



DIVORCE/DOMESTIC PARTNERSHIP DISSOLUTION

Sonoma County Employees' Retirement Association
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If you are a member of SCERA while you are married or have a state registered domestic partnership, your retirement account and benefits may be considered community property, and your spouse/partner may be entitled to an interest in the community property portion of your retirement benefit or account. It is essential that you notify SCERA immediately when a dissolution is filed. You could face long delays in the payment of your retirement benefits, including contribution refunds upon termination of employment if SCERA is not notified.

Please provide SCERA with the entire copy of the Dissolution Judgment and Settlement Agreement. Depending on the property disposition ordered by the Court (according to a Settlement Agreement or otherwise), your ex-spouse/partner may be entitled to a share of the community property portion of your pension benefit or refund of contributions.

If you are already retired, this paperwork is necessary to determine whether a named beneficiary is eligible to receive a continuance upon your death and/or if your ex-spouse/partner is to receive a portion of your benefit.

In all cases, a Joinder must be filed. A Joinder is a legal document that joins SCERA as a party to the dissolution proceedings. A Domestic Relations Order (DRO) is also needed. This is a document signed by both parties and their attorneys (if any), and a Superior Court Judge. A DRO explains in detail many issues, including who is entitled to a benefit, and when they are entitled to receive it.

Active or deferred members who are not receiving a retirement benefit from SCERA may use the Active Model A or Active Model B DRO forms or another form that contains information SCERA requires. Parties should consult an attorney to determine which approach is appropriate for their situation. A separate Model DRO form is available for retirees who are receiving a benefit.

The disposition of retirement benefits in domestic relations proceedings involves complex marital and tax issues. SCERA advises you to seek competent legal counsel. SCERA, its employees, agents and consultants are not authorized to give legal advice. SCERA has provided the ***Dissolution of Marriage Guidelines*** for all three model DROs on the SCERA website at www.scretire.org in the Forms and Publications section. If you are unable to access the model forms on the website, please contact SCERA to request the guidelines.

Finally, regardless of your SCERA membership status, please contact SCERA to complete a beneficiary change form to ensure that your wishes regarding your beneficiary are on file.