



# RETIREMENT 101

## Divorce

### Can a divorce affect my SBCERA retirement benefit?

**Yes.** If you were a member of SBCERA during your marriage, your ex-spouse could be entitled to a portion of your retirement benefit. California is a community property state, which means that any retirement benefits earned during your marriage may be considered community property subject to division upon your divorce or legal separation. To avoid delays in processing your retirement or refund, **notify SBCERA as soon as possible.**

### Update Your Beneficiary

Upon your divorce, be sure to update your beneficiary. If you will no longer be nominating a spouse, you will also need to complete a **Justification for Non-Signature of Spouse form**.

### Submit a Copy of Your Judgment

Include all **pages and attachments**, such as your Marital Settlement Agreement. The document must have a court file stamp and judge's signature. SBCERA's legal counsel will review it to determine whether your former spouse has any right to your benefit. It is important that the language in your judgment is clear. It is best if the judgment **specifically mentions SBCERA** and clearly states what you and your ex-spouse are entitled to.

### File a Joinder

If your ex-spouse is entitled to a portion of your retirement, SBCERA must be joined as a party to the case. This is done by filing a joinder with the court in the county where you divorced. A joinder is a legal document **joining SBCERA as a third party** to your divorce proceedings. The joinder gives the court jurisdiction to make SBCERA pay a portion of your retirement to your former spouse. If you divorced outside of California, you must domesticate the judgment in California.

### Obtain a Domestic Relations Order (DRO)

A Domestic Relations Order is a court order containing certain information and legal requirements that identify your former spouse's interest in your retirement benefit. This document directs SBCERA to pay **benefits to your former spouse**. SBCERA provides sample DROs on our website to help ensure yours meets legal and administrative requirements.



Scan this QR Code to watch our **Quick Tip video** on Divorce.

**Disclaimer:** SBCERA cannot provide legal advice. It is advised that you seek competent legal advice if you have any questions or concerns regarding the division of your SBCERA retirement benefit(s). If you require a Family Law Specialist to assist you during this time, please contact the San Bernardino County Bar Association or The State Bar of California.