



## Script 17 Marriage and Divorce

This video will provide a summary of issues regarding marriage, divorce and pensions if you are a participant, retiree or beneficiary of the Fund. See Whiteboard Video Number 18 for information on non-traditional unions and same sex marriage.

First, the Fund needs to know your marital status at all times because your spouse or spouses, and/or ex-spouse or ex-spouses can be considered your survivors by the Fund - meaning they could be entitled to a benefit when you pass away. “Keep in mind: If you elected to take a withdrawal settlement this negates all other entitlements including survivor’s benefits.” Here is a brief overview.

When you are an active participant your employer is responsible for informing the Fund about your marital status. You can see your marital status, as reported by your employer, on your Pension Statement through the Member Self-Service portal (see Whiteboard Video Number 14).

When you are in the process of retiring you should reconfirm with your employer that this information is up-to-date, AND see if the Fund has received all of the necessary documents pertaining to your marital status. The Fund will only pay a benefit to your spouse if he or she was reported to the Fund at the time of your separation from service. Your spouse cannot be added to your record after your separation from service, even if you were married prior to your separation from service.

Nota Benne: When you have retired and are receiving a monthly benefit from the Fund you are responsible to tell the Fund about a change in your marital status. Your marital status determines who is eligible for a survivor’s benefit and the Fund needs to have proof of



your marital status (certificates, legal documents) in order to be able to process these benefits when you pass away.

Keep in mind: Only once an official notification of death is received by the Fund will a Survivor's benefit be able to be calculated.

### Scenario 1:

If you are married to one or more spouses when you retire and you remain married until your death to the same spouse, your spouse will be eligible for a surviving spouse's benefit if the Fund had been informed of your marriage (via your employing organization) prior to your separation from service.

Your spouse's benefit would be payable beginning the month after you passed away.

### Scenario 2: Divorce

If you were married but got divorced your spouse or spouses would be eligible for a **divorced** spouse's benefit *if all of the four conditions below are met:*

- a. If you die within 15 years of divorcing; *or, if you were obligated to pay maintenance to the divorced spouse;*
- b. If you had been married for 10 years during which you contributed to the Fund (you were an "active" participant - in Fund lingo);
- c. *The divorced spouse has reached the age of 40 at the date you pass away (otherwise payment will commence when he/she reaches that age);*
- d. If the "terms" (legal ruling) of the divorce do not specifically exclude the spouse from receiving a survivor's benefit;



Keep in mind that surviving spouse benefit conditions are the same if you divorce before or after you retire.

Also, keep in mind that if there is more than one surviving spouse (surviving spouse and/or divorced surviving spouse) eligible to receive the benefit, the surviving spouse's benefit will be apportioned by the Fund by the number of years you were married to each.

### Scenario 3:

If you get married after you retire and you want your new spouse to be eligible for a spouse's benefit:

- a. You must inform the Fund within ONE year of your marriage that you want to purchase an "annuity" (the right for your new spouse to have a benefit from the Fund);
- b. Once you inform the Fund, *the Fund will provide estimates of 25% & 50% annuity purchases unless you request a different percentage. The amount of your benefit after reduction cannot be less than 50% of your original benefit neither can the amount of the benefit payable to the spouse exceed the amount of the benefit payable to you after reduction* (for more details about this calculation see Survivor's Benefit topic on our Website);
- c. *Once you confirm that you will purchase an annuity, the election becomes effective* eighteen months after the day you were married and your monthly benefit will be adjusted *from that date* to cover the cost of this annuity. *Should you pass away before the 18 month period has elapsed no benefit would be payable to the new spouse.*
- d. *The election can only be rescinded if a divorce occurs.*



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- e. The benefit would *be payable beginning the* month after you pass away.

It is highly advisable that you consult the Fund's website for more detailed information.