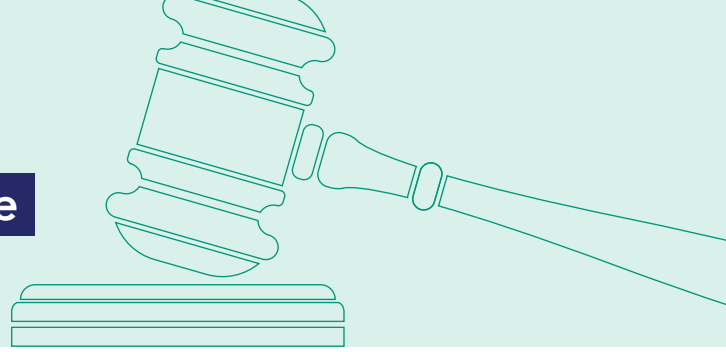


# Divorce and Your Pension

## SDCERS' Community Property Guide



### Is my pension community property?

**Probably.** Under California law, all types of retirement benefits can be considered community property, including your pension. This means your pension benefits can be divided in a dissolution of marriage or registered domestic partnership or legal separation.

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

### Who can file a community property claim?

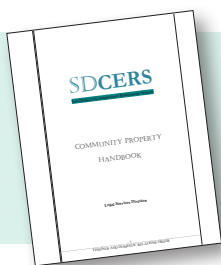
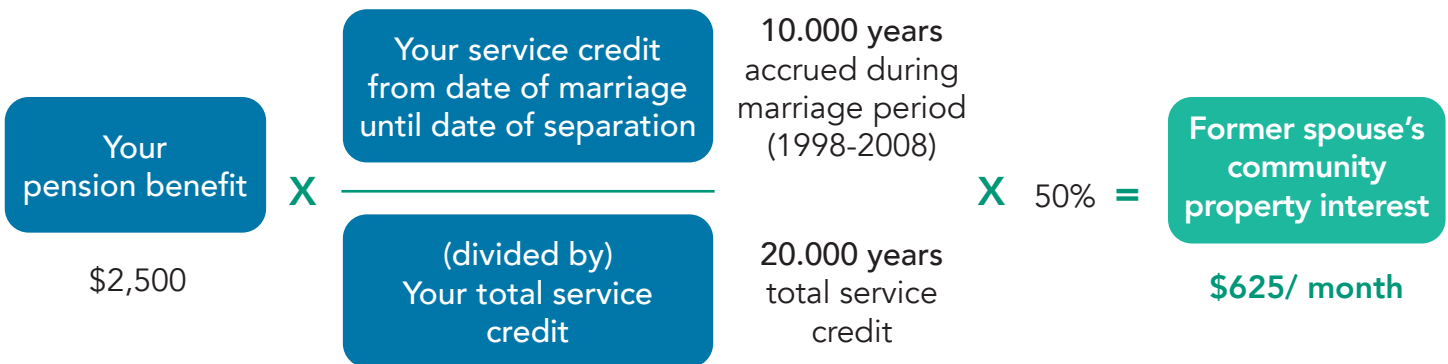
Your former spouse or their attorney can send SDCERS a Notice of Adverse Interest, asserting their claim to a portion of your SDCERS pension. After divorce proceedings have been initiated, your former spouse or their attorney can legally join SDCERS to the proceedings by filing a Joinder with the Court.

**In general, SDCERS will not release pension benefits to you or your former spouse until the community property claim is resolved.**

**For retirees:** Your former spouse's estimated community property share of your monthly benefit is withheld until the claim is resolved.

