

The Pension Trust

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Divorce and Your Pension

Why is it important to include your pension when you get divorced? Because **California is a Community Property state and pensions MUST be addressed in your final divorce Judgment and/or your Marital Settlement Agreement (MSA).**

Do you have to split up your pension in divorce? Not necessarily—your final Judgment or MSA can include your pension in a “you keep yours / I’ll keep mine” manner, where each party is awarded their own pension as their “sole and separate property”. Or, the final Judgment or MSA can divide your pension benefit when you retire on some ratio where you both agree. A common method is a “time-rule” division based upon the number of years you were married during your County service. This results in a percentage of your benefit allocated for payment to your ex-spouse.

Or, your account can be “split” apart and your ex-spouse receives their own pension account with some agreed-upon share of your pension contributions, accrued interest and Pension Trust Service Credits (PTSCs).

What if your final divorce Judgment or MSA does not address your SLO County pension? It could delay payment of your retirement benefits! If you were married while accruing PTSCs, and your final Judgment or MSA is silent about your pension, all SLOCPT knows is that your ex-spouse has a community property interest in your pension, but we don’t know how much to pay to either one of you.

For this reason, you will want to make sure your final Judgment or MSA includes your SLOCPT pension. If an old divorce Judgment or MSA does not include the pension, you must get it modified or amended to address it.

See: [Community Property and the Pension Trust](#) on the Pension Trust website “Publications” page.