

Application for Partition Between Former De Facto (Common Law) Spouses

You can use this form if:

- you were recognized de facto spouses (see instructions);
- you no longer live together in a conjugal relationship; and
- you reached, **in the 12 months following your separation**, an agreement to partition the benefits of the pension plan.

Important information

You cannot use this form to **apply for partition of the employment earnings recorded under the Québec Pension Plan**.

You must send this form to the **pension plan's administrator**, not to Retraite Québec.

You do not have to use this form to make your application; it is provided for your convenience.

You can use this form for a voluntary retirement savings plan (VRSP).

You can also use this form for a supplemental pension plan if the plan member works in Québec and the plan is subject to the *Supplemental Pension Plans Act*.

Covered plans include pension plans offered by employers in the private, municipal and university sectors and some plans in the parapublic sector, whose activities are under Québec's provincial jurisdiction. The following plans are **not** covered:

- public-sector pension plans administered by Retraite Québec (known as the CARRA prior to 1 January 2016);
- public and private plans under federal jurisdiction (banks, interprovincial transport and telecommunications, federal public service, etc.);
- group RRSPs.

Regardless of where a pension plan member lives, the place where he or she **works** while accruing benefits under a pension plan determines whether the Québec *Supplemental Pension Plans Act* applies. This is the case, for example, for a person who works in Québec, even if his or her pension plan is administered outside Québec or is registered with a supervisory agency outside Québec.

Instructions

This application must be sent to the **pension plan's administrator** and not to Retraite Québec. The administrator's address can be found on the statement that the plan member receives at regular intervals or you can ask the employer for the administrator's address.

It is not necessary to have applied for a statement of the benefits accrued under the pension plan to obtain partition of the benefits.

Requirements to be recognized as de facto spouses

To be recognized as de facto spouses (same sex or opposite sex), you must meet the following requirements:

- at the end of the conjugal relationship, must have lived together for **three years**, or **one year** if:
 - a child was born or is to be born of the union; or
 - a child was adopted by both spouses; or
 - the child of one of the spouses was adopted by the other spouse.
- the pension plan member must not have a spouse by marriage or by civil union. If the member is married and has obtained a judgment of separation from bed and board,¹ he or she is still considered to be married in the eyes of the law.

The following sections of the form allow us to determine whether you meet these requirements:

- Declaration of the dates of the beginning and end of the conjugal relationship
- Member's declaration of single status
- Document to enclose
(if the conjugal relationship lasted from 1 to 3 years)

You do not have to provide this information if you have already filed an application for a Statement of Benefits in which you provided the information.

1. A separation from bed and board is a legal separation which is pronounced by a court. If the member is married and has obtained a judgment of separation from bed and board, he or she is still considered to be married, unless he or she later obtains a judgment of divorce or annulment of marriage.

Instructions (continued)

1. Information about the pension plan member

The family name, given name and home address of the pension plan **member** must be given.

If possible, you should also give the member's Social Insurance Number, employee number or any other information that will enable the plan administrator to identify him or her.

If you know the name of the pension plan, it should also be given to facilitate finding the member's account information. The name of the plan is shown on the documents that the member receives from the plan administrator.

If possible, you should also give the member's telephone number so that the person who processes this application can rapidly contact him or her if the need arises.

2. Information about the former de facto spouse

The family name, given name and home address of the pension plan member's **former de facto spouse** must be given.

If possible, you should also give the former de facto spouse's telephone number so that the person who processes this application can rapidly contact him or her if the need arises.

3. Document to enclose (for all applications)

You must provide the plan administrator with a copy of your partition agreement. It must be signed by both of you in the 12 months following the end of your conjugal relationship. An agreement signed before the end of your conjugal relationship is not valid. This agreement does not have to be made before a notary or signed in front of witnesses.

The agreement must indicate the amount or the portion (for example, half of the value of the benefits) to be given to the member's former de facto spouse. The amount or portion cannot exceed 50% of the total value of the member's benefits, estimated as at the date of the end of the conjugal relationship. Note that interest will be added and that such interest is not taken into account in the calculation of the 50% limit.

