

This *Info Sheet* provides members, their spouses and their lawyers information in the event of a breakdown of a spousal relationship:

### DEFINITION OF SPOUSE

In the event of a breakdown of a spousal relationship, *The Family Property Act* provides the definition of ‘spouse.’ The Act recognizes common-law relationships, in addition to legal marriages, but a legal marriage always takes priority.

### BREAKDOWN OF SPOUSAL RELATIONSHIP

*The Family Property Act* provides for the division of family property in the event of breakdown of spousal relationship.

Your pension is family property under *The Family Property Act*. If you end a spousal relationship, PSSP can divide your pension according to the terms and conditions set out in a court order or interspousal contract issued under *The Family Property Act*.

If a member is not eligible to receive a pension without reduction, the amount that can be divided is the commuted value (CV) of the pension earned, from the date the spousal relationship began, to the date specified in the order or agreement. The ex-spouse’s portion of the CV must be transferred to a Locked-In Retirement Account (LIRA) on behalf of the ex-spouse.

If a member is eligible to receive a pension without reduction, the amount that can be divided is either the CV of the pension earned, from the date the spousal relationship began, to the date specified in the order or agreement, or as a division of the pension when it becomes payable, as provided in the order or agreement.

If you have not yet retired, and the CV of your pension is divided, your future pension benefits will be permanently reduced.

If you have retired, the only amount available for division is your monthly pension payments in accordance with the terms specified in the court order or interspousal agreement.

## COURT ORDERS

The court order specifies the terms of the division. The Public Employees Benefits Agency (PEBA) as Plan administrators will perform any necessary calculations in accordance with the court order, given that the order complies with the legislation governing the Plan. If the court order has been issued in a province other than Saskatchewan, it must be reissued by a Saskatchewan Court pursuant to *The Family Property Act*.

## INTERSPOUSAL AGREEMENTS

PEBA looks for these elements in an interspousal agreement:

- The first paragraph must state that the document is an interspousal agreement within the meaning of *The Family Property Act*.
- There must be a Certificate of Independent Legal Advice enclosed with, or included as part of, the agreement for each party to the agreement.
- There must be a declaration that there has been a breakdown of a spousal relationship and the parties are living separate and apart. (The agreement cannot be used as a method of income splitting between spouses.)
- The date the pension asset is to be divided must be identified. This date is used to determine when the pension asset will be valued.
- The agreement should specify if return on investment is to be paid from the date of the valuation of the pension asset to the date of payment.

## PROCESSING THE DIVISION

Upon request, PEBA will provide one commuted value calculation free of charge. Subsequent related marital breakdown calculations may be charged a fee.

## FOR MORE INFORMATION

If you have any questions about breakdown of spousal relationship or this *Info Sheet*, contact the Plan at:

The Public Service Superannuation Plan  
c/o Public Employees Benefits Agency  
1000 - 1801 Hamilton St  
REGINA SK S4P 4W3

Phone: 306-787-5442

Fax: 306-787-0244

Email: [pssp@peba.gov.sk.ca](mailto:pssp@peba.gov.sk.ca)

Website: [www.peba.gov.sk.ca](http://www.peba.gov.sk.ca)

The information contained in this bulletin does not replace or supersede legislation governing the Plan.