

67A.492 Surviving spouse benefit of sixty percent of member's final annuity, final rate of pay, or service retirement annuity -- Eligibility -- Purchase of optional survivorship allowance -- Surviving children benefit of fifty percent to seventy-five percent.

- (1)
 - (a) Upon the death of a retired member, his or her surviving spouse shall receive an annuity equal to sixty percent (60%) of the member's final annuity, or of the member's final rate of pay, whichever is greater.
 - (b) Upon the death of a member who withdraws on a certificate as provided by KRS 67A.410(3)(a) or (b), his or her surviving spouse shall receive an annuity equal to sixty percent (60%) of the member's service retirement annuity.
 - (c) The surviving spouse must have been married to the member for at least three (3) years prior to the member's death or six (6) months prior to the member's retirement or withdrawal on a certificate as provided by KRS 67A.410(3)(a) or (b), in order to be eligible for the benefits provided in this section. Effective April 4, 2006, the benefits provided by this section shall be made eligible to surviving spouses of any retired member who died on July 14, 2000, or thereafter.
- (2) Any member who retires on July 15, 1990, or thereafter, and any member who withdraws on a certificate as provided by KRS 67A.410(3)(a) or (b), shall have the option at retirement or upon application for a certificate to purchase an increased annuity allowance for his or her surviving spouse. The amount of any such optional survivorship allowance shall be actuarially equivalent to the amount of retirement allowance otherwise payable to the member. No surviving minor children annuity shall be payable under subsection (3) of this section if a surviving spouse annuity is payable under this subsection. The member may elect either of two (2) options:
 - (a) Survivorship seventy-five percent (75%). The member may elect to receive a decreased retirement allowance during his or her lifetime and have seventy-five percent (75%) of such retirement allowance continue after the member's death to his or her eligible surviving spouse until the surviving spouse's death; or
 - (b) Survivorship one hundred percent (100%). The member may elect to receive a decreased retirement allowance during his or her lifetime and have such retirement allowance continued at the same rate after the member's death to his or her eligible surviving spouse until the surviving spouse's death.
- (3) If, in addition to a surviving spouse who is entitled to an annuity under subsection (1) of this section, a minor child or children survive the member, an additional annuity shall be provided for such child or children equal to:
 - (a) For the first child, fifty percent (50%) of the amount of the surviving spouse's annuity; and
 - (b) For each additional child, twenty-five percent (25%) of the amount of the surviving spouse's annuity;subject to a maximum combined annuity for the surviving spouse and minor children not to exceed seventy-five percent (75%) of the member's final annuity,

final rate of pay, or service retirement annuity, calculated, as applicable, under subsection (1) of this section.

The annuity provided for the minor children shall be divided and paid in equal amounts for each child to the surviving parent or guardian of each child under the age of eighteen (18), and paid directly to each child between the ages of eighteen (18) and twenty-three (23) who is regularly engaged in full-time educational activities. The annuity of each child or children shall continue until each child attains the age of eighteen (18), or in the case of a child regularly engaged in full-time educational activities, the age of twenty-three (23). As the eligibility of children expire, the total annuity for such children shall be reduced by percentage amount in reverse order.

- (4) If the member is not survived by a spouse who qualifies under subsection (1) or (2) of this section, and a minor child or children survive the member, an annuity shall be provided for such child or children equal to the following share of the member's final annuity, final rate of pay, or service retirement, whichever is greater:
- (a) For the first child, fifty percent (50%); and
 - (b)
 - 1. For two (2) children, an additional fifteen percent (15%); or
 - 2. For three (3) or more children, an additional ten percent (10%) each;

subject to a maximum combined annuity for all minor children not to exceed seventy-five percent (75%) of the member's final annuity, final rate of pay, or service retirement, whichever is greater.

The annuity provided for the minor children shall be divided and paid in equal amounts for each child to the surviving parent or guardian of each child under the age of eighteen (18), and paid directly to each child between the ages of eighteen (18) and twenty-three (23) who is regularly engaged in full-time educational activities. The annuity of each child or children shall continue until each child attains the age of eighteen (18), or in the case of a child regularly engaged in full-time educational activities, the age of twenty-three (23). As the eligibility of children expire, the total annuity for such children shall be reduced by percentage amount in reverse order.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 103, sec. 4, effective July 15, 2020. -- Amended 2013 Ky. Acts ch. 7, sec. 11, effective March 14, 2013. -- Amended 2006 Ky. Acts ch. 144, sec. 9, effective April 4, 2006. -- Amended 2000 Ky. Acts ch. 484, sec. 5, effective July 14, 2000. -- Created 1990 Ky. Acts ch. 189, sec. 15, effective July 13, 1990.