Spousal Relationship Change *Court Order Example*

nspension Services Corporation

This document contains suggested wording for a court order to be used in the division of pension credits in the Nova Scotia Teachers' Pension Plan. It is provided for assistance only and is subject to independent legal advice and the circumstances of each case.

The court order assumes the Respondent is a member of the Teachers' Pension Plan.

BETWEEN: **PETITIONER**
- and -
RESPONDENT

ORDER

BEFORE THE HONOURABLE [name of judge] IN CHAMBERS:

UPON the parties hereto having being divorced by Divorce Judgment effective the [ ] day of [ ] 20[ ].

AND UPON it appearing that [Respondent] is an employee to whom Chapter 26 of the Acts of 1998, the *Teachers' Pension Act*, applies.

AND UPON it appearing that the parties have agreed to a division of the benefit earned by the Respondent in the Teachers' Pension Plan during the marriage or other period of recognized spousal relationship, being [date] to [date], the said division to be made pursuant to the terms of Section 41 of the Regulations made under Section 20 of the *Teachers' Pension Act* (TPP Regulations). [Or, alternatively, "AND UPON this Court being requested by the parties to order a division of the benefit earned...]

IT IS ORDERED:

1. THAT pursuant to the terms of Section 41 of the TPP Regulations, the pension benefit earned during the marriage or other period of recognized spousal relationship is hereby ordered to be divided as follows:

   [up to] one-half of the benefit earned by the Respondent during the marriage or other period of recognized spousal relationship shall be, and the same is hereby ordered to be, paid to the Petitioner in accordance with the terms of the TPP Regulations.

2. THAT, notwithstanding that they are not specifically enumerated in this Order, all consequences enumerated in the TPP Regulations apply to the division of the pension benefit made under this Order.

3. THAT any provision of the Teachers' Pension Plan which operates so as to index the amount payable under the Pension Plan shall, if appropriate, apply to the pension benefit transferred to the Petitioner pursuant to the terms of this Order.

4. THAT the administrator of the Teachers' Pension Plan from time to time shall do all acts as may be necessary to implement this Order, and for such purposes the administrator is hereby given full power and authority to administer the Pension Plan so as to implement the terms of this Order.

5. THAT, in the event of a dispute as to the interpretation of this Order, or of any provision of the *Teachers' Pension Act* or the TPP Regulations which may arise in respect of this Order, either party may apply to the Court for such direction and further orders as may in the circumstances be necessary.