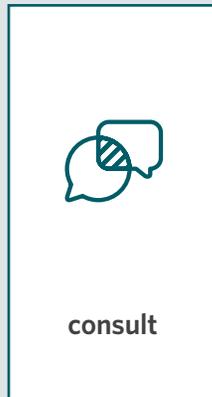


# A Guide to CalPERS Community Property



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## Learn the Facts About Community Property

**Community property is property owned jointly in marriage or registered domestic partnership and is subject to division upon dissolution of a marriage or registered domestic partnership, or a legal separation. In California, all types of retirement benefits are considered community property.**

This publication provides guidance to our members, nonmember spouses, and attorneys who may be assisting either party through the divorce process.

The statements in this publication are general and should not be considered a substitute for legal advice. By law, CalPERS cannot provide legal advice. This publication explains methods and requirements for dividing CalPERS benefits. For other savings plans, such as the Supplemental Income Plan, please contact the plan administrator for information on dividing these benefits.

CalPERS does not need to be notified if the member and nonmember spouse reach an agreement where the member keeps 100% of the CalPERS retirement pension and there is no outstanding community property claim on the member's account. We recommend that the marital settlement agreement or judgment of dissolution state this. Otherwise, this could be considered an omitted asset and a claim against the member's CalPERS pension could still be placed.

Upon finalization of divorce or termination of domestic partnership, the member will need to submit a copy of the Notice of Judgment of Dissolution or Termination of Domestic Partnership so we can update any existing relationship status on their account.

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# The CalPERS Plan

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CalPERS is a defined benefit plan funded by employee contributions, employer contributions, and earnings made on CalPERS investments. Most employees contribute a percentage of their salary, which accrues interest under their individual CalPERS account. CalPERS members may choose to withdraw their contributions and interest if no longer working for a CalPERS-covered employer, or they may choose to receive a lifetime monthly retirement allowance once they become eligible.

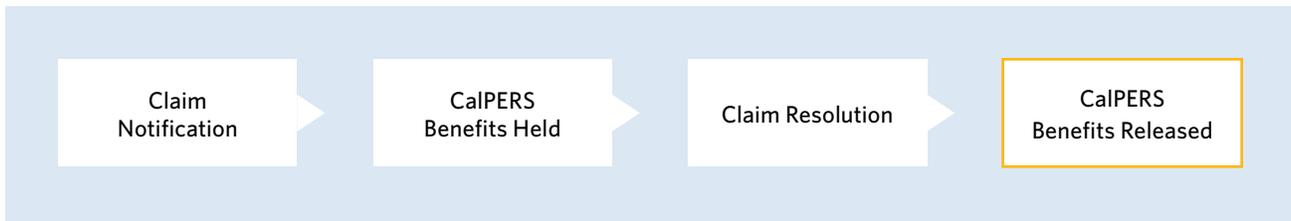
Retirement benefits vary depending on the employer's agreement with us. Review the California Public Employees' Retirement Law (PERL), member publications, and our website at [www.calpers.ca.gov](http://www.calpers.ca.gov) to learn more about the CalPERS plan and other member benefits.

CalPERS is a governmental plan and is not subject to the Employee Retirement Income Security Act (ERISA) that governs **Qualified Domestic Relations Orders (QDRO)**. We can only accept the model orders described in this publication and will not accept an order that awards a **nonmember spouse** rights under ERISA.

A **nonmember spouse** is the former spouse or registered domestic partner of a CalPERS member who is being or has been awarded a community property interest from the member's account.

A **Qualified Domestic Relations Order (QDRO)** is a legal order used in a dissolution of marriage or registered domestic partnership, or a legal separation, that divides a retirement plan to give the nonmember spouse their share of retirement benefits.

# The Community Property Process



The community property process starts when we receive written notification of a claim, a summons (joinder), or a proposed or filed order awarding a nonmember spouse a portion of a member's benefits. A hold is placed on the member's account and benefits are held until the claim is resolved.

A **claim** is written notification against a member's account that a legal separation, divorce, or termination of domestic partnership exists. Only a nonmember spouse or their attorney can submit a claim, and this can be done at any time.

A **summons (joinder)** is a legal term referring to the documents filed with the court that join CalPERS as a party to the dissolution or legal separation. The joinder allows us to provide information about a member's account to the nonmember spouse, and to their respective attorneys. If the divorce is filed outside of California, or out of the country, CalPERS does not need to be joined.

Summons (joinder) forms may be obtained from the Superior Court clerk's office in the county in which the divorce or separation is filed, or you can download the forms from the California Courts' website at [www.courts.ca.gov](http://www.courts.ca.gov). Summons (joinder) forms may be filed by the member or nonmember spouse and do not need to be filed by an attorney.

A **proposed order** is a legal document that states the proposed division of community property and has not been filed with the court.

A **filed order** is a legal document that has been filed with the court.

## Held Benefits

For **active** and **inactive** members, we will not release any service or disability retirement benefits, health or dental benefits, refund of contributions, or death benefits until the claim is resolved.

An **active member** is a member of CalPERS who is currently working in a CalPERS-covered position.

An **inactive member** is a member who is not currently working in a CalPERS-covered position, has service credit and/or contributions on account, and is not retired.

A member may still apply for retirement pending resolution to an unresolved community property claim; however, no benefits can be released until the community property issue is resolved. Once benefits become payable, they will be released and paid retroactively to the member's retirement date.

For retired members, we hold one-half of the retirement allowance until the claim is resolved, unless we receive written notification from the

## The Community Property Process (continued)

nonmember spouse or the nonmember spouse's attorney asking us to continue to pay the full allowance (Family Code section 755).

When one-half of the member's retirement allowance is held, the nonmember's community property

interest is paid retroactively to the date we started holding half of the member's allowance. If we pay the member's full retirement allowance, the nonmember's community property interest is paid prospectively and is effective as soon as administratively possible after CalPERS receives an acceptable filed court order.

### How to Resolve a Claim

The death of the member or nonmember spouse does not automatically dismiss a claim. The community property interest must still be resolved.

An account hold can be resolved by one of the following:

Resolution Method	What You Need to Know
<b>Request to Withdraw Community Property Claim Form</b>	The nonmember spouse or their attorney submits a <b>Request to Withdraw Community Property Claim</b> form. <b>Note:</b> We cannot accept a request to withdraw the claim if a summons (joinder) has been filed with the court.
<b>Request for Dismissal of Summons (Joinder)</b>	A filed Request for Dismissal of Summons (Joinder), which asks the court to terminate or dismiss the summons (joinder) we have on file. A Request for Dismissal of Summons (Joinder) can usually be obtained at a courthouse or on the internet.
<b>Qualified Domestic Relations Order (QDRO)</b>	An acceptable filed Qualified Domestic Relations Order (QDRO), which is a court order dividing the community property that has been filed with the court, reviewed, and approved by CalPERS. This can be a proposed court order or filed court order: <ul style="list-style-type: none"> <li>• <b>Proposed Court Order</b> — We recommend submitting a proposed order for us to review. We will determine within 60 days of receipt if it meets the terms of the PERL and is acceptable as written. If it is acceptable, then it is ready to be filed with the court and resubmitted to us for final review. If it is unacceptable, we will provide written notification to all parties that amendments are required. If the parties require a CalPERS representative signature before filing the order with the court, we will only sign the order after both parties have signed. We are aware that only some courts require a CalPERS signature. To determine if your court requires a signature from CalPERS, you would need to check with the court directly.</li> <li>• <b>Filed Court Order</b> — We will determine if a filed order meets the terms of the PERL and is acceptable as written within 60 days of receipt. If it is acceptable, we will notify all parties in writing and comply with the terms of the order based on the method of division. If it is unacceptable, we will provide written notification to all parties that amendments are required.</li> </ul>

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## The Community Property Process (continued)

Resolution Method	What You Need to Know
Certified Copy of a Court Order	A certified copy of a court order, such as a marital agreement, that specifically states the CalPERS retirement is the member's sole and separate property.
<b>Waiver of Community Property Interest Form</b>	<p>The nonmember spouse can submit a <b>Waiver of Community Property Interest</b> form to release their community property interest. This form can be used when a court order, such as a marital settlement agreement or judgment of dissolution, has awarded the nonmember spouse a community property interest and the nonmember spouse wants to release all entitlement to those benefits.</p> <p>We will mail the <b>Waiver of Community Property Interest</b> form upon request from the nonmember spouse and only upon receipt of a court order showing the nonmember spouse was awarded a community property interest in the member's CalPERS retirement. This form cannot be used if the claim was made by a summons (joinder).</p>

### Retired Members

If you named your nonmember spouse as a beneficiary when you retired and your spouse later releases the community property interest in your CalPERS benefit, we do not remove them as your beneficiary unless you notify us in writing to do so. Write to:

CalPERS  
 Retirement Benefit Services Division  
 P.O. Box 942711  
 Sacramento, CA 94229-2711

We will then mail you an acknowledgement letter letting you know that no benefits will be payable to that person upon your death.

