

# LEGISLATORS' DEFINED CONTRIBUTION PLAN

## MEMBER HANDBOOK

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The Legislators' Retirement System (LRS) was designed especially for the needs of State legislators. Prior to the creation of the LRS in 1989, State legislators participated in the general PERF retirement plan. The LRS includes a Defined Benefit (LE DB) Plan and a Defined Contribution (LE DC) Plan. There is no retirement benefit for the LE DC Plan. Your participation in one or both plans will depend on **when** you served in the Indiana General Assembly.

## 1.1 Indiana Code Governing LRS

The laws and regulations governing the Indiana LRS may be found in Indiana Code (IC) 2-3.5. The content of this member handbook does not constitute legal advice, and nothing herein should be considered a legal opinion. In the event of a discrepancy between information in this handbook and the laws of the state of Indiana, the applicable law shall apply.

## 1.2 Legislators' Retirement System Member Handbooks

The LRS has been split into two handbooks:

- The *LRS Defined Benefit (LE DB) Plan Member Handbook*.
- The *LRS Defined Contribution (LE DC) Plan Member Handbook*.

This handbook covers the **LE DC** plan only.

## 1.3 Administration of System and Funds

Effective July 1, 2010, the board of trustees of the Indiana State Teachers' Retirement Fund ("TRF") and the Public Employees' Retirement Fund were required to appoint and compensate a common director for TRF and PERF. Effective July 1, 2011, the Indiana Public Retirement System ("INPRS") was established under Indiana law. INPRS administers LE DC.

INPRS administers sixteen funds of which eight are defined benefit (DB), five are defined contribution (DC), two are other post-employment benefit, and one is custodial. PERF Hybrid is administered by INPRS. INPRS combined membership totals over 500,000 members representing more than 1,250 participating employers including public universities, school corporations, municipalities, and state agencies.

For a listing of all the funds and additional information about each fund, visit the Annual Reports page of the INPRS website.

## 1.4 Board of Trustees

INPRS is governed by a nine-member Board of Trustees, appointed by the Governor. Board members serve as "fiduciaries" of the Fund, which means they are legally bound to make investment decisions with your best interest in mind. The executive director carries out the policies set by the Board and administers the Fund on a daily basis IC 5-10.5

## 1.5 INPRS' Vision, Mission, and Values

Mission: Engaged members able to realize their retirement dreams.

Vision: As fiduciaries, educate stakeholders, collect necessary contributions, and prudently manage member assets to deliver promised DB and DC benefits and services.

Values: INPRS believes people are the foundation of our success. It takes people with different backgrounds, ideas, and strengths to be successful. Success is built upon accountability, commitment, constructive conflict, and trust.

## 1.6 Contacting INPRS

Information about LRS can be found on the INPRS website: [www.in.gov/inprs](http://www.in.gov/inprs). Go to Plan Info at the top of the navigation menu, and then select Legislators. You can review (frequently asked questions FAQs), quick reference guides (QRGs), and more on the INPRS website.

If you need additional information, have questions, or need assistance, feel free to contact the Member Service Center at (844) GO-INPRS (844-464-6777). For TDD call (800) 579-5708. INPRS Member Advocates are available weekdays (excluding weekends and state-designated holidays) from 8 a.m. to 8 p.m. ET. You can also submit inquiries via email to [questions@inprs.in.gov](mailto:questions@inprs.in.gov).

Changes to your account can be made by logging into your account at [myINPRRetirement.org](http://myINPRRetirement.org).

Forms to complete and return can be found <https://www.in.gov/inprs/forms/perf-member-forms/>.

Lastly, you can send requests and/or completed forms to INPRS at One N. Capitol, Suite 001, Indianapolis, IN, 46204. INPRS lobby hours are 8:30 a.m. to 4:30 p.m. ET Monday through Friday.



### 2.1 Eligibility

The LE DC Plan applies to legislators who were elected or appointed **after** April 30, 1989, or who were in service on this date and elected to participate in this plan. Members in the LE DC Plan also include those who served in the General Assembly before April 30, 1989, terminated prior to that date, and then returned to service after April 30, 1989.

You become a member of the LE DC when you begin serving in the General Assembly. A welcome packet with information about how to activate your online account is mailed to you soon after you take office.

