



Questions and Answers for Application to Divide a Retired Member's Pension FSCO Family Law Form 6

Q1. What is this Application Form used for?

A1. A former spouse of a retired pension plan member (Retired Member) must use this Application Form to tell a pension plan administrator (Plan Administrator) to pay his or her share of the Retired Member's pension, as set out in a court order, family arbitration award or domestic contract.

The Plan Administrator cannot pay the former spouse's share of the Retired Member's pension without receiving this completed Application Form along with all required documents, including a certified copy of the court order, family arbitration award or domestic contract that provides for the division of the Retired Member's pension.

You may want to get legal and/or financial advice before completing this Application Form.
– 12/11

Q2. Who can use this Application Form?

A2. You can only use this Application Form if you are/were the spouse of a Retired Member **and you have:**

- a **Statement of Family Law Value (FSCO Family Law Form 4E)** that identifies you as the spouse/former spouse of the Retired Member in **Part D** of that Statement; and
- a certified copy of a court order, family arbitration award or domestic contract that provides for the division of the Retired Member's pension and that entitles you to a share of that pension and confirms your Family Law Valuation Date.

Once you have met these requirements, you are considered to be a "former spouse".

If you received a **Statement of Family Law Value (FSCO Family Law Form 4A, 4B, 4C or 4D)** from the Plan Administrator, you should be completing the **Application to Transfer the Family Law Value (FSCO Family Law Form 5)** instead. – 12/11

Q3. What is a domestic contract?

A3. A domestic contract is a written agreement between you and your former spouse that sets out the rights and obligations of you and your former spouse. Under the Ontario *Family Law Act*, domestic contracts include marriage contracts, separation agreements, cohabitation agreements and family arbitration agreements. To be enforceable your domestic contract must be signed by both of you and witnessed.

You may want to get legal advice before you and your former spouse enter into a domestic contract with each other. – 12/11

Q4. What is a “certified copy”?

A4. A “certified copy” is a copy of the original document that has been certified as being a true copy of the original document. Typically, people who provide certification include lawyers, notaries and Human Resource personnel. Contact the Plan Administrator identified in **Part B** of your **Statement of Family Law Value (FSCO Family Law Form 4E)** to find out if it will accept certified copies from other people. – 12/11

Q5. My spouse/former spouse and I completed Appendix A of the Application for Family Law Value (FSCO Family Law Form 1) and have provided two proposed separation dates (Family Law Valuation Dates). We have now agreed on our separation date, which is a different date than the dates that were provided in Appendix A of that Application Form. Can I report our new separation date on this Application Form?

A5. No. The change in your separation date will require a new Family Law Value calculation. A new **Application for Family Law Value (FSCO Family Law Form 1)**, accompanied by all required documents and the fee (if any), must be given to the Plan Administrator. – 12/11

Q6. Who do I send this Application Form to?

A6. You send this Application Form to the Plan Administrator (or the Office of the Plan Administrator). See **Part B** of your **Statement of Family Law Value (FSCO Family Law Form 4E)** for the Plan Administrator’s contact information. **Do not send this Application Form to the Financial Services Commission of Ontario (FSCO).** – 12/11

Q7. Can I send this Application Form electronically to the Plan Administrator?

A7. Ask the Plan Administrator if it will accept the Application Form and any of the required or documents in electronic format. Note that electronic delivery may not be secure. – 12/11

Q8. Is there a charge for this Application Form?

A8. No. The Plan Administrator is not permitted to charge a fee for dividing and paying you your share of the Retired Member’s pension. – 12/11

Q9. When will I receive my share of the pension?

A9. The Plan Administrator has 60 days after receiving a **complete** application, including all required documents, to divide and pay you your share of the Retired Member’s pension in accordance with your chosen option. – 12/11

Q10: When is my application considered to be complete?

A10: Your application will be considered complete when the Plan Administrator receives the following:

- a correctly completed **Application to Divide a Retired Member’s Pension (FSCO Family Law Form 6)**;
- a certified copy of a court order, family arbitration award or domestic contract that provides for the division of the Retired Member’s pension and that entitles you to a share of that pension; and
- any other document(s) as specified by the Plan Administrator under “Next Steps” of the **Statement of Family Law Value (FSCO Family Law Form 4E)**. – 12/11

Q11. How will I be paid my retroactive payments?

A11. Your retroactive payments will not be paid to you as a lump sum amount. Any retroactive payments that are owing to you will be added to the ongoing payments of your share of the Retired Member's pension. – 12/11

Q12. What is the time limit for making an application using this Application Form?

A12. There is no time limit for making your application to divide the Retired Member's pension. However, if between the time the **Statement of Family Law Value (FSCO Family Law Form 4E)** was issued and the time you give this Application Form to the Plan Administrator the Retired Member's pension is no longer in the pension plan, the Plan Administrator will not be able to process your Application Form. This may happen in cases where the Retired Member's pension was paid out because the pension plan was wound up or the Retired Member received a lump sum payment because the Plan Administrator approved his or her shortened life expectancy application. – 12/11

Q13. Who can I contact to help me fill out this Application Form?

A13. You should contact the Plan Administrator (or the Office of the Plan Administrator) if you have specific questions about the pension plan.

You need to fill out this Application Form completely and correctly, and provide all required documents, or the Plan Administrator won't be able to pay you your share of the Retired Member's pension. – 12/11