### Releasing CalPERS Benefits

Members who have submitted a retirement application will receive benefit payments within 60 days **after** we determine the filed court order is acceptable, the application received date, or their retirement date, whichever is later.

Retired members will receive the adjusted benefit payment amount within 60 days **after** we determine the filed court order is acceptable.

# How to Request Member Account Information

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The amount of contributions and interest on an active or inactive member's account can be requested verbally or in writing by the member, nonmember spouse, or attorney once we have been joined by summons (joinder). A contribution request letter includes the member's contributions, interest, and service credit accrued between the date of marriage or registration of domestic partnership through the date of separation.

We do not provide contribution information for retired members. To obtain this information, refer to the member's Annual Member Statement prior to retirement or the First Payment Acknowledgement Letter that was mailed upon retirement.

If a member is retired and beneficiary information is needed, we can provide a letter stating the option selected at retirement, designated beneficiary, gross monthly allowance, and details of any death benefits payable.

Mail written requests to:

CalPERS  
Community Property Unit  
P.O. Box 2056  
Sacramento, CA 95812-2056

We will provide a written response within 30 days.

By law, the contents of a member's retirement file are confidential, accessible only to the member or authorized representative. The nonmember spouse or attorney may obtain information if the request includes the member's written authorization or if we have been joined as a party to the dissolution or legal separation. Any other person who requests information on a member's account must provide a **subpoena duces tecum**, with a Proof of Service and Notice to Consumer.

A **subpoena duces tecum** is an order to produce evidence.

The CalPERS member's full name, date of birth, and Social Security number or CalPERS ID must be included with all correspondence.

We will photocopy the contents of the member's file and provide the requested information. Pursuant to section 1563 of the California Evidence Code, CalPERS charges \$24 an hour in clerical costs, plus 10 cents per page copying costs. This amount represents actual costs we incur in locating and making the records available. We will accept service of subpoena by mail if we are joined to the dissolution or legal separation. If we are not joined, we require personal service of the subpoena at:

CalPERS Legal Office  
400 P Street, 3rd Floor  
Sacramento, CA 95814

# Health Benefits Information

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A nonmember spouse loses eligibility as a dependent under the member's health benefit plan on the last day of the month in which the marriage or registered domestic partnership terminated. It is an active member's responsibility to inform their employer of the dissolution or termination. Retired members who are enrolled in a CalPERS-covered health benefit plan must request to remove the nonmember spouse from their plan and submit a copy of the **Judgment of Dissolution** to:

CalPERS  
Health Account Management Division  
P.O. Box 942715  
Sacramento, CA 94229-2715

The **Judgment of Dissolution** is a legal document that terminates the marriage or registered domestic partnership and determines rights to property and obligations for debts between the parties.

Submitting an acceptable filed court order to the Community Property Unit does not remove the nonmember spouse from the member's health benefit plan.

The nonmember spouse may, pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), elect to continue coverage at their own expense, or the court order may specify the member must maintain coverage for the nonmember spouse for up to 36 months from the date coverage is lost.

The member **must** report the dissolution to CalPERS within 60 days of termination of the marriage or registered domestic partnership. If not, the former spouse will retroactively lose health coverage and will not be eligible for COBRA coverage.

## Benefit Forfeiture for Felony Convictions

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Under the California Public Employees' Pension Reform Act, if a member is convicted of a felony committed in connection with their job, all retirement benefits earned or accrued after the commission of the felony will be forfeited and any member contributions made after that date, without interest, will be returned to the member.

If the forfeited period falls within the marriage period, the community property interest may be affected.

## Information for Registered Domestic Partnerships

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The federal government does not recognize domestic partners as "spouses" for federal tax purposes. If the nonmember domestic partner is not considered a dependent under the federal income tax code, amounts awarded to the nonmember domestic partner may not actually be paid until the member experiences a distributable event (for example, refund, retirement, or death) as defined for federal income tax purposes.

In addition, any distribution made to the domestic partner pursuant to a court order will be reported to the Internal Revenue Service as taxable to the member for federal income tax purposes. A 10% excise tax may also apply to the member if the nonmember domestic partner does not meet the federal income tax definition of a dependent and the distribution is otherwise considered an early distribution under the federal income tax code. We recommend that you consult a tax advisor for further questions on tax issues.

# Methods to Divide Community Property

A QDRO or property settlement agreement should address and dispose of all community property assets associated with the member’s retirement benefits. We will review a proposed property settlement agreement or filed QDRO to determine whether it complies with the provisions of the California Public Employees’ Retirement Law and does not violate Family Code sections 2610(b)(1) and (2).

CalPERS is not obligated to alert the parties to additional benefits that were not disposed of or resolved by a property settlement or QDRO. If an asset is not resolved, it may be necessary for the member and the nonmember spouse, beneficiaries, or estate to litigate that asset at the time it becomes payable.

There are two methods of dividing the community property interest of a CalPERS account:

- 1 **Separation of Account** (Model Order A)
- 2 **Time Rule Formula** (Model Order B or Model Order C)

The table below provides a basic comparison of these methods.

Member Account Status	Method of Division	Model Order Type
Active or Inactive	<b>Separation of Account</b> <ul style="list-style-type: none"> <li>The member’s account is divided per the court order and a separate nonmember account is established with the awarded contributions and service credit.</li> <li>The member and nonmember accounts are independent of each other, which means the member and nonmember can refund or retire in their own right, once eligible.</li> </ul>	Model Order A
Active or Inactive	<b>Time Rule — Future Division</b> <ul style="list-style-type: none"> <li>A “time rule” formula is used to determine what percentage of the member’s future benefit will be paid to the nonmember spouse.</li> <li>The nonmember’s benefit becomes payable once the member retires, refunds, or upon their death.</li> </ul>	Model Order B
Retired	<b>Time Rule — Post-Retirement Split</b> <ul style="list-style-type: none"> <li>A “time rule” formula is used to determine what percentage of the member’s current monthly retirement allowance will be paid to the nonmember spouse.</li> </ul>	Model Order C

## Methods to Divide Community Property (continued)

### Model Order A: Separation of Account (for Active and Inactive Members Only)

Model Order A is available to active and inactive members. In this model, the member’s accumulated contributions and service credit are divided per the court order, and a separate nonmember account is established with the awarded contributions and service credit.

Upon establishment of the nonmember account, we refer to the nonmember spouse as a CalPERS nonmember. Nonmembers have the right to withdraw the contributions and interest awarded to them or leave funds on deposit, or they can choose to retire and receive a lifetime benefit once eligible. Domestic partners should read the “Information for Registered Domestic Partnerships” section regarding the timing of payable benefits.

If an existing CalPERS member is awarded a nonmember account, the accounts are not combined. Each account is independent of the other, which means requests to retire or refund contributions and interest must be made separately for each account.

