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**Survivor Election Options
For Unmarried and Married Employees**

A Guide for Human Resources Specialists

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Introduction

The purpose of this guide is to provide a reference chart for counseling employees about survivor elections and the effect certain elections have on their annuities, immediately and in the future. It is not intended to be an all-encompassing resource, but to serve as an immediate relief for common questions and issues.

The guide addresses:

- Elections for unmarried and married employees under the Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS);
- Requirements for elections;
- Results of an election;
- Effects of court orders on elections; and
- Post-retirement elections for unmarried or married retirees under CSRS and FERS.

More detailed information can be found in the Code of Federal Regulations (C.F.R.) as well as the CSRS and FERS Handbook for Personnel and Payroll Offices published by the Office of Personnel Management (OPM).

Common-Law Marriage: Marriage is a legal union between one man and one woman as husband and wife. Some states recognize “common-law” marriage. A spouse in a common-law marriage would be considered a valid survivor for Federal benefits, **as long as the marriage was recognized by the state** in which the employee and spouse lived or the state in which the marriage was established. In addition, certain states do not recognize “transfers” of common-law marriages in cases when there’s a change of residence outside the state in which the common-law marriage was confirmed. The requirements for establishing a valid common-law marriage varies greatly. To obtain accurate information on states that recognize common-law marriage, consult a lawyer in that State. Additional information on common-law marriages can be found at <http://www.unmarried.org/common.html>.

If you have any questions or comments concerning this reference guide, please call us at (703) 696-6301 (DSN 426), or send an email to: benefits@cpms.osd.mil; or fax to (703) 696-4705 (DSN 426).

GLOSSARY

Contingency Election: An election made at retirement, by the retiring employee, to provide the current spouse a survivor annuity when there is a court-ordered survivor benefit for a former spouse.

CSRS: The Civil Service Retirement System was established in 1920 for Federal employees. This retirement system covers employees first hired prior to January 1, 1984 and certain rehires.

Current Spouse: A living person who is married to the employee or retiree at the time of their death.

Current Spouse Survivor Annuity: A recurring monthly annuity that is payable after the employee or retiree's death, to a current spouse who meets the marriage duration requirements.

FERS: The Federal Employees Retirement System became effective on January 1, 1987 for Federal employees. The retirement system covers employees first hired on or after January 1, 1984 and certain rehires.

Former Spouse: A living person and who was married for **at least 9 months** to an employee or retiree who performed at least 18 months of creditable civilian service in a position covered by a retirement system (CSRS or FERS) and whose marriage to the employee or retiree was terminated prior to their death.

Former Spouse Survivor Annuity: A recurring monthly annuity that is payable to a former spouse after the employee or retiree's death. The annuity may be required because of a court order or may be elected voluntarily by the retiree.

Fully Reduced Annuity: Recurring monthly annuity to a retiree who elected the maximum survivor annuity for a current and/or former spouse.

Insurable Interest Annuity: Recurring monthly annuity payable to a person with an insurable interest in the retiree based on the election at the time of retirement.

Partially Reduced Annuity: Recurring monthly annuity to a retiree who elected less than the maximum survivor annuity for a current and/or former spouse.

Self-Only Annuity: Recurring, unreduced monthly annuity to a retiree who has elected not to provide a survivor annuity or insurable interest.

**CSRS SURVIVOR ELECTION OPTIONS
UNMARRIED APPLICANTS**

<p style="text-align: center;">IF AN <u>UNMARRIED</u> CSRS RETIREE ELECTS</p>	<p style="text-align: center;">THE REQUIREMENTS ARE:</p>	<p style="text-align: center;">WHAT WILL HAPPEN</p>
<p>1. No survivor benefit (Self-only annuity)</p>	<p>None</p>	<p>Annual annuity <u>will not</u> be reduced for a survivor benefit.</p>
<p>2. Survivor benefit for former spouse</p> <ul style="list-style-type: none"> • Maximum • Partial 	<p>Former spouse and retiree MUST have been married for at least 9 months.</p> <p>Former spouse must not have remarried before age 55 (exception: marriage lasted at least 30 years – former spouse continues eligibility).</p> <p>The employee <u>must choose</u> the percentage of the annuity they want to provide up to a total of 55% of the retiree’s annuity but no less than dictated by any applicable court order.</p>	<p>OPM must honor all valid court orders providing a benefit for a former spouse. Reduction for providing a survivor benefit is 2.5% of the first \$3,600 elected as the base <u>plus</u> 10% of the amount over \$3,600.</p> <p>Former spouse’s benefit <u>will not</u> exceed 55% of the self-only annuity before the cost to provide the benefit. Cost of Living Adjustments (COLA) will increase the annuity from the date of commencement through the date of death.</p> <p>Former spouse benefits will continue until death <i>or</i> remarriage before age 55 (exception, marriage lasted at least 30 years). Once a former spouse loses entitlement, the survivor benefit <u>cannot</u> be restored.</p> <p>If the employee is CSRS Offset, the portion of any Social Security spousal survivor benefit attributable to the CSRS Offset service will reduce the spouse’s CSRS benefit. The Social Security benefit is usually paid at age 60.</p>

