 78.5526 - Amended 2022 Ky. Acts ch. 216, sec. 21, effective April 14, 2022.

KRS 78.5528 - Amended 2024 Ky. Acts ch. 55, sec. 21, effective July 15, 2024.

KRS 78.5530 - Amended 2022 Ky. Acts ch. 216, sec. 22, effective April 14, 2022.

KRS 78.5532 – Amended 2026 Ky. Acts ch. 18, sec. 8, effective July 15, 2026.

KRS 78.5538 - Amended 2024 Ky. Acts ch. 55, sec. 23, effective July 15, 2024.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 433,461 participants in the Kentucky Employees Retirement System, the State Police Retirement System, and the County Employees Retirement System. This administrative regulation applies only to members, or their survivors, applying for disability retirement or survivor benefits.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The regulated community will not need to take any actions to comply with this administrative regulation because the forms are already in use.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no additional costs to comply with this administrative regulation because the forms are already in use.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulated community will benefit from established and clarified uses of the forms necessary to apply for disability retirement or survivor benefits.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no additional costs because the forms are already in use.

(b) On a continuing basis: There will be no additional costs because the forms are already in use.

(7) What is the source of the funding to be used for the implementation and enforcement

of this administrative regulation or this amendment: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and agency funds).

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No, an increase in fees or funding will not be necessary.

(9) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No, this administrative regulation does not establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? (Explain why or why not) No, tiering is not applied. The documents necessary to apply for disability and survivor benefits and their uses are the same for all applicants.

FISCAL IMPACT STATEMENT

105 KAR 3:010
Contact Person: Carole J. Catalfo
Phone: (502) 696-8679
Email: Legal.Non-Advocacy@kyret.ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 61.505(1)(g) and 61.645(9)(e) authorize the Kentucky Public Pensions Authority on behalf of Kentucky Retirement Systems and County Employees Retirement System to promulgate administrative regulations that are consistent with and necessary or proper to carry out the provisions of KRS 16.505 to 16.652, 61.505 to 61.705, and 78.510 to 78.852. KRS 16.582, 61.600 through 61.615, 61.665, 78.545, and 78.5522 through 78.5530 establish processes for applying for and review of disability retirement benefits to members of the Kentucky Employers Retirement System, the State Police Retirement System, and the County Employees Retirement System. KRS 16.578, 16.601, 61.640, 61.705, 78.5532, 78.5534 and 78.5538 provide for payment of survivorship benefits upon death of a member before or after retirement or in-line-of-duty. KRS 61.621, the Fred Capps Memorial Act, establishes duty-related disability or survivor benefits for nonhazardous employees who are killed or totally and permanently disabled from a duty-related injury.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

KRS 16.578 - Amended 2026 Ky. Acts ch. 18, sec. 2, effective July 15, 2026. -- Amended 2021 Ky. Acts ch. 96, sec. 1, effective June 29, 2021. -- Amended 2013 Ky. Acts ch. 120, sec. 40, effective July 1, 2013. -- Amended 2010 Ky. Acts ch. 173, sec. 1, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 77, sec. 6, effective June 25, 2009. -- Amended 2004 Ky. Acts ch. 36, sec. 3, effective July 13, 2004. -- Amended 1996 Ky. Acts ch. 167, sec. 3, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 240, sec. 5, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 90, sec. 4, effective July 15, 1986. -- Amended 1980 Ky. Acts ch. 186, sec. 5, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 321, sec. 6. -- Amended 1974 Ky. Acts ch. 128, sec. 5. -- Amended 1970 Ky. Acts ch. 76, sec. 5. -- Amended 1968 Ky. Acts ch. 25, sec. 4. -- Amended 1966 Ky. Acts ch. 33, sec. 3. -- Created 1964 Ky. Acts ch. 91, sec. 8.

KRS 16.582 - Amended 2022 Ky. Acts ch. 216, sec. 1, effective April 14, 2022. -Amended 2021 Ky. Acts ch. 102, sec. 37, effective April 1, 2021; and ch. 106, sec. 2, effective June 29, 2021. -- Amended 2017 Ky. Acts ch. 32, sec. 3, effective June 29, 2017. -- Amended 2013 Ky. Acts ch. 120, sec. 41, effective July 1, 2013. -- Amended 2004 Ky. Acts ch. 33, sec. 1, effective July 13, 2004; and ch. 36, sec. 4, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 385, sec. 4, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 105, sec. 3, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 167, sec. 4, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 485, sec. 6, effective July 15, 1994.

KRS 16.601 - Amended 2020 Ky. Acts ch. 46, sec. 1, effective March 27, 2020. -- Amended 2018 Ky. Acts ch. 107, sec. 24, effective July 14, 2018; and ch. 151, sec. 2, effective April 13, 2018. -- Amended 2016 Ky. Acts ch. 114, sec. 1, effective April 13, 2016. -- Amended 2013 Ky. Acts ch. 120, sec. 42, effective July 1, 2013. -- Amended 2002 Ky. Acts ch. 176, sec. 2, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 385, sec. 5, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 167, sec. 5, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 240, sec. 9, effective July 14, 1992. -- Amended 1978 Ky. Acts ch. 311, sec. 6, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 321, sec. 40. -- Amended 1974 Ky. Acts ch. 128, sec. 9, effective March 26, 1974. -- Amended 1972 Ky. Acts ch. 116, sec. 76. -- Amended 1968 Ky. Acts ch. 25. sec. 6. -- Created 1964 Ky. Acts ch. 91, sec. 14.

KRS 61.505 - Amended 2024 Ky. Acts ch. 55, sec. 1, effective July 15, 2024. -- Amended 2023 Ky. Acts ch. 28, sec. 1, effective June 29, 2023. -- Amended 2022 Ky. Acts ch. 216, sec. 2, effective April 14, 2022. -- Amended 2021 Ky. Acts ch. 102, sec. 76, effective April 1, 2021. -- Created 2020 Ky. Acts ch. 79, sec. 2, effective April 1, 2021.

