



## Information Sheet

# How to Apply for a Canada Pension Plan Credit Split (upon separation or divorce)

### Getting started

Please read this information sheet before you complete your application. The explanations match the box numbers on the application form.

Please use a **pen** to complete your application and be sure **to print** as clearly as possible.

Fill out as much of the application form as you can. If you need help, have a list of your questions ready and call us at the telephone numbers we have listed in the section called "**How to contact us**". Please have your Social Insurance Number ready.

### HOW TO CONTACT US

To learn more about Canada Pension Plan, Old Age Security Program and Service Canada online services, please visit our Internet site at:

**www.servicecanada.gc.ca**

OR

You can call:

**In Canada or the United States:**

**1-800-277-9914** (for service in English)

**1-800-277-9915** (for service in French)

**1-800-255-4786** TTY

**From all other countries:** 613-957-1954

(we accept collect calls)

*This Information Sheet contains general information concerning the Canada Pension Plan Division of Unadjusted Pensionable Earnings "Pension Credits". The information reflects the Canada Pension Plan legislation. If there are any differences between what is in the Information Sheet and the Canada Pension Plan legislation, the legislation is always right.*

### CHECK LIST

#### Information/Documents You Need to Provide

Date of marriage	You must provide your original marriage certificate. If you are unable to provide this document, please contact us to obtain the form titled " <b>Statutory Declaration of Legal Marriage</b> ".
Date your marriage ended	Submit the decree absolute of divorce, a judgement granting a divorce under the Divorce Act, 1985, or a judgement of nullity of a marriage. If you are unable to provide one of these documents, please contact us to obtain the form titled " <b>Statutory Declaration - Separation of Legal Spouses</b> ".
The date when your common-law union started and ended	A " <b>Statutory Declaration of Common-law Union</b> " must also be submitted to establish the date when your common-law union started and ended.
Social Insurance Number	Indicate your Social Insurance Number on all documents before sending them to us (except originals).
<b>If you have already provided these documents to the Canada Pension Plan or Old Age Security Program, you do not have to provide them again.</b>	

If you need to send us documents, try to send us certified photocopies instead of the original documents. This way there is no risk that your original documents will be lost in the mail. See the section titled "**Send certified photocopies instead of originals**" for more information.

## What are "Pension Credits"?

Canada Pension Plan pension credits are based on the contributions that each worker makes to the Plan. Every employed person makes contributions to the Canada Pension Plan. The amount of contributions you make is based on your salary. As you contribute over the years, your pension credits increase.

When you apply for a benefit under the Canada Pension Plan, your pension credits are used to:

- determine if you qualify; **and**
- calculate the amount you will receive.

## What is a Canada Pension Plan Credit Split?

The Canada Pension Plan (CPP) contains a provision allowing the CPP credits that you and/or your spouse, former spouse or former common-law partner accumulated **during the time you lived together** to be divided equally. The division can only take place after a divorce, legal annulment, separation from a legal marriage or common-law union. This provision is called the "Division of Unadjusted Pensionable Earnings".

The CPP credits are divided for the years you lived with your spouse, former spouse or former common-law partner. The credits can be divided from the most recent of the following dates: January 1966 (the date on which the CPP started); or the year in which you started living with your spouse, former spouse or former common-law partner.

The division of credits ends in December of the year before you separated from your spouse, former spouse or former common-law partner. The credits can be divided even if one of you did not contribute to the CPP. A division of pension credits may help you qualify for a CPP benefit or increase the amount you would receive. However, there are some instances where a division of pension credits can decrease the amount you would receive. You should apply for a division and submit the necessary information as soon as possible.

The CPP legislation provides that where a couple is divorced or where a legal annulment occurs on or after January 1, 1987, no application is required. However, we need some information from you to go ahead with the division of pension credits. This information may be submitted by completing the form titled "**Canada Pension Plan Credit Split**".

Once Canada Pension Plan has the necessary information about your legal divorce or annulment, your Canada Pension Plan pension credits must be split, unless there is a valid written agreement signed in a province that allows such agreements. See section E for more information.

