



Statement of Family Law Value Defined Contribution Benefit FSCO Family Law Form 4A

Approved by the Superintendent of Financial Services pursuant to
the *Pension Benefits Act*, R.S.O. 1990, c. P.8

Read the User Guide before completing this form.

This form is to be completed by the pension plan administrator (Plan Administrator).

This form applies to a pension plan member (Plan Member) who has:

- only a defined contribution benefit under the pension plan; or
- a hybrid benefit (entitlement to the greater of a defined contribution benefit or a defined benefit) and on the Family Law Valuation Date the defined contribution benefit is the greater benefit.

This Statement of Family Law Value is a Statement of Imputed Value under the Ontario *Pension Benefits Act*. This form may used as of January 1, 2013, and must be used as of July 1, 2013.

Information for the Plan Member and the Spouse/Former Spouse of the Plan Member

The Family Law Value that is specified under **Part A** of this Statement is the value of the pension that relates to the period of the spousal relationship (married or common-law) for a Plan Member and the spouse/former spouse of the Plan Member. If the Plan Member and his/her former spouse proceed with the division of the Family Law Value, the former spouse of the Plan Member must provide the Plan Administrator with a certified copy of a court order, family arbitration award or domestic contract that was made on or after January 1, 2012, and provides for the division and transfer of the Family Law Value. The information contained in the court order, family arbitration award or domestic contract must **clearly identify** the former spouse's share of the Family Law Value and the Family Law Valuation Date. The maximum amount that can be assigned to the former spouse of the Plan Member is specified under **Part A** of this Statement.

The former spouse of the Plan Member may request the transfer of his/her share of the Family Law Value by completing an **Application to Transfer the Family Law Value (FSCO Family Law Form 5)**, which must be accompanied by a certified copy of a court order, family arbitration award or domestic contract providing for the division of the Family Law Value, in addition to other documents as required by the Plan Administrator.

IMPORTANT: If the Plan Member terminates employment or plan membership and his/her pension entitlement is paid out in full from the pension plan between the time this Statement is issued and the time the former spouse of the Plan Member gives the completed **Application to Transfer the Family Law Value (FSCO Family Law Form 5)** to the Plan Administrator, the Plan Administrator is not required to transfer to the former spouse any amount related to his/her share of the Family Law Value.

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**Part A
Family Law Value**

Name of the Plan Member	Last Name	First Name and Initials	Applicant <input type="checkbox"/> Yes <input type="checkbox"/> No
Name of the Spouse/Former Spouse	Last Name	First Name and Initials	Applicant <input type="checkbox"/> Yes <input type="checkbox"/> No
Appendix A of Application for Family Law Value (FSCO Family Law Form 1) was filed with two proposed Family Law Valuation Dates. THIS STATEMENT SETS OUT ONE OF THE TWO (2) PROPOSED FAMILY LAW VALUES.			<input type="checkbox"/> Yes <input type="checkbox"/> No
The starting date of the spousal relationship is: _____ (yyyy/mm/dd)			
The starting date is based on:			
<input type="checkbox"/> date of marriage	<input type="checkbox"/> date when the spouses/former spouses started living together in a common-law relationship	<input type="checkbox"/> date that was jointly chosen by the spouses/former spouses	<input type="checkbox"/> date specified in a court order or family arbitration award
The Family Law Valuation Date (Separation Date) is: _____ (yyyy/mm/dd)			
The Family Law Value as of the Family Law Valuation Date is:			
\$ _____			
The maximum amount that may be assigned and transferred to the former spouse of the Plan Member from the pension plan as of the Family Law Valuation Date is:			
\$ _____ (Interest/investment earnings will be added to the Family Law Value from the Family Law Valuation Date to the beginning of the month in which the transfer is made to the former spouse.)			