KRS 61.640 - Amended 2026 Ky. Acts ch. 18, sec. 5, effective July 15, 2026. -- Amended 2021 Ky. Acts ch. 96, sec. 9, effective June 29, 2021. -- Amended 2018 Ky. Acts ch. 107, sec. 36, effective July 14, 2018. -- Amended 2013 Ky. Acts ch. 120, sec. 64, effective July 1, 2013. -- Amended 2010 Ky. Acts ch. 173, sec. 6, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 77, sec. 18, effective June 25, 2009. -- Amended 2004 Ky. Acts ch. 36, sec. 22, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 154, sec. 68, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 167, sec. 16, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 485, sec. 20, effective July 15, 1994. – Amended 1992 Ky. Acts ch. 240, sec. 39, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 90, sec. 19, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 423, sec. 10, effective July 15, 1982. -- Amended 1976 Ky. Acts ch. 321, sec. 28. -- Amended 1974 Ky. Acts ch. 128, sec. 25. -- Amended 1972 Ky. Acts ch. 116, sec. 47. -- Amended 1966 Ky. Acts ch. 35, sec. 12. -- Amended 1964 Ky. Acts ch. 86, sec. 6. -- Amended 1962 Ky. Acts ch. 58, sec. 18. -- Amended 1960 Ky. Acts ch. 165, Part II, sec. 13. -- Created 1956 Ky. Acts ch. 110, sec. 27.

KRS 61.645 - Amended 2024 Ky. Acts ch. 55, sec. 13, effective July 15, 2024. -- Amended 2023 Ky. Acts ch. 94, sec. 3, effective June 29, 2023. -- Amended 2022 Ky. Acts ch. 216, sec. 12, effective April 14, 2022. -- Amended 2021 Ky. Acts ch. 102, sec. 66, effective April 1, 2021. -- Amended 2020 Ky. Acts ch. 79, sec. 4, effective April 1, 2021. -- Amended 2019 Ky. Acts ch. 182, sec. 1, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 12, sec. 3, effective March 10, 2017. -- Amended 2013 Ky. Acts ch. 120, sec. 65, effective July 1, 2013. -- Amended 2012 Ky. Acts ch. 75, sec. 8, effective April 11, 2012. -- Amended 2010 Ky. Acts ch. 127, sec. 1, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 77, sec. 19, effective June 25, 2009. -- Amended 2008 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 21, effective June 27, 2008. -- Amended 2004 Ky. Acts ch. 36, sec. 23, effective July 13, 2004. -- Amended 2003 Ky. Acts ch. 169, sec. 10, effective March 31, 2003. -- Amended 2002 Ky. Acts ch. 52, sec. 11, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 385, sec. 23, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 105, sec. 15, effective July 15, 1998; ch. 154, sec. 59, effective July 15, 1998; and ch. 246,

sec. 2, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 167, sec. 17, effective July 15, 1996; and ch. 318, sec. 29, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 406, sec. 3, effective July 15, 1994; and ch. 485, sec. 21, effective July 15, 1994. – Amended 1992 Ky. Acts ch. 240, sec. 40, effective July 14, 1992; and ch. 437, sec. 1, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 299, sec. 1, effective July 13, 1990; ch. 489, sec. 6, effective July 13, 1990; and ch. 496, sec. 39, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 349, sec. 24, effective July 15, 1988; and ch. 351, sec. 3, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 90, sec. 20, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 232, sec. 2, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 448, sec. 65, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 186, sec. 13, effective July 15, 1980; and ch. 246, sec. 8, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 110, sec. 100, effective January 1, 1979. -- Amended 1976 Ky. Acts ch. 321, secs. 29 and 40. -- Amended 1974 Ky. Acts ch. 128, sec. 26. -- Amended 1972 Ky. Acts ch. 116, sec. 48. -- Amended 1962 Ky. Acts ch. 58, sec. 19. -- Amended 1960 Ky. Acts ch. 165, Part II, sec. 14. -- Amended 1956 (1st Extra. Sess.) Ky. Acts ch. 7, Art. XV, sec. 1. -- Created 1956 Ky. Acts ch. 110, sec. 28.

KRS 61.600 - Amended 2021 Ky. Acts ch. 102, sec. 61, effective April 1, 2021. - Amended 2004 Ky. Acts ch. 36, sec. 15, effective July 13, 2004. – Amended 2002 Ky. Acts ch. 52, sec. 25, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 385, sec. 19, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 105, sec. 11, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 167, sec. 12, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 485, sec. 16, effective July 15, 1994. Amended 1992 Ky. Acts ch. 240, sec. 30, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 346, sec. 5, effective July 13, 1990. - Amended 1988 Ky. Acts ch. 349, sec. 19, effective July 15, 1988; and ch. 387, sec. 1, effective July 15, 1988. -- Amended 1984 Ky. Acts ch. 232, sec. 6, effective July 13, 1984. -- Amended 1974 Ky. Acts ch. 128, sec. 20, effective March 26, 1974. -- Amended 1972 Ky. Acts ch. 116, sec. 37. -- Amended 1970 Ky. Acts ch. 101, sec. 5. -- Amended 1966 Ky. Acts ch. 35, sec. 9. – 1960 Ky. Acts ch. 165, Part II, sec. 8.- Created 1956 Ky. Acts ch. 110, sec. 19

KRS 61.605 - Repealed, reenacted, and amended 2021 Ky. Acts ch. 102, sec. 62, effective April 1, 2021. -- Amended 2018 Ky. Acts ch. 107, sec. 35, effective July 14, 2018. -- Amended 2013 Ky. Acts ch. 120, sec. 59, effective July 1, 2013. - Amended 2004 Ky. Acts ch. 33, sec. 4, and ch. 36, sec. 16, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 385, sec. 20, effective July 14, 2000. - Amended 1998 Ky. Acts ch. 105, sec. 12, effective July 15, 1998. – Amended 1980 Ky. Acts ch. 186, sec. 24, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 128, sec. 21, effective March 26, 1974. -- Amended 1972 Ky. Acts ch. 116, sec. 38. -- Amended 1970 Ky. Acts ch. 101, sec. 6. -- Amended 1966 Ky. Acts ch. 35, sec. 10. -- Amended 1962 Ky. Acts ch. 58, sec. 12. – Amended 1960 Ky. Acts ch. 165, Part II, sec. 9. -- Created 1956 Ky. Acts ch. 110, sec. 20.

KRS 61.607 - Amended 2021 Ky. Acts ch. 102, sec. 63, effective April 1, 2021; and ch. 106, sec. 7, effective June 29, 2021. -- Amended 1992 Ky. Acts ch. 240, sec. 31, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 349, sec. 20, effective July 15, 1988. -- Amended 1984 Ky. Acts ch. 232, sec. 7, effective July 13, 1984. -- Amended 1976 Ky. Acts ch. 321, sec. 40. -- Created 1974 Ky. Acts ch. 128, sec. 31.