**CSRS SURVIVOR ELECTION OPTIONS
UNMARRIED APPLICANTS**

<p style="text-align: center;">IF AN <u>UNMARRIED</u> CSRS RETIREE ELECTS</p>	<p style="text-align: center;">THE REQUIREMENTS ARE:</p>	<p style="text-align: center;">WHAT WILL HAPPEN</p>
<p>3. Survivor benefit for person having an insurable interest.</p>	<p>Employee must be in good health. OPM requires proof of a physical exam before approving this election. Employee is responsible for paying all cost for a current medical examination.</p> <p>Employee must return an election letter to OPM. The election will not go into effect without written confirmation along with the results of the physical exam.</p> <p>Employee must elect the benefit for a person who has a reasonable expectancy of financial benefit in the continuance of the retiree's life. Insurable interest elections <u>are not</u> available after retirement.</p>	<p>Annual annuity will be reduced by 10%, plus 5% for each 5 years the person is younger than the retiree--up to a maximum of a 40% reduction.</p> <p>After the employee's death, the insurable interest survivor will receive the annuity for life. The insurable interest survivor will receive a monthly benefit equal to 55% of the reduced annuity after all applicable reductions.</p>
<p>Note: An unmarried retiree may elect an insurable interest benefit and a former spouse benefit as long as a different individual is named for each. In this case, the reduction for the insurable interest election will take place in addition to the reduction for the former spouse benefit. All of the applicable requirements above apply.</p>		

CSRS SURVIVOR ELECTIONS OPTIONS MARRIED APPLICANTS

IF A <u>MARRIED</u> CSRS RETIREE ELECTS:	THE REQUIREMENTS ARE:	WHAT WILL HAPPEN:
<p>1. Maximum survivor benefit to a current spouse</p>	<p>Spouse MUST have been married to the employee for at least 9 months, unless the spouse is a parent of the employee's child or the death is accidental.</p> <p>Must be married to the employee at the time of retirement. If there is a court order awarding the total survivor annuity to a former spouse of the retiree, OPM will honor the court order. If the court order is less than 55% (maximum), the current spouse may receive the difference.</p> <p>Employees <u>must</u> make a contingency election to protect the current spouse's interest in the event the former spouse loses entitlement.</p> <p>Aggregate time married to the same spouse count towards the 9-month total as well as the marriage at the time of death.</p> <p>The benefit is automatic <i>unless</i> the retiree and the spouse change the election in writing within 30 days of the date of annuity statement from OPM.</p>	<p>Reduction for providing a survivor benefit is 2.5% of first \$3,600 elected as the base <u>plus</u> 10% of the amount over \$3,600.</p> <p>Spouse's survivor benefit <u>will not exceed 55%</u> of the self-only annuity before the cost to provide this benefit. COLAs will increase the annuity from the commencement date of the annuity through the date of death.</p> <p>Spouse's benefit begins the day following the retiree's death. Spousal benefit ends with their death or remarriage occurring before age 55 (exception, marriage lasted at least 30 years).</p> <p>If the employee is CSRS Offset, the portion of any Social Security spousal survivor benefit attributable to the CSRS Offset service will reduce the spouse's CSRS benefit. Social Security benefits are usually paid at 60.</p>

**CSRS SURVIVOR ELECTIONS OPTIONS
MARRIED APPLICANTS**

IF A <u>MARRIED</u> CSRS RETIREE ELECTS:	THE REQUIREMENTS ARE:	WHAT WILL HAPPEN:
<p>2. Partial survivor benefit to the current spouse.</p>	<p>The current spouse must give their signed (notarized) or waived consent for a survivor benefit less than the maximum benefit.</p> <p>If there is a court order awarding the total survivor annuity to a former spouse of the employee, OPM will honor the court order first.</p> <p>If the court order does not award the total survivor benefit to the former spouse, the current spouse may receive the difference.</p> <p>Employees <u>must make</u> a contingency election to protect the current spouse's interest in the event the former spouse loses entitlement.</p>	<p>Reduction for providing a survivor benefit is 2.5% of first \$3,600 elected as the base <u>plus</u> 10% of the amount over \$3,600.</p> <p>Spouse's survivor benefit will not exceed 55% of the self-only annuity before the cost to provide the benefit. COLAs will increase the annuity from the commencement date of the annuity through the date of death.</p> <p>Spouse's benefit begins the day following the retiree's death. Spousal benefit ends with their death or remarriage occurring before age 55 (exception, marriage lasted at least 30 years).</p> <p>If the employee is CSRS Offset, the portion of any Social Security spousal survivor benefit attributable to the CSRS Offset service will reduce the spouse's CSRS benefit. Social Security benefits are usually paid at 60.</p>

