

Form 5 Application for Partition after a Marriage Breakdown

You can use this form if you are married and have obtained a judgment of divorce, separation from bed and board or civil annulment of marriage.

Former de facto (common law) spouses must complete Form 6, **Application for Partition Between Former De Facto (common law) Spouses**.

If you are married and have not obtained a judgment of divorce, separation from bed and board or civil annulment of marriage, partition of the benefits accumulated in a pension plan cannot be carried out, even if you have reached an agreement to that effect.

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 the Régie des rentes du Québec.

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

You can use this form only if the plan member works in Québec and the plan is subject to the Québec *Supplemental Pension Plans Act*.

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

- public and parapublic plans administered by the Commission administrative des régimes de retraite et d'assurances (CARRA);
- 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 accumulating benefits in 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.

Civil union spouses

The *Québec Supplemental Pension Plans Act* gives civil union spouses the right to obtain partition following the dissolution or annulment of their civil union. However, the manner in which that right may be exercised has not yet been determined.

Form 5

Please print.

Information on the identity of 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 home | area code | other | area code extension |

Information on the identity of the former spouse

| | | | |
|-------------------------------------|-----------|------------|------------------------|
| Family name | | Given name | |
| Address (number, street, apartment) | | | |
| City | Province | Country | Postal code |
| Telephone home | area code | other | area code extension |

Documents to enclose (see instructions)

- **Copy of the judgment of divorce, separation from bed and board or civil annulment of marriage**
 (including, if appropriate, any agreement confirmed by this judgment)
- **Copy of any other judgment concerning partition**
- **Copy of the certificate of non-appeal**

Applicant's signature*

I hereby request that partition of the value of benefits accumulated in the pension plan be carried out.

Member's signature

| | |
|-----------------------|----------------------------------|
| Given and family name | Date year month day |
|-----------------------|----------------------------------|

Former spouse's signature

| | |
|-----------------------|----------------------------------|
| Given and family name | Date year month day |
|-----------------------|----------------------------------|

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

Do not send this form to the Régie des rentes du Québec.
 Send the completed form, with the required documents, to the pension plan administrator.

Form 5

Application for Partition after a Marriage Breakdown

This application must be sent to the **pension plan's administrator** and not to the Régie des rentes du 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 benefits accumulated in the pension plan to obtain partition of the benefits.

Information on the identity of 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.

Information on the identity of the former spouse

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

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

Documents to enclose

You must provide the plan administrator with proof that you are divorced, legally separated, or that your marriage has been annulled. Thus, you must provide a copy of the judgment of divorce, separation from bed and board or civil annulment of marriage.

You must also provide instructions on the amount or the portion of the member's benefits that must be given to the former spouse. If appropriate, you must also include a copy of any other document which indicates the amount or portion of benefits, for example, an agreement confirmed in your judgment of divorce or separation from bed and board, or another judgment.

The plan administrator can refuse to carry out partition if you do not provide complete copies of the documents (for example, if you provide a copy of only the paragraphs of the judgment concerning the pension plan).

You must also provide a copy of the **certificate of non-appeal** for any judgment presented to support your application. The certificate is issued by the Court and certifies that no appeal was lodged. The time limit for lodging an appeal is 30 days. You can obtain the certificate at the courthouse in the judicial district where your judgment was rendered. Your legal advisor can also provide you with this certificate.

Note: Do not confuse this certificate with the **certificate of divorce**, which certifies that your divorce has taken effect. The plan administrator does not have to accept a certificate of divorce.

Applicant's signature

The application can be signed by either one or both of the former spouses. 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 the courts. 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.