

DIVORCE FAQ

EFFECT OF DIVORCE ON RETIREMENT BENEFITS

Do all of my PERA benefits belong to me after divorce?

Your former spouse may or may not (depending on the court order) be awarded a portion of your PERA benefits.

Can PERA offer legal advice on the best way to divide the pension?

No. Since PERA cannot give legal advice, you should contact an attorney. We will, however, work with you and your attorney to develop language in a court order that can be administered by PERA.

Can my former spouse receive payment immediately from PERA?

No. Payments from PERA may be made only when the member ends his or her public employment, applies for a monthly benefit or refund, and the benefit becomes payable.

Can payments be made to my former spouse in a lump sum after I end my public service?

If you, as the PERA member, accept monthly payments, your former spouse cannot be paid in a lump sum, but must also accept monthly payments.

Will benefit or refund payments be made to my former spouse without a court order?

No. PERA must have a certified copy of your court order dividing the PERA pension (or a temporary restraining order preventing you from applying for a refund) before we will divide your monthly benefit or refund. This document must be filed with a court administrator's office.

Can the type of pension I select at retirement be changed later?

A benefit option, once granted, cannot normally be revoked or changed. If you name your former spouse as your survivor, payments will continue to your former spouse, if living, following your death.

A survivor option pension can be rescinded, but only upon mutual agreement of the former PERA member and the person designated as the survivor. In the case of a married couple, this requires a marriage dissolution or annulment decree specifying that the chosen survivor option be nullified and the PERA benefit recipient's pension be recomputed as a single-life pension. Contact PERA for additional information.

Do payments continue to my former spouse's estate after his/her death?

A portion of your pension benefits or rights may be granted to your former spouse as a division of marital property, in place of liquid assets (unless the decree makes other provisions). This division is permanent. Thus, upon your former spouse's death, payment continues to your former spouse's estate until your death.

I was divorced in 1986. Why can't PERA make payment to my former spouse?

The law allowing PERA to make payments directly to a former spouse was not enacted until mid-1987. Consequently, PERA does not have the authority to make such payments to a former spouse if the divorce decree was filed before August 1, 1987. If your former spouse was granted a portion of your pension in a decree filed prior to that date, an amended decree must be filed with the court allowing PERA to make direct payments. The alternative is that you, as the PERA member, must make payments directly to your former spouse.

I will be divorced in Wisconsin. Can you accept the court order?

Yes. However, the court order must be filed in Minnesota before we can administer the document.

Does my former spouse remain my beneficiary if I so designated prior to my divorce?

No. Under Minnesota law, the designation of a spouse as beneficiary is revoked upon marriage dissolution. If the divorce decree or other court order requires that your former spouse be designated a beneficiary, a PERA Change Form will have to be filled out to do so. If you do not return the form and die, and no other benefits are payable, we will make payment according to the court order and the remaining balance will be issued to your designated beneficiary(ies).