**CSRS SURVIVOR ELECTIONS OPTIONS
MARRIED APPLICANTS**

<p>IF A <u>MARRIED</u> CSRS RETIREE ELECTS:</p>	<p>THE REQUIREMENTS ARE:</p>	<p>WHAT WILL HAPPEN:</p>
<p>3. No survivor annuity</p>	<p>Current spouse must give their consent (signed and notarized). If the spouse does not consent, they are entitled to the maximum survivor benefit.</p>	<p>Retiree will receive a self-only annuity with no reduction for a survivor benefit</p> <p>Surviving spouse will receive no annuity and <u>will not be eligible</u> to continue FEHB coverage if the retiree predeceases him or her. Surviving spouse would also be ineligible to apply for Temporary Continuation of Coverage (TCC).</p>

CSRS SURVIVOR ELECTIONS OPTIONS MARRIED APPLICANTS

IF A <u>MARRIED</u> CSRS RETIREE ELECTS:	THE REQUIREMENTS ARE:	WHAT WILL HAPPEN:
<p>4. Survivor benefit for a former spouse (voluntarily elected)</p> <ul style="list-style-type: none"> • Maximum • Partial 	<p>Former spouse and retiree MUST have been married for at least 9 months.</p> <p>Former spouse must not have remarried before the age of 55 unless the marriage lasted at least 30 years.</p> <p>Employee must choose the percentage of the annuity they want to provide up to a total of 55% of the retiree's annuity. (Multiple former spouses may be elected.)</p> <p>Must have the current spouse's consent to provide less than the maximum benefit (signed and notarized).</p> <p>Employees <u>must make</u> a contingency election to protect the current spouse's interest in the event the former spouse loses entitlement.</p>	<p>Reduction for providing a survivor benefit is 2.5% of the first \$3,600 elected as the base <u>plus</u> 10% of the amount over \$3,600.</p> <p>Former spouse's benefit will not exceed 55% of the full annuity elected by the retiree before the above reduction. COLAs will increase the annuity from the commencement of the annuity through the date of death.</p> <p>Former spouse's benefit begins the day following the retiree's death. The former spouse's benefit ends with death or remarriage occurring before age 55 (exception, marriage lasted at least 30 years). Once a former spouse loses entitlement, the survivor benefit cannot be restored.</p> <p>If the retiree is CSRS Offset, the portion of any Social Security spousal survivor benefit attributable to the CSRS Offset service will reduce the spouse's CSRS benefit. The Social Security benefit is usually paid at age 60.</p>

**CSRS SURVIVOR ELECTIONS OPTIONS
MARRIED APPLICANTS**

IF A <u>MARRIED</u> CSRS RETIREE ELECTS:	THE REQUIREMENTS ARE:	WHAT WILL HAPPEN:
<p>5. Survivor benefit to both current and former spouse (voluntarily elected)</p>	<p>Former spouse MUST have been married at least 9 months and must not have remarried before age 55 (unless marriage lasted at least 30 years).</p> <p>Current spouse <u>must consent</u> to less than full benefit (signed and notarized).</p> <p>Aggregate survivor annuity <u>cannot exceed 55%</u> of the base annuity.</p> <p>Employees <u>must make</u> a contingency election to protect the current spouse's interest in the event the former spouse loses entitlements.</p>	<p>Reduction for providing a survivor benefit is 2.5% of the first \$3,600 elected as the base <u>plus</u> 10% of the amount over \$3,600.</p> <p>Each recipient will receive a percentage of the base annuity elected by the retiree (up to a total of 55% of the retiree's annuity).</p> <p>Current and former spouse's benefit begins the day following the retiree's death and ends with remarriage occurring before age 55 (exception, marriage lasted at least 30 years). The current spouse's benefit can be restored if the remarriage ends. If the former spouse loses entitlement, the benefits cannot be restored.</p> <p>If the retiree is CSRS Offset, the portion of any Social Security spousal survivor benefit attributable to the CSRS Offset service will reduce the spouse's benefit. The Social Security benefit is usually paid at age 60.</p>

