

IPEBLA

International Pension & Employee Benefits Lawyers Association



Workshop 14: *"Pensions and Divorce"*

Retirement benefits (pensions) often form a substantial part of the total marital estate and many times is the largest single marital asset afforded a couple. As one of the most significant capital asset in a marriage, the pension should be taken into account by the couple and their legal representatives when arranging a divorce or dissolving a civil partnership. Less than twelve per cent of divorce settlements fully consider the assets of a spouse's pension fund. Panelist will discuss how pensions are treated in their respective jurisdictions during a divorce (including common law marriage) and the dissolution of a civil union. Key areas to be included:

- Valuation of the pension - how much is the spouse entitled to?
- Division of the pension - how does the administrator divide the asset? (Lump sum, division of pensions in pay); when does the division commence and when does it terminate
- Entitlement to a survivor pension, as distinct from any entitlement to a share of the retirement pension as a 'capital asset'