CHAPTER 71-08-04
QUALIFIED DOMESTIC RELATIONS ORDERS

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

71-08-04-01. 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 54-52.6-12.

History: Effective July 1, 2000.
General Authority: NDCC 28-32-02(1)
Law Implemented: NDCC 54-52.6-12

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

1. Upon receipt of a proposed domestic relations order, the public employees retirement system 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. If a member who is not in pay status at the time the proposed domestic relations order, or notice of intent to submit a proposed domestic relations order, was received from the member, the member's legal representative, or an individual authorized to receive confidential information under subsection 8 of North Dakota Century Code section 54-52-26, makes application for a lump sum distribution due to termination of employment, the application for lump sum distribution will be held until such time as the proposed domestic relations order is determined to be qualified and a certified copy of such order is received at the North Dakota public employees retirement system office or until the end of the eighteen-month review period, or until the North Dakota public employees retirement system office receives notice that a proposed domestic relations order will not be submitted, whichever occurs first.

   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 office.

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

   a. Send 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. Allow the alternate payee to choose the appropriate investment options for the alternate payee's account.

   d. Allow the alternate payee to choose the same payout options allowed for the member.

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 order, the public employees retirement system shall send written notification of termination of 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 member who was not in pay status at the time the proposed domestic relations order was received made application for a lump sum distribution due to termination of employment, the application for lump sum distribution will be processed at the end of the eighteen-month review period.

    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 July 1, 2000; amended effective July 1, 2006; April 1, 2012; April 1, 2014.
General Authority: NDCC 28-32-02(1)
Law Implemented: NDCC 54-52.6-12