CSRS SURVIVOR ELECTIONS OPTIONS MARRIED APPLICANTS

IF A <u>MARRIED</u> CSRS RETIREE ELECTS:	THE REQUIREMENTS ARE:	WHAT WILL HAPPEN:
<p>6. Survivor benefit for a person having an insurable interest.</p>	<p>The employee must be in good health. OPM requires proof of a physical exam before approving this election. The employee is responsible for paying all costs for a current medical examination.</p> <p>The employee must return election letter to OPM since the election <u>will not go into effect without written confirmation</u>, along with the results of the physical exam.</p> <p>Must elect the benefit for a person who has a reasonable expectancy of financial benefit in the continuance of the retiree's life.</p> <p>If electing insurable interest for a current spouse, the current spouse must consent to having no regular spousal benefit. The employee cannot elect both benefits for the same person.</p>	<p>Annual annuity will be reduced by 10%, plus 5% for each 5 years the person is younger than the retiree-- up to a maximum of a 40% reduction.</p> <p>The insurable interest survivor annuity is equal to 55% of the reduced annuity after all reductions. COLAs will increase the annuity from the commencement of the annuity through the date of death.</p> <p>After retiree's death, the insurable interest survivor will receive the benefit for life.</p>
<p>Note: The retiree may elect an insurable interest benefit and a current and/or former spouse benefit if for different individuals. The reduction for the insurable interest election will take place in addition to the reductions for the other benefits elected.</p>		

FERS SURVIVOR ELECTION OPTIONS UNMARRIED APPLICANTS

IF AN <u>UNMARRIED</u> FERS RETIREE ELECTS:	THE REQUIREMENTS ARE:	WHAT WILL HAPPEN
1. No survivor benefit	None	Annual annuity <u>will not</u> be reduced for a survivor benefit. OPM must honor all valid court orders providing a benefit for a former spouse.
2. Survivor benefit for former spouse <ul style="list-style-type: none"> • Maximum • Partial 	<p>Former spouse MUST have been married to employee for at least 9 months.</p> <p>Employee <u>must choose</u> the percentage (50% or 25%) of annuity they want the former spouse to receive.</p> <p>If electing benefits for <u>more than one</u> former spouse, total percentages elected for the former spouses must equal either 50% (for example, 20% and 30%); or 25% (for example, 15% and 10%).</p>	<p>Annual annuity for retiree will be reduced by 10% for maximum (50% election) or 5% for partial (25% election) benefit.</p> <p>If disability annuitant is:</p> <ul style="list-style-type: none"> • Age 62 or over at death: Total survivor annuities equal 50% or 25% of the disability annuity. • Under age 62 at death: Total survivor annuities equal 50% or 25% of what employee would have received at age 62. The high-3 average salary is adjusted only through the date of death and the years and months the retiree was on the annuity rolls plus the years and months between the date of death and the 62nd birthday increases the service. <p>Former spouse's benefit will continue until remarriage before age 55 (exception, marriage lasted at least 30 years) or until death.</p>

FERS SURVIVOR ELECTION OPTIONS UNMARRIED APPLICANTS

<p style="text-align: center;">IF AN UNMARRIED FERS RETIREE ELECTS:</p>	<p style="text-align: center;">THE REQUIREMENTS ARE:</p>	<p style="text-align: center;">WHAT WILL HAPPEN</p>
<p>3. Survivor benefit for person having an insurable interest</p>	<p>Employee must be in good health. OPM requires proof of a physical exam before approving this election.</p> <p>The election letter must be returned to OPM. The election will not go into effect without written confirmation from applicant along with the results of the retiree's physical exam.</p> <p>Employee must elect the benefit for a person who has a reasonable expectancy of financial benefit in the continuance of the retiree's life.</p> <p>Employee may elect an insurable interest benefit and a former spouse benefit at the same time if for different persons.</p>	<p>Annual annuity will be reduced by 10%, plus 5% for each 5 years the person is younger than the retiree-- up to a maximum of a 40% reduction.</p> <p>The insurable interest survivor annuity is equal to 55% of the reduced annuity <u>after</u> all reductions. COLAs will increase the annuity from the commencement of the annuity through the date of death.</p> <p>After retiree's death, the insurable interest survivor will receive the benefit for life.</p>