Participant Type	Separation of Account: What You Need to Know
Member	<ul style="list-style-type: none"> <li>• If the nonmember receives a refund of contributions and interest, the member may choose to redeposit those funds and restore the service credit to their account. The member must contact us to ask if the nonmember has refunded, and the redeposit election must be made before the member retires.</li> <li>• If certain conditions are met when the member retires, the member’s Unmodified Allowance may be increased as if the account had not been split. Refer to Government Code section 21251.15.</li> <li>• The separation of account does not affect the retirement or health vesting if the member was <b>vested</b> at the time we separate the account. <b>Vested</b> means a member has accrued the minimum service credit necessary to retire based on their retirement formula.</li> </ul>

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## Methods to Divide Community Property (continued)

Participant Type	Separation of Account: What You Need to Know
Nonmember Spouse	<ul style="list-style-type: none"> <li>• If the member was vested for <b>service retirement</b> on the date of the dissolution of marriage and <b>both parties</b> have met the minimum service retirement age, the nonmember is eligible to retire and does not need to wait for the member to retire. <b>Note:</b> If the member does not meet the minimum service credit needed for a service retirement on the date of dissolution, then the nonmember may only receive a refund of the contributions the nonmember is awarded, if any.</li> <li>• If the member dies before reaching the minimum age requirement, there will be no monthly allowance payable and the only option for the nonmember is to receive a refund of contributions, if any.</li> <li>• If the member had Second Tier service and did not contribute to CalPERS, there may be no contributions to award. The nonmember would be able to retire once eligible, but there may be no option for the nonmember to receive a refund.</li> <li>• The nonmember's monthly allowance is based on the years of awarded service credit, the nonmember's age at retirement, and the member's highest average annual compensation earned during any 12-month or 36-month period before the date of dissolution. A copy of the <b>Judgment of Dissolution</b> or legal separation will be required at the time the nonmember applies for retirement to verify the vesting and final compensation on the date of the dissolution, legal separation, or termination of domestic partnership.</li> <li>• Nonmembers may request two nonmember retirement estimates within one year of their projected retirement date by submitting a <b>Nonmember Retirement Allowance Estimate Request</b> form. Please allow 30 days for processing.</li> <li>• The nonmember's retirement date cannot be earlier than the day following the court-filed date of the court order dividing the community property. If it has been more than nine months from the court-filed date, the retirement date cannot be earlier than the first day of the month in which the retirement application is submitted.</li> <li>• If the member is making payments for a service credit purchase and the nonmember is awarded a portion of the service, they may be responsible for paying their share of the service credit purchase as stated in the court order.</li> <li>• If the member chose the Actuarial Equivalent Reduction (AER) payment method upon electing to convert from Second Tier formula to First Tier formula, the nonmember is required to pay their portion of the AER reduction at retirement. The nonmember has the right to change the payment method if the nonmember requests a Balance Due Letter prior to retiring on the nonmember account.</li> <li>• There are limited circumstances when a nonmember may be eligible to purchase service credit (e.g., the member took a refund of service credit and contributions during the marriage period, or elected to convert from the Second Tier formula to the First Tier formula).</li> </ul>

## Methods to Divide Community Property (continued)

### Model Order A: Example

Bob became a CalPERS member in 1995. He had 1.000 year of service credit and \$6,000 in contributions when he married Sue in 1996. They separated from each other in 2008, and the marriage was dissolved in 2009.

During the marriage period of 1996 to 2008, Bob earned 12 years of service credit and accumulated \$66,000 in contributions. Sue was awarded 50% of the service credit and contributions Bob accumulated during the marriage period.

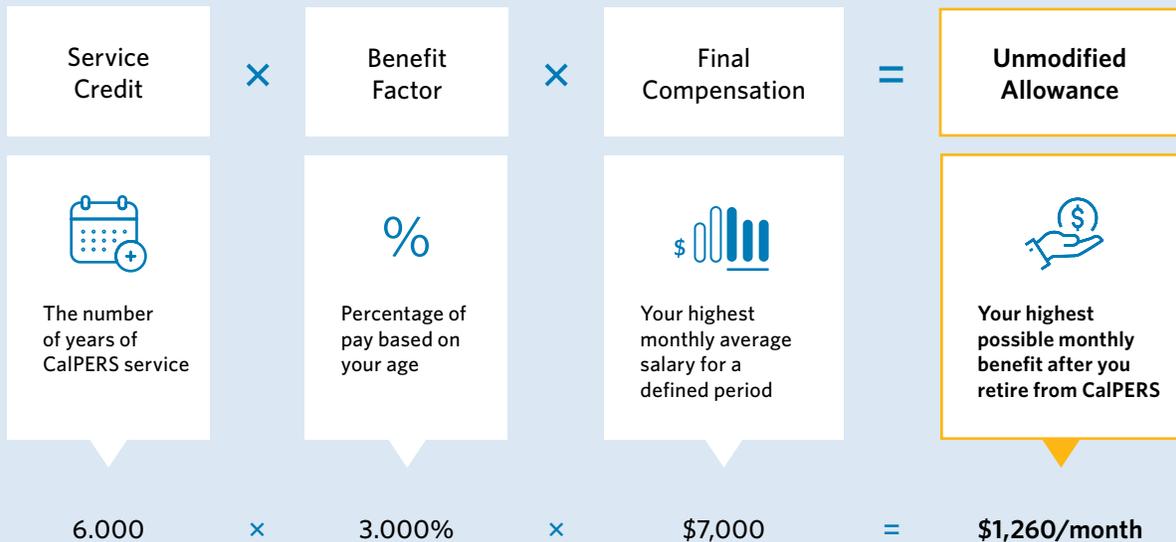
Bob's 13 years gets reduced to 7 years with \$39,000 remaining in his account. Sue gets 6 years and \$33,000 placed in her own nonmember account.

*Sue can decide to refund her money, leave the money in her account to accrue interest, or take a lifetime monthly benefit.*

If Sue decides to take the lifetime monthly benefit, the amount she'll receive depends on Bob's retirement formula, how much service she was awarded, her age at retirement, and Bob's average annual salary before the marriage dissolution date.

Bob's retirement formula is 3% at 50. His highest average annual compensation prior to 2009 was \$84,000 per year, or \$7,000 per month.

Sue's benefit would be calculated as follows:



## Methods to Divide Community Property (continued)

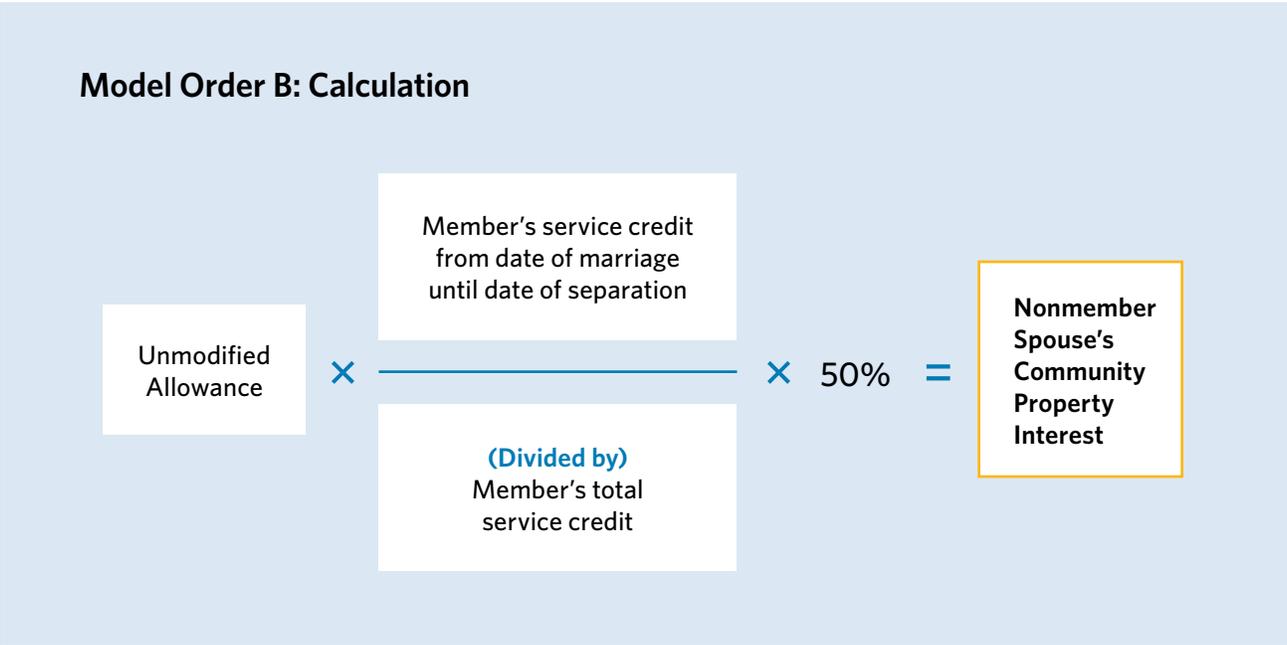
### Model Order B: Time Rule Method (for Active and Inactive Members Only)

