
Guidelines for Completing PERS Divorce Forms for PERS Tier One/Tier Two Benefits

Only authorized PERS divorce forms for dividing PERS Tier One/Tier Two benefits can be used. You can download them from the PERS website or request them by calling the PERS Divorce Unit at 503-431-8295. The forms are intended to simplify the process by replacing pages of narrative or paragraphs of legal language that do not always cover all situations and can be subject to interpretation. They are designed to eliminate any need for interpretation.

Complete the PERS divorce form(s) that fit the terms of the annulment, separation, divorce, or property settlement, and attach the form(s) to the court order as an exhibit. The form title indicates whether the form is for a retired or non-retired member and the type of division method. The forms also specify whether a separate account is to be established for an alternate payee or whether the award is to be a reduction (alternate payee is responsible for taxes) or deduction (the member pays the taxes) from the member's benefit at the time of payment. The divorce forms for dividing PERS Tier One/Tier Two Program benefits are listed below. The divorce forms for dividing Oregon Public Service Retirement Plan (OPSRP) Pension Program and Individual Account Program (IAP) benefits are listed on the fact sheet Guidelines for Completing PERS Divorce Forms for Oregon Public Service Retirement Plan (OPSRP) Pension Program and the Individual Account Program (IAP) Benefits, #459-045.

Once the court approves both the order and the PERS divorce forms as exhibits to the order, send PERS a court-certified copy with the PERS divorce forms attached. PERS will confirm receipt as well as acknowledge what the attached forms direct PERS to do regarding the alternate payee's award.

The effective date for dividing a Tier One/Tier Two member account, if the member has not retired, is December 31 of the calendar year before the date of the divorce or a prior year if specified in the final court order.

A reduction or deduction to a retired member's gross monthly benefit will be effective the first of the month following PERS' administration of the court order, which is usually 45-60 days.

A reduction or deduction to a non-retired member's gross monthly benefit will occur when the first retirement benefit payment is issued to the member.

The Social Security numbers, addresses, and dates of birth for the member and alternate payee must be provided to PERS under separate cover. Incorrect information can delay benefit payments.

PERS can only administer the benefits covered by these forms, which include the PERS Tier One/Tier Two Programs. Awards involving the OPSRP Pension Program and IAP accounts require separate divorce forms.

Available forms:

[Tier One/Tier Two Non-Retired Member Divorce Award of Separate Account to Alternate Payee, form #459-553.](#)

[Tier One/Tier Two Alternate Payee Divorce Award of Payment Reduction or Deduction Method \(Non-Retired\), form #459-552.](#)

[Tier One/Tier Two Alternate Payee Divorce Award of Payment Reduction or Deduction Method \(Retired\), form #459-551.](#)

[Tier One/Tier Two and IAP account \(non-Retired Member\) no Award to Form Spouse form #459-564a](#)

[Tier One/Tier Two and IAP account \(Retired Member\) no Award to Former Spouse form 459-564b](#)

[Tier One/Tier Two Beneficiary Changes/Restrictions Due to Divorce, form #459-595.](#)

PERS Oregon Administrative Rules govern the use of these forms. These rules can be found on the Internet on the Secretary of State's and PERS' website.