### 2.2 Employer Contributions

Your employer (State of Indiana) is required by statute to contribute a specified amount to your LE DC account each pay period. The employer contribution is set by multiplying your pay for that year by a percentage decided by the INPRS Board and confirmed by the budget agency. The contribution amount cannot exceed the total contribution rate that the State pays to INPRS for State employees.

### 2.3 Member Contributions

You are required by statute to contribute 5% of your salary for your service after June 30, 1989. The State Comptroller deducts member contributions from each salary payment. The salary used to compute these contributions includes the following:

- Salary; and
- Business per diem allowance and allowances paid in lieu of the submission of claims for reimbursements (but excluding any allowances for mileage); and
- Allowances paid to officers of the House of Representatives and the Senate.

The amount is decided without consideration of any pay reduction agreement established under Section 125 or Section 457 of the Internal Revenue Service (IRS) Code.

### 2.4 Service Credit

The LE DC Plan does not rely on earned or purchased service credit.

### 2.5 Vested Status

If you are in the LE DC Plan you are immediately vested for both member and employer contributions.

### 2.6 Personal Information

Your name and address on file in INPRS's records is the primary contact information maintained by INPRS. You can report any change in demographic information and beneficiary information by contacting the INPRS. See chapter 1 for INPRS contact information.

**NOTE:** As long as you have assets with the LRS, it is critical you keep INPRS informed of any changes to your name, address, or beneficiaries.



### 3.1 Investing Your Account

The LE DC Plan allows you to actively manage your member account through self-directed investments. You may select any combination of the available investment funds in 10% increments, or smaller increments that may be established by the Board. A valuation of your account must be completed as of the last day of each quarter or a time that the Board may specify by rule.

Questions to possibly consider:

1. **What is my *risk tolerance*?** This means how comfortable you are with the account value rising and falling with the markets.
2. **What is my *portfolio diversification*?** This means spreading your money among different types of investments to reduce overall risk.

There could be other factors to consider. Consult your financial advisor.

**NOTE:** Market-associated risk is involved with investing. INPRS' investment fund choices are **not** insured. INPRS cannot guarantee against the risk of loss based on your self-directed investment fund choices.

### 3.2 Investment Options

According to statute, the INPRS Board must maintain at least one alternative investment program that is:

- An indexed stock fund; and
- A bond fund; and
- A stable value fund.

INPRS offers 8 investment options. You may assign the funds in your account across 8 investment funds described in the table below.

**Table 1: Investment Choices**

Fund	Description
Money Market Fund	Invests in short-term money market investments, including but not limited to, commercial paper and securities issued or guaranteed by the U.S. government.
Stable Value Fund	This fund seeks to preserve capital and a stable rate of return. It seeks steady growth in principal and earned interest by investing fixed income portfolios.
Fixed Income Fund	This fund seeks total return, consisting of income and capital appreciation, through active and passive investment in a diversified bond portfolio.
Large Cap Equity Index Fund	This fund seeks investment growth/capital appreciation through passive investment in the stocks of the 500 largest U.S. companies.
Small/Mid Cap Equity Fund	This fund seeks investment growth/capital appreciation through both active and passive investment in stocks of small- and mid-sized U.S. companies.
International Equity Fund	This fund seeks investment growth/capital appreciation through active and passive investment in stocks of non-U.S. companies in both developed and emerging markets.
Inflation-Linked Fixed Income Fund	This fund seeks to provide investors inflation protection and income, through active investment in inflation-linked bonds.

Fund	Description
Target Date Funds	<p>Beginning July 1, 2018, your funds will default into the Target Date Fund (TDF) determined by the rules of the Board if no investment choice is made by you.</p> <p>This fund seeks an appropriate amount of total return consistent with a specific target retirement date through diversified investment choices. The asset allocation automatically shifts to become more conservative as the retirement date approaches.</p>

### 3.3 Rollover Savings Accounts (RSA) Into LE DC

To the extent permitted by the Internal Revenue Code and the applicable regulations, INPRS may accept, on behalf of any active member, a rollover distribution from any of the following:

- A qualified plan described in Sections 401(a) and 403(a) of the IRC; or
- An annuity contract, or account described in Section 403(b) of the IRC; or
- An eligible plan maintained by a State or political subdivision of a State, or an agency or instrumentality of a State, or political subdivision of a State under Section 457(b) of the IRC; or
- An Individual Retirement Account (IRA) described in Sections 408(a) or 408(b) of the IRC.