Model Order B is available to active and inactive members. This order divides the community property interest using a “time rule” formula to determine what percentage of the member’s future benefit will be paid to the nonmember spouse.

The court order may also award a specific dollar amount or percentage to be paid when the member refunds, retires, or dies.

Participant Type	Time Rule Method: What You Need to Know
Member	<ul style="list-style-type: none"> <li>• The member has the right to name a lifetime beneficiary for any remaining portion if they are required to select a Court-Ordered Community Property Option 4 benefit. Naming a second lifetime beneficiary will actuarially reduce the member’s allowance. The member makes this election on the retirement application.</li> <li>• The member can request two “time rule” retirement estimates per year if they are within one year of their projected retirement date by submitting the <b>Community Property Retirement Allowance Estimate Request</b> form, which is available on our website. We <b>must</b> have an acceptable filed order before we can provide an estimate. Please allow 60 days for processing.</li> </ul>
Nonmember Spouse	<ul style="list-style-type: none"> <li>• The nonmember spouse receives their portion of the benefit when the member retires, refunds, or dies.</li> <li>• The nonmember spouse’s community property interest will be reduced by the actuarial reduction necessary to provide their Court-Ordered Community Property Option 4 lifetime benefit, unless the QDRO states otherwise.</li> <li>• If the member reinstates after retirement, the nonmember spouse’s benefit stops until the member retires again. The existing court order will be used when the member retires again or the parties can agree to use a different method of division before the member re-retires.</li> </ul> <p><b>Note:</b> If the original method of division was a “time rule” and the parties agree to change the method of division to “separation of account,” the nonmember’s retirement benefit may be less. This is because the nonmember’s benefit is calculated using the final compensation at the dissolution of marriage or legal separation, instead of the final compensation used to calculate the member’s retirement benefit. Refer to the “Model Order A: Example” and “Model Order B: Example.”</p>

# Methods to Divide Community Property (continued)

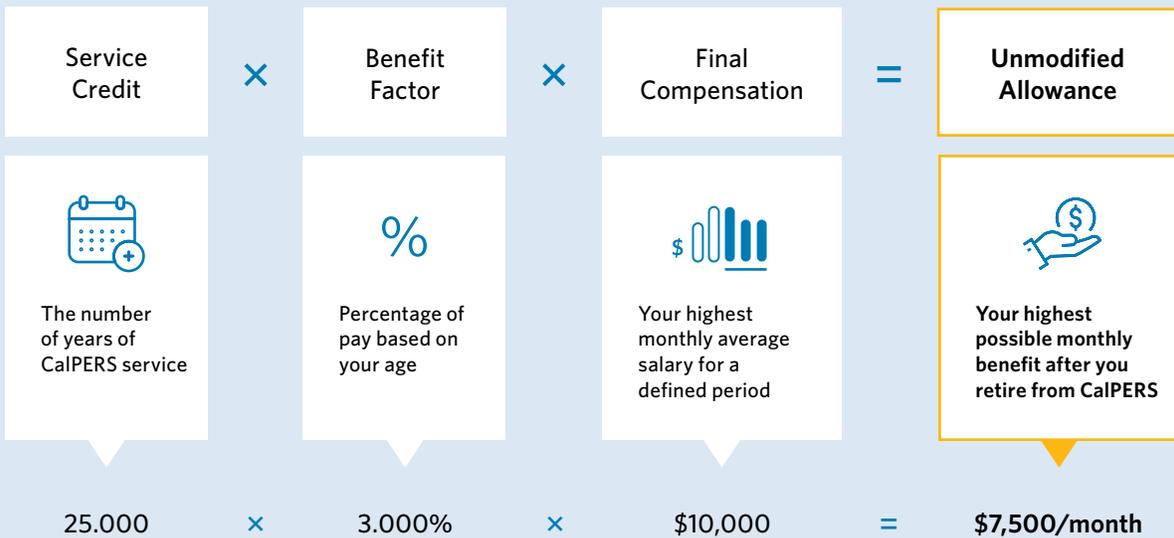


## Methods to Divide Community Property (continued)

### Model Order B: Example

Bob became a CalPERS member in 1995. He had 1.000 year of service credit when he married Sue in 1996. They separated from each other in 2008, and the marriage was dissolved in 2009. Sue will receive a percentage of Bob's retirement income once he retires.

If Bob continues working until 2020, he will have 25 years of service credit. His retirement formula is 3% at 50 and his highest average annual compensation is \$120,000 per year, or \$10,000 per month.



$$\$7,500 \times \frac{12.000 \text{ years accrued during marriage period (1996-2008)}}{25.000 \text{ years total service credit}} \times 50\% = \$1,800/\text{month}$$

Sue will pay for the cost to receive her lifetime benefit, and the \$1,800 will be reduced according to her life expectancy when Bob retires.

## Methods to Divide Community Property (continued)

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### Model Order C: Time Rule Method (for Retired Members Only)

**Retired members must use Model Order C.** This model divides the community property interest using a “time rule” formula to determine what percentage of the member’s current monthly retirement allowance will be paid to the nonmember spouse.

The court order may also award a specific dollar amount or percentage paid to the nonmember from the member’s monthly retirement benefit.

- The nonmember spouse receives a portion of the member’s current monthly allowance.
- If the member reinstates after retirement, the nonmember spouse’s benefit stops until the member retires again. The original court order will no longer be valid, and a new court order will be required.

#### Model Order C: Calculation

$$\begin{array}{c} \text{Retirement} \\ \text{Allowance} \end{array} \times \frac{\begin{array}{c} \text{Member's service} \\ \text{credit from date} \\ \text{of marriage until} \\ \text{date of separation} \end{array}}{\begin{array}{c} \text{(Divided by)} \\ \text{Member's total} \\ \text{service credit} \end{array}} \times 50\% = \begin{array}{c} \text{Nonmember} \\ \text{Spouse's} \\ \text{Community} \\ \text{Property} \\ \text{Interest} \end{array}$$

## Methods to Divide Community Property (continued)

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### Model Order C: Example

Debra became a CalPERS member in 1990 and married Frank in 1995. Debra retired in 2010 with 20 years of service. Debra and Frank separated from each other in 2015.

Frank will receive a percentage of Debra's current retirement allowance, which is \$4,500 per month.

$$\begin{array}{ccccccc} \$4,500 & \times & \frac{15.000 \text{ years accrued}}{20.000 \text{ years}} & \times & 50\% & = & \text{\$1,687/month} \\ & & \text{during marriage period} & & & & \text{for Frank} \\ & & \text{total service credit} & & & & \end{array}$$

### Retired Members

The payment option you elected at retirement is irrevocable and may only be changed upon a qualifying event. If you are awarded the entire interest of your CalPERS retirement, you may be entitled to a benefit allowance increase or you may request to recalculate your retirement option and designate a new beneficiary. Refer to ***Changing Your Beneficiary or Monthly Benefit After Retirement*** (PUB 98) for more information.