KRS 61.610 - Amended 2022 Ky. Acts ch. 216, sec. 8, effective April 14, 2022. - Amended 2021 Ky. Acts ch. 106, sec. 8, effective June 29, 2021. – Amended 2004 Ky. Acts ch. 36, sec. 17, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 105, sec. 13, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 240, sec. 32, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 349, sec. 41, effective July 15, 1988; and ch. 387, sec. 2, effective July 15, 1988. - Amended 1972 Ky. Acts ch. 116, sec. 39. -- Amended 1962 Ky. Acts ch. 58, sec. 13. -- Created 1956 Ky. Acts ch. 110, sec. 21.

KRS 61.615 - Amended 2024 Ky. Acts ch. 55, sec. 10, effective July 15, 2024. -- Amended 2022 Ky. Acts ch. 216, sec. 9, effective April 14, 2022. -- Amended 2021 Ky. Acts ch. 96, sec. 7, effective June 29, 2021. -- Amended 2013 Ky. Acts ch. 120, sec. 60, effective July 1, 2013. -- Amended 2009 Ky. Acts ch. 77, sec. 15, effective June 25, 2009. -- Amended 2004 Ky. Acts ch. 36, sec. 18, effective July 13, 2004. -- Amended 1996 Ky. Acts ch. 167, sec. 28, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 473, sec. 1, effective July 15, 1994; and ch. 485, sec. 17, effective July 15, 1994. – Amended 1992 Ky. Acts ch. 240, sec. 33, effective July 14, 1992. - Amended 1988 Ky. Acts ch. 349, sec. 21, effective July 15, 1988. -- Amended 1978 Ky. Acts ch. 311, sec. 16, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 321, sec. 23. -- Amended 1972 Ky. Acts ch. 116, sec. 40. -- Amended 1962 Ky. Acts ch. 58, sec. 14. -- Created 1956 Ky. Acts ch. 110, sec. 22.

KRS 61.621 - Amended 2021 Ky. Acts ch. 102, sec. 64, effective April 1, 2021; and ch. 106, sec. 3, effective June 29, 2021. -- Amended 2020 Ky. Acts ch. 46, sec. 2, effective March 27, 2020. -- Amended 2018 Ky. Acts ch. 151, sec. 5, effective April 13, 2018. -- Amended 2016 Ky. Acts ch. 114, sec. 2, effective April 13, 2016. -- Amended 2013 Ky. Acts ch. 120, sec. 61, effective July 1, 2013. -- Amended 2004 Ky. Acts ch. 36, sec. 19, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 176, sec. 1, effective July 15, 2002. -- Created 2001 Ky. Acts ch. 7, sec. 1, effective June 21, 2001.

KRS 61.665 - Amended 2024 Ky. Acts ch. 55, sec. 14, effective July 15, 2024. -- Amended 2022 Ky. Acts ch. 216, sec. 14, effective April 14, 2022. -- Amended 2021 Ky. Acts ch. 102, sec. 69, effective April 1, 2021. -- Amended 2004 Ky. Acts ch. 36, sec. 26, effective July 13, 2004. -- Amended 2003 Ky. Acts ch. 169, sec. 12, effective March 31, 2003. -- Amended 2000 Ky. Acts ch. 385, sec. 24, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 105, sec. 17, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 167, sec. 19, effective July 15, 1996; and ch. 318, sec. 30, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 406, sec. 4, effective July 15, 1994; and ch. 485, sec. 23, effective July 15, 1994. – Amended 1992 Ky. Acts ch. 240, sec. 43, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 346, sec. 6, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 349, sec. 42, effective July 15, 1988; and ch. 387, sec. 3, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 90, sec. 21, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 232, sec. 8, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 423, sec. 11, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 311, sec. 18, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 321, sec. 40. -- Amended 1974 Ky. Acts ch. 128, sec. 28. -- Amended 1972 Ky. Acts ch. 116, sec. 53. -- Created 1956 Ky. Acts ch. 110, sec. 32.

KRS 61.705 - Amended 2024 Ky. Acts ch. 55, sec. 18, effective July 15, 2024. -- Amended 2021 Ky. Acts ch. 102, sec. 74, effective April 1, 2021. -- Amended 2018 Ky. Acts ch. 107, sec. 31, effective July 14, 2018. -- Amended 2011 Ky. Acts ch. 68, sec. 1, effective June 8, 2011. -- Amended 2009 Ky. Acts ch. 77, sec. 23, effective June 25, 2009. -- Amended 2002 Ky. Acts ch. 52, sec. 16, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 385, sec. 29, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 123, sec. 2, effective July 15, 1998. -- Amended 1988 Ky. Acts ch. 349, sec. 30, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 423, sec. 14, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 186, sec. 18, effective July 15, 1980.

KRS 78.545 - Amended 2021 Ky. Acts ch. 102, sec. 20, effective April 1, 2021. - Amended 2020 Ky. Acts ch. 79, sec. 40, effective April 1, 2021. – Amended 2018 Ky. Acts ch. 107, sec. 42, effective July 14, 2018. -- Amended 2017 Ky. Acts ch. 125, sec. 11, effective March 27, 2017. -- Amended 2015 Ky. Acts ch. 28, sec. 11, effective June 24, 2015. -- Amended 2013 Ky. Acts ch. 120, sec. 75, effective July 1, 2013. -- Amended 2010 Ky. Acts ch. 148, sec. 8, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 77, sec. 29, effective June 25, 2009. -- Amended 2002 Ky. Acts ch. 52, sec. 23, effective July 15, 2002. - Amended 2001 Ky. Acts ch. 7, sec. 3, effective June 21, 2001. -- Amended 2000 Ky. Acts ch. 385, sec. 35, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 485, sec. 27, effective July 15, 1994. Amended 1992 Ky. Acts ch. 240, sec. 55, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 346, sec. 7, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 349, sec. 34, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 423, sec. 17, effective July 15, 1982. - Amended 1978 Ky. Acts ch. 311, sec. 23, effective June 17, 1978. – Amended 1976 Ky. Acts ch. 321, secs. 33 and 40. -- Amended 1974 Ky. Acts ch. 128, sec. 34, effective March 26, 1974. -- Created 1972 Ky. Acts ch. 107, sec. 2; and ch. 116, sec. 64.