These RSA funds must be accounted for separately from your DC account and may be invested in any of the alternative investment options available. They may be withdrawn at any time prior to retirement. At retirement, you may withdraw the RSA funds in accordance with the retirement options available. For more information on rollovers, see IC 2-3.5-5-12.

### 3.4 Transferring Balances From PERF/TRF Hybrid

On July 1 following the date you become a member of the LE DC Plan, you may make a one-time irrevocable transfer of your PERF or TRF Hybrid defined contribution account to the LE DC. This amount will be credited to your LE DC account. Once you transfer the funds, they cannot be returned to your PERF or TRF Hybrid account. You may not delay making the election to transfer contributions past July 1.







## 4.1 Withdrawals

Withdrawal can be used to reference leaving the LE DC Plan for a reason other than death or disability without regard to being vested or not vested.

## 4.2 Distributions

There is no retirement benefit for the LE DC Plan. Therefore, your LE DC Plan member account balance may be withdrawn at any time following separation of employment from the General Assembly.

As of January 1, 2021, active members of LE DC are permitted to take in-service distributions of their defined contribution accounts if they meet specific requirements. LE DC members must be at least age 59½ to qualify.

If you are a member of the General Assembly who also has service credit prior to November 8, 1989, in the LE DB Plan, you do not forfeit the right to a retirement benefit from the LE DB Plan by taking a distribution from your DC. You may select one from the five options listed in the table.

**Table 2: Distribution Options**

Payment Option	Option Details	
Choice A: Purchase of an Annuity Total Balance of Your Account	The LRS will purchase an annuity on your behalf from an outside vendor using the entire balance of your account. The terms and conditions may change depending on the provider and the type of annuity chosen. The provider may have additional forms to complete in the purchase process.	
Choice B: Monthly Installments of Your Total Account Balance	The LRS will pay you the entire balance of your account in equal monthly installments of 60, 120 or 180 payments. You must elect the number of payments at the time of application. Once made, your election cannot be changed. No additional interest or earnings will be credited.	
Choice C: Complete Distribution of Your Account Based on Tax Preference	The entire balance of your account will be distributed according to the choices you choose for taxable and non-taxable funds. You may make only one selection for each part, taxable and non-taxable. <i>(See the distribution options below.)</i>	
Choice D: Partial Distribution and an Annuity	Part of your account will be paid to you according to your choices and the balance will be used to purchase an annuity. This choice is subject to the same terms and conditions in Choice A. The amount paid to you must be in the same proportion as the taxable and non-taxable funds in your account. For example, if your account balance includes 60% taxable funds and 40% non-taxable funds and you elect to withdraw \$1,000, the lump sum paid to you will consist of \$600 in taxable income and \$400 in non-taxable income. <i>(See the distribution options below.)</i>	
Choice E: Monthly Installments	Your account will be distributed in monthly installments over 60, 120 and 180 months. You may select only one choice for each part. <i>(See the distribution options below.)</i>	
Distribution Options for Payment Choices C, D, and E	Taxable Portion	Non-Taxable Portion
	Direct Rollover	Direct Rollover
	Paid Directly to Me (Less Withholding)	Paid Directly to Me
	Partial Rollover*	Partial Rollover*

\*Partial Rollover – you indicate a percentage to be rolled over with the remaining amount paid to you directly, less tax withholding.

## Withdrawals, Distributions, and Loans

The amount credited for distribution to you is the market value of your investment as of the last business day preceding the distribution or annuitization.

### 4.3 Loans

If you are a member in the LE DC, you may apply for a loan from your account. The loan is subject to limitations set in the Indiana Administrative Code and Federal Law. For example, there are minimum and maximum limits on loan amounts. Legislators may not take more than two loans each calendar year. Per 35 IAC 1.2-6-7, the amount of the loans may not exceed the lesser of the following:

- \$50,000
- One-half the present value of your account within the plan or
- Minimum of \$1,000

The loan must be repaid within 5 years. The loan must also meet all requirements of Internal Revenue Code Section 72(p)(1).

#### 4.3.1 Defaulting on a Loan

Loans against your member account are subject to default provisions.