But, if you are separated or have left a common-law relationship, there may be a credit split only if you (or your former spouse or common-law partner) chooses to apply for it. In these cases only (not in cases of divorce or annulment) the applicant can ask to withdraw the application within 60 days of being notified of the credit split.

A Credit Split is not permitted:

- (a) For a year in which the total Pensionable Earnings of the spouses, former spouses or former common-law partners, was not more than twice the Year's Basic exemption;
- (b) For the period before one of the spouses, former spouses or former common-law partners reach age 18 or after a spouse, former spouse or former common-law partner reached age 70;
- (c) For the period when one of the spouses, former spouses or former common-law partners was a beneficiary of a Retirement pension under the Canada Pension Plan or Quebec Pension Plan;
- (d) For any month that was excluded from the contributory period of one of the spouses, former spouses or former common-law partners because they were considered to be disabled for the purpose of the Canada Pension Plan or Quebec Pension Plan Disability Pension.

The division will be effective on the first day of the month following the month that the Minister of Employment and Social Development Canada has received the necessary information.

## Basic eligibility factors for splitting Canada Pension Plan Pension Credits

### If your marriage ended in divorce or annulment on or after January 1, 1987

You may qualify for a credit split if:

- you lived with your former spouse for at least 12 consecutive months; **and**
- you or your former spouse notifies Service Canada and provides the necessary information (there is no time limit).

## Basic eligibility factors for splitting Canada Pension Plan Pension Credits (continued)

### If you are married and your separation occurred on or after January 1, 1987

You may qualify for a credit split if:

- you lived with your spouse for at least 12 consecutive months;
- you have been separated for at least 12 consecutive months; **and**
- you or your spouse apply in writing and send us the necessary documents.

**Note:** There is no time limit to apply, **unless your spouse dies**, in which case, you must apply within 36 months of the date of death.

### If your common-law union ended on or after January 1, 1987

You may qualify for a credit split if:

- you lived with your former common-law partner for at least 12 consecutive months;
- you have been living apart for at least 12 consecutive months when you apply (except in the case where your former common-law partner died during this period, in which case you may still qualify); **and**
- you or your former common-law partner apply in writing and send us the necessary documents **within 48 months of the date you began living apart** (unless your former common-law spouse is still alive and agrees in writing to waive the 48 month time limit).

For former common-law partners of the same sex, the division of pension credits will only be applied if the partners separated on or after July 31, 2000.

### If you were divorced or your marriage was annulled between January 1, 1978 and December 31, 1986

You may qualify for a credit split if:

- you and your former spouse had been married and lived together for at least 36 consecutive months;
- the divorce or annulment was recognized by Canadian law; **and**
- you or your former spouse apply in writing and send us the necessary documents within 36 months after your marriage ended.

**Note:** If you did not apply within 36 months after the end of your marriage, your pension credits can be divided only if your former spouse is still alive and agrees in writing to waive the 36 month time limit.

## If your marriage ended in divorce or annulment before January 1, 1978

Canada Pension Plan Credit Split did not exist before January 1, 1978. Therefore a division of CPP pension credits cannot be done.

### Send certified photocopies instead of original documents

When you send us documents, we suggest you send **certified photocopies** rather than the original documents, if possible. This will ensure the original documents stay with you in case you need them for other purposes. If you must send your original documents, we suggest you send them by registered mail. We will return all the original documents to you.

We can only accept a photocopy of an original document if it is readable and if you have someone certify that it is a true copy of the original. If you bring your original documents to any Service Canada Centre, our staff will photocopy the documents and certify them for free. If you cannot visit a Service Canada Centre, you can ask a member of one of the following professions to certify your photocopy:

- Accountant
- Chief of First Nations Band
- Commissioner for Oaths
- Employee of a Service Canada Centre acting in an official capacity
- Funeral Director
- Justice of the Peace
- Lawyer, Magistrate, Notary
- Manager of a Financial Institution
- Medical and Health Practitioner: Chiropractor, Dentist, Doctor, Naturopathic Doctor, Nurse Practitioner, Ophthalmologist, Optometrist, Pharmacist, Psychologist, Registered Nurse
- Member of Parliament or their staff
- Member of a Provincial Legislature or their staff
- Minister of Religion
- Municipal Clerk
- Official of a federal or provincial government department, or one of its agencies
- Official of an Embassy, Consulate or High Commission
- Official of a country with which Canada has a reciprocal Social Security Agreement
- Police Officer
- Professional Engineer
- Social Worker
- Teacher
- University Professor

