CHAPTER 71-04-08
QUALIFIED DOMESTIC RELATIONS ORDERS

Section
71-04-08-01 Payment in Accordance With Qualified Domestic Relations Orders
71-04-08-02 Qualified Domestic Relations Orders Procedures

71-04-08-01. Payment in accordance with qualified domestic relations orders.

Retirement moneys must be paid in accordance with any qualified domestic relations order issued in compliance with North Dakota Century Code section 54-52.2-03.3.

History: Effective May 1, 2004.
General Authority: NDCC 28-32-02, 54-52.2-03.2
Law Implemented: NDCC 54-52.2-03.3

71-04-08-02. Qualified domestic relations orders procedures.

1. Upon receipt of a proposed domestic relations order, the executive director shall:

   a. Send an initial notice to each person named therein, including the member and the alternate payee named in the order, with an explanation of the procedures followed by the fund.

   b. Order the funds to which the alternate payee would be entitled by direction of the order segregated, if those funds are ascertainable from the proposed order.

   c. Review the domestic relations order to determine if it is a qualified order as established by the model language format specified by the board.

2. The domestic relations order shall be considered a qualified order when the executive director notifies the parties the order is approved and a certified copy of the court order has been submitted to the public employees retirement system office.

3. If the order becomes qualified, the executive director shall:

   a. Send a notice to all persons named in the order and any representative designated in writing by such person that a determination has been made that the order is a qualified domestic relations order.

   b. Comply with the terms of the order.

   c. Direct the amount established for an alternate payee, in each plan to which the order applies, be paid in a lump sum within one hundred twenty days of the acceptance of the qualified domestic relations order or the entry of the order by the court.

4. If the order is determined not to be a qualified domestic relations order or a determination cannot be made as to whether the order is qualified or not qualified within eighteen months of receipt of such an order, the executive director shall send written notification of termination of the review to all parties at least forty-five days prior to the end of the eighteen-month review period. At the end of the eighteen-month review period, the proposed order is deemed to be withdrawn and of no legal effect.

   a. If a segregated account has been established for an alternate payee, the executive director shall distribute the amounts in the segregated account in the manner required in the absence of an order.

b. If determined after the expiration of the eighteen-month period, the order is a qualified domestic relations order, the qualified domestic relations order must be applied prospectively only.

History: Effective May 1, 2004.
General Authority: NDCC 28-32-02, 54-52.2-03.2
Law Implemented: NDCC 54-52.2-03.3