You are required to make payments according to your loan agreement. If you default on the loan, the outstanding amount of the loan and accrued interest is deemed an early distribution from a retirement plan and is subject to all taxes and penalties that will be assessed by the IRS or other taxing agencies. An IRS form 1099-R will be issued by INPRS no later January 31 of the year following the default. If payments are not made when due or if you fail to act on your obligations, the INPRS's Custodian has the right to act as a creditor. This is in accordance with Internal Revenue Code Section 72 (p) and [35 IAC 1.2-6-7](#). As permitted by law, your individual account will be charged for all expenses incurred by INPRS's Custodian in exercising this right.

A loan is in default status if payment is not made by the last day of the calendar quarter following the calendar quarter in which the required installment payment was due. Even if a loan goes into default and that amount has been deemed a distribution subject to taxes and penalties, that loan still must be repaid unless you have taken a total distribution from your LE DC.

If your loan is in default, the INPRS Custodian will offset the loan(s) plus interest by subtracting the unpaid balance(s) from your LE DC account. Any outstanding balance (principal plus interest) of the defaulted loan(s) must be repaid by you. If you default on your repayments, the entire outstanding amount of the loan (principal and interest) will be reported to the IRS as a taxable distribution. You will be subject to penalty taxes under certain circumstances. If the loan is in default, no new loans can be generated on your LE DC account until the remaining outstanding balance is paid in full.

A defaulted loan will continue to accrue interest until the loan amount has been repaid even in the event of a deemed distribution. You may not take out any additional loans while you have a loan in default. Any outstanding loans are automatically deducted from the LE DC balance prior to distribution.

#### 4.3.2 Termination of Employment with Outstanding Loan(s)

If you have an outstanding loan and you terminate your legislative employment, you are required to repay the loan according to the terms of the loan, and any distribution occurring based on termination will first be used to offset the remaining balance of the loan.

### **4.3.3 Applying for an Additional Loan**

If you apply for a loan and have a loan outstanding in the prior 12 months, the amount of the new loan combined with the outstanding balance from the previous loan is subject to the same limits as an initial loan.

If you have a loan against your account, you must repay the amount and you will not be allowed to roll forward late loan payments.

## **4.4 Overpayment or Underpayment**

The LE DC Plan is required by federal and state law to correct any errors in withdrawal, distribution, or loan calculations. If you receive an overpayment because of an error, the LE DC Plan must recover the overpayment. If you are underpaid, you will receive an additional payment from the LE DC Plan.



## 5.1 Federal Tax Provisions

Federal tax law stipulates your withdrawal options. The date you can begin receiving a distribution and the required minimum distribution, are set as follows:

- When you reach RMD age (see Chapter 7), a portion of your account cannot be rolled over. It is considered a required minimum distribution and it must be paid to you.
- If you choose to have payments made directly to you and any portion of your payment qualifies to be rolled over, you will receive 80% of the taxable amount of the payment. INPRS must withhold 20% for federal income taxes. The taxes are paid the year you receive the payment. If you elect a rollover distribution into an eligible IRA or an eligible employer plan within 60 days of receiving your payment, it will not be taxed until you withdraw the funds from the respective plan. The other plan must receive your rollover distribution within 60 days of the date of the check.
- If you decide to have your payment paid directly to you before age 59½, you will have to pay an additional 10% early withdrawal penalty.
- You will receive special tax treatment if you were born before January 2, 1936.

There are other limits on the special tax treatment for lump sum distributions. See IRS Form 4972 for more information on lump sum distributions and how you elect the special tax treatment.

## 5.2 Special Tax Notice Regarding Rollovers

A rollover is a payment of all or part of your benefit to an eligible employer plan or an eligible IRA. Taxes are not paid on the benefit until it is paid to you from the respective plan. If you choose a direct rollover, your payment will not be taxed in the current year and no income tax will be withheld. An “eligible employer plan” includes a plan qualified under section 401(a) of the IRS Code, including:

- A 401(k) plan,
- Profit-sharing plan,
- Defined Benefit Fund,
- Stock bonus plan,
- A money purchase plan; a section 403(a) annuity plan; a section 403(b) tax-sheltered annuity; or
- An eligible section 457(b) plan maintained by a governmental employer (governmental 457 plan).

