

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 may be considered community property, and your spouse/state registered domestic partner may be entitled to an interest in the community property portion of your retirement 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 endorsed filed copy of the Dissolution Judgment and Settlement Agreement. 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/ex-state registered domestic partner is to receive a portion of your current monthly benefit.

If it is determined that your account **will not** be divided, your settlement agreement needs to state that the SCERA account has been awarded as the member's sole and separate property or that the former spouse waives all interest in the account.

If it is determined that your account **is to be** divided, 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. SCERA cannot provide you with any instructions on how to process these documents with the Court. You will need to contact them directly if you have questions on what they need.

Active or deferred members may use the Active Model A or Active Model B DRO forms. Parties should consult an attorney to determine which approach is appropriate for their situation. A separate Model DRO form is available for retirees.

SCERA has provided the ***Dissolution of Marriage Guidelines*** for all three model DROs on the SCERA website at www.scretire.org. If you are unable to access the model forms on the website, please contact SCERA to request the guidelines.

The disposition of retirement accounts 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.

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