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Overview

This chapter outlines the steps to be taken when a Regular Plan member dies prior to retiring. Depending upon eligibility, survivor benefits may be payable to the surviving spouse, minor child(ren), and physically handicapped or mentally disabled child(ren) when an active or inactive member dies. If it is determined that no survivor benefits are due, then a refund of contributions will be due to the last named beneficiary(ies) or the estate of the deceased member. Typically, beneficiaries of retired members are not eligible for lifetime survivor benefits; however, there are a few exceptions in which they may be eligible to receive them (refer to the section *Who is Eligible for Survivor Benefits?* in this chapter).



No survivor benefits can be paid by LASERS without a survivor application on file.

NOTE: *It is the responsibility of the Human Resources Personnel Officer to identify the member's potential survivors and provide each one with a survivor application.*

Members of certain specialty plans have different survivor eligibilities and may be eligible for Line of Duty survivor benefits based on their specific retirement plan. For survivors of members who are in one of the following specialty plans, refer to the appropriate retirement chapter of this handbook:

- ❖ Corrections Primary
- ❖ Corrections Secondary
- ❖ Judicial Plan
- ❖ Hazardous Duty Services Plan
- ❖ Wildlife Agents Plan
- ❖ New Orleans Harbor Police Plan

Terminology

Understanding survivor terminology is beneficial in order to determine when retirement benefits are due and to whom they may be payable.

A **survivor** is a spouse and/or minor child of a member at the time of the member's death.

A **surviving spouse** is a person who was legally married to a member of LASERS on the member's date of death. Common law marriages are not recognized by Louisiana law.

A **minor child** is an unmarried child under the age of 18 years or an unmarried **student** under the age of 23 years who is the issue of a marriage of a member of LASERS, the legally adopted child of a member of LASERS, a child born outside of marriage of a female member of LASERS, or a child of a male member of LASERS, if acknowledged.

A **student** is a person enrolled in high school, a vocational-technical school, or a college or university, in a sufficient number of courses and classes in such institution to be classified as a full-time regular student under the criteria used by the institution in which he or she is enrolled.

A **physically handicapped or mentally disabled child**, regardless of age, is a child certified incapacitated at the time of the member's death and is dependent upon the surviving spouse or other legal guardian.

A **beneficiary** is any person designated by the member or legally entitled to receive a retirement allowance, an annuity, or other benefit.

A **tutor** is a person who has the legal authority to manage a minor child's financial affairs. Parents are the natural tutors of a child. **Tutorship** can also be appointed by the court.

Reporting the Death of a Member

Agencies should contact LASERS as soon as possible upon the death of an active member or retiree. A death can be reported via phone by calling LASERS Customer Service at 1-800-256-3000 or by emailing LASERS at asklasersagency@lasersonline.org.

When a death is reported, LASERS will ask for the following information:

- ❖ Full name and Social Security number of the deceased
- ❖ Date of death

- ❖ Full name, address, and phone number of the survivor and/or contact person
- ❖ Names and ages of any surviving minor children or other eligible survivors

For active members, it is imperative that the agency enter a termination date through Employer Self-Service (ESS). The termination date will be the member's date of death.

FINAL PAYROLL

The agency is responsible for issuing the member's last payroll check. The agency also can pay up to 300 hours of the member's remaining annual leave. It is the responsibility of the agency to determine who receives these payments. If a member was enrolled in the **Regular Employees plan or Regular Employees 2 plan**, then unpaid leave over 300 hours will be forfeited because it does not factor into a survivor's benefit. If a member was enrolled in **Regular Employees 3 plan or Regular Employees 4 plan**, then unpaid leave will be converted to service credit and it will factor into a survivor's benefit.

SUBMITTING FINAL EARNINGS

Final earnings are submitted via the agency's monthly contribution report, typically during the month following the member's date of death. The earnings reported should **only** include the remaining days worked or on paid leave up to the active member's date of death. Once reported, earnings and contributions are verified to the hour and must be exact. If the earnings are not exact, the agency will be contacted to explain the discrepancy.