# Instructions for Preparing the Model Orders

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The following section contains step-by-step instructions and sample language for preparing and completing a QDRO to divide CalPERS retirement benefits. CalPERS is a neutral third party and cannot recommend which method is most appropriate. Model Orders A, B, and C are mutually exclusive and cannot be combined in any way.

Using the sample language provided will expedite our determination of whether an order is acceptable and will ensure that the provisions of the order conform to the PERL. Refer to **CalPERS Model Domestic Relations Orders** (PUB 38B), which should be used in conjunction with this publication.

These model orders are not a substitute for reviewing the terms of the PERL and the member publication applicable to the member's employment category. Our intent is to provide a thorough sample order for both parties and attorneys to use to prepare an order specific to the member's account. The parties may agree to, or a court may order, other language, provided the order is consistent with the terms of the PERL and other applicable law.

The first full paragraph of the property settlement agreement or QDRO should state the names of both the Petitioner and Respondent. The QDRO is then divided into three sections: Recitals, Stipulation, and Order.

## Relevant Information Regarding CalPERS

<b>Governing Law</b>	California Public Employees' Retirement Law, section 20000, et seq., of the California Government Code
<b>Administrator</b>	Board of Administration of the California Public Employees' Retirement System (the System)
<b>Address</b>	California Public Employees' Retirement System Community Property Unit P.O. Box 2056 Sacramento, CA 95812-2056  Telephone: <b>888 CalPERS</b> (or 888-225-7377) TTY: (877) 249-7442 Centralized Fax: (800) 959-6545
<b>Type of Plan</b>	Defined Benefit Plan

## Instructions for Preparing the Model Orders (continued)

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### **Elective Service Credit**

Elective service credit is service credit a member elects to purchase, such as:

- Redeposit of Withdrawn Contributions
- Military Service
- Service Prior to Membership
- Additional Retirement Service Credit  
(no longer available)

All community property, including any elective service credit, must be specifically addressed in the court order.

Unless otherwise provided for in the order, any elective service credit and contributions will be divided according to when the service and contributions were credited and paid to the member's account.

For example, if a member earned military service credit prior to the marriage or domestic partnership, but elected and paid for that service during the marriage or domestic partnership, we will divide the service and contributions proportionately to both the member and nonmember.

If elective service credit is not addressed in the court order, any service purchased or redeposited after the date of separation will be treated as the member's separate property.

## Instructions for Preparing the Model Orders (continued)

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### Model Order A: Separation of Account

#### For Active and Inactive Members Only

##### Recitals

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**Paragraph 1:** Indicate the date of marriage or date of registration of domestic partnership, the date of separation, and the date the court entered a judgment of dissolution of marriage or registered domestic partnership, if any.

**Paragraph 2:** State that the court has personal jurisdiction over both the Petitioner and Respondent and the subject matter of the action.

**Paragraph 3:** State that the California Public Employees' Retirement System (the "System") was properly joined as a party to the action pursuant to sections 2060 through 2065 of the California Family Code (if applicable). If the System was not joined, do not include this paragraph.

##### Stipulation

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A stipulation by the Respondent, the Petitioner, and the System that this QDRO is acceptable under the terms of the PERL and can be administered by the System. For more information, refer to the PERL and the applicable member publication.

##### Order

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**Paragraph 4:** Provides that the QDRO was entered pursuant to the California Family Code. If this is not the appropriate citation for the order, please cite the applicable domestic relations law pursuant to which the order is to be entered.

**Paragraph 5:** States that the parties have a community interest in the member's pension plan and defines that interest as the member's accumulated retirement

contributions and service credit attributable to periods of service in the System from the parties' date of marriage or registration of domestic partnership up to the date of their separation.

**Paragraph 6:** States that 50% of the member's accumulated retirement contributions and service credit attributable to the marriage period is to be allocated and awarded to the nonmember as their **System Interest** (community property interest). Paragraph 6 also provides that any contributions and service credit not awarded to the nonmember shall be the sole and separate property of the member.

We **will not** accept an order entered pursuant to Family Code section 2610(a)(3) and in accordance with Government Code sections 21290 through 21298, which provides for either a specific dollar amount or specific years of service credit to be used to establish the nonmember's interest, or which attempts to divide only contributions without service credit.

The order may specify a community property allocation percentage higher or lower than 50%, provided that such percentage is acceptable to CalPERS and does not require CalPERS to make payments in any manner that will result in an increase in the amount of benefits provided by the plan.

**Paragraph 7:** In accordance with section 21290 of the Government Code, paragraph 7 provides that the System shall establish separate accounts for the member and the nonmember for the interests awarded to each of them pursuant to paragraph 6 of the order.

## Instructions for Preparing the Model Orders (continued)

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**Paragraph 8:** Following the date that we establish separate accounts for the member and the nonmember, paragraph 8 provides that the nonmember shall be entitled to all rights permitted under section 21290(c) of the California Government Code, as summarized in paragraphs 8.a. through 8.e. We advise the parties and their respective counsel again to review the provisions of the Government Code affecting the rights of the nonmember with respect to their System Interest.

**Paragraph 9:** Illustrates how the parties may provide for the beneficiary payment of the nonmember's interest if the nonmember should die prior to receiving their System Interest.

**Paragraph 10:** Provides, in accordance with section 21292(g) of the Government Code, that the nonmember will receive a refund of the nonmember's accumulated contributions and any interest that has accrued to such contributions, as soon as administratively possible, following the date we establish the nonmember account if the member did not meet the vesting requirements to retire as of the parties' dissolution or legal separation.

**Paragraph 11:** Provides that the nonmember's System Interest in any monthly allowance will increase with any cost-of-living increase or other similar increases in accordance with the terms of the PERL.

**Paragraph 12:** Standard language in accordance with the terms of the Internal Revenue Code.

**Paragraph 13:** Indicate the member's full name, current mailing address, telephone number, Social Security number, and date of birth.

**Paragraph 14:** Indicate the nonmember's full name, current mailing address, telephone number, Social Security number, and date of birth.

The member's and nonmember's Social Security number, date of birth, and current mailing address must be provided to us. If this information is not included in the order because of security concerns, please provide it to us in a separate document when the order is submitted.

**Paragraph 15:** Sets forth information about the administration of the System and the manner in which the nonmember is to communicate with the System.

**Paragraph 16:** Standard language in accordance with the terms of the PERL.

**Paragraph 17:** Provides that the System may provide the nonmember and/or their agents and attorneys with information regarding the member's benefits until the nonmember has received their entire interest in the System.

**Paragraph 18:** Contains standard language in accordance with the terms of the PERL and other applicable law.

**Paragraph 19:** Designed to address the situation where alternate payee or participant receives funds to which the other is entitled under the order.

**Paragraph 20:** Provides for amending the order in the event subsequent changes to applicable law result in the order no longer being acceptable to the System. Paragraph 20 further provides that the nonmember and the member shall be responsible for any of the costs and/or expenses associated with any such amendment.

**Paragraph 21:** Provides for amending the court's continuing jurisdiction to modify the order in any and all necessary respects.

