

DIVISION OF RETIREMENT BENEFITS

This section of the website provides information pertaining to the division of retirement benefits under the North Dakota Public Employees Retirement System (NDPERS) and the North Dakota Highway Patrol Retirement System (NDHPRS). To provide for the division of a member's benefit with NDPERS and NDHPRS, it is necessary for a Qualified Domestic Relations Order (QDRO) to be submitted. The materials provided in this section of the site should be helpful in determining the requirements of North Dakota Century Code 54-52-17.6 (NDPERS) and 39-03.1-14.2 (NDHPRS).

To assist all parties involved with the division of a member's retirement benefits, both the Teachers' Fund for Retirement and the Public Employees Retirement System developed a working model to be used as a reliable reference in establishing the legal parameters of a qualified domestic relations order. The [QDRO model](#) is designed to provide interested parties with the available benefit options under the Public Employees Retirement System or the Highway Patrol Retirement Fund. The model was developed through extensive study and meticulous attention to detail. As written, the model provides the plan administrator with clear instructions as to the parties' intent. If the parties' intent is not clear, the retirement board cannot approve the order. Accordingly, any proposed domestic relations order that is not in strict compliance with the model QDRO is not qualified. Please note that the reason for the strict compliance requirement is that this is a complex area which has its own technical jargon.

Benefits are payable at the earlier of the member's date of termination or when the member reaches early retirement age. Although QDROs may be entered and approved prior to a member's retirement or termination, no monies can be paid out until the member's account is in pay status or the member is eligible for early retirement.

If the member's divorce is final, please submit a photocopy of the complete divorce decree to NDPERS so that we may update the membership record. If the divorce is not final, be sure to submit a copy of the decree when it is finalized.

If you have any technical or fact specific questions, please contact the NDPERS office at (701) 328-3900 or 1-800-803-7377 outside the Bismarck/Mandan calling area. If you have any specific legal questions, please contact [Scott Miller](#), Attorney General's Office, at (701) 328-3148.