

Legally speaking...

Did you know?

November 2007

CANADA PENSION PLAN - CREDIT SPLITTING UPON SEPARATION

The Canada Pension Plan (CPP) is a benefit plan for workers. Workers pay into the plan and may get a retirement pension when they retire. Someone who is separated or divorced may be entitled to a share of their former partner's pension credits.

What is credit splitting?

When a relationship ends, the CPP pension credits which the couple built up during the time they lived together can be divided equally between them. This division is called "credit splitting".

Separated from your partner?

If you separated on or after January 1, 1987, but have not divorced, you can claim a division of pension credits if you lived together for at least one year, and you have been separated for at least one year. There is no time limit to apply, unless your spouse died after you separated. In that case, you must make your claim within 3 years after his or her death. Remember if you do not apply within your time limit, you may lose your right to a share of pension credits. Make your claim as soon as possible. These rules can be complicated. If you have questions, contact a lawyer.

What if I have a separation agreement that states I have given up my right to credit splitting?

Your right to make a claim could be affected

if you have a separation agreement that deals with the issue of credit splitting. Canada Pension Plan rules on spousal agreements changed in 1986. If you signed an agreement before 1986, specifically giving up your right to split your CPP credits, then a credit split cannot be done. However, if it was a general agreement that did not mention CPP pension credits, you may still be entitled to some credits, if your income was lower. There are certain rules and exceptions that apply in different provinces. Check with Service Canada for your particular situation.

How do I apply if I am separated?

In the case of a separation, a signature of one of the spouses or common-law partners is required. Either partner can request a credit split. Also, a representative such as a lawyer may make the request.

For More Information or to get the CPP credit split application package contact your local **Service Canada Centre**, or Human Resources and Social Development Canada (HRSDC) at:

Telephone: 1-800-277-9914.

TTY device: 1-800-255-4786.

You can also download the application at www.hrsdc.gc.ca

Fact Sheets: CPP-Credit Splitting upon Divorce; CPP-Credit Splitting for Common-law, Gay and Lesbian Couples



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