Who is Eligible for Survivor Benefits?

Survivor benefits are payable to:

- ❖ Surviving Spouse
- ❖ Surviving Minor Child(ren)
- ❖ Surviving Physically Handicapped and Mentally Disabled Child(ren)

The eligibility of the survivor depends upon the member's years of service at the time of death. For detailed eligibility requirements, reference the charts at the end of this chapter (*Survivors of Members Enrolled in Regular or Regular 2 Retirement Plans* or *Survivors of Members Enrolled in Regular 3 or Regular 4 Retirement Plans*).

SURVIVING SPOUSE

In addition to the member's years of service, a surviving spouse's eligibility for a monthly benefit depends on the retirement plan in which the member was enrolled at the time of death.

If a member was enrolled in the **Regular Employees plan or Regular Employees 2 plan** (or certain specialty plans listed in the section *Guidelines for Survivor Payments* in this chapter) at the time of death, the surviving spouse must have been married to the member at least **one year** prior to the member's death in order to qualify for a monthly benefit. This benefit is payable to the spouse for life, regardless of remarriage.

If a member was enrolled in the **Regular Employees 3 plan, Regular Employees 4 plan, Judicial 2 plan or Judicial 3 plan** at the time of death and had a surviving spouse with no minor children, the spouse must have been married to the member at least **one year** prior to the member's death in order to qualify for a monthly benefit.

If a member was enrolled in the **Regular Employees 3 plan, Regular Employees 4 plan, Judicial 2 plan or Judicial 3 plan** at the time of death, was married **at the time of death and had surviving minor child(ren)**, then the spouse will qualify for a survivor benefit as long as the surviving minor children qualify. When there are no longer minor children eligible for a monthly

benefit, the spouse's benefit will continue **only** if he or she meets the eligibility requirements for a surviving spouse without minor children.

Spousal Remarriage

Remarried surviving spouses of members who were enrolled in the **Regular Employees 3 plan, Regular Employees 4 plan, Judicial 2 plan or Judicial 3 plan** may be subject to some restrictions when determining eligibility for a survivor benefit.

- If the member was *eligible for retirement* at the time of death, the surviving spouse *is eligible* for a lifetime monthly benefit, regardless of remarriage.
- If the member was *not eligible for retirement* at the time of death, then the surviving spouse's benefit *will cease* upon remarriage. The benefit will resume upon subsequent divorce or death of the new spouse.

Certifying Marital Status

Surviving spouses of members who were enrolled in the **Regular Employees 3 plan, Regular Employees 4 plan, Judicial 2 plan or Judicial 3 plan** are required to submit [*Form 03-03: Survivor Marital Status Update*](#). This form is requested yearly on the anniversary date of the benefit and must be returned to LASERS within 30 days. Benefits may be affected if the form is not submitted. If the surviving spouse has remarried and does not meet the remarriage requirements, then the benefit will be terminated.

SURVIVING MINOR CHILD(REN)

In order for a child to be eligible for survivor benefits, the child must qualify as a minor child at the time of the member's death. A minor child is an unmarried child under age 18 or an unmarried full-time student under age 23. The qualified child must also meet one of the following criteria to be eligible for minor child survivor benefits:

- Child of a marriage of a member
- Biological child of a female member
- Child of a male member acknowledged under Louisiana law
- Legally adopted child of a member

Stepchildren of members are not considered eligible minor children. Benefits for minors under age 18 are paid in care of the legal guardian under the minor's Social Security number. Minor children over the age of 18 who are not disabled, if still eligible, will be paid directly.

Certifying Marital Status of Children

If the minor child is age 16 to 23, he or she will be required to submit [Form 03-03: Survivor Marital Status Update](#). This form is requested yearly on the anniversary date of the benefit and must be returned to LASERS within 30 days of the request. Benefits may be affected if the form is not submitted.

Certifying a Full-Time Student

Unmarried minor children ages 18 to 23 must be enrolled as full-time students to qualify for survivor benefits. A full-time student must be enrolled in a high school, vocational-technical school, GED program, college or university and must attend at least 80 percent of enrolled classes to remain eligible for monthly benefits.