## Instructions for Preparing the Model Orders (continued)

### Model Order B: Time Rule Method

#### For Active and Inactive Members Only

The court must specify the time rule formula in the court order, as well as the dates of marriage and separation of the parties. When using Model

Order B, it is important that the language in the court order be specific regarding the following key elements:

Key Element	The court order must specify...
Court-Ordered Election of an Option	If the nonmember spouse's community property share terminates or continues after the member's death.
Pre-Retirement Death Benefit — Member Predeceases Nonmember Spouse	If the nonmember spouse's community property share should be applied to any pre-retirement death benefits or continue from any benefits payable to the member's beneficiary or beneficiaries.
Nonmember Spouse Predeceases Member	If the nonmember spouse's community property share will revert to the member, or will be paid to the nonmember spouse's designated beneficiary or beneficiaries.
Retired Lump-Sum Death Benefit	If the nonmember spouse's community property share should be applied to any retired lump-sum death benefits.

#### Recitals

**Paragraph 1:** Indicate the date of marriage or date of registration of domestic partnership, the date of separation, and the date the court entered a judgment of dissolution of marriage or domestic partnership, if any.

**Paragraph 2:** State that the court has personal jurisdiction over both the Petitioner and Respondent and the subject matter of the action.

**Paragraph 3:** State that the California Public Employees' Retirement System (the "System") was properly joined as a party to the action pursuant to sections 2060 through 2065 of the California Family Code (if applicable). If the System was not joined, do not include this paragraph.

#### Stipulation

A stipulation by the Respondent, the Petitioner, and the System that this QDRO is acceptable under the terms of the PERL and can be administered by the System. For more information, refer to the PERL and the applicable member publication.

## Instructions for Preparing the Model Orders (continued)

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### Order

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**Paragraph 4:** Provides that the QDRO was entered pursuant to the California Family Code. If this is not the appropriate citation for the order, please cite the applicable domestic relations law pursuant to which the order is to be entered.

**Paragraph 5:** States that the nonmember spouse has an interest in the member's retirement benefits and defines that interest as those retirement benefits attributable to the member's service in the System during the period from the parties' date of marriage or registration of domestic partnership up to the date of their separation.

**Paragraph 6:** Illustrates how the nonmember spouse's share of the member's retirement benefits may be calculated. This is the usual, although not required, language encountered with this method for dividing a member's benefits. This benefit allocation formula is only an example. The parties may provide another method (or percentage) of allocating the member's retirement benefits provided the method is consistent with the terms of the PERL and other applicable law. Paragraph 6 also illustrates how the parties may request that the System divide all benefits payable pursuant to the formula provided in this order.

Benefits, for purposes of this order, include a refund of the member's accumulated retirement contributions, service retirement, disability retirement, industrial disability retirement, and/or any death benefits payable, as provided in paragraph 9a and 9b of the order.

### Disability Retirement Benefits

California case law may exempt certain disability retirement benefits from community property considerations. Therefore, it is the parties' responsibility to determine the appropriate division of any disability or industrial disability pension benefits and modify this order accordingly.

In this model, unless the parties modify the order to the contrary, the community property percentage will be applied to all benefits, including disability or industrial disability retirement allowances.

The parties may agree to provide for the division of only certain benefits or certain types of retirement and modify this paragraph to reflect agreements between the parties or to reflect case law appropriate to an individual case. We will comply with the provisions of any order to the extent provided in the Government Code. We cannot pay a benefit not provided for, or which is contrary to the PERL.

**Paragraph 7:** Requires the member, at retirement, to elect the Court-Ordered Community Property Option 4 benefit and name the nonmember spouse as the beneficiary to the extent of the nonmember spouse's community property interest. The community property interest shall be determined by the System at the time the member retires using the method described in paragraph 6. This method ensures the nonmember spouse will receive a lifetime benefit equal to their community property interest.

## Instructions for Preparing the Model Orders (continued)

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The nonmember spouse's community property interest shall be reduced by the actuarial reduction necessary to provide their Court-Ordered Community Property Option 4 lifetime benefit, unless otherwise stated.

The election of a Court-Ordered Community Property Option 4 benefit will not jeopardize the member's right to name a lifetime beneficiary for any remaining option portion. The member makes this election on the application for retirement. There are some plan limitations, which may affect the amount available to a second lifetime beneficiary under this option.

The election of an optional settlement is irrevocable and can only be made by the member at the time of retirement. It is the member's responsibility to comply with the terms of an order that direct the member to elect a specific option and option beneficiary.

The parties may agree to elect one of the other optional settlements available to the member at retirement. If the order specifies the member is to elect one of these options at retirement and designate the nonmember spouse, the member cannot name anyone else to receive a share of the optional benefit. The nonmember spouse will be the only beneficiary to receive benefits at the member's death with respect to that benefit. The amount available to the nonmember spouse will be determined based on the combined ages of the member and beneficiary, not on the amount of the nonmember spouse's **System Interest** (community property interest). The parties should carefully consider how this might affect future choices before selecting this method to provide a lifetime benefit to the nonmember spouse. The System cannot

divide the benefit payable to a single beneficiary under one of these options after the member's death.

If the member is not required to provide the nonmember spouse with a continuing monthly allowance, paragraph 7 may be deleted. If deleted, the nonmember spouse's System Interest would be applied to the member's monthly retirement allowance, while living, and to the death benefits after retirement as provided in paragraph 9b.

Paragraph 7 is not applicable if the member dies prior to retirement as discussed in paragraph 9a or if the member terminates membership and receives a refund of their contributions and interest. In addition, paragraph 7 is not applicable if the nonmember spouse predeceases the member prior to retirement.

**Paragraph 8:** Provides for the nonmember spouse to receive their System Interest directly by separate warrant at the time the member receives benefits or as soon as administratively possible following the member's death.

**Paragraph 9:** Illustrates how the parties may provide for the nonmember spouse to receive a share of any benefits payable at the member's death.

**Paragraph 9a:** Specifically provides for the nonmember spouse to receive their System Interest in any death benefit payable upon the death of a member prior to retirement. Unless the order provides otherwise, the System will pay to the nonmember spouse their System Interest from any benefit otherwise payable at the time of the member's death. This includes any lump sum or monthly allowance that may be payable by designation or by statute. Any choice regarding the type of benefit payable (lump sum or monthly) will belong to the person (or persons) determined to be entitled to those benefits.

## Instructions for Preparing the Model Orders (continued)

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The nonmember spouse cannot be designated as a surviving spouse and is not eligible to receive a monthly allowance based on their life expectancy (see Government Code section 21624, et seq.).

The parties and their counsel should review the applicable member publication to determine which of the pre-retirement death benefits are applicable with respect to the member. The pre-retirement death benefits vary for a number of reasons, including the member's employment status, the employer's contract with CalPERS, whether the member is vested, and whether the member is legally married or has minor children at the time of death.

**Paragraph 9b:** Provides for the nonmember spouse's System Interest in any lump-sum death benefit payable upon the death of the member after retirement. Paragraph 9b also provides for the nonmember spouse to receive their System Interest in any monthly allowance payable after the death of the member, unless the nonmember spouse is entitled to receive a monthly benefit for their own lifetime based on the member's election and designation of the nonmember spouse as a monthly lifetime beneficiary.

Pursuant to Government Code section 21490(b)(1) and California case law, the System will divide any benefit payable upon the member's death and give the appropriate portion to the nonmember spouse according to the designated community property interest as provided in the QDRO, including any monthly allowance, so long as those benefits are payable. If no benefits are payable after the member's death, there will be no benefits from which to pay the nonmember spouse's System Interest.

### **Upon dissolution, a nonmember spouse is not a "surviving spouse" for any purpose under the PERL.**

The parties and their counsel should review the applicable member publication to determine which of the post-retirement death benefits are applicable to the member. Post-retirement death benefits vary for a number of reasons, including the member's election at retirement, the employer's contract with CalPERS, and whether the member has an eligible surviving spouse or domestic partner or minor children.

**Paragraph 10:** The QDRO should address how the parties intend to allocate the nonmember spouse's System Interest in the event the nonmember spouse dies before the member. The nonmember spouse may designate a beneficiary to receive the nonmember spouse's System Interest in the member's monthly retirement allowance, any refund of contributions payable if the member terminates membership prior to retirement, or any pre-retirement death benefits payable if the member dies prior to retirement. If the parties elect to make such a provision, the System must be provided with the beneficiary's name, current mailing address, and Social Security number. If the designated beneficiary predeceases the nonmember spouse, any System Interest will be paid to the nonmember spouse's next of kin as provided under Government Code section 21493.

