

Divorce and Your Pension

Facts About Community Property

Is my pension considered community property?

Yes. In California, all types of retirement benefits are considered community property, which allows CalPERS benefits to be divided upon a dissolution of marriage or registered domestic partnership or legal separation.

For CalPERS purposes, community property is the contributions you made and the service credit you accrued and/or purchased during your marriage or domestic partnership. Generally, your former spouse's community property interest may be up to 50 percent of your pension benefit.

Who can file a community property claim?

Your former spouse or their attorney can place a community property claim against your CalPERS pension at any time.

CalPERS will not release pension benefits to you or your former spouse until the community property claim is resolved.

For retirees: One-half of your monthly allowance is held until the claim is resolved.

How is the community property pension benefit calculated?

One of the methods used to calculate your former spouse's community property interest is the "time rule formula." See the following example:

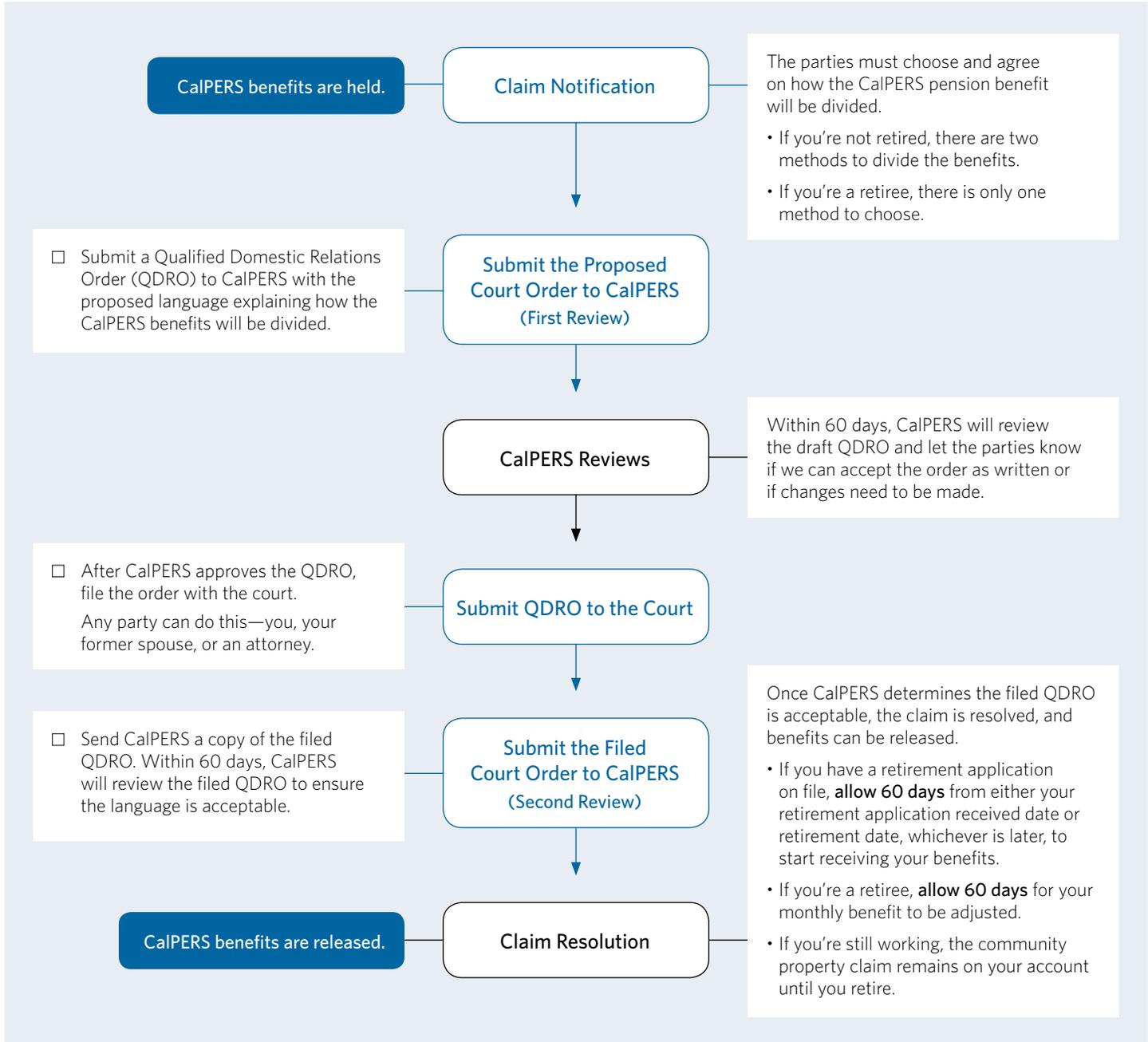
$$\begin{array}{l} \text{Your pension benefit} \\ \$7,500 \end{array} \times \frac{\begin{array}{l} \text{Your service credit from} \\ \text{date of marriage until} \\ \text{date of separation} \\ 12.000 \text{ years} \\ \text{accrued during} \\ \text{marriage period} \\ \text{(1996-2008)} \end{array}}{\begin{array}{l} \text{(divided by)} \\ \text{Your total service credit} \\ 25.000 \text{ years} \\ \text{total service} \\ \text{credit} \end{array}} \times 50\% = \begin{array}{l} \text{Former spouse's} \\ \text{community} \\ \text{property interest} \\ \$1,800/\text{month} \end{array}$$



More information about community property is available in our publications *A Guide to CalPERS Community Property* (PUB 38A) and *CalPERS Model Domestic Relations Orders* (PUB 38B) online at www.calpers.ca.gov.

How do I resolve a claim?

These are the steps to resolve your community property claim:



We're here to help.

Visit www.calpers.ca.gov to view our CalPERS publications or call us toll free at **888 CalPERS** (or **888-225-7377**).

CalPERS cannot provide legal advice or recommend a specific division method, but we can offer guidance through our publications.