**Part B
Pension Plan Information**

Name of Pension Plan		Pension Plan Registration Number
Plan Administrator		
Mailing Address (Street Number and Name)		Suite/Floor No.
City	Province	Postal Code
Telephone Number ()	Fax Number ()	Website Address (if available)

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**Part C
Plan Member Information**

Last Name	First Name and Initials	Date of Birth (yyyy/mm/dd)
Plan Member's Employee/Pension Plan Identification Number		

Contact Person Information for the Plan Member

Yes N/A

Last Name	First Name and Initials	<input type="checkbox"/> Lawyer <input type="checkbox"/> Other <input type="checkbox"/> Power of Attorney
Name of Company/Firm (if applicable)		
Mailing Address (Street Number and Name)		Suite/Floor No.
City	Province	Postal Code
Telephone Number (Main) ()	Telephone Number (Other) ()	Fax Number ()
Contact Person E-Mail Address (if known)		

**Part D
Spouse/Former Spouse of Plan Member Information**

Last Name	First Name and Initials	Date of Birth (yyyy/mm/dd)
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Contact Person Information for the Spouse/Former Spouse of the Plan Member

Yes N/A

Last Name	First Name and Initials	<input type="checkbox"/> Lawyer <input type="checkbox"/> Other <input type="checkbox"/> Power of Attorney
Name of Company/Firm (if applicable)		
Mailing Address (Street Number and Name)		Suite/Floor No.
City	Province	Postal Code
Telephone Number (Main) ()	Telephone Number (Other) ()	Fax Number ()
Contact Person E-Mail Address (if known)		

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Part E
Transfer Options for the Former Spouse of the Plan Member

The following transfer options are available to the former spouse of the Plan Member:

- Transfer lump sum to a locked-in retirement account (LIRA) or to a life income fund (LIF). [Note: The earliest date the former spouse may buy a LIF is anytime during the calendar year before the year he/she turns 55 years of age. Up to 50 per cent of the money that is transferred into the LIF may be withdrawn within 60 days of transferring the money to the LIF using FSCO **Form 5.2 – Application to Withdraw or Transfer up to 50% of the Money Transferred into a Schedule 1.1 LIF.**]
- Transfer lump sum to another pension plan. This option will only be available if the Plan Administrator of the receiving pension plan agrees to accept the transfer and administer the transferred amount in accordance with the Ontario *Pension Benefits Act*.
- Transfer to a Registered Retirement Savings Plan (RRSP), a Registered Retirement Income Fund (RRIF) or cash payment. This option will only be available for a payment of a small amount, a payment resulting from shortened life expectancy of the Plan Member, if the Plan Member is not vested and/or payment of surplus.
- No transfer options are available because: _____

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Part F
Certification by the Plan Administrator or Plan Administrator's Agent or Representative

A completed **Application for Family Law Value (FSCO Family Law Form 1)**, including all required documents and the fee (if any) was received on:

(yyyy/mm/dd)

I confirm the following:

- The pension plan provides only a defined contribution benefit to the Plan Member.
- The pension plan provides the greater of a defined contribution benefit or a defined benefit to the Plan Member and as of the Family Law Valuation Date, the defined contribution benefit is the greater benefit.
- The Plan Member applied for the withdrawal of his/her pension in circumstances of shortened life expectancy and the conditions that are specified under Ontario Regulation 287/11 (Family Law Matters) have been met [or, N/A].
- I have completed **Appendices A and C** of this Statement.
- I have completed **Appendix B**, or I have attached a separate sheet containing the required information relating to the plan provisions.

I certify the following:

- I am the duly authorized Plan Administrator, or I am the duly authorized agent or representative of the Plan Administrator

I further certify that the information shown on this Statement (including all Appendices and any attachments) is, to the best of my knowledge, accurate and based on the information that was provided by the applicant in his/her **Application for Family Law Value (FSCO Family Law Form 1)** and the information contained in the pension plan records that pertain to the Plan Member.

