**Section 1650.1116 Effect of a Valid QILDRO**

a) If the QILDRO applies to a member who is not an annuitant of the System, the QILDRO will be placed in the member's file and will not be implemented until an affected benefit or refund to which the QILDRO applies becomes payable.

b) If the QILDRO applies to a member who is an annuitant of the System, payment to the alternate payee will begin with the first benefit or refund to which the QILDRO applies that falls at least 30 days after the valid receipt date of the QILDRO.

c) If the QILDRO expresses any amount payable to the alternate payee as a percentage, the System cannot pay the alternate payee such amount until the System receives a valid Calculation Order corresponding to the percentage in the underlying QILDRO.

1) When a retirement benefit subject to a percentage QILDRO on file with the System becomes payable and the System has not received a valid Calculation Order corresponding to the retirement benefit, the System will determine an anticipated payment to the alternate payee based on information in the QILDRO, if it is possible to do so. The System will hold the alternate payee's anticipated payment and begin paying the member's retirement benefit, less the amount held for the alternate payee, until the System receives a valid Calculation Order corresponding to the retirement benefit.

2) When a member's refund, partial member's refund, or lump-sum death benefit subject to a percentage QILDRO on file with the System becomes payable and the System has not received a valid Calculation Order corresponding to that refund or lump-sum death benefit, the System will hold the refund or lump-sum death benefit until the System receives a valid Calculation Order corresponding to that benefit or refund.

3) Once the System receives a Calculation Order, the System will adjust the amounts payable in accordance with the Calculation Order and begin paying the alternate payee.

4) If it is not possible for the System to determine an anticipated payment based only on the percentage QILDRO, then neither the member nor the alternate payee will be paid until the System receives a valid corresponding Calculation Order.

d) If the System receives a valid QILDRO that purports to apply to a member's refund, partial member's refund, or lump-sum death benefit that will be paid within 30 days after the valid receipt date, but the payment has not yet been vouchered, the System will hold the portion of the refund or lump-sum death benefit that would be payable to the alternate payee until it receives clarification from the court as to whether the QILDRO applies to that refund or lump-sum death benefit. It is the member's or alternate payee's responsibility to obtain such clarification from the court and to notify the System of the court's clarification.

e) If payment has already been vouchered when the System receives a QILDRO that purports to apply to the refund or lump-sum death benefit, the QILDRO shall not apply to that payment.

f) "Vouchered" as used in this Section means that the voucher has been signed and dated, even though the warrant has not been issued by the Office of the State Comptroller.

(Source: Amended at 32 Ill. Reg. 4073, effective February 28, 2008)