KRS 78.5522 - Created 2021 Ky. Acts ch. 102, sec. 7, effective April 1, 2021

KRS 78.5524 – Amended 2022 Ky. Acts ch. 216, sec. 20, effective April 14, 2022. - Created 2021 Ky. Acts ch. 102, sec. 8, effective April 1, 2021

KRS 78.5526 - Amended 2022 Ky. Acts ch. 216, sec. 21, effective April 14, 2022Created 2021 Ky. Acts ch. 102, sec. 9, effective April 1, 2021

KRS 78.5528 - Amended 2024 Ky. Acts ch. 55, sec. 21, effective July 15, 2024. -- Created 2021 Ky. Acts ch. 102, sec. 10, effective April 1, 2021.

KRS 78.5530 - Amended 2022 Ky. Acts ch. 216, sec. 22, effective April 14, 2022. - Created 2021 Ky. Acts ch. 102, sec. 11, effective April 1, 2021

KRS 78.5532 – Amended 2026 Ky. Acts ch. 18, sec. 8, effective July 15, 2026. -- Created 2021 Ky. Acts ch. 102, sec. 12, effective April 1, 2021.

KRS 78.5534 - Created 2021 Ky. Acts ch. 102, sec. 13, effective April 1, 2021

KRS 78.5538 - Amended 2024 Ky. Acts ch. 55, sec. 23, effective July 15, 2024. -- Created

2021 Ky. Acts ch. 102, sec. 15, effective April 1, 2021.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Public Pensions Authority. There are no other affected state units, parts, or divisions.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:
   For the first year: None.
   For subsequent years: None.
2. Revenues:
   For the first year: None.
   For subsequent years: None.
3. Cost Savings:
   For the first year: None.
   For subsequent years: None.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): There are no affected local entities.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:
   For the first year: N/A
   For subsequent years: N/A
2. Revenues:
   For the first year: N/A
   For subsequent years: N/A
3. Cost Savings:
   For the first year: N/A
   For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:
   For the first year: N/A
   For subsequent years: N/A
2. Revenues:
   For the first year: N/A
   For subsequent years: N/A
3. Cost Savings:
   For the first year: N/A
   For subsequent years: N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: This administrative regulation has minimal fiscal impact. The documents incorporated by reference are already in use.

(b) Methodology and resources used to determine the fiscal impact: The agency analyzed costs, processes, and procedures for processing applications for disability retirement and survivor benefits.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): No, this administrative regulation will not have a major economic impact as defined by KRS 13A.010(14).

(b) The methodology and resources used to reach this conclusion: The agency analyzed costs, processes, and procedures for processing applications for disability retirement and survivor benefits.

SUMMARY OF MATERIALS INCORPORATED BY REFERENCE

Form 6016, “Federal Income Tax Withholding Preference For Non-Periodic Payments to Estates”, January 2027, is the one-page form used by a deceased member’s estate to indicate whether or not to withhold the 10% federal tax from the taxable portion of the distribution to the estate.

SUMMARY OF CHANGES TO MATERIALS INCORPORATED BY REFERENCE

Form 6008, “Beneficiary Election to Continue Disability Process on Behalf of Deceased Member”, January 2027, is the one-page form a beneficiary uses to indicate whether they are proceeding with, or electing to cancel in favor of pursuing death benefits under a non-disability death calculation, a disability application on behalf of a deceased member.

Changes to the previous form include:

The term “cannot change” regarding payment options is underlined and italicized.

Revision date changed to match the regulation filing date.

Form 6110, “Affidavit of Authorization to Receive Funds on Behalf of a Minor”, January 2027, is the one page form with an incorporated affidavit, used by a minor recipient’s natural or custodial parent, or court-appointed guardian, conservator, or other representative, to receive funds on behalf of a minor beneficiary.

Changes to the previous form include:

Revision date changed to match the regulation filing date.

Form 6448, “Dependent Child Designation for Total and Permanent In Line of Duty or Duty Related Disability”, January 2027, is the one page form used by the parent or guardian of a dependent child, or the dependent child, to certify eligibility of a dependent child to receive total and permanent disability benefits.

Changes to the previous form include:

Title changed from “Designation of a Dependent Child for Qualifying Total and Permanent Disability” to “Dependent Child Designation for Total and Permanent In Line of Duty or Duty Related Disability”

Revision date changed to match the regulation filing date.

Form 6458, “Dependent Child Designation for In Line of Duty or Duty Related Survivor Benefits”, January 2027, is the one page form used by a parent or guardian of a dependent child, or the dependent child, to certify eligibility of a dependent child to receive In Line of Duty or Duty-Related survivor benefits.

Changes to the previous form include:

Title changed from “Dependent Child Designation for In Line of Duty or Duty Related” to “Dependent Child Designation for In Line of Duty or Duty Related Survivor Benefits”

Revision date changed to match the regulation filing date

Form 6800, “Application for Duty Related/In Line of Duty Survivor Benefits”, January 2027, is

the one-page form used by a deceased member's agency and supervisor to submit documentation related to, and certify, a member's duty-related or In Line of Duty death.

Changes to the previous form include:

Title changed from Application for Duty Related/In Line of Duty Death Benefits" to "Application for Duty Related/In Line of Duty Survivor Benefits"

Certification expanded to include an acknowledgement of personal liability for restitution of survivor benefits for submitting a false or fraudulent claim in addition to penalties for perjury.

Revision date changed to match the regulation filing date.

Form 6810, "Certification of Beneficiary", January 2027, is the one-page form used by beneficiaries, estates, and trusts to certify their identity, and for estates or trusts to submit tax identification and certification of fiduciary authority.

Changes to the previous form include:

Revision date changed to match the regulation filing date.

Form 8001, "Certification of Application for Disability Retirement and Supporting Medical Information", January 2027, is the one-page form a member or beneficiary uses to submit information related to, and certify, eligibility for disability retirement benefits.

Changes to the previous form include:

Consolidating information from Form 8002 (previously used by beneficiaries to provide the same certification) to include "Name of Person Completing This Form", and separate certification fields for members and beneficiaries.

A statement that KPPA will update retirement account contact information based on details that a member provides on the form.

Revision date changed to match the regulation filing date.

Form 8025, "Authorization for Independent Medical or Psychological Examination and Release of Medical Information", January 2027, is the one-page form used by a member to authorize an KPPA-requested independent medical or psychological exam and release of medical information.