 Signature of Plan Administrator or Plan Administrator's authorized agent or representative

 Name of Plan Administrator or Plan Administrator's authorized agent or representative (printed)

 Dated (yyyy/mm/dd)

Information about the Plan Administrator's authorized agent or representative (if applicable)

Firm/Company Name			
Mailing Address (Street Number and Name)			Suite/Floor No.
City	Province	Postal Code	Telephone Number ()
E-Mail Address			

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Next Steps

No Division

If the Plan Member and the spouse/former spouse of the Plan Member **will not be dividing the Family Law Value**, they may jointly complete the **No Division of Family Law Value/Pension Assets (FSCO Family Law Form 7)** and give it to the Plan Administrator.

Transfer of the Former Spouse's Share of Family Law Value

If the **Family Law Value is to be divided**, the former spouse of the Plan Member must complete and send an **Application to Transfer the Family Law Value (FSCO Family Law Form 5)** to the Plan Administrator and include the following information:

- A certified copy of the court order, family arbitration award or domestic contract made on or after January 1, 2012, under the Ontario *Family Law Act* that:
 - (i) provides for the division of the Family Law Value;
 - (ii) clearly specifies the amount that must be transferred to the former spouse; and,
 - (iii) clearly specifies the Family Law Valuation Date.
- Other information required by the Plan Administrator as noted below or attached (see attached).

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Appendix A

Plan Membership, Employment and Additional Voluntary Contribution Information as of the Family Law Valuation Date

Plan Membership and Employment Information as of the Family Law Valuation Date

The Plan Member joined the pension plan on:	_____	(yyyy/mm/dd)
The Plan Member terminated his/her employment or plan membership on:	_____	(yyyy/mm/dd) or <input type="checkbox"/> N/A
On the Family Law Valuation Date the Plan Member was vested:	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Additional Voluntary Contributions (AVCs) Information as of the Family Law Valuation Date

The Plan Member has made AVCs to the pension plan as of the Family Law Valuation Date	<input type="checkbox"/> Yes (if Yes, complete information below) or <input type="checkbox"/> N/A
Total AVCs as of the Family Law Valuation Date, including interest/investment earnings:	\$ _____
If available, total AVCs from the starting date of the spousal relationship to the Family Law Valuation Date, including interest/investment earnings:	\$ _____

NOTE:

Additional Voluntary Contributions (AVCs) are optional contributions that a Plan Member may make beyond those that are required to be made by the Plan Member under the pension plan. The terms of the pension plan specify whether AVCs are allowed and how they are to be paid out. **AVCs are not included in the Family Law Value** set out in **Part A** of this Statement.

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Appendix B

Explanation of Pension Plan Provisions that Apply to the Plan Member as of the Family Law Valuation Date

<input type="checkbox"/> Information about the pension plan is attached to this Statement.	
Plan Provisions	Provide Details (if applicable)
Contribution formula (employee) <input type="checkbox"/> N/A	
Contribution formula (employer)	
Interest/investment earnings <input type="checkbox"/> fund rate <input type="checkbox"/> other (specify)	
Normal retirement date	
Early retirement date	
Other relevant provisions <input type="checkbox"/> N/A	

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Appendix C

Worksheet for Family Law Value Calculations

Information about any Hybrid Benefit (Entitlement to the Greater of a Defined Contribution Benefit or a Defined Benefit) N/A

The Plan Member's defined contribution account balance (including interest/investment earnings) as of the Family Law Valuation Date is:	\$	
The commuted value of the Plan Member's defined benefit as of the Family Law Valuation Date is:	\$	

Step 1 – Calculation of Preliminary Value as of the Family Law Valuation Date

NOTE:

- The **Preliminary Value** is the total value of the defined contribution benefit with interest/investment earnings credited to the Plan Member as of the Family Law Valuation Date. It has not been adjusted to reflect the period of the spousal relationship.
- Note that additional voluntary contributions (see **Appendix A** of this Statement) are not included in the Preliminary Value.
- The same process and calculations are followed if the pension plan was wound up in full or in part, the Plan Member is included in the wind up group and the effective date of the wind up is on or before the Family Law Valuation Date.