FERS SURVIVOR ELECTION OPTIONS MARRIED APPLICANTS

IF A <u>MARRIED</u> FERS RETIREE ELECTS:	THE REQUIREMENTS ARE:	WHAT WILL HAPPEN:
1. No Survivor Benefit	<p>Current spouse must give their consent (signed and notarized). If the spouse does not consent, they are entitled to the maximum survivor benefit.</p> <p>OPM will <u>always</u> honor court orders first.</p>	<p>Retiree will receive a self-only annuity with no reduction for survivor benefit <u>unless</u> OPM honors a court order for a former spouse.</p> <p>Surviving spouse will receive no annuity and <u>will not be eligible to continue FEHB coverage</u> if the retiree predeceases him or her. Surviving spouse would also be ineligible to apply for Temporary Continuation of Coverage (TCC).</p>
2. Maximum survivor benefit to current spouse	<p>Spouse MUST have been married to the employee for a total of at least 9 months <u>unless</u> the spouse is a parent of the retiree's child or the death is accidental.</p> <p>Aggregate time married to the same spouse count toward the 9 month total as well as the marriage at the time of death.</p> <p>The benefit is automatic unless the retiree and the spouse change the election in writing within 30 days of the date of annuity statement sent by OPM.</p> <p>If there is a court order awarding the total survivor annuity to a former spouse of the retiree, OPM will honor the court order.</p>	<p>Annual annuity reduced by 10%.</p> <p>Spouse's survivor benefit equals 50% of the retiree's self-only annuity before the 10% reduction. COLAs will increase the annuity from the date of commencement through the date of death. They will be eligible for Social Security survivor benefits at age 60 based on retiree's eligibility for Social Security benefits. They will receive an OPM "supplementary benefit" until age 60.</p> <p>This supplementary benefit equals the lesser of:</p> <ul style="list-style-type: none"> • The benefit the spouse would have received if retiree had been a CSRS retiree with the 50% benefit elected, minus an amount equaling the regular FERS survivor benefit, or

FERS SURVIVOR ELECTION OPTIONS MARRIED APPLICANTS

IF A <u>MARRIED</u> FERS RETIREE ELECTS:	THE REQUIREMENTS ARE:	WHAT WILL HAPPEN:
<p>2. Maximum survivor benefit to current spouse (cont'd)</p>	<p>Spouse MUST have been married to the employee for a total of at least 9 months <u>unless</u> the spouse is a parent of the retiree's child or the death is accidental.</p> <p>Aggregate time married to the same spouse count toward the 9 month total as well as the marriage at the time of death.</p> <p>The benefit is automatic unless the retiree and the spouse change the election in writing within 30 days of the date of annuity statement sent by OPM.</p> <p>If there is a court order awarding the total survivor annuity to a former spouse of the retiree, OPM will honor the court order.</p>	<ul style="list-style-type: none"> • Any estimated Social Security spousal survivor benefit that the spouse would receive if he/she were age 60 (with earnings for non-FERS years adjusted to level of FERS years). <p>If a disability annuitant:</p> <ul style="list-style-type: none"> • Age 62 or over at death: Survivor annuity equals 50% or 25% of the disability annuity. • Under age 62 at death: Survivor annuity equals 50% or 25% of what the employee would have received at age 62. The high-3 average salary is adjusted only through date of death and the years and months the retiree was on the annuity rolls plus the years and months between the date of death and the 62nd birthday increases the service. <p>Spouse's benefit will continue until their death or until any remarriage occurring before age 55 (exception, marriage lasted at least 30 years).</p>

FERS SURVIVOR ELECTION OPTIONS MARRIED APPLICANTS

IF A <u>MARRIED</u> FERS RETIREE ELECTS:	THE REQUIREMENTS ARE:	WHAT WILL HAPPEN:
<p>3. Partial survivor benefit to current spouse</p>	<p>The current spouse <u>must</u> give their consent (signed and notarized) for a survivor benefit less than the maximum (partial benefit).</p> <p>If there is a court order awarding the total survivor annuity to a former spouse of the employee, OPM Will honor the court order first.</p> <p>If the court order does not award the total survivor benefit to the former spouse, the current spouse may receive the difference.</p> <p>Employees <u>must</u> make a contingency election to protect the current spouse's interest in the event the former spouse loses entitlement.</p>	<p>Annuity is reduced by 5%.</p> <p>The survivor's benefit will equal 25% of the full annuity before the 5% reduction plus COLAs since retirement date.</p> <p>“Supplementary benefit” also applies to the 25% partial survivor.</p> <p>Spouse's survivor benefit will continue until death or any remarriage occurring before the age of 55 (exception, marriage lasted at least 30 years).</p>