Changes to the previous form include:

A statement that KPPA will update retirement account contact information based on details provided on the form.

"Retirement office" changed to "agency".

A statement that failure to appear at an exam will result in the initial disability claim being based on medical information on file, or that a current disability allowance may be discontinued, so that the form can be used for both initial claims and disability reviews.

Revision date changed to match the regulation filing date

Form 8030, "Employer Job Description", January 2027, is the two-page form that employers use to submit information regarding an employee's job duties and the extent of their physical activity at work.

Changes to the previous form include:

Revision date changed to match the regulation filing date.

Form 8035, “Employee Job Description”, January 2027, is the two-page form that employees use to submit information regarding the employee’s job duties, the extent of physical activity at work, and employer accommodations.

Changes to the previous form include:

Revision date changed to match the regulation filing date.

Form 8040, “Prescription and Nonprescription Medications”, January 2027, is the one-page form employees use to submit information regarding prescription and nonprescription medications the member is currently taking, including the name of the prescribing physician.

Changes to the previous form include:

Revision date changed to match the regulation filing date.

Form 8846, “Travel Voucher for Independent Examination”, is the one-page form members use to submit information regarding milage, tolls, and parking costs incurred for an independent medical or psychological examination for which the member seeks reimbursement.

Changes to the previous form include:

Clarification that mileage shall be based on the shortest distance directly to and from the location of the exam, “based on the Kentucky Official Highway Map, Mapquest, Google Maps, or a similar web mapping service” regardless of the actual route traveled or mode of transportation used, to align with Kentucky State Employee mileage reimbursement regulations.

Revision date changed to match the regulation filing date.

KENTUCKY PUBLIC PENSIONS AUTHORITY
1260 Louisville Road • Frankfort, KY 40601
Phone: (502) 696-8800 • Fax: (502) 696-8822 • kyret.ky.gov

Form 6008
Revised 01/2027

Beneficiary Election to Continue Disability Application Process on Behalf of Deceased Member

Member Information

Member Name:	Member ID:

Payment Options: Please tell us whether you elect to proceed with the disability application process.

☐ **I elect to proceed with the disability application process.**

I understand that if _____ was eligible to begin receiving non-disability retirement benefits, that I may begin receiving regular death payments until the disability process is complete. If the disability application is approved, my benefits will be increased at that time.

If _____ was not eligible to begin receiving non-disability retirement benefits, then I must await the disability determination before benefits are processed. If disability is ultimately denied, the beneficiary of the account will be the beneficiary the member named on the Form 2035, Beneficiary Designation

☐ **I elect to cancel the disability application, so that death benefits can be processed under a non-disability death calculation.**

Please note this action may void the member's Form 6000, Notification of Retirement, beneficiary designation if the member was not receiving early retirement benefits. If so, the beneficiary of the account will be the beneficiary the member named on Form 2035, Beneficiary Designation.

Certification

I certify that I have checked the box above which best suits my needs. I realize that I ***cannot change*** to another payment option on or after the first day of the month in which I will receive my first payment.

I acknowledge that I have full understanding that any person who provides a false statement, report, or representation to a governmental entity such as KPPA is subject to the penalty of perjury in accordance with KRS 523.010, et seq. I further acknowledge that if I knowingly submit or cause to be submitted a false or fraudulent claim for the payment or receipt of benefit, I may be liable for repayment of benefits I was not entitled to receive, but also liable for civil payments, legal fees, and costs.

Beneficiary Signature: _____ Date: _____

Witnessed by: _____ Date: _____

KENTUCKY PUBLIC PENSIONS AUTHORITY
1260 Louisville Road • Frankfort, KY 40601
Phone: (502) 696-8800 • Fax: (502) 696-8822 • kyret.ky.gov

Pri nt Form

Form 6110
Revised 01/2027

Affidavit of Authorization to Receive Funds on Behalf of Minor

Member Information Please provide your Member ID or Social Security Number in the Member ID box below.			
Member Name:		Member ID:	
Address:	City:	State:	Zip Code:
Phone Number:	Email Address:		

Minor Recipient Information	
Minor Name:	Minor's Social Security Number:

Comes the Affiant, and states as follows:

My name is: _____ My address is: _____

City: _____ State: _____ Zip Code: _____

I understand that the Minor Recipient named above is the beneficiary of certain benefits payable from the Kentucky Public Pensions Authority on the account of the above named Member.

I am legally authorized to receive the benefits on behalf of the Minor Recipient in my capacity as (check one):

☐ Natural/custodial parent of the Minor Recipient

☐ Court-appointed guardian, conservator, or other representative of the Minor Recipient (attach a copy of the court authorization)

I hereby certify that the information completed on this form, and documents attached hereto, is true and accurate. I acknowledge that I have full understanding that any person who provides a false statement, report, or representation to KPPA is subject to the penalty of perjury in accordance with KRS 523.010, et seq. I further acknowledge that if I knowingly submit or cause to be submitted a false or fraudulent claim for the payment or receipt of benefits, or if I knowingly fail to inform KPPA of any divorce decree, termination of parental rights, adoption, or any other legal process affecting my legal authority to receive funds, I personally may be liable for restitution of benefits for which I was not eligible to receive on behalf of the Minor Recipient, plus civil payments, legal fees, and costs.

Signature: _____

Printed Name: _____

Date: _____

State of: _____ County of: _____

The foregoing instrument was acknowledged before me this ____ day of _____ , 2 ____ ,

by _____ .

_____
Notary Public

My Commission Expires: _____

KENTUCKY PUBLIC PENSIONS AUTHORITY
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Print Form

Form 6800
Revised 01/2027

Application for Duty Related/In Line of Duty Survivor Benefits

Deceased Member Information		
Member Name:		Member ID:
Birthdate:	Marital Status: ☐ Married ☐ Single ☐ Divorced	
Date of Death:	Termination Date (if different than date of death):	
Employer Information		
Agency Name:	Telephone:	Fax:
Agency Address:	City:	State: Zip Code:

Incident Information
Please provide the requested information below and submit the following documents with this form:

(1) Member's death certificate (2) Incident investigation report (3) Police report (if applicable) (4) Employee's job description

Date of Incident: Time of Incident:

Location of Incident:

Is there a police report documenting this incident? ☐ Yes ☐ No If yes, please submit a copy with this form.