**NOTE:** An eligible employer plan is not required by law to accept a rollover. Even if a plan accepts rollovers, it might not accept certain types of distributions, such as after-tax amounts. If your distribution includes after-tax amounts and the employer plan does not accept it, you may wish to roll your distribution over to an eligible IRA. You may also split your rollover amount between the employer plan and an eligible IRA. Be sure to check with your plan administrator prior to making the rollover.

## 5.3 Obtaining Additional Tax Information

The tax consequences described above are complex and contain many conditions and exceptions that are not included in this handbook. State and local tax rules might also apply to your distribution. You may want to consult with a professional tax advisor before you elect a distribution from the LE DC. You can find more information on the tax treatment of payments from qualified employer plans in IRS Publication 575, *Pension and Annuity Income*, and IRS Publication 590, *Individual Retirement Arrangements*. Publications are available from your local IRS office, on the IRS website, or by calling (800) TAX-FORMS.



**NOTE:** All marriages are recognized regardless of gender.

## 6.1 Designating Beneficiaries

Your account will be paid to your designated beneficiary or beneficiaries if you die either while a member of the General Assembly or after ending employment without having withdrawn your account from the fund. You may designate either single or multiple beneficiaries. If there is no properly designated beneficiary, or if no designated beneficiary survives you, the LE DC will be paid to:

1. Surviving spouse of the member
2. If no surviving spouse, to a surviving dependent(s)
3. If no surviving spouse and no surviving dependent, to the member's estate.

## 6.2 Death Pay Out Options

Upon your death, your spouse or surviving dependent(s) will have four choices for withdrawing funds from your account. Only one choice may be chosen from the following:

**Table 2: Death Pay Out Options**

Option	Description
Choice A: Purchase of an Annuity with the Total Balance of Your Account	The LRS will purchase an annuity on behalf of your spouse from an outside vendor. Terms and conditions of this annuity may change depending on the provider and the type of annuity chosen. The provider may have additional forms to complete in the purchase process.
Choice B: Total Distribution of Your Account	The entire balance of your account will be distributed according to the selections your spouse makes. Different choices may be chosen for the taxable and non-taxable portions of your account. Your spouse may make only one selection for each portion of the account.
Choice C: Partial Distribution and an Annuity	Part of your account will be paid to your spouse according to the selections he or she makes. The balance will be used to purchase an annuity, subject to the same terms and conditions in Choice A. The amount paid to your spouse must be in the same proportion as the taxable and non-taxable funds in your account. For example, if your account balance includes 60% taxable funds and 40% non-taxable funds and you elect to withdraw \$1,000, the lump sum paid to you will consist of \$600 in taxable income and \$400 in non-taxable income.
Choice D: Monthly Installments Over 60 Months	Your spouse may elect a 60-month installment distribution of your account balance paid directly to your spouse. No additional interest or earnings will be credited.

### 6.2.1 Estate

Upon your death, if you do not have a surviving spouse or dependent(s), the total amount of the LE DC, minus any withholding for state and federal taxes, will be paid to your estate.

### 6.3 Beneficiary Application Requirements

To process a beneficiary pay out, the following must be completed and submitted to INPRS:

- The Legislators Retirement System Application for Survivor Benefits available from the INPRS website,
- Copy of marriage certificate and confirmation that the deceased was married to the spouse at the time of death (for surviving spouse),
- Birth certificates of any survivors, (for surviving child),
- Death certificate of deceased member,
- Birth certificate of member, if not already on file at INPRS, and
- Request for direct deposit of benefits.



## Additional Plan Information



### 7.1 Cost of Living Adjustments (COLAs)

Cost of living adjustments do not apply to LE DC member accounts.

### 7.2 13th Check Supplemental Payment

The 13th check does not apply to LE DC member accounts.

### 7.3 Required Minimum Distribution (RMD) Information

The Internal Revenue Service (IRS) requires you to take required minimum distribution (RMD) if you have an interest in a pension benefit. [Section 401\(a\)\(9\)](#) of the Internal Revenue code (IRC) requires INPRS to begin paying distributions of your benefit starting April 1 of the calendar year following the latter of when you obtain the RMD age specified by the IRS or separate from employment:

RMD Age	Condition(s)	Source
70 1/2	Reach age 70 ½ before 01/01/2020	Pre Secure Acts
72	Turn 70 ½ on and after 01/01/2020	Secure 1.0
73	Turn 72 on and after 01/01/2023 & reaches 73 before 01/01/2033	Secure Act 2.0
75	Turn 74 on or after 01/01/2033	Secure Act 2.0

- Anyone who turned 72 in 2022 or earlier follows the old rules. Those who turned 72 in 2022 had to take their first RMD no later than April 1, 2023.
- Those who turn 72 in 2023 and any time through 12/31/2032 (born from 1951 to 1959) must take the first RMD by April 1 of the year after they turn age 73.
- Anyone born in 1960 or later must take their first RMD by April 1 of the year after they turn age 75.