## Send certified photocopies instead of original documents (continued)

People who certify photocopies must compare the original document to the photocopy, state their official position or title, sign and print their name, give their telephone number and indicate the date they certified the document. They also must write the following statement on the photocopy:

**This photocopy is a true copy of the original document which has not been altered in any way.**

**Note:** If your photocopy is missing **any** of the above elements, it will not be accepted and you will have to submit a new, properly certified photocopy, which will result in delays in processing your application.

If an original document has information on both sides, both sides must be photocopied and certified.

You cannot certify photocopies of your own documents and you cannot ask a relative to do it for you.

Please write the Client Identification Number or Social Insurance Number on any document or photocopy that you send us.

### Filling out your application

The following information explains how to complete the application form. Where needed, explanations have been provided. These explanations match the box numbers on the application form. If you have any questions, please call us at the telephone numbers listed in the section called **"How to contact us"**.

#### **Section A: Information about you (The spouse, former spouse or former common-law partner requesting the division)**

#### **Box 1A Your Social Insurance Number**

Enter your Social Insurance Number in this box.

We keep a record of the contributions you make to the Canada Pension Plan under your Social Insurance Number. To make sure that we use your record, you must indicate your Social Insurance Number in question 1A.

If you have more than one Social Insurance Number, please attach a note to your application, listing all social insurance numbers assigned to you.

#### **Box 1C Your date of birth**

Please enter your date of birth in this box.

#### **Box 2A Written communication**

In this box, please tell us in which language you would like to get letters from us. Check only one box.

#### **Box 2B Verbal communication**

Please check the language - English or French - you would like to use when you talk to us.

You can choose a different language for written communication than the one you choose for verbal communication. For example, you can ask to receive your letters in English, and you can ask to use French when talking to one of our agents.

#### **Section B: Information about your spouse, former spouse or former common-law partner**

Under the *Canada Pension Plan*:

- a **spouse** is a person to whom you are legally married;
- a **common-law partner** is a person of the opposite sex or same sex who has been living in a conjugal relationship for at least one year.

**Note:** Spouses who are separated from one another are still considered spouses, not former spouses.

#### **Box 9A Your spouse's, former spouse's or former common-law partner's Social Insurance Number**

Your spouse's, former spouse's or former common-law partner's Social Insurance Number is required in order for us to make sure that we use his/her record when dividing the pension credits.

**Box 10A and 10B**

**Your spouse's, former spouse's or former common-law partner's language preference**

Please indicate, in questions 10A and 10B, the language (English or French) in which you believe your spouse, former spouse or former common-law partner would prefer that we communicate with him/her, in writing and verbally.

**Box 17B**

**Your spouse's, former spouse's or former common-law partner's date of death**

If your spouse, former spouse or former common-law partner is deceased, you must submit proof of his/her date of death with your application. To be accepted as proof, the document must indicate the name, date and place of death of your spouse, former spouse or former common-law partner. The document must also be on official letterhead or contain a seal, and provide the name and/or signature of the person or authority issuing the document.

The following documents may be accepted as proof of date of death:

<b>ACCEPTABLE DOCUMENTS FOR PROOF OF DEATH</b>
<ul style="list-style-type: none"> <li>- Burial or Death Certificate</li> <li>- Certification of Death from another country, if an agreement on social security exists with that country</li> <li>- Life or Group Insurance Claim along with a statement signed by a medical doctor</li> <li>- Medical Certification of Death</li> <li>- Memorandum of Notification of Death issued by the Chief of National Defence Staff</li> <li>- Notarial copy of Letters of Probate</li> <li>- Official Death Certificate</li> <li>- Official Notification from the Public Trustee for a Province</li> <li>- Registration of Death</li> <li>- Statement of a medical doctor, coroner or funeral director</li> <li>- Statement of Verification of Death from the Department of Veterans Affairs</li> </ul>

**Section C: Information about your legal marriage**

Certain documents are required to confirm your date of marriage. When possible, you should submit a certified true copy of your original marriage certificate. If you are unable to provide this document, please contact us to obtain a **"Statutory Declaration of Legal Marriage"**, and return it with your form.