Description of Incident:

Certification

I hereby certify that the information completed on this form is true and accurate. I acknowledge that I have full understanding that any person who provides a false statement, report, or representation to a governmental entity such as KPPA is subject to the penalty of perjury in accordance with KRS 523.010, et seq. I further acknowledge that if I knowingly submit or cause to be submitted a false or fraudulent claim for the payment or receipt of benefit, the employer I represent, and I (personally) may be liable for restitution of the death benefits the spouse, child, dependent, or beneficiary was not eligible to receive, civil payments, legal fees, and costs.

Printed Name of Member's Immediate Supervisor: _____

Signature of Member's Immediate Supervisor: _____ Date: _____

Approved by:

Printed Name of Agency Head: _____ ☐ ----------Signature

of Agency Head: Date:

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Print Form

Form 6016
Revised 01/2027

Federal Income Tax Withholding Preference For Non-Periodic Payments to Estates

Deceased Member Information Please provide the member's Member ID or Social Security number in the Member ID box below.

Member Name:	Member ID:

Estate Information

Estate Name:	EIN or SSN:

Indicate your status below and provide your name.

☐ Executor ☐ Administrator ☐ Personal Representative ☐ Petitioner/Affiant Dispensing with Administration

Name(s):

Address:	City:	State:	Zip Code:
☐ Check here if this address is new.	Telephone Number:		

Withholding Preference

Non-periodic payments to an estate that are not eligible for a rollover include: refunds, a $5,000 Death Benefit and any other death benefits paid in a lump sum. The federal tax withholding preference applies to the portion of the benefit that is subject to income tax. No withholding will be made on the portion of the benefit that is not subject to income tax. The retirement systems will withhold 10% of the taxable amount for federal income taxes if you fail to submit a withholding preference. If the Estate is to receive a benefit from different member accounts, you will need to complete a tax withholding preference for each member's account. If the Estate is to receive benefits from multiple retirement system accounts for the same member, this withholding preference will be applied to all benefits received from these multiple systems. However, if you want the withholding preference to apply to a specific retirement system account, complete a separate tax withholding preference for each system account, and check the appropriate system for which you want this tax withholding preference applied.

☐ Kentucky Employees Retirement System (KERS)

☐ County Employees Retirement System (CERS)

☐ State Police Retirement System (SPRS)

Check only <u>one</u> of the following federal tax withholding preferences:

Select this box to have no taxes withheld from the distribution to the Estate.

☐ Do not withhold 10% Federal Tax.

Select this box to have 10% federal income tax withheld from the taxable portion of the distribution to the Estate.

☐ Withhold 10% Federal Tax.

I direct the Kentucky Public Pensions Authority to withhold federal income taxes as indicated on this federal income tax

Signature: _____ Date: _____

Signature:
(for multiple executors only) _____ Date: _____

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Print Form

Form 6810
Revised 1/2027

Certification of Beneficiary

Member Information Please provide your Member ID or Social Security number in the Member ID box below.	
Member Name: [redacted]	Member ID: [redacted]

Beneficiary Information If an individual is the beneficiary, please complete the following section. If an Estate or Trust is beneficiary skip to the Estate or Trust Information section.			
Name: [redacted]			Social Security Number:
Telephone Number:			Date of Birth: exampleexampleexample
Address:	City:	State:	Zip Code:
Relationship to member:			
Authority of Signature: ◯ Beneficiary ◯ Guardian ◯ Power of Attorney			
Signature:			Date:
Witness:			Date:

Estate or Trust Information Complete this section only if the Estate or Trust is beneficiary.			
Name of Representative(s):			Telephone Number:
Address:	City:	State:	Zip Code:
Federal Tax ID No. (Provide the Estate EIN or Trust ID if applicable):			
Fiduciary Authority : ◯ Administrator / Executor / Personal Representative ◯ Trustee (Trust only)			
Fiduciary's Signature:			Date:
Witness:			Date:
Fiduciary's Signature: (for multiple executors only)			Date:
Witness:			Date:

Not for Official Use

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Print Form

Form 8025
Revised 01/2027

Authorization for Independent Medical or Psychological Examination and Release of Medical Information

Member Information Please provide your Member ID or Social Security Number in the Member ID box below			
Member Name:		Member ID:	
Address:	City:	State:	Zip Code:
Phone (select type) ☐ Mobile ☐ Home ☐ Work	Email:		

Acknowledgment and Authorization

I hereby acknowledge that the Kentucky Public Pensions Authority, or its third-party vendor on its behalf, has recommended an independent medical or psychological examination in accordance with KRS 61.665 and 78.545.

I understand that once the appointment for the independent medical or psychological examination has been made, I will be notified by mail of the date, time, and location of the appointment. Records from the examination will be used in determining my eligibility for disability retirement benefits.

I understand that I am eligible to receive reimbursement for mileage, actual parking costs, and any actual bridge or highway toll charges by filing a completed Form 8846, Travel Voucher for Independent Examination, with all the necessary receipts at the agency within fifteen (15) calendar days of the date of the examination or evaluation.

I understand that if I fail or refuse to appear at a scheduled appointment, my initial claim for disability shall be determined based on the medical information currently contained in my file, or my current monthly disability retirement allowance may be discontinued. _____

I understand that if I fail to appear, cancel, or reschedule within the time frames required in the appointment notice, I shall be responsible for payment of any charges associated with the medical or psychological examination.

I authorize the Kentucky Public Pensions Authority to release my medical records to the medical or mental health professional who will perform an independent medical or psychological examination for the Kentucky Public Pensions Authority.