Complete the applicable Section(s):

Section 1 - The Preliminary Value **can be determined** as of the Family Law Valuation Date N/A

Total amount of contributions, including interest/investment earnings on the contributions, attributable to the Plan Member as of the Family Law Valuation Date is:	\$		= G (Preliminary Value)
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OR

Section 2 - The Preliminary Value **cannot be determined** as of the Family Law Valuation Date N/A

Total amount of contributions, including interest/investment earnings on the contributions, attributable to the Plan Member as of the last day of the month immediately preceding the Family Law Valuation Date is:	\$		= G (Preliminary Value)
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OR

Section 3 - Plan Member was **not vested** on the Family Law Valuation Date N/A

Complete Sections 1 or 2 before completing Section 3 .			
The Preliminary Value of non-vested pension benefits is 50% of the Preliminary Value calculated under Sections 1 or 2 .	\$		= Adjusted G (Preliminary Value)

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Step 2 – Calculation of Family Law Value as of the Family Law Valuation Date

NOTE:

- The **Family Law Value** is the portion of the Preliminary Value that relates to the period of the spousal relationship (married or common-law) as of the Family Law Valuation Date.
- The Family Law Value is the “imputed value” in the Ontario *Pension Benefits Act*.
- The **account balance** in the calculations below means the total amount of the contributions, including interest/investment earnings on the contributions, attributable to the Plan Member.
- The same process and calculations are followed if the pension plan was wound up in full or in part, the Plan Member is included in the wind up group and the effective date of the wind up is on or before the Family Law Valuation Date.

Complete the applicable Section:

Section 1 - The **starting date** of the spousal relationship is **before the date** when the Plan Member joined the pension plan N/A

The Family Law Value = Preliminary Value (G or Adjusted G) calculated in Step 1 .	\$	= Family Law Value
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OR

Section 2 - The **starting date** of the spousal relationship is **on or after the date** when the Plan Member joined the pension plan N/A

Pick the calculation that applies	Calculation 1: The account balance as of the starting date of the spousal relationship can be determined . <input type="checkbox"/> N/A		
	The Preliminary Value (G or Adjusted G) calculated in Step 1 is:	\$	A
	The account balance at the starting date is:	\$	B
	A minus B is:	\$	= Family Law Value
	OR		
	Calculation 2: The account balance as of the starting date of the spousal relationship cannot be determined but the account balance can be determined on a date that falls between 45 days before and 45 days after the starting date of the spousal relationship. <input type="checkbox"/> N/A		
	The account balance can be determined as of:		(yyyy/mm/dd)
	The Preliminary Value (G or Adjusted G) calculated in Step 1 is:	\$	A
	The account balance as of the determined date is:	\$	B
	A minus B is:	\$	= Family Law Value
	OR		
	Calculation 3: The account balance as of the starting date of the spousal relationship is being determined in accordance with section 18 of Ontario Regulation 287/11 with necessary modifications. <input type="checkbox"/> N/A		
	The Preliminary Value (G or Adjusted G) calculated in Step 1 is:	\$	= G
	The period of spousal relationship (i.e. beginning on the starting date and ending on the Family Law Valuation Date) is:		= H
	The entire period of employment or plan membership as of the Family Law Valuation Date is:		= J
Family Law Value formula is G X H/J* *H/J cannot exceed 1	\$	= Family Law Value	

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Step 3 - Maximum Amount that May Be Assigned and Transferred to the Former Spouse of the Plan Member as of the Family Law Valuation Date

The share of the Family Law Value payable to the former spouse of the Plan Member **cannot exceed 50% of the Family Law Value** calculated under **Step 2** above.

The **maximum amount** of the Family Law Value that may be assigned and transferred to the former spouse of the Plan Member from the pension plan is: \$ _____

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