If the benefit does not begin in a timely fashion, the IRS will impose a 25% penalty on the member due to a late distribution. The IRS could reduce that penalty to 10% if the member receives a distribution within a correction window.

You must complete the online retirement application through the Retirement Application Center (RAC) from your online account at [myINPRSretirement.org](http://myINPRSretirement.org). If the application is not completed on time, RMD payments will automatically begin if you have separated from employment and have not begun the distribution process.

If INPRS does not receive the application by December 31, and the member meets the RMD requirements described in federal law and above, INPRS will undertake to contact you to set up the RMD for distribution of any retirement and/or DC and/or Rollover-Pre-Tax Contribution funds to which you are entitled.

Furthermore, INPRS is required to adjust the benefit for any IRS imposed penalties. See 35 IAC 14-7-7 for more detailed information regarding INPRS's RMD process.

**NOTE:** Effective January 1, 2022, for INPRS DC plans the RMD rules for beneficiaries are modified if you die after December 31, 2021. See the Secure Act and 26 USC § 401(a)(9).

If beneficiary is not an eligible designated beneficiary, the distribution of the interest must be made within 10 years after the member's death.

## 7.4 Administrative Review

**NOTE:** This information is only a guide and neither a substitute for, nor intended as legal advice.

If you disagree with the action or final determination by INPRS staff, and no alternative resolution is available, you may request administrative review under the Administrative Orders and Procedures Act (IC 4-21.5). You must have standing as a party or a right to intervention to request administrative review.

### 7.4.1 Initial Determination

You must petition INPRS in the form of a letter to request a review of the action or final determination with which you disagree. This letter should specifically state the basis of your disagreement and include sufficient facts so that INPRS can evaluate your request for review. You should include copies of any supporting documents. For a sample format of this member petition, see form Step 1: Member Petition for Administrative Review of Staff Action/Determination available on the INPRS website. You will need to complete the form and submit it to INPRS, Attn: Administrative Review, One North Capitol, Suite #001, Indianapolis, IN 46204, or by emailing the form to [AdministrativeReviews@INPRS.in.gov](mailto:AdministrativeReviews@INPRS.in.gov).

Once an evaluation has been completed, you will be notified with an initial or amended determination letter, sent by certified mail. The letter will indicate INPRS' initial or amended determination and provide supporting justification. In addition, INPRS will provide explicit instructions should you want to appeal. Indiana law sets forth specific timelines to appeal a decision. Should your appeal be received after the appeal deadline, under Indiana law, the initial or amended determination will become final, and you will forfeit any future claims specific to that particular outcome. As noted, many processes and procedures followed by INPRS are statutory, meaning INPRS does not have the discretion to act outside of the law in granting a benefit that federal and/or state law does not permit.

### 7.4.2 Administrative Law Judge

If you disagree with the initial or amended determination explained in the above section and want to further challenge, you may request to bring the matter before an Administrative Law Judge (ALJ). To initiate this process, you must file a petition for review with the INPRS Executive Director and you must file a petition using the form available from the Your Right to Administrative Review page on the INPRS website.

These are the available forms and instructions:

1. Complete Member Petition for Administrative Review of Staff Action or Determination
2. Petition for Review by ALJ
3. General outline for ALJ review

Complete and return the form (Step 1 or Step 2) to INPRS at [AdministrativeReviews@INPRS.in.gov](mailto:AdministrativeReviews@INPRS.in.gov) or the address provided on the form. It is recommended that you retain copies of the submitted documents for your records.

The petition for review:

- Must meet the statutory requirements set forth in [IC 4-21.5-3-7\(a\)](#); AND
- Must be filed within 15 days after you have received the written notice of the INPRS initial determination letter. ([IC 4-21.5-3-7\(a\)](#)).