### How is the community property portion of my pension benefit calculated?

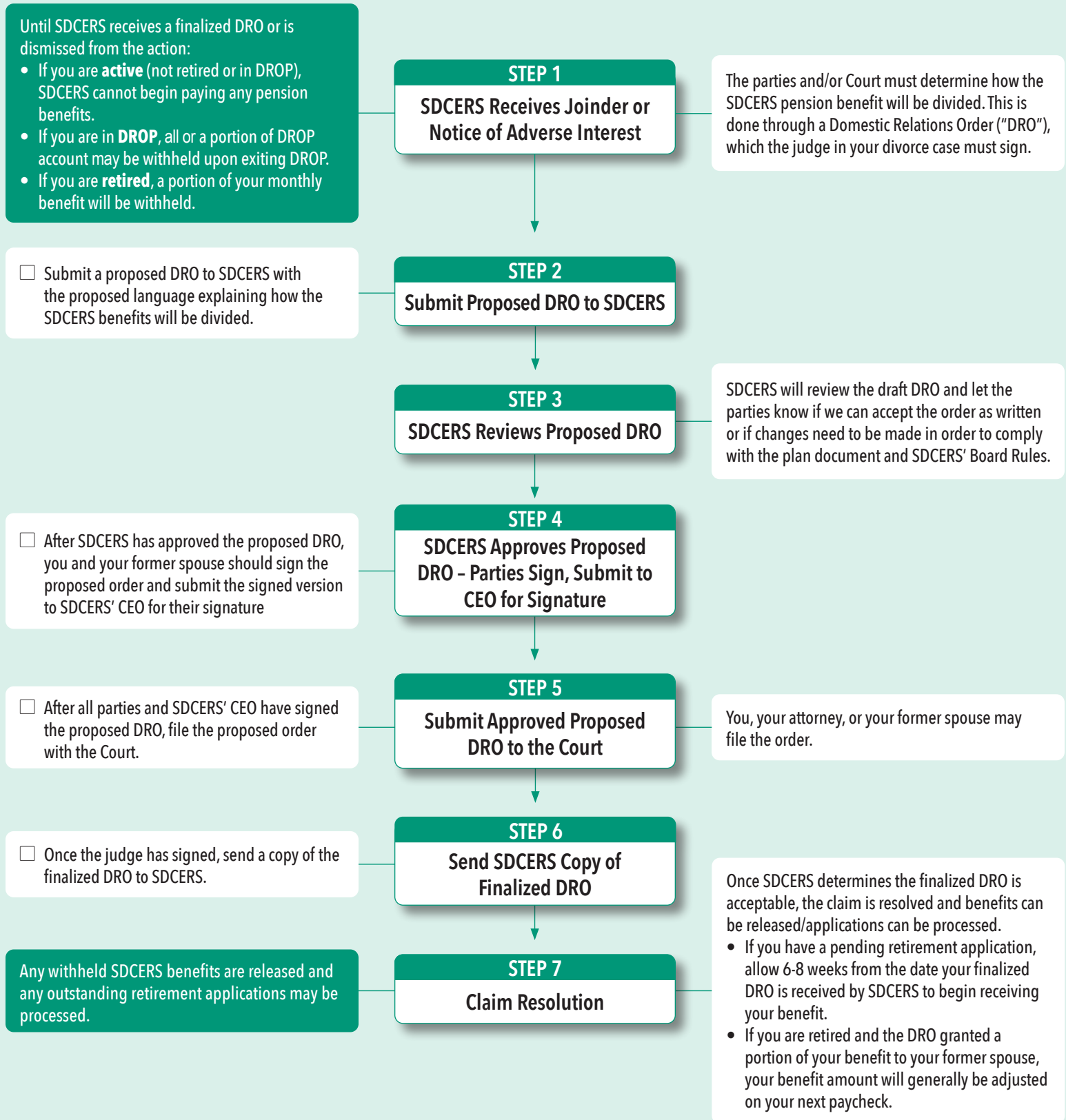
One of the methods used to calculate your former spouse's community property interest is the "Time Rule Formula," also known as the "Brown Formula." See the following example:



More information about community property is available in our publications **Community Property Handbook** and **Divorce & Community Property FAQs** online at [www.sdcers.org](http://www.sdcers.org), under the "Resources" tab.

# How do I resolve a community property claim on my SDCERS pension benefits?

These are the steps to resolve your community property claim:



## We're here to help.

Visit [www.sdcers.org](http://www.sdcers.org) to view our helpful publications under the "Resources" tab, or call us at (619) 525-3600.

Please note that SDCERS cannot provide legal advice or recommend a specific division method. Please contact an attorney for legal advice or recommendations regarding your community property claim and/or divorce case.