

Will a divorce impact my pension?

California is a community property state, which means that if you are a member of MCERA while you are married or partnered and subsequently divorce or dissolve your partnership, your retirement benefits are considered community property and your former spouse/partner may be entitled to a portion of your retirement benefit.

Upon an initial divorce filing it is essential that all members notify MCERA as soon as possible. If not, there could be a delay in the payment of your retirement benefits. Take the following steps to avoid any potential delays.

1. Contact MCERA.

Whether you are already divorced or intend on filing a dissolution of marriage or domestic partnership in the future, you must contact MCERA regarding your retirement benefits. Our staff will tell you what you need to know and what you need to provide.

2. File a joinder.

Joinder means that MCERA is joined in the divorce proceeding and will require a court-filed order before dividing and distributing any of your retirement benefits to you and/or your former spouse or partner.

3. Obtain a domestic relations order (DRO).

After filing a joinder, you may also be required to file a DRO. This is a court order that provides MCERA with detailed instructions regarding how the retirement benefits are to be divided. In order for MCERA to honor the orders of a DRO, it must be compliant with the 1937 Act and other applicable laws pertaining to pensions.

4. Submit a copy of your judgment of dissolution of marriage and property settlement agreement.

As soon as you receive a completed judgment of dissolution of marriage and/or property settlement agreement from your divorce proceedings, please submit a copy to MCERA. The judgment will undergo a detailed internal review by MCERA to assess what impact there will be to your retirement account and whether your spouse is entitled to an interest in the community property portion of your retirement benefit as determined by the court. All pages of this document, including any attachments, will be required and it must contain a court's filed stamp and the judge's signature. It is extremely important that the language in your judgment is clear, and it is best if the judgment specifically mentions MCERA and clearly states what you and your former spouse are entitled to.

5. Inform MCERA of any other orders.

Please be sure to provide MCERA with any additional orders or documents pertaining to your divorce case that may affect your retirement benefits.

6. Change your beneficiary.

Upon completion of your divorce, please be sure to complete and submit a Change of Beneficiary Designation form. If you are adding a new spouse or partner, MCERA will require you to submit a copy of your government-issued marriage license. If you will no longer be nominating a spouse, you will also need to complete a Justification for Non-Signature of Spouse form. Both forms should be returned to MCERA as soon as possible.