If the parties agree, the nonmember spouse's System Interest will revert to the member in the event the nonmember spouse predeceases the member, instead of continuing to the nonmember spouse's beneficiary for the life of the member. Paragraph 10 will need to be changed to reflect this provision.

## Instructions for Preparing the Model Orders (continued)

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**Paragraph 11:** Provides that the nonmember spouse's System Interest in any monthly allowance will increase with any cost-of-living increase or other similar increases in accordance with the terms of the PERL.

**Paragraph 12:** Standard language in accordance with the terms of the Internal Revenue Code.

**Paragraph 13:** Indicate the member's full name, current mailing address, telephone number, Social Security number, and date of birth.

**Paragraph 14:** Indicate the nonmember spouse's full name, current mailing address, telephone number, Social Security number, and date of birth.

The member's and nonmember spouse's Social Security number, date of birth, and current mailing address must be provided to us. If this information is not included in the order because of security concerns, please provide it to us in a separate document when the order is submitted.

**Paragraph 15:** Sets forth information about the administration of the System and the manner in which the nonmember spouse is to communicate with the System.

**Paragraph 16:** Standard language in accordance with the terms of the PERL.

**Paragraph 17:** Provides that the System may provide the nonmember spouse and/or their agents and attorneys with information regarding the member's benefits until the nonmember spouse has received their entire interest in the System.

**Paragraph 18:** Contains standard language in accordance with the terms of the PERL and other applicable law.

**Paragraph 19:** Designed to address the situation where alternate payee or participant receives funds to which the other is entitled under the order.

**Paragraph 20:** Provides for amending the order in the event subsequent changes to applicable law result in the order no longer being acceptable to the System. Paragraph 20 further provides that the nonmember spouse and the member shall be responsible for any of the costs and/or expenses associated with any such amendment.

**Paragraph 21:** Provides for amending the court's continuing jurisdiction to modify the order in any and all necessary respects.

## Instructions for Preparing the Model Orders (continued)

### Model Order C: Time Rule Method

#### For Retired Members Only

The court must specify the time rule formula in the court order, as well as the dates of marriage and separation of the parties. When using Model

Order C, it is important that the language in the court order be specific regarding the following key elements:

Key Element	The court order must specify...
Member Predeceases Nonmember Spouse	If the nonmember spouse's community property share should be applied to any lump-sum death benefit payable. Also, if the nonmember spouse's share should be applied to any monthly allowance payable after the death of the member, unless the nonmember spouse was designated as a lifetime beneficiary based on the member's retirement election.
Nonmember Spouse Predeceases Member	If the nonmember spouse's community property share will revert to the member, or will be paid to the nonmember spouse's designated beneficiary or beneficiaries.
Cost-of-Living Adjustment (COLA)	If the nonmember spouse's community property share will include COLA.
Lump-Sum Death Benefit	Any lump-sum death benefits payable. The nonmember spouse is entitled to a community property share of any lump-sum amount payable upon the member's death.

#### Recitals

**Paragraph 1:** Indicate the date of marriage or date of registration of domestic partnership, the date of separation, and the date the court entered a judgment of dissolution of marriage or domestic partnership, if any.

**Paragraph 2:** State that the court has personal jurisdiction over both the Petitioner and Respondent and the subject matter of the action.

**Paragraph 3:** State that the California Public Employees' Retirement System (the "System") was properly joined as a party to the action pursuant to sections 2060 through 2065 of the California Family Code (if applicable). If the System was not joined, do not include this paragraph.

#### Stipulation

A stipulation by the Respondent, the Petitioner, and the System that this domestic relations order is acceptable under the terms of the PERL and can be administered by the System. For more information, refer to the PERL and the applicable member publication.

## Instructions for Preparing the Model Orders (continued)

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### Order

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**Paragraph 4:** Provides that the QDRO was entered pursuant to the California Family Code. If this is not the appropriate citation for the order, please cite the applicable domestic relations law pursuant to which the order is to be entered.

**Paragraph 5:** States that the nonmember spouse has an interest in the member's retirement benefits and defines that interest as those retirement benefits attributable to the service credit accrued by the member during the period from the parties' date of marriage or registration of domestic partnership up to the date of their separation or retirement, whichever is earlier. A member ceases to accrue service credit at retirement.

**Paragraph 6:** Provides the amount of the monthly benefit currently paid to the member, the option elected at retirement, and the member's named beneficiary, if any. This information may be obtained from CalPERS.

The payment option elected by a member at retirement is irrevocable and may only be changed upon a qualifying event. If the nonmember spouse was named as a monthly lifetime beneficiary, the member cannot change their beneficiary or their option unless the entire interest is awarded to the member as their sole and separate property. Only then may the member request to recalculate their retirement option and designate a new beneficiary. Refer to ***Changing Your Beneficiary or Monthly Benefit After Retirement*** (PUB 98) for more information.

**Paragraph 7:** Sets forth how the nonmember spouse's share of the member's retirement benefits is to be calculated. The benefit allocation formula described in the model is only an example. The parties may provide another method (or percentage) of allocating the member's retirement benefits among the parties provided the method is consistent with the terms of the PERL and other applicable law.

**Paragraph 8:** Provides that benefit payments will commence to the nonmember spouse by separate check as soon as administratively possible following the date the System determines that the order is acceptable.

**Paragraph 9:** The nonmember spouse's **System Interest** (community property interest) in the member's monthly retirement allowance will cease to be payable upon the death of the member. Paragraph 9 provides for the nonmember spouse to receive the nonmember System Interest in any lump-sum death benefit payable upon the death of the member after retirement. Paragraph 9 also provides for the nonmember spouse to receive their System Interest in any monthly allowance payable after the death of the member, unless the nonmember spouse is entitled to receive a monthly benefit for their own lifetime based on the member's election and designation of the nonmember spouse as a monthly lifetime beneficiary.

We will divide any benefit payable after the member's death, including any monthly allowance, but only as long as those benefits are payable. If no benefits are payable after the member's death, there will be no benefits from which to pay the nonmember spouse's System Interest.

## Instructions for Preparing the Model Orders (continued)

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The parties and their counsel should review the member's option election and beneficiary designation, and the applicable member publication to determine which of the post-retirement death benefits are applicable with respect to the member or whether this paragraph is applicable.

**Paragraph 10:** The QDRO should address how the parties intend to allocate the nonmember spouse's System Interest in the event the nonmember spouse predeceases the member. The nonmember spouse may designate a beneficiary to receive the nonmember spouse's System Interest in the member's monthly retirement allowance. If the parties elect to make such a provision, we must be provided with the beneficiary's name, current mailing address, and Social Security number. If the designated beneficiary predeceases the nonmember spouse, any System Interest shall be paid to the nonmember spouse's next of kin as provided under Government Code section 21493.

If the parties agree, the nonmember spouse's System Interest will revert to the member in the event the nonmember spouse predeceases the member, instead of continuing to the nonmember spouse's beneficiary for the life of the member. Paragraph 10 will need to be changed to reflect this provision.

**Paragraph 11:** Provides that the nonmember spouse's System Interest in any monthly allowance will increase with any cost-of-living increase or other similar increases in accordance with the terms of the PERL.

**Paragraph 12:** Standard language in accordance with the terms of the Internal Revenue Code.

**Paragraph 13:** Indicate the member's full name, current mailing address, telephone number, Social Security number, and date of birth.

**Paragraph 14:** Indicate the nonmember spouse's full name, current mailing address, telephone number, Social Security number, and date of birth.

The member's and nonmember spouse's Social Security number, date of birth, and current mailing address must be provided to us. If this information is not included in the order because of security concerns, please provide it to us in a separate document when the order is submitted.