Evidence is also required to confirm the date on which your marriage legally ended. You should submit a decree absolute of divorce, a judgement granting a divorce under the Divorce Act, 1985, or a judgement of nullity of a marriage. If you are unable to provide one of these documents, contact us to obtain a **"Statutory Declaration - Separation of Legal Spouses"** and return it with your form.

A Statutory Declaration must also be obtained and submitted with your form to confirm the following dates:

- the date on which you separated, if you are separated from your spouse (your marriage is not legally ended); **and**
- the date on which your common-law union began, if you and your spouse lived in a common-law union prior to your marriage.

**Section D: Information about your common-law union**

If you and your former common-law partner lived in a common-law union, you must submit a **"Statutory Declaration of Common-law Union"** form. Also additional documentation must be submitted to confirm when your common-law union started and ended. Please contact us to obtain this form and a list of documentation required.

## Section E: Information about a written agreement or court order

If you signed an agreement **before June 4, 1986**, specifically giving up your right to apply for a division of Canada Pension Plan pension credits, then a division cannot be done. However, if it was a general agreement that did not mention "Canada Pension Plan pension credits", you may still be entitled to a credit split.

If you signed an agreement **on or after June 4, 1986**, that states you specifically gave up your right to divide Canada Pension Plan pension credits, you may still be able to divide pension credits as, in most cases, that statement is not binding on the Minister.

**Note:** The statement is only binding on the Minister in provinces where the law allows couples specifically to agree to not divide Canada Pension Plan pension credits. This is the case in Saskatchewan (1987), Quebec (1989), British Columbia (1995), and Alberta (2005). If you signed such an agreement in one of those provinces, Service Canada may not be able to divide Canada Pension Plan pension credits. If you need more information on this subject, please contact us as indicated on page 1 of this document.

If you feel this provision applies to you, please provide a copy of the signed agreement.

### Incapacity

Protection is available for persons who did not apply for a Division of Canada Pension Plan Pension Credits since they were unable to apply or to ask someone to apply on their behalf because of their medical condition. If you feel this applies to you, please contact us to obtain a "**Declaration of Incapacity**" form.

## Section G: Information about the legal representative of the person named in Section A

If the information on the form is being submitted by a legal representative of the person named in Section A, they must complete, sign and date this section.

## Section H: Your declaration

To complete the application, you have to sign and date it in this section.

**NOTE:** If you make a false or misleading statement, you may be subject to an administrative monetary penalty and interest, if any, under the *Canada Pension Plan*, or may be charged with an offence. Any benefits you received or obtained to which there was no entitlement would have to be repaid.

## Section I: Witness's declaration

If you signed your application with a mark, a witness has to sign and date the application in that section and provide their name, address, relationship to you, and telephone number in case we need to contact that person.

### Before you mail your application

Before you send this application form to us, please make sure that you have:

- **completed, signed and dated** your application; **and**
- *enclosed certified photocopies or any original documents we need.*

Please refer to the "**Check List**" at the beginning of this information sheet for the documents we need.

### When we receive your application

Once we receive your application and any supporting documents, we will review your application and contact you if we need more information. We will send you and your spouse, former spouse or former common-law partner a decision letter once we have completed our review.

### Protection of personal information

The information requested is required under the *Canada Pension Plan (CPP)*. We may not be able to give you a benefit if you do not give us all the information we need. We will keep this information in the Personal Information Bank ESDC PPU 146. Your personal information is governed by the *Privacy Act* and we may disclose it where we are authorized to do so under the *CPP*.

Under the *Canada Pension Plan* and the *Privacy Act* you have the right to look at the personal information about you in your file. You can ask to see your file by contacting a Service Canada office. To find out how to get your personal information through the Access to Information Coordinator's office, see the Info Source, a directory that lists all the information banks and the information they contain. Copies of the Info Source are available in all Service Canada offices.