FERS SURVIVOR ELECTION OPTIONS MARRIED APPLICANTS

IF A <u>MARRIED</u> FERS RETIREE ELECTS:	THE REQUIREMENTS ARE:	WHAT WILL HAPPEN:
4. Survivor benefit to person having insurable interest	<p>Employee must be in good health. OPM requires proof of a physical exam before approving this election.</p> <p>Retiree must return an election letter to OPM. The election <u>will not go into effect without written confirmation</u> along with the results of the physical exam.</p> <p>Retiree must elect the benefit for a person who has a reasonable expectancy of financial benefit in the continuance of the retiree's life.</p>	<p>Annual annuity will be reduced by 10%, plus 5% for each 5 years the person is younger than retiree--up to a maximum of a 40% reduction.</p> <p>After the retiree's death, the insurable interest survivor will receive the annuity for life. The insurable interest survivor will receive a monthly benefit equal to 55% of the reduced annuity <u>after</u> all the reductions. COLA will increase the annuity from the date of commencement through the date of death.</p>
<p>Note:</p> <ul style="list-style-type: none"> • If electing an insurable interest for a current spouse, they must consent to having no regular current spouse benefit. Employee cannot elect both benefits for the same person. • Employee may elect an insurable interest benefit at the same time as they elect current and/or former spouse benefits if for different individuals. The reduction for the insurable interest election will take place in addition to the reductions for the other benefits elected. 		

FERS SURVIVOR ELECTION OPTIONS MARRIED APPLICANTS

IF A <u>MARRIED</u> FERS RETIREE ELECTS:	THE REQUIREMENTS ARE:	WHAT WILL HAPPEN:
<p>5. Survivor benefit for former spouse (voluntarily elected)</p> <ul style="list-style-type: none"> • Maximum • Partial 	<p>Former spouse MUST have been married to applicant for at least 9 months.</p> <p>Employee <u>must have</u> current spouse's signed (and notarized) consent to less than maximum benefit.</p> <p>Employee must choose the percentage (50% or 25%) of annuity they want to provide a former spouse(s).</p> <p>When electing benefits for more than one former spouse, the total percentages must equal either 50% (for example, 30% and 20%) or 25% (for example, 15% and 10%).</p>	<p>Annual annuity will be reduced by 10% or 5% depending on whether employee elected full or partial survivor benefits.</p> <p>The former spouse's benefit will equal the percentage the retiree elected.</p> <p>Same disability computation for survivor benefits to former spouse as in "election to former spouse if unmarried" found on page 13.</p> <p>The benefit will continue <u>unless</u> the former spouse remarries prior to age 55 (exception, marriage lasted at least 30 years) or upon death.</p>

EFFECT OF COURT ORDERS ON ELECTION UNDER CSRS AND FERS

TYPE OF ELECTION:	EFFECT OF COURT-ORDERED BENEFIT FOR FORMER SPOUSE:	HOW SURVIVOR BENEFIT MIGHT CHANGE AFTER RETIREMENT:
<p>1. <u>Unmarried</u> employee elects no survivor benefit.</p>	<p>A court-ordered former spouse survivor annuity requires no election by a retiring employee. OPM must honor all valid court orders.</p> <p>A court-ordered benefit may be any percentage for CSRS up to a maximum of 55%; for FERS up to 50%.</p> <p>The court ordered former spouse's survivor benefit will continue until: death; remarriage prior to age 55, unless married for 30 years; or special circumstances stipulated in the court order take place which require the benefit to end.</p>	<p>Annual annuity is automatically reduced to provide for a survivor benefit to the former spouse. The reduction in the annuity is based on the amount of survivor benefit designated by the court order, and may not exceed 55% (CSRS) or 50% (FERS) of the retiree's base annuity.</p> <p>If the former spouse loses entitlement to survivor benefit, the reduction in annuity for the court order ends prospectively. The retiree will then receive the self-only annuity.</p> <p>If retiree later marries, may elect a survivor annuity within 2 years of marriage. Survivor benefit goes into effect after 9 months of marriage unless death is accidental or the current spouse is the natural parent of the deceased's child. Survivor annuity will be paid to current spouse if the court order provides less than maximum to former spouse. If the former spouse loses entitlement to survivor annuity, the current spouse will receive 55% (CSRS) or 50% (FERS) of the base annuity that the retiree elected.</p>

EFFECT OF COURT ORDERS ON ELECTION UNDER CSRS AND FERS

TYPE OF ELECTION:	EFFECT OF COURT-ORDERED BENEFIT FOR FORMER SPOUSE:	HOW SURVIVOR BENEFIT MIGHT CHANGE AFTER RETIREMENT:
<p>2. <u>Unmarried</u> retiree elects benefit for former spouse.</p>	<p>If the court order involves a different former spouse than the former spouse for whom a survivor benefit was elected, OPM will honor the court order first.</p> <p>The court order also voids any smaller election for the same former spouse.</p> <p>The court-ordered former spouse's survivor benefit will continue until death; remarriage prior to age 55, unless married for 30 years; or special circumstances stipulated in the court order take place which require the benefit to end.</p>	<p>Annual annuity automatically reduced to provide for a survivor benefit to the former spouse. The reduction in the retiree's annuity is based on the amount of survivor benefit designated by the court order, not to exceed 55% (CSRS) or 50% (FERS) of the retiree's base annuity.</p> <p>If the former spouse loses entitlement to a survivor benefit, the reduction in annuity for the court order ends prospectively.</p> <p>If the retiree later marries, he/she may not change the election of an eligible former spouse.</p>