**Paragraph 15:** Sets forth information about the administration of the System and the manner in which the nonmember spouse is to communicate with the System.

**Paragraph 16:** Standard language in accordance with the terms of the PERL.

**Paragraph 17:** Provides that the System may provide the nonmember spouse and/or their agents and attorneys with information regarding the member's benefits until the nonmember spouse has received the nonmember's entire interest in the System.

**Paragraph 18:** Contains standard language in accordance with the terms of the PERL and other applicable law.

**Paragraph 19:** Designed to address the situation where alternate payee or participant receives funds to which the other is entitled under the order.

## Instructions for Preparing the Model Orders (continued)

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**Paragraph 20:** Provides for amending the order in the event subsequent changes to applicable law result in the order no longer being acceptable to the System. Paragraph 20 further provides that the nonmember spouse and the member shall be responsible for any of the costs and/or expenses associated with any such amendment.

**Paragraph 21:** Provides for amending the court's continuing jurisdiction to modify the order in any and all necessary respects.

# Frequently Asked Questions

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## **How do I remove my nonmember spouse as beneficiary?**

If the court order awarded you the entire interest in your CalPERS benefits and your nonmember spouse was named as your lifetime or ongoing monthly beneficiary, they will still receive a lifetime benefit unless you provide us a written request to remove them as your beneficiary. Refer to *Changing Your Beneficiary or Monthly Benefit After Retirement* (PUB 98) for information on how to name a new beneficiary and change your retirement payment option.

## **How much of my benefits is my nonmember spouse entitled to receive?**

Your nonmember spouse is entitled to receive up to one-half of the benefits earned under CalPERS-covered employment during your marriage, depending on the court order.

## **Which method of division is most advantageous for me?**

We cannot recommend one method over the other or provide legal advice.

## **How do I contact CalPERS to answer my community property questions?**

You may call **888 CalPERS** (or **888-225-7377**), send a secure message through your myCalPERS account, or write to us at:

CalPERS  
Community Property Unit  
P.O. Box 2056  
Sacramento, CA 95812-2056

## **Can I send just the pages of the court order that are about my retirement benefits?**

No, we need the entire court order. The copy must be complete, and filed orders should contain a legible filed stamp and the judge's signature.

## **My former spouse and I made a deal, where I get the house, and he gets the entire CalPERS benefit. Since we have worked it out between ourselves, why do we need a court order?**

We must review the entire court order to ensure it is acceptable under the PERL. In some cases, CalPERS cannot accept the award of a member's entire retirement benefit to a nonmember spouse.

## **Do I need an attorney to prepare the court order?**

Although it is not a requirement that an attorney prepare the court order, court orders are legal documents and you may want to seek legal advice. The model order language we provide is intended to be used as a guideline only.

## **Can you review my court order before it has been filed?**

Yes. We prefer to review proposed orders to ensure acceptability prior to filing with the court.

## **Can I call you to make sure my court order was received?**

Yes. Please wait 30 days before contacting us to verify receipt of any documents submitted.

## Frequently Asked Questions (continued)

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### **How long does it take to process my court order after it's received?**

Our processing time frame to review whether a proposed or filed order is acceptable is 60 days upon receipt of each order. If you have submitted a retirement application, you will receive benefit payments within 60 days after we determine the order is acceptable, the application received date, or your retirement date, whichever is later.

### **If my spouse and I are legally separated, but not divorced, would she be considered the surviving spouse upon my death?**

Yes, because you are still legally married.

### **Why does the Notice and Acknowledgment of Receipt state that the information cannot be verified?**

We are unable to verify accuracy of the information contained within the joinder, such as marriage dates and separation, because CalPERS is not a party to the divorce.

### **Is my disability retirement subject to community property division?**

In California, all types of retirement benefits are considered community property, including disability and industrial disability retirement.

### **What is the *Waiver of Community Property Interest* form and when is it needed?**

This form may be used when a court order, such as a marital settlement or judgment of dissolution, awards the nonmember spouse a community property interest, and the nonmember spouse wishes to release entitlement to those benefits.

### **I've submitted an acceptable filed QDRO, but now my nonmember spouse wants to release his share of my CalPERS benefits. What do I do?**

We recommend the parties prepare an amended order that awards your CalPERS pension as your sole and separate property.

# How to Contact Us

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## Find Us Online

### **www.calpers.ca.gov**

Learn about your benefits and subscribe to email alerts. You'll also find all our publications and forms.

### **my.calpers.ca.gov**

Log in to access your account information or send us a secure message.

### **news.calpers.ca.gov**

Stay up to date on CalPERS news that matters to you.

## Call Us

Our offices are open Monday through Friday, 8:00 a.m. to 5:00 p.m. We're closed on state holidays.

Toll free: **888 CalPERS** (or **888-225-7377**)

TTY: (877) 249-7442

Fax: (800) 959-6545

International Calls: +1 916-795-3000

### **¿Hablas Español?**

Para servicio en español marque:

**888 CalPERS** (o **888-225-7377**)

## Write to Us

### **California Public Employees' Retirement System**

Retirement Benefit Services Division

P.O. Box 942711

Sacramento, CA 94229-2711

## Experience CalPERS Through Social Media

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# Visit Your Nearest CalPERS Regional Office

Go to [www.calpers.ca.gov/regionaloffices](http://www.calpers.ca.gov/regionaloffices) to learn how to make an appointment and prepare for your visit.



# Privacy Notice

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The privacy of personal information is of the utmost importance to CalPERS. The following information is provided to you in compliance with the Information Practices Act of 1977 and the Federal Privacy Act of 1974.

## Information Purpose

The information requested is collected pursuant to the Government Code (sections 20000 et seq.) and will be used to conduct CalPERS Board of Administration duties under the Public Employees' Retirement Law, the Social Security Act, and/or the Public Employees' Medical and Hospital Care Act, as the case may be. Submission of the requested information is mandatory. Failure to submit the required information may result in CalPERS being unable to perform its functions regarding your status.

Please do not include information that is not requested.

## Social Security Numbers

Social Security numbers are collected either on a mandatory or voluntary basis. If this is CalPERS' first request for disclosure of your Social Security number, then disclosure is mandatory. If your Social Security number has already been provided, disclosure is voluntary. Due to the use of Social Security numbers by other agencies for identification purposes, we may be unable to verify eligibility for benefits without the number.

Social Security numbers are used for the following purposes:

1. Enrollee identification
2. Payroll deduction/state contributions
3. Billing of contracting agencies for employee/ employer contributions
4. Reports to CalPERS and other state agencies
5. Coordination of benefits among carriers
6. Resolving member appeals, complaints, or grievances with health plan carriers

## Information Disclosure

Portions of this information may be transferred to other state agencies (such as your employer), physicians, and insurance carriers, but only in strict accordance with current statutes regarding confidentiality.

## Your Rights

You have the right to review your membership files maintained by CalPERS. For questions about this notice, our Privacy Policy, or your rights, please write to:

CalPERS  
CalPERS Privacy Officer  
400 Q Street  
Sacramento, CA 95811

You may also call us at **888 CalPERS** (or **888-225-7377**).

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CalPERS is governed by the Public Employees' Retirement Law and the Alternate Retirement Program provisions in the Government Code, together referred to as the Retirement Law. The statements in this publication are general. The Retirement Law is complex and subject to change. If there is a conflict between the law and this publication, any decisions will be based on the law and not this publication. If you have a question that is not answered by this general description, you may make a written request for advice regarding your specific situation directly to the CalPERS Privacy Officer at 400 Q Street, Sacramento, CA 95811.

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**California Public Employees'  
Retirement System**

400 Q Street

P.O. Box 942701

Sacramento, California 94229-2701

**888 CalPERS** (or **888-225-7377**)

**[www.calpers.ca.gov](http://www.calpers.ca.gov)**

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