
Overview

Your pension is one of your greatest assets. When a spousal breakdown occurs, the division of this valuable asset is neither mandatory nor automatic.

If you signed your separation agreement on or after Jan. 1, 2012 and need to value your pension for the calculation of net family property, you're required to complete an application process with us. The settlement method and application process differs slightly for working and retired members.

Settlement options

In family law cases, an equalization payment is a payment from one married spouse to the other to ensure that both parties receive an equal share of the net family property they accumulated during their marriage.

If you choose to settle your equalization obligation with your pension, the settlement method depends on your status in the plan at your Family Law Valuation (FLV) date:

- **Working member** – lump-sum payout to your former spouse. The lump sum can be transferred to a life income fund, locked-in retirement account or another registered pension plan of which your former spouse is a member.
- **Retired member** (i.e., you've already received your first pension payment) – division of pension.

Application instructions

If you need to value your pension for the calculation of net family property, the first step is to apply to Ontario Teachers' for a Statement of Family Law Value. You don't need to hire an external actuary.

Please read the Q&As and closely follow the instructions for all of the required Financial Services Commission of Ontario (FSCO) forms. FSCO has been replaced by the Financial Services Regulatory Authority of Ontario (FSRA). We'll refer to these as FSCO forms until FSRA issues new forms. You can find all of the information, plus copies of the forms, on our website (www.otpp.com).

Step 1 — Apply to Ontario Teachers' for a Statement of Family Law Value

Go to www.otpp.com for copies of all forms, as well as Q&As and instructions on how to complete them.

If you're married, either you or your spouse can apply for this statement. If you're in a common-law relationship, only you can apply. If you're both plan members, you're both required to apply to get the Family Law Value for each pension.

- Complete Application for Family Law Value (FSCO Form 1) – mandatory
- Complete Joint Declaration of Spousal Relationship (FSCO Form 2), if you don't have proof of the start and/or separation dates of your spousal relationship
- Complete Contact Person Authorization (FSCO Form 3), if you'd like to authorize a third party with whom we may contact regarding your Family Law Value
- Send us Form 1 and if applicable, Forms 2 and/or 3 with all required documentation

Ontario Teachers' sends statement to both spouses upon receiving completed application with all required supporting documents.

Step 2 — Decide if you're using your pension to settle your equalization obligation

Once you've received your Statement of Family Law Value, consult your family lawyer and/or financial advisor for professional advice when making this decision.

Steps 3 and 4 only apply if you're using your pension to settle an equalization obligation.

Step 3 — Finalize your separation agreement with your family lawyer

This agreement should clearly identify your former spouse's share of the Family Law Value (found in Part A of your Statement of Family Law Value).

The final step differs for working and retired members. Refer to applicable section.

Step 4 (Working Members) — Apply to Ontario Teachers' for a lump-sum transfer**Important!**

Read all Q&As and instructions on how to complete FSCO forms (www.otpp.com).

Your former spouse must apply to us directly.

- Complete Application to Transfer the Family Law Value (FSCO Form 5)
- Select a transfer option (listed in Part E of your Statement of Family Law Value)
- Include your finalized court order, arbitration award, or separation agreement, which clearly identifies your former spouse's share of the Family Law Value; a completed Direct Transfer Request form; and all other required documents with the application

Ontario Teachers' transfers the Family Law Value as outlined in your finalized court order, arbitration award or separation agreement in a lump sum to your former spouse upon receiving the completed application with all required documents.

Step 4 (Retired Members) — Apply to Ontario Teachers' for a division of pension in pay

Your former spouse must apply to us directly.

- Complete Application to Divide a Retired Member's Pension (FSCO Form 6)
- Select a division of pension option (listed in Part E of your Statement of Family Law Value)
- Include your finalized court order, arbitration award, or separation agreement, which should clearly indicate the amount of each pension installment your former spouse is entitled to, and all other required documents with your application

Ontario Teachers' divides and adjusts your pension as outlined in your finalized court order, arbitration award, or separation agreement upon receiving the completed application with all required documents.