EFFECT OF COURT ORDERS ON ELECTION UNDER CSRS AND FERS

TYPE OF ELECTION:	EFFECT OF COURT-ORDERED BENEFIT FOR FORMER SPOUSE:	HOW SURVIVOR BENEFIT MIGHT CHANGE AFTER RETIREMENT:
<p>3. <u>Unmarried</u> retiree elects benefit to person having an insurable interest.</p>	<p>The basic annuity is reduced for any court-ordered survivor benefit to a former spouse and for a survivor benefit to the person having an insurable interest.</p> <p>The court order voids any smaller election for the same former spouse.</p> <p>The court-ordered former spouse's survivor benefit will continue until death, or remarriage prior to age 55, (exception, marriage lasted at least 30 years) or special circumstances stipulated in the court order take place which require the benefit to end.</p>	<p>If the person elected as the recipient for insurable interest dies, the reduction for insurable interest ends prospectively.</p> <p>If retiree later marries someone other than the insurable interest designee, they may elect a survivor benefit and it will end the insurable interest election.</p> <p>If retiree later marries the insurable interest designee and, within 2 years, elects a regular survivor annuity for that person, the insurable interest benefit will be canceled.</p>
<p>4. <u>Married</u> retiree elects no survivor benefit</p>	<p>If court order is in effect at retirement, it is honored.</p> <p>Current spouse must consent to the election of no survivor benefit. If no consent, current spouse will receive the remaining survivor benefit up to the maximum.</p>	<p>Annual annuity will automatically be reduced to provide for a survivor benefit for the former spouse. The reduction in the annuity will be based on the amount of survivor benefit designated by the court order.</p> <p>If the former spouse loses entitlement to survivor benefit, the reduction in annuity for the court order ends prospectively.</p>

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<p>5. <u>Married</u> retiree elects:</p> <ul style="list-style-type: none"> • Maximum benefit for current spouse • Partial benefit for current spouse 	<p>If a court order is in effect at retirement, it has priority over any survivor election.</p> <p>If the court orders the maximum benefit, the retiring employee can make a “contingency” election for the current spouse that would go into effect when, and if, the former spouse loses entitlement. No extra reduction to the basic annuity will be added to a “contingency” election.</p>	<p>Annual annuity will automatically be reduced to provide for a survivor benefit for the former spouse. The reduction in the annuity will be based on the amount of survivor benefit designated by the court order, not to exceed 55% (CSRS) or 50% (FERS) of the base annuity.</p> <p>If the court order gives maximum survivor annuity to the former spouse, the current spouse receives no survivor annuity until the former spouse loses entitlement to the court ordered benefit. If the court order gives less than the maximum benefit to the former spouse, the current spouse receives the difference available (up to the amount elected).</p> <p>If the former spouse loses entitlement to survivor annuity, the current spouse will receive the amount of annuity elected by the retiree. If later divorced and remarried to former spouse, survivor benefit cannot exceed the benefit elected before the divorce.</p>
<p>6. <u>Married</u> retiree elects benefit for former spouse</p>	<p>If court order is in effect at retirement, it has priority over any survivor election.</p> <p>If a court order provides benefits to a former spouse, the voluntary election of a former spouse benefit would be void if it provides a smaller amount.</p>	<p>Retiree annuity is <u>automatically</u> reduced to provide a survivor benefit for the former spouse. The reduction in the retiree’s annuity will be based on the amount of survivor benefit designated by the court order not to exceed 55% (CSRS) or 50% (FERS) of the base annuity.</p>