4. Declaration of the dates of the beginning and end of the conjugal relationship

You must both sign this section. It is used to determine the duration and period of your conjugal relationship in order to:

- establish if you lived together long enough to be recognized as de facto spouses (see the section **Requirements to be recognized as de facto spouses**);
- calculate the value of the benefits accrued under a pension plan as at the date of the end of your conjugal relationship.

5. Member's declaration of single status

This section allows us to determine if you are recognized de facto spouses (see the section **Requirements to be recognized as de facto spouses**).

Only the pension plan member must sign this section.

6. Document to enclose (if the conjugal relationship lasted from 1 to 3 years)

To be recognized as de facto spouses when your conjugal relationship lasted from 1 to 3 years, you must provide proof that a child was born or will be born of your union, or that you adopted a child (see the section **Requirements to be recognized as de facto spouses**).

To prove the birth or adoption of your child, you can provide a copy of his or her birth certificate (full size) issued by the Registrar of Civil Status. Any other document proving that you have a child and acceptable to the pension plan administrator can be provided.

The abridged birth certificate is not accepted because it does not indicate the names of the child's mother and father.

To obtain your child's birth certificate (full size), consult the Registrar of Civil Status's Website (www.etatcivil.gouv.qc.ca).

7. Applicant's signature

The application can be signed by the member, his or her former de facto spouse or both. However, partition can be carried out more rapidly if both former spouses sign the application.

If only one former spouse signs the application, the plan administrator will have to notify the other spouse of the filing of the application and the value of the benefits claimed. The other spouse has 60 days following the date on which the notice is sent to oppose it before a court. The plan administrator cannot proceed with partition before this time period has expired without the agreement of the notified spouse.

The plan administrator has 60 days to carry out partition once it has received the application signed by both former spouses, or once the 60 day time limit (if only one of the former spouses has signed it) has expired (see above). Unless a former spouse has already received the information, the administrator will inform him or her of the terms of payment of the portion of benefits due. The spouse must then indicate his or her choices to the plan administrator and send in the completed tax form. Note that if a former spouse delays providing information, partition could take longer to carry out than the expected time period.

Please print.

1. Information about the pension plan member

Family name		Given name	
Member's identification number	Name of pension plan		
Address (number, street, apartment)			
City	Province	Country	Postal Code
Telephone area code area code Home Other Extension			

2. Information about the former de facto spouse

Family name		Given name	
Address (number, street, apartment)			
City	Province	Country	Postal Code
Telephone area code area code Home Other Extension			

3. Document to enclose (for all applications)

- Copy of your partition agreement

Complete the following 2 sections and, if appropriate, provide the document concerning a child if no prior application for a Statement of Benefits was filed.

4. Declaration of the dates of the beginning and end of the conjugal relationship

We hereby declare that the dates of the beginning and end of our conjugal relationship are the following:

Beginning: year month day End: year month day

Member's signature _____

Former de facto spouse's signature _____

To be eligible to obtain a partition, you must have lived together for at least 3 years, or 1 year if a child was born or will be born of your union, or if you adopted a child.

5. Member's declaration of single status

I hereby declare that at the end of our conjugal relationship I was neither married, nor legally separated, nor in a civil union with the spouse specified in this application or with any other person.

Member's signature: _____

Date

year				month			day		

6. Document to enclose (if the conjugal relationship lasted 1 to 3 years)

This document is not necessary if the conjugal relationship lasted more than 3 years.

- Proof that a child was born or will be born of the union or was adopted

7. Applicant's signature

The application can be signed by the member, his or her former de facto spouse, or both. If the application is signed by both, partition can be carried out more rapidly.

Member's family name

Member's given name

Former spouse's family name

Former spouse's given name

I hereby request that partition of the value of benefits accrued under the pension plan be carried out.

Member's signature: _____

Date

year				month			day		

Former de facto spouse's signature: _____

Date

year				month			day		

Do not send this form to Retraite Québec.

Send the completed form, with the required documents, to the pension plan administrator.