If your petition for review meets the statutory requirements, INPRS will arrange for an administrative hearing of your case, which is similar to a trial in a lawsuit, but is conducted in less formal manner ([IC 4-21.5-3-25\(b\)](#)). You may be represented by counsel, but there is no requirement that you obtain representation. INPRS is not responsible for costs associated with your representation. The ALJ who conducts the review will consider the evidence concerning the administrative action/decision. For a detailed outline of the ALJ review process, see the General Outline for Administrative Law Judge (ALJ) Review available on the INPRS website.

At the conclusion of the administrative hearing process, the ALJ will issue a Finding of Facts and Conclusions of Law and written order concerning the action or decision that you are challenging ([IC 4-21.5-3-27](#)). The ALJ's order is then subject to review by the INPRS Executive Director. On behalf of the Board of Trustees, the Executive Director will issue a final order that affirms, modifies, or dissolves the ALJ's order ([IC 4-21.5-3-29\(b\)](#)).

### 7.4.3 Judicial Review

If you are still in disagreement at the conclusion of the administrative review, you may seek judicial review within 30 days of receipt of the final order (IC 4-21.5-5). A reviewing court will examine only those disputed issues of fact that appear in the agency record of the appeal. The trial court may not retry the appeal or substitute its judgment for that of agency (IC 4-21.5-5-11).

See the Administrative Review Regulations available on the INPRS website for a list of all relevant IAC references.

## 7.5 Power of Attorney

INPRS honors requests and directions from a lawful holder of a Power of Attorney document for you. This individual is known as the attorney-in-fact. The Power of Attorney must grant the attorney-in-fact the authority to transact business of the type requested. For instance, if the Power of Attorney document grants the attorney-in-fact broad discretion to handle all banking and financial transactions, INPRS will accept directions regarding benefit payments. If, on the other hand, you grant what is known as a Health Care Power of Attorney, the attorney-in-fact does not have the authority to direct INPRS on any matter, even something as simple as an address change.

If you want to name a Power of Attorney for fund business only, without incurring the expense of legal counsel, INPRS can provide a [Limited Power of Attorney for Members and Recipients \(State Form 49614\)](#). However, this Power of Attorney applies only to fund business and is not valid for general public use. To receive a copy of this form to be completed and returned to the address on the form, contact INPRS.

If an attorney-in-fact attempts to act on your behalf, INPRS will require a copy of the Power of Attorney. If a copy of the Power of Attorney is not in your file, the requested transaction will be denied. The denial will then be returned to the attorney-in-fact, requesting proof of legal authority to act on your behalf.

**NOTE:** Indiana law has very specific requirements for a Power of Attorney to be valid. Your signature must be witnessed and attested to by a Notary Public. Further, the Notary Public must sign the document along with the attorney's printed name and notarial seal.

## 7.6 Guardian

INPRS honors requests and directions from a legally appointed guardian of your estate. Before INPRS can recognize acts of a guardian, INPRS must receive copies of the Letters of Guardianship and/or other official court documents appointing the guardian. A guardian is appointed only when you are declared incompetent by a court of law while you are under an active guardianship and unable to act on your own behalf. INPRS will not recognize your acts until provided proof that your right to act on your own behalf has been restored.

## 7.7 Access to Records

### Member Records & Confidentiality

Your records are confidential by law. INPRS will only release your name, fund, and years of service. Member records are not public records.

INPRS can provide information from your records to you, or to one of the following:

- a guardian,
- a representative of your estate,
- an attorney-in-fact (aka Power of Attorney or POA),
- someone to whom you have given express written permission, or
- someone named by a court order.

Indiana law, 35 IAC 1.2-1-5 and IC 5-10.5-6-4, outlines INPRS confidentiality rules and allows INPRS, at its discretion, to provide member information to:

- members of the Indiana General Assembly,
- state agencies,
- quasi-governmental agencies,
- any person with the member's written permission, including a Power of Attorney,
- an active member's employer,
- a deceased member's personal representative with Letters Testamentary or a beneficiary, according to a small estate affidavit,
- to follow state or federal law, a subpoena, legal discovery under the Indiana trial rules or Orders and Procedures Act or other court order.

### Public Records

INPRS is committed to making public records available upon request. To get information about submitting a request, you can call (844) GO-INPRS (844-464-6777). All requests for public records must be made through the online portal at: <https://in.accessgov.com/inprs-apra>.