

# Divorce

Divorce raises the question of how the joint assets will be divided. This includes consideration of claims arising from the spouse’s occupational pension insurance. Under the applicable divorce legislation, the pension assets acquired during the marriage will in principle be divided into two equal shares.

## Preliminary remark

Marriage and registered partnerships have equal legal status. The legal consequences of separation are equivalent. In order to simplify the following explanations, this information sheet will only use the terms “marriage” and “divorce”.

### What is the procedure in the event of divorce proceedings?

As a rule, the judge or the legal practice appointed to oversee the divorce settlement will ask the pension funds of the two spouses to calculate the pension capital (vested benefits) acquired during the marriage. In such an event, we calculate your vested benefits for the attention of the court and confirm that we are able to perform the transfer (feasibility declaration).

After the divorce, the court tells us what proportion of your savings capital must be transferred to your divorced spouse’s pension fund. The court is empowered to decide on the division of assets. We are responsible only for forwarding the calculations.

### How are the vested benefits calculated?

#### Example of a calculation in the event of divorce:

##### *Husband*

Vested benefits at time of divorce	CHF 200,000
Vested benefits at time of marriage (including interest up to the time of divorce)	– CHF 100,000
<b>Pension capital acquired during the marriage</b>	<b>= CHF 100,000</b>

##### *Wife*

Vested benefits at time of divorce	CHF 100,000
Vested benefits at time of marriage (including interest up to the time of divorce)	– CHF 80,000
<b>Pension capital acquired during the marriage</b>	<b>= CHF 20,000</b>

Difference between acquired pension capital of husband/wife (CHF 100,000 minus CHF 20,000)	CHF 80,000
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<b>Transfer to wife</b> (CHF 80,000 / 2)	<b>CHF 40,000</b>
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### What impact will divorce have on my savings capital?

Two different scenarios are possible:

1. You *transfer* a portion of your vested benefits to your divorced spouse: Your savings capital is reduced by the amount transferred to your spouse’s occupational benefits institution. Your retirement benefits are reduced accordingly.

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2. You *receive* a portion of the vested benefits of your divorced spouse: This increases your savings capital. Your retirement benefits are increased accordingly.
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**How can I compensate for any impact?**

If your savings capital is reduced because of divorce, you can close the pension gap by making a voluntary purchase. In the event of a repurchase, the BVG savings capital and the savings capital from extra-mandatory pension provision will be increased in proportion to the previous reductions.

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**What happens if pensioners get divorced?**

If an insured event (retirement or disability) has already occurred, the pension capital can no longer be divided. Divorce legislation provides for adjustment of the retirement benefits acquired during the marriage if the husband or wife is drawing a disability pension at the time when divorce proceedings are initiated. The adjustment is performed as part of the hypothetical termination benefit or the existing pension is split and converted to a lifelong pension for the entitled spouses. The divorce judge specifies the amount of the pension that is to be split.

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**How do voluntary purchases in the Pension Fund affect the division of the increase?**

Three different scenarios are possible:

1. Voluntary purchase before the marriage: The purchase does not count as part of the increase in the vested benefits.
2. Voluntary purchase using own assets (e.g. inheritance, gift) during the marriage. The purchase does not count as part of the increase in the vested benefits.
3. Voluntary purchase using joint assets during the marriage: The purchase counts as part of the increase in the vested benefits.

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**How do early withdrawals to finance home ownership affect the division of the increase?**

Two different scenarios are possible:

1. Early withdrawal before the marriage: The early withdrawal is not taken into account when calculating the increase in the vested benefits.
2. Early withdrawal during the marriage: The early withdrawal is taken into account when calculating the increase in the vested benefits. The court decides on the appropriate form of the pension settlement.

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**Information**

Please contact the person responsible for your pension account. To find out who is responsible for your account, check on our website at [www.pk-siemens.ch](http://www.pk-siemens.ch) or consult your personal pension certificate.

**Disclaimer**

No legal claims can be derived from this information sheet.  
The current provisions of the law and the Pension Fund Regulations are binding.