Signature: _____ Date: _____

Witnessed: _____ Date: _____

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Print Form

Form 8030
Revised 01/2027

Employer Job Description

Employee Information

Employee Name:	Member ID:
Job Title:	Agency:

Job Description

Describe the employee's job duties performed as of the last day worked: _____

_____

_____

_____ Total hours in a workday. _____ Sitting hours in a day. _____ Standing/walking hours in a day.

Does the employee have the ability to alternate between sitting and standing/walking? ☐ Yes ☐ No

Physical effort required: (check appropriate boxes)	Never	Seldom/ Rare	Occasional (up to 1/3 of work day)	Frequent (1/3 to 2/3 of work day)	Repetitive (2/3 or more of work day)
Handle/Finger/Feel:	☐	☐	☐	☐	☐
Reach/Push/Pull:	☐	☐	☐	☐	☐
Bend/Stoop/Crouch:	☐	☐	☐	☐	☐
Kneel/Crawl:	☐	☐	☐	☐	☐
Climb/Balance:	☐	☐	☐	☐	☐
Lift/Carry (frequency):	☐	☐	☐	☐	☐
☐ Up to 10 lbs.	☐	☐	☐	☐	☐
☐ Up to 20 lbs.	☐	☐	☐	☐	☐
☐ Up to 50 lbs.	☐	☐	☐	☐	☐
☐ Up to 100 lbs.	☐	☐	☐	☐	☐
☐ Over 100 lbs.	☐	☐	☐	☐	☐

Identify the items or tools the employee was required to lift and/or carry in performing the essential job duties (include the weight, distance, and frequency of the lifting and/or carrying): _____

_____

_____

Identify the heaviest item and weight lifted on a frequent basis (1/3 to 2/3 of workday): _____

Identify the heaviest item and weight lifted without assistance: _____

Please identify any physical effort requirements for the employee to perform his or her job duties as of the last day worked. (Check appropriate boxes)

- ☐ The employee was required to handle, grab, or grasp items or tools. (file, ledger, hammer, wrench, pot/pan, mop/bucket)
- ☐ The employee was required to finger, feel, or sort items or tools. (computer keyboard, typewriter, calculator, pen/pencil)
- ☐ The employee was required to use machinery that used hand and/or foot controls. (backhoe, school bus)
- ☐ The employee was required to use vibratory equipment, machinery, or tools. (jackhammer, floor buffer, lawnmower)
- ☐ The employee was required to reach overhead, and in all other directions.
- ☐ The employee was required to use stairs or ramps.
- ☐ The employee was required to use ladders or scaffolding.
- ☐ The employee was exposed to environmental elements such as extreme heat, extreme cold, or extreme wetness/dampness.
- ☐ The employee was exposed to excessive noise, fumes, odors, gases, or dust.

Please make any remarks concerning the physical effort requirements for the employee to perform his or her job duties as of the last day worked: _____

_____

Accommodations: Examples of reasonable accommodations may include making existing facilities accessible to individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, retraining, or purchase of assistive equipment. If the individual has terminated employment with your agency or did not request accommodations, you should outline what accommodations were made or could have been made.

Did the employee request accommodations, assistance, or help to perform the essential job duties? ☐ Yes ☐ No

IF YES, please attach a copy of the request. Please attach any written response by the agency to the employee for request for accommodations. Please attach a statement describing the accommodations, assistance, or help that was offered or attempted to allow the employee to perform the essential job duties.

IF NO, please describe the accommodations, assistance, or help that was reasonably available to allow the employee to perform the essential job duties. _____

_____

Did the employee have any machines, tools, or equipment available to assist in performing job duties, such as a handcart, desk mover, special chair, headphones, keyboard, tape recorder, or other? _____

_____

Did the employee have assistance available from co-workers? _____

Where accommodations were made available, requested, or implemented, was the job as accommodated offered to the employee indefinitely?: ☐ Yes ☐ No

Attach additional pages if necessary.

Personnel Issues:

Was the employee injured on the job? ☐ Yes ☐ No If YES, please attach a copy of the incident report.

Is the employee currently receiving Workers' Compensation benefits? ☐ Yes ☐ No

If YES, please provide the Workers' Compensation insurance carrier name and address assisting with this claim.

Insurance Carrier Name: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Please indicate the employee's current personnel status:

☐ Termination ☐ Sick Leave Without Pay ☐ Still on Payroll ☐ Other _____

If the employee has terminated or is utilizing a leave without pay status, please provide date and attach a copy of the personnel form:

_____

If the employee is not still on the payroll, please verify the last day of paid employment: _____

Supervisor Name: _____ Title: _____

Address/Phone: _____

Certification

I hereby certify that the above information is correct and accurately describes the job duties that the employee had as of the last day worked. I hereby certify that the information completed on this form is true and accurate. I acknowledge that I have full understanding that any person who provides a false statement, report, or representation to a governmental entity such as KPPA is subject to the penalty of perjury in accordance with KRS 523.010, et seq. I further acknowledge that if I knowingly submit or cause to be submitted a false or fraudulent claim for the payment or receipt of benefit, the employer I represent, and I (personally) may be liable for restitution of the survivor benefits the spouse, child, dependent, or beneficiary was not eligible to receive, civil payments, legal fees, and costs. I understand that the Kentucky Public Pensions Authority or the employee may request that I testify at an administrative hearing as to the matters described herein.

Agency Representative Printed Name: _____

Agency Representative Title: _____

Agency Representative Signature: _____ Date: _____

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Print Form

Form 8035
Revised 01/2027

Employee Job Description

Member Information

Member Name:	Member ID:
Job Title:	Agency:

Job Description

Describe your essential job duties: _____

_____

_____

_____ Total hours in a workday. _____ Sitting hours in a day. _____ Standing/walking hours in a day.

Do you have the ability to alternate between sitting and standing/walking? ☐ Yes ☐ No

Physical effort required: (check appropriate boxes)	Never	Seldom/ Rare	Occasional (up to 1/3 of work day)	Frequent (1/3 to 2/3 of work day)	Repetitive (2/3 or more of work day)
Handle/Finger/Feel:	☐	☐	☐	☐	☐
Reach/Push/Pull:	☐	☐	☐	☐	☐
Bend/Stoop/Crouch:	☐	☐	☐	☐	☐
Kneel/Crawl:	☐	☐	☐	☐	☐
Climb/Balance:	☐	☐	☐	☐	☐
Lift/Carry (frequency):	☐	☐	☐	☐	☐
☐ Up to 10 lbs.	☐	☐	☐	☐	☐
☐ Up to 20 lbs.	☐	☐	☐	☐	☐
☐ Up to 50 lbs.	☐	☐	☐	☐	☐
☐ Up to 100 lbs.	☐	☐	☐	☐	☐
☐ Over 100 lbs.	☐	☐	☐	☐	☐

Identify the items or tools you were required to lift and/or carry in performing the essential job duties (include the weight, distance, and frequency of the lifting and/or carrying): _____

_____

_____

Identify the heaviest item and weight lifted on a frequent basis (1/3 to 2/3 of workday): _____

Identify the heaviest item and weight lifted without assistance: _____

Please identify any physical effort requirements to perform your job duties as of the last day worked.
(Check appropriate boxes)

☐ I was required to handle, grab, or grasp items or tools. (file, ledger, hammer, wrench, pot/pan, mop/bucket)
☐ I was required to finger, feel, or sort items or tools. (computer keyboard, typewriter, calculator, pen/pencil)
☐ I was required to use machinery that used hand and/or foot controls. (backhoe, school bus)
☐ I was required to use vibratory equipment, machinery, or tools. (jackhammer, floor buffer, lawnmower)
☐ I was required to reach overhead, and in all other directions.
☐ I was required to use stairs or ramps.
☐ I was required to use ladders or scaffolding.
☐ I was exposed to environmental elements such as extreme heat, extreme cold, or extreme wetness/dampness.
☐ I was exposed to excessive noise, fumes, odors, gases, or dust.

