

Louisiana Sheriffs' Pension & Relief Fund

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TO: PARISH LIAISONS
FROM: KEITH DUPLECHAIN
RE: ADMINISTRATIVE RULE
DATE: JANUARY 20, 2010

In a continuing effort to better serve our member's needs in both a timely and efficient manner the Board of Trustees of the Louisiana Sheriffs' Pension and Relief Fund adopted the attached Administrative Rule which deals specifically with the issue of community property interest. Adoption of this Administrative Rule will not only allow the Fund to better serve its members, but it will also reduce the amount of time, effort, and money (legal fees) spent by the Fund's staff in dealing with issues related to community property interest, such as the following:

No Community Property Settlement

Many of our members go through a divorce early on in their career, and future retirement is not seen as a priority. It may also be a time when community assets are limited and the member and their ex-spouse see no need for a community property settlement. Years later when the member is ready to retire there is no clear documentation of what, if any, community property interest the ex-spouse may have in the member's benefit. In some instances there may be more than one ex-spouse, unknown to the Fund that may have a community property interest in the member's benefit and/or employee contributions.

Non-Specific Language in Court Documents

Complications can arise even when community property settlements are arrived at by the member and their ex-spouse. Quite often the language describing the separation of community property interest is stated in general, non-specific terms (e.g., all pensions and retirement savings plans). Upon the advice of legal counsel, the Fund requires that court documents establishing community interest in the member's pension refer specifically to the Louisiana Sheriffs' Pension and Relief Fund. Therefore, we sometimes have to ask the member to have the language in these documents amended.

Ambiguous Language in Statutes

R.S. 11:291(B) stipulates that benefit payments and/or returns of employee contributions by the Fund are subject to court orders, but it does not specify how that court order is to be delivered to the Fund and is ambiguous on the form to be furnished. Therefore, an ex-spouse could claim that they provided such a court order to the Fund via mail, fax, or even by hand. This leaves the Fund open to possible dispute and liability with an ex-spouse, known or unknown to us, over the delivery or lack thereof of said court order.

In order to address the above issues, provide greater protection for the Fund, and enable us to better serve our members, the Board of Trustees adopted the following **Administrative Rule**. The effective date of the Administrative Rule is January 1, 2010.

Serving Those Who Serve

Administrative Rule

To be effective as to the Louisiana Sheriffs' Pension and Relief Fund, any court order or judgment issued upon or after the termination of a community property regime which order or judgment recognizes the community interest of a spouse or a former spouse of a member or retiree of the Louisiana Sheriffs' Pension and Relief Fund and provides that a benefit or return of employee contributions be divided by the Louisiana Sheriffs' Pension and Relief Fund with the spouse or former spouse, shall be:

- (a) considered to be received by the Louisiana Sheriffs' Pension and Relief Fund under La. R.S. 11:291(B) only if a certified copy of the order is served on the Executive Director or the Assistant Executive Director of the Fund by the Sheriff of East Baton Rouge Parish, and
- (b) specific to the Louisiana Sheriffs' Pension and Relief Fund. A court order purporting to divide a member's or retiree's benefits and/or employee contributions between the member/retiree and former spouse that does not specifically identify the Louisiana Sheriffs' Pension and Relief Fund by name shall not be effective as to said Fund.