

TITLE 2 PUBLIC FINANCE
CHAPTER 80 PUBLIC EMPLOYEES RETIREMENT
PART 2000 WITHHOLDING OF RETIREMENT PENSIONS/CONTRIBUTIONS PURSUANT
TO A CHILD SUPPORT OBLIGATION ENFORCEMENT ORDER

2.80.2000.1 ISSUING AGENCY: Public Employees Retirement Association, P. O. Box 2123, Santa Fe, New Mexico 87504-2123
[10-15-97; 2.80.2000.1 NMAC - Rn, 2 NMAC 80.2000.1, 12-28-01]

2.80.2000.2 SCOPE: This rule affects the members, former members, retirees, beneficiaries, and the association under the Public Employees Retirement Act.
[10-15-97; 2.80.2000.2 NMAC - Rn, 2 NMAC 80.2000.2, 12-28-01]

2.80.2000.3 STATUTORY AUTHORITY: This rule is authorized by NMSA 1978, Sections 10-11-130, and 10-11-136.1, as amended.
[10-15-97; 2.80.2000.3 NMAC - Rn, 2 NMAC 80.2000.3, 12-28-01]

2.80.2000.4 DURATION: Permanent.
[10-15-97; 2.80.2000.4 NMAC - Rn, 2 NMAC 80.2000.4, 12-28-01]

2.80.2000.5 EFFECTIVE DATE: December 15, 1995 unless a different date is cited at the end of a section.
[10-15-97; 2.80.2000.5 NMAC - Rn, 2 NMAC 80.2000.5, 12-28-01]

2.80.2000.6 OBJECTIVE: The objective of this rule is to establish standards and procedures for withholding from retirement pensions/contributions the amounts due pursuant to a child support enforcement order.
[10-15-97; 2.80.2000.6 NMAC - Rn, 2 NMAC 80.2000.6, 12-28-01]

2.80.2000.7 DEFINITIONS: [Reserved]

2.80.2000.8-9 [Reserved]

2.80.2000.10 CHILD SUPPORT OBLIGATION ENFORCEMENT ORDER

A. PERA requires that the following information be contained in a court order to withhold amounts due in satisfaction of current or delinquent child support obligations.

(1) specific information identifying the member or retired member, i.e., full name, address, social security number, retirement number, if any;

(2) specific information identifying the third party payee, i.e., full name, address, Social Security number, if any, or account code for child support enforcement bureau;

(3) dollar amount to be withheld from the pension payment or refund of member contributions;

(4) the period of time pension payments or refunds of member contributions will be affected by the order;

(5) a direct order to PERA to issue separate warrants to each party.

B. A model order containing provisions for all the required information for the withholding of retirement pensions and/or contributions pursuant to a child support obligation enforcement order shall be available on request from PERA's office of general counsel.

C. Payments made pursuant to such orders shall only be made when member contributions are refunded or a pension is payable in accordance with the provisions of the Public Employees Retirement Act. PERA shall not be obligated to administer pension benefits in accordance with such orders until the first of the month following written approval by the office of general counsel.

[10-15-97; 11-15-97; 2.80.2000.10 NMAC - Rn, 2 NMAC 80.2000.10, 12-28-01]

2.80.2000.11-19 [Reserved]

2.80.2000.20 CHANGE OF NAME OR ADDRESS: Member files must contain current names and addresses for persons having a court-determined interest in member retirement accounts. Any person who has such an interest

must provide PERA with a written statement of change of name or address. If a warrant is returned as undeliverable because of incorrect name or address, the money due the person will accumulate in the fund until PERA is furnished with the correct information. No interest shall be paid on any monies so accumulated.
[10-15-97; 2.80.2000.20 NMAC - Rn, 2 NMAC 80.2000.20, 12-28-01]

HISTORY of 2.80.2000 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: PERA Rule 2000.0, Withholding of Retirement Benefits/Contributions Pursuant to a Child Support Obligation Enforcement Order, filed on 11-14-89; PERA Rule 2000, Withholding of Retirement Pensions/Contributions Pursuant to a Child Support Obligation Enforcement Order, filed on 7-1-93; PERA Rule 2000, Withholding of Retirement Pensions/Contributions Pursuant to a Child Support Obligation Enforcement Order, filed on 11-1-94; PERA Rule 2000, Withholding of Retirement Pensions/Contributions Pursuant to a Child Support Obligation Enforcement Order, filed on 12-1-95.