Please make any remarks concerning the physical effort requirements for performing your job duties as of the last day worked:

_____

Accommodations

1. Did you request accommodations, assistance, or help to perform the essential job duties? ☐ Yes ☐ No

IF YES, please attach a copy of the request. Please attach any written response such as describing the accommodations, assistance, or help that was offered or attempted to allow you to perform the essential job duties.
IF NO, please attach a statement describing the accommodations, assistance, or help that was reasonably available to allow you to perform the essential job duties.

2. Did you have any machines, tools, or equipment available to assist in performing job duties, such as a handcart, desk mover, special chair, headphones, keyboard, tape recorder, or other? _____

_____

3. Did you have assistance available from co-workers? _____

Additional Remarks: _____

_____

_____

Attach additional pages if necessary.

Supervisor Name:	Title:
Address/Phone:	

Workers' Compensation and Social Security Benefits

1. Did you apply for Workers' Compensation benefits? ☐ Yes ☐ No

If yes, are you receiving a benefit from Workers' Compensation? ☐ Yes ☐ No

If yes, please provide the date that you began receiving Workers' Compensation benefits and the amount paid.

_____

2. Did you apply for disability benefits from the Social Security Administration? ☐ Yes ☐ No

If yes, please provide the status of your disability benefit from the Social Security Administration:

Certification

I hereby certify that the information provided on this form is correct and accurate as of my last day worked.

I acknowledge that I have full understanding that any person who provides a false statement, report, or representation to a governmental entity such as KPPA is subject to the penalty of perjury in accordance with KRS 523.010, et seq. I further acknowledge that if I knowingly submit or cause to be submitted a false or fraudulent claim for the payment or receipt of benefit, I may be liable for repayment of benefits I was not entitled to receive, but also liable for civil payments, legal fees, and costs.

Signature: _____ Date: _____

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Print Form

Form 8040
Revised 01/2027

Prescription and Nonprescription Medications

Member Information			
Member Name:		Member ID:	
Address:	City:	State:	Zip Code:
Phone (select type) ☐ Mobile ☐ Home ☐ Work	Email:		

Prescription Medications

Medicine Name	Dosage	Times/Day	Reason for Medicine	Prescribing Physician

Nonprescription Medications

Medicine Name	Dosage	Times/Day	Reason for Medicine	Prescribing Physician

I hereby certify that the information provided on this form is correct and accurate. I acknowledge that I have full understanding that any person who provides a false statement, report, or representation to a governmental entity such as KPPA is subject to the penalty of perjury in accordance with KRS 523.010, et seq. I further acknowledge that if I knowingly submit or cause to be submitted a false or fraudulent claim for the payment or receipt of benefit, I may be liable for repayment of benefits I was not entitled to receive, but also liable for civil payments, legal fees, and costs.

Signature: _____ Date: _____

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Print Form

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Form 8846
Revised 01/2027

Travel Voucher for Independent Examination

Member Information

Member Name:		Member ID:	
Address:	City:	State:	Zip Code:
Phone (select type) D Mobile D Home D Work	Email:		

Reimbursement Request: Please enter your mileage, cost of tolls and parking below. Our office will enter the mileage rate and calculate the total payment due. You must attach receipts for tolls and parking.

Mileage ___ x IRS Standard Mileage Rate = ____

Cost of Tolls: ____ _

Parking: ____ _

Total Payment Due: ____

Certification

Mileage shall be based on the shortest distance between the member's home address on file with the Kentucky Public Pensions Authority (KPPA) directly to and from the location of the independent medical or psychological evaluation based on the Kentucky Official Highway Map, Mapquest, Google Maps, or a similar web mapping service regardless of the actual route traveled or mode of transportation used. If requesting reimbursement for the cost of tolls and parking, receipts for each must be included and returned with this voucher. Written requests and receipts for reimbursement must be submitted and received by the KPPA within 15 calendar days of the date of the independent examination or evaluation.

_____ acknowledge that I have full understanding that any person who provides a false statement, report, or representation to a governmental entity such as KPPA is subject to the penalty of perjury in accordance with KRS 523.010, et seq. I further acknowledge that if I knowingly submit or cause to be submitted a false or fraudulent claim for the payment or receipt of benefit, I may be liable for repayment of benefits I was not entitled to receive, but also liable for civil payments, legal fees, and costs.

Signature: _____ Date: _____

KENTUCKY PUBLIC PENSIONS AUTHORITY
Ryan Barrow, Executive Director
1260 Louisville Road • Frankfort, Kentucky 40601
kyret.ky.gov • Phone: 502-696-8800 • Fax: 502-696-8822

Kentucky Public Pensions Authority

December 10, 2026

Ms. Ange Darnell, Regulations Compiler
Legislative Research Commission
702 Capitol Avenue, Room 083
Frankfort, KY 40601

RE: 105 KAR 4:250 Participation of county attorney employees.

Dear Ms. Darnell,

Kentucky Public Pensions Authority has reviewed 105 KAR 4:250 Participation of county attorney employees in its entirety for compliance with the requirements of KRS Chapter 13A and relevant agency-related statutes.

Ths administrative regulation shall remain in effect without amendment because it remains in compliance with KRS 78.510 to 78.852 and Chapter 13A.

Sincerely,

Ryan Barrow
Executive Director
Kentucky Public Pensions Authority

Compiler's Use Only:
1st and LED_____

Am Am filed
_____
Cdbk _____ Effective OR Expired
18 mos. _____ Date

Not Am
Hist _____ Cdbk _____ NewEff
_____
Register /20 7 yrs.