

OREGON ADMINISTRATIVE RULE  
PUBLIC EMPLOYEES RETIREMENT BOARD  
CHAPTER 459  
DIVISION 045 – DOMESTIC RELATIONS ORDER

OAR 459-045-0020

**Court Orders**

(1) A final court order must be received by PERS and approved by PERS staff as administrable before an alternate payee award can be established.

(a) Current PERS divorce forms must be attached as labeled exhibits to the court order, and incorporated by reference in the court order for all members except judge members under ORS 238.500.

(b) The PERS divorce forms provide all available benefit division options, conditions, and restrictions and may not be altered.

(2) Responses to court orders.

*[(a)]* PERS shall provide a written response as to whether a final court order is administrable to the member, *[the alternate payee, and their attorneys]* the attorney(s) that submitted the court order, former spouses, registered domestic partners, and the alternate payee if a current address can be identified.

*[(b) Award information shall be provided to attorneys or other representatives of a member or an alternate payee only if a member release or an alternate payee release has been received by PERS.]*

**(3) (2)** In the absence of a final court order, a restraining order or stay must be filed with PERS to prevent the distribution of any funds to a member.

**(4) (3)** PERS shall establish an alternate payee award from a retired member's monthly benefit as soon as administratively feasible on a prospective basis only. Court orders that purport to award retroactive benefits or benefits to be paid before the final court order

1 *[was received]* is processed by PERS will be rejected as unadministrable. *[cannot be*  
2 *administered.]*

3 **(5)** *(4)* If a final court order is received by PERS after a member has withdrawn from  
4 PERS under ORS 238.265, 238.545, 238A.120 or 238A.375, the final court order will be  
5 rejected as unadministrable.

6 Stat. Auth.: ORS 238.465, 238.650 & 238A.450

7 Stats. Implemented: ORS 238.465

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