

GETTING DIVORCED?

ALL YOU NEED TO KNOW ABOUT THE DIVORCE PROCESS

Email all communication to Alexander Forbes at afdo@forbes.com



Are you getting a divorce?



If you intend to receive a share of your spouse's benefit after your divorce, your attorney must draft your divorce order carefully to ensure that it meets the minimum requirements.

The law stipulates **three minimum requirements**. If even one of the three requirements is not met, we cannot process your claim.



The member must belong to the fund and still be employed and contributing to the fund on the date on which the divorce is granted.



The divorce order must specify the portion of pension interest allocated to the member's former spouse. Note that the term **pension interest** must be used, not pension benefit, pension fund, value, benefits, fund interest or interest in the fund.



The divorce order must:

- state the correct fund name that the member was contributing to on the date of divorce
- instruct the fund to make payment.



Pension interest is the amount equal to the cash withdrawal benefit that would have become payable to the member in terms of the fund rules if the member had resigned from their job on the date of the divorce.

To ensure that your divorce order is drafted correctly, we suggest that your attorney refer to the following link for guidance on wording and minimum legal requirements:
<https://www.asisa.org.za/wp-content/uploads/2017/06/ASISA-Divorce-Article-for-Law-Society.pdf>



Email copies of your legal documents to us to make a note about the divorce on your record.

Legal documents may include your summons, notice of motion, and particulars of the claim.

What if you decide not to go ahead with the divorce but we have already made a note about it on your record?

We require a **Notice of withdrawal of the action** from the court. Please check that the court has stamped the notice.

Has your divorce been finalised and have you agreed to share the pension interest?

Email the following documents to us for processing:

Copy of divorce decree and copy of settlement

Signed and each page stamped by the registrar, assistant registrar or magistrate of the court that granted the divorce. Even if a single page is not stamped or contains the incorrect stamp, we cannot process your claim.

Divorce benefit claim form (attached)

Ensure that your tax number is listed on the claim form

Certified copy of identity document

of the member's former spouse

Bank statement of less than three months

of the member's former spouse or the Trust Account (if so indicated in the divorce order). This must be the same as the bank details completed on your application form.

We will assess the above documents received and advise you within **15 working days** if:

the divorce order does not meet the minimum legal requirements



additional information is required

You may enquire about the status of your case after the **15 working days' turnaround time**.



If no additional documents are required, we will process the claim within the timelines required by law.

What timelines are required by law?



Once your divorce has been finalised and you have submitted all your documents as per step 2 above, the fund will assess the documents. If there is a claim against the fund, the fund must send the relevant claim documents within **45 days** to the member's former spouse.

If there is no claim against the fund, or if there is any missing information, you will also be notified.



The member's former spouse has **120 days** to decide what to do with their portion of pension interest by submitting the relevant claim documents back to the fund.



Once the fund receives all the relevant completed claim documents, the fund has **60 days** to pay the member's former spouse their portion of pension interest.

*If you have not received feedback from us or payment by the 60th calendar day, please email us at afdo@forbes.com.



All efforts will be made to process your payment earlier than the timelines required by law.

Once we have processed payment of the pension interest, we will issue payment letters both to our member and to the member's former spouse.