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<p>6. <u>Married</u> retiree elects benefit for former spouse (cont'd)</p>	<p>A court order following a post-retirement divorce does not have priority over an existing survivor benefit election.</p> <p>Current spouse must consent to the election (signed and notarized).</p>	<p>If court order gives less than maximum to a former spouse, and the retiring employee elected to provide a survivor benefit to another former spouse (with the consent of current spouse), the court order will be honored first with the elected former spouse benefit being the difference, if any.</p> <p>If retiree later marries/remarries, he/she may not change the election of eligible former spouse. If former spouse loses eligibility by death or remarriage before age 55, (exception, marriage lasted at least 30 years) the reduction in annuity ends prospectively.</p>
<p>7. <u>Married</u> employee elects combination benefit for current and former spouse</p>	<p>A court ordered former spouse survivor annuity requires no election by the retiring employee. The employee must elect a fully reduced annuity to provide a current spouse survivor annuity. If the employee's election is inconsistent with the court order OPM will honor the order.</p> <p>A court order following a post-retirement divorce will not be honored, if an election was not made to provide a survivor annuity for the former spouse at retirement.</p> <p>If the court order provides benefits to the former spouse, the voluntary election of a former spouse</p>	<p>If either the current or former spouse loses eligibility by death or remarriage before age 55, (exception, married for at least 30 years) the reduction in annuity for that person ends prospectively. If former spouse loses eligibility, the elected benefit may not be increased for current spouse.</p>

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	would be void if it provides a smaller benefit amount.	
<p>8. <u>Married</u> retiree elects an insurable interest benefit</p>	<p>The basic annuity will be reduced to provide any court-ordered survivor benefit to a former spouse and for a survivor benefit to a person designated as having an insurable interest.</p> <p>If the court order and insurable interest election provide benefits to the same former spouse, the insurable interest election would be void if it provides a smaller benefit.</p> <p>The current spouse must consent (signed and notarized) to the election of less than maximum survivor benefit.</p>	<p>The annuity will be reduced by 10% plus 5% for each 5 years the person is younger than the retiree (up to a maximum of 40% reduction). The insurable interest survivor's annuity will be 55% of the annuity remaining after the above reduction increased by any COLA's the retiree received.</p> <p>If a person elected as insurable interest dies, the reduction ends prospectively.</p> <p>If a former spouse with a court-ordered benefit loses entitlement, the retiree may, within 2 years, change an insurable interest benefit for current spouse to a regular survivor benefit for spouse. If retiree has already died, widow (er) can elect (within 2 years of former spouse's losing entitlement) to change.</p> <p>After retiree's death, the insurable interest survivor will receive benefit for life.</p>
<p>Note:</p> <ul style="list-style-type: none"> A former spouse who is awarded a portion of an employee's or retiree's CSRS/FERS annuity by a qualifying court order, regardless of whether the benefit is payable now or in the future, is eligible to enroll in FEHB under certain conditions. (See Spouse Equity Act) 		

**CHANGES TO SURVIVOR ELECTIONS
AFTER RETIREMENT (CSRS AND FERS)**

CSRS and FERS:	THE REQUIREMENTS ARE:	WHAT WILL HAPPEN:
<p>1. Changes in Survivor Elections Made at Retirement</p>	<p>A retiree may revoke or change a survivor election within 30 days after the date of the first regular monthly payment.</p> <p>The retiree must obtain the consent of their spouse for any changes in election before final adjudication that does not provide the maximum current spouse survivor annuity.</p>	<p>The retiree's first regular monthly payment is the first annuity check payable on a recurring basis (other than interim payment or a retroactive adjustment check) after OPM has initially adjudicated the regular annuity rate and has paid any annuity accrued since the date of retirement.</p> <p>The retiree may increase or reduce the amount of the survivor benefit and/or may change the type of election to any of the available survivor elections, assuming they are eligible to make such an election.</p>

**CHANGES TO SURVIVOR ELECTIONS
AFTER RETIREMENT (CSRS AND FERS)**

CSRS and FERS:	THE REQUIREMENTS ARE:	WHAT WILL HAPPEN:
<p>2. Changes in Survivor Elections After Final Adjudication</p>	<p>A retiree may request, in writing, to change only a current spouse survivor annuity election no later than 18 months after the commencing date of annuity if the retiree is changing the election to increase a less than maximum survivor annuity; or changing the election not to provide survivor annuity.</p> <p>The retiree may NOT reduce the survivor benefit for their current spouse.</p> <p>An election during this 18-month period cancels any joint waivers the retiree and their spouse made at retirement regarding survivor annuity benefits.</p>	<p>The CSRS retiree must pay a deposit that includes the difference between the reduction in annuity for the new survivor election and the original survivor election; PLUS a charge of 24.5% of the amount of the increase from the original survivor base to the new survivor base (computed as of the date of retirement); PLUS any applicable interest.</p> <p>The FERS retiree must pay a deposit of 24.5% of annual annuity for a change from no survivor annuity to maximum survivor annuity and 12.25% of annual annuity for a change from no survivor annuity to partial annuity or partial annuity to full survivor annuity.</p> <p>The amount due must be paid in a single payment. Actuarial reduction is not available.</p>