Students must prove twice per semester that they are enrolled as full-time students. LASERS will mail the request for student certification to the student in January and August of each year. Mid-way through each school semester, students are required to verify that they are still enrolled full-time and attending 80 percent of classes. LASERS will mail the request for student verification to the student in April and November of each year.



Student attendance information is requested by LASERS four times during the year.

If the information is not received by LASERS within 30 days of the request, the benefit will be suspended. If it is determined that the minor child does not meet the requirements of being enrolled as a full-time student attending 80 percent of his or her classes, then the benefit will be suspended immediately. Benefits will subsequently resume if the minor child later meets the requirements outlined above. When a benefit is suspended, it is redistributed among other qualified survivors.

NOTE: *Minor children are eligible for a benefit until the age of 23, including the month in which they reach 23 years of age, if still unmarried and a full-time student.*

SURVIVING PHYSICALLY HANDICAPPED OR MENTALLY DISABLED CHILD(REN)

Surviving physically handicapped or mentally disabled children may be eligible for a monthly survivor benefit. At the time of the member's death, [Form MSD52: Certification for Disabled Survivor](#) must be submitted for any physically handicapped or mentally disabled children, regardless of their age, who are dependent upon the surviving spouse or other legal guardian. This form must be certified by a medical physician and state that the child was incapacitated at the time of the member's death.

Once qualified, this benefit is payable for the remainder of the child's life, regardless of his or her age. Disabled children are eligible to marry and still receive benefits. However, LASERS must be notified of any marriages.

Guidelines for Survivor Payments

Typically, LASERS will determine eligibility for survivor benefits based on the member's years of service and information received from the agency at the time of the member's death.

LUMP SUM PAYMENT TO A BENEFICIARY

If a member has less than five years of service credit and/or has no qualified surviving spouse or qualified surviving children, then survivors are not entitled to a monthly benefit. In these cases, a lump sum payment of the member's total employee contributions will be issued to the last named beneficiary on file or to the member's estate.

Funds received by a beneficiary are not subject to Louisiana inheritance taxes. However, if the funds become part of a member's estate, they then become subject to state inheritance taxes.

NOTE: *It is important for agencies to submit to LASERS any Designation of Beneficiary forms completed by members so that proper payments will be made.*

MEMBERS ENROLLED IN REGULAR PLANS

Monthly benefits for survivors of regular members are based on the Regular Employees Plan in which the member was enrolled at the time of death. Refer to the survivor charts at the end of this chapter for more information on:

- ❖ Determining survivor eligibility
- ❖ Calculating a survivor benefit
- ❖ Determining benefit restrictions

The Application Process

Once a member's death has been reported, LASERS will contact the agency to verify the member's employment status at the time of death. The Human Resources Personnel Officer will determine if there is a surviving spouse, surviving minor children, or beneficiaries. The Personnel Officer is responsible for distributing the appropriate application and forms to all survivors and beneficiaries. Once this information is received, LASERS will perform a review of the member's file to determine eligibility at the time of death.

NOTE: *To ensure proper identification of documents, the member's full name and last four digits of the member's Social Security number should be clearly written on all documents submitted to LASERS.*

MONTHLY BENEFITS

LASERS recommends that the Human Resources Personnel Officer supply **all survivors** with [Form 03-01: Application for Survivor Benefits](#). This application is submitted for all LASERS retirement plans and covers situations of monthly benefits or refunds.

The Human Resources Personnel Officer should also supply **all survivors over the age of 18** with a "Survivor Application Packet". This packet should contain the appropriate Application Checklist (found at the end of this chapter) and any necessary forms, which can be found on the LASERS website under "Forms."

Surviving Spouse

Forms Needed

- ❖ [Form 03-01: Application for Survivor Benefits](#) - all pages (3) must be completed and submitted for the application to be valid. Agency certification is required for deceased members who were employed within the last 12 months of their death and/or who deceased while in active service.
- ❖ [Form 04-05: Authorization for Direct Deposit](#)
- ❖ [Form W-4P: Withholding Certificate for Pension or Annuity Payments](#)

Vital Documents Needed

- ❖ Copy of the member's death certificate
- ❖ Copies of birth certificate for member and surviving spouse – required for Regular Employees 3 plan and Regular Employees 4 plan

- ❖ Copy of Social Security card for surviving spouse
- ❖ Copy of the member's marriage license – required for surviving spouse
- ❖ Certified copy of the member's Divorce Decree (if applicable) – required for all known divorces that occurred during the member's lifetime
- ❖ Copy of the death certificate for a member's former spouse – required if member was widowed during LASERS membership



[Form 03-01: Application for Survivor Benefits](#) must be submitted to LASERS in its entirety (including Page 2), or it will not be accepted.

Employer Quick Check

- ✓ Did **all** eligible survivor/beneficiaries, age 18 or older, complete [Form 03-01](#) in its entirety? All pages must be completed for the application to be valid. Applications must be submitted to LASERS. **Section 5 of the application should only be completed by beneficiaries who are receiving a lump sum payment of the member's employee contributions.**
- ✓ Did the Personnel Officer enter a termination date into Employer Self-Service (ESS)? The date of death is the member's termination date.
- ✓ Did all eligible survivors submit copies of applicable documents? See the listing at the end of this chapter.
- ✓ Did all eligible survivors complete and submit the following forms in their entirety? *Survivors age 18 or older must submit these forms:*
 - ✓ [Form 04-05: Authorization for Direct Deposit](#)
 - ✓ [Form W-4P: Withholding Certificate for Pension or Annuity Payments](#)
- ✓ Were the following forms completed and submitted for any eligible minor children? Forms listed below with an asterisk (*) do not apply to all applicants:
 - ✓ [Form MSD61*](#): *Affidavit of Natural Tutorship of Minor Child*
 - ✓ [Form MSD62*](#): *Affidavit of Natural Tutorship of Disabled Child*
 - ✓ [Form MSD52*](#): *Certification of Disabled Survivor*
- ✓ Did the survivors/beneficiaries clearly write the member's name and last four digits of the member's Social Security number on all documentation?
- ✓ Did the survivors/beneficiaries receive a copy of the forms?
- ✓ Were copies of the forms placed in the member's personnel file?
- ✓ Did the Personnel Officer submit exact final earnings through termination date? Refer to the section *Submitting Final Earnings* in this chapter.

Surviving Minor Child(ren)

All paperwork for surviving minor children under the age of 18 should be completed and signed by their legal tutor or guardian. Multiple children under the age of 18 can be listed on the same application. Forms listed below with an asterisk (*) do not apply to all applicants.

Forms Needed

- ❖ [Form 03-01: Application for Survivor Benefits](#) - all pages (3) must be completed and submitted for the application to be valid. Agency certification is required for deceased members who were employed within the last 12 months of their death and/or who deceased while in active service.
- ❖ [Form 04-05: Authorization for Direct Deposit](#)
- ❖ [Form W-4P: Withholding Certificate for Pension or Annuity Payments](#)
- ❖ [Form MSD52*: Certification of Disabled Survivor](#) – required for any surviving child marked as “disabled” on the Survivor application
- ❖ [Form MSD61*: Affidavit of Natural Tutorship of Minor Child](#) – required for any child under age 18 who is eligible for survivor benefits
- ❖ [Form MSD62*: Affidavit of Natural Tutorship of Disabled Child](#) – required for any child marked as “disabled” on the Survivor application

Vital Documents Needed

- ❖ Copy of the member's death certificate
- ❖ Copies of birth certificate for surviving minor child
- ❖ Copy of Social Security card for surviving minor child
- ❖ Certified copy of the member's Divorce Decree (if applicable) – required for all known divorces that occurred during the member's lifetime
- ❖ Copy of the death certificate for a member's former spouse – required if member was widowed during LASERS membership
- ❖ Certified Tutorship Documents – required if person who signed affidavit is not birth parent of any child under age 18 or any child marked as “disabled” on the Survivor application

- ❖ Verification Letter of Student Status* – letter provided by school verifying enrollment and is required for minor children ages 18 to 23 who are eligible for survivor benefits.
- ❖ Copy of the minor child's marriage license, if applicable

NOTE: If a minor is a payee, the legal tutor or guardian must sign [Form 04-05: Authorization for Direct Deposit](#).

REFUND OF MEMBER CONTRIBUTIONS

Once it is determined that only a lump sum refund of the member's contributions is due to the last named beneficiary, LASERS suggests that the Personnel Officer supply **all named beneficiaries** with [Form 03-01: Application for Survivor Benefits](#). This application is submitted for all LASERS retirement plans and covers situations of monthly benefits or refunds. The Personnel Officer should also supply **all named beneficiaries** with a “Beneficiary Application Packet”. This packet should contain the appropriate Application Checklist (found at the end of this chapter) and any necessary forms, which can be found on the LASERS website under “Forms.” Forms listed below with an asterisk (*) do not apply to all applicants.

Named Beneficiary(ies)

Forms Needed

- ❖ [Form 03-01: Application for Survivor Benefits](#) – all pages (3) must be completed and submitted for the application to be valid. Agency certification is required for deceased members who were employed within the last 12 months of their death and/or who died while in active service.

Section 5 of the application should only be completed by beneficiaries who are receiving a lump sum payment of the member's employee contributions.

- ❖ [Form 02-01A*: Authorization for Direct Rollover](#) – required if a beneficiary is receiving a lump sum payment of the member's contributions and has chosen to roll over the payment
- ❖ [Form MSD61*: Affidavit of Natural Tutorship of Minor Child](#) – required for any child under age 18 who is eligible for survivor benefits
- ❖ [Form MSD62*: Affidavit of Natural Tutorship of Disabled Child](#) – required for any child marked as "disabled" on the Survivor application

Vital Documents Needed

- ❖ Copy of the member's death certificate
- ❖ Copy of the beneficiary's death certificate – required if the spouse was the named beneficiary and predeceased the member
- ❖ Copy of birth certificate for beneficiary
- ❖ Copy of Social Security Card for member – only required when paying benefits to the member's estate
- ❖ Copy of Social Security card of named beneficiary – required if paying benefits to the named beneficiary, not required if paying the member's estate
- ❖ Certified copy of any of the member's Divorce Decrees (if applicable) – required if ex-spouse would have been eligible for monthly benefits
- ❖ Certified Tutorship Documents – required if person who signed affidavit is not birth parent of any child under age 19 or any child marked as "disabled" on the survivor application

Frequently Asked Questions

1. Are survivor benefits subject to Louisiana inheritance taxes?

No, survivor benefits are not subject to Louisiana inheritance taxes.

2. Are funds received by a beneficiary subject to Louisiana inheritance taxes?

No. However, if the funds become part of the estate, then they become subject to state inheritance taxes.

3. Does [Form 03-01: Application for Survivor Benefits](#) have to be certified by the agency?

Yes, but agency certification is only required for deceased members who were employed within the last 12 months of their death and/or who died while in active service. If a member has been out of state service for more than a year, then the application does not have to be certified by the agency.

4. Is [Form 03-01: Application for Survivor Benefits](#) acceptable without page 2 of the form, even if no information is written on page 2 of the application?

No. Page 2 of Form 03-01: Application for Survivor Benefits lists all children of the deceased member under the age of 18 or unmarried children under the age of 23. Even if there are no minor children to list, Form 03-01: Application for Survivor Benefits **must be submitted to LASERS in its entirety**, or it will not be accepted.

5. Will LASERS accept a faxed copy of [Form 03-01: Application for Survivor Benefits](#)?

Yes, LASERS will accept a faxed copy of a survivor application.

6. Can a survivor renounce his or her benefit?

Yes. Anyone who is eligible to receive a benefit can renounce the benefit. However, the decision to renounce a benefit is irrevocable.

7. What happens to the funds if a survivor chooses to renounce his or her benefit?

For a monthly benefit, the money is redistributed to the remaining eligible survivors. If there are multiple survivors listed for a refund, the money is divided equally between the remaining survivors. If there is only one survivor listed and he or she chooses to renounce the benefit, the money goes to the member's estate.

8. How does a survivor renounce his or her benefit?

The survivor must submit a notarized Affidavit of Renunciation of Benefit. This form can be requested from LASERS. It cannot be returned via fax because it must be notarized.

9. Can multiple survivors be listed on a single Form 03-01: Application for Survivor Benefits?

*Yes. If there are minor children, they can be listed on one application. This application must be signed by the natural parent or tutor. If the tutor signs the document, tutorship documents must be provided. **If the children are 18 years or older, they must each submit an individual survivor application.***

10. Can a disabled child marry and continue to receive benefits?

Yes, but the disabled child must notify LASERS of the marriage.

11. Can a member be on LWOP at the time of death and his or her survivors still qualify to receive a monthly benefit?

Yes. A member who is on LWOP is considered to be an active member. Eligible survivors may qualify to receive a monthly benefit.

12. Does a disabled child have to submit Form MSD52: Certification of Disabled Survivor annually?

No, this form is only required upon application. Once a disabled child is qualified as disabled, the benefit is payable for the remainder of the child's life, regardless of his or her age.

13. Are stepchildren considered eligible minor children?

No, stepchildren are not considered eligible minor children and are not eligible to receive survivor benefits. Minor children must be biological children of the member or legally adopted children of the member in order to qualify as survivors.

14. Does a member's unused leave factor into the survivor benefit?

The agency can pay up to 300 hours of the member's remaining leave. If the member was enrolled in RGL1 or RGL2 at the time of death, then his or her unpaid leave will not factor into the survivor benefit. However, if the member was enrolled in RGL3 or RGL4, then any unpaid leave may be converted to service credit and included in the survivor benefit.

15. If a surviving spouse remarries, will he or she still be eligible for a survivor benefit?

Surviving spouses receiving a survivor benefit under Regular and Regular 2 plans will continue to receive a benefit even in the event of remarriage. However, surviving spouses receiving a survivor benefit under Regular 3 and Regular 4 plans are subject to remarriage restrictions if the member was not eligible to retire at the time of death. Refer to the charts at the end of this chapter for more information.

Reference Material

APPLICABLE FORMS

- [02-01A: Authorization for Direct Rollover](#)
- [03-01: Application for Survivor Benefits](#)
- [03-03: Survivor Marital Status Update](#)
- [04-05: Authorization for Direct Deposit](#)
- [MSD52: Certification of Disabled Survivor](#)
- [MSD61: Affidavit of Natural Tutorship of Minor Child](#)
- [MSD62: Affidavit of Natural Tutorship of Disabled Child](#)
- [W-4P: Withholding Certificate for Pension or Annuity Payments](#)

APPLICABLE AGENCY LIAISON MEMORANDA

- [16-24: Submissions of LASERS Documents via Fax](#)
- [16-27: Survivor Benefits - Definition of a Minor Child](#)

APPLICABLE LAWS

(Note: this list is not exhaustive)

- [La. R.S. 9:1515](#) [Payment to Surviving Spouse or Children of Deceased](#)
- [La. R.S. 11:234](#) [Survivor Benefits](#)
- [La. R.S. 11:235](#) [Minor's Benefits Placed in Trust; Payable Under Trust Instrument](#)
- [La. R.S. 11:471](#) [Survivors' Benefits; Members Hired on or before December 31, 2010](#)
- [La. R.S. 11:471.1](#) [Survivors' Benefits; Members Hired on or after January 1, 2011](#)
- [La. R.S. 11:472](#) [Manner of Payment](#)

- [La. R.S. 11:473](#) [Surviving Spouse and Adult Children](#)
- [La. R.S. 11:474](#) [Proof of Entitlement of Benefits](#)
- [La. R.S. 11:475](#) [Survivor Refund](#)
- [La. R.S. 11:476](#) [Payment to Named Beneficiary in Lieu of Survivor's Benefits; Effect](#)
- [La. R.S. 11:477](#) [Limitations on Payment of Benefits](#)
- [La. R.S. 29:415](#) [Payment of Death and Survivor Benefits; Public Retirement](#)
- [LAC 58.I.109](#) [Waiver of the Electronic Funds Transfer Requirement](#)
- [LAC 58.I.915](#) [Death and Survivor Benefits](#)
- [LAC 58.I.1901](#) [Application for Benefits](#)
- [LAC 58.I.1903](#) [Qualified Survivors](#)
- [LAC 58.I.1905](#) [Proof of Entitlement to a Survivors' Benefit](#)
- [LAC 58.I.1907](#) [Qualification for Benefits to Handicapped Children](#)
- [LAC 58.I.1909](#) [Children of Previous Marriage](#)

APPLICABLE CHAPTERS IN MEMBER'S GUIDE TO RETIREMENT

- [Chapter 17: Survivor Benefits for Regular Members Hired Prior to 01/01/11](#)
- [Chapter 18: Survivor Benefits for Regular Members Hired On or After 01/01/11](#)



Retirement Application Checklist for a Surviving Spouse

This checklist is to assist you in completing Survivor paperwork to be submitted to LASERS in order to receive a monthly benefit. Survivor benefits are not paid by LASERS until all required documentation is received by **all eligible survivors**. To ensure proper identification, include the member's full name and the last four digits of the member's Social Security number on all documents submitted. Please write clearly.

FORMS TO COMPLETE:

- ☐ Sections 1-6 of Form 03-01: Application for Survivor Benefits *(All pages must be completed for the application to be valid. Agency certification is only required if the member deceased within the last 12 months.)*
- ☐ Form 04-05: Authorization for Direct Deposit
- ☐ Form W-4P: Withholding Certification for Pension or Annuity Payments
- ☐ If applicable, complete Form 02-01A: Authorization for Direct Rollover *(This form is required if you are receiving a lump sum payment of the member's contributions and have chosen to roll over the payment.)*

DOCUMENTS TO ATTACH TO THE APPLICATION:

- ☐ A copy of the member's death certificate
- ☐ A copy of the member's birth certificate *(This is required for Regular Employees 3 plan and Regular Employees 4 plan.)*
- ☐ A copy of surviving spouse's birth certificate *(This is required for Regular Employees 3 plan and Regular Employees 4 plan.)*
- ☐ A copy of surviving spouse's Social Security card issued by Social Security Administration
- ☐ A copy of the member's marriage license *(This is required for a surviving spouse.)*
- ☐ A copy of the member's former spouse's death certificate, if applicable *(This is required if member was widowed during membership.)*
- ☐ A **certified copy** of the member's Divorce Decree, if applicable *(This is required for all known divorces that occurred during the member's lifetime.)*



Retirement Application Checklist for a Surviving Minor Child Under Age 18

This checklist is to assist you in completing Survivor paperwork to be submitted to LASERS in order to receive a monthly benefit. **All paperwork for surviving minor children under the age of 18 should be filled out and signed by the legal tutor or guardian.** Survivor benefits are not paid by LASERS until all required documentation is received by **all eligible survivors.** To ensure proper identification, include the member's full name and the last four digits of the member's Social Security number on all documents submitted. Please write clearly.

FORMS TO COMPLETE:

- ☐ Sections 1-6 of Form 03-01: Application for Survivor Benefits *(An application certified by the agency is required. All pages must be completed for the application to be valid.)*
- ☐ Form 04-05: Authorization for Direct Deposit
- ☐ Form W-4P: Withholding Certification for Pension or Annuity Payments
- ☐ If applicable, complete Form MSD52: Certification of Disabled Survivor *(This form is required for any surviving child marked as "Disabled" on the Survivor application.)*
- ☐ If applicable, complete Form MSD61: Affidavit of Natural Tutorship of Minor Child *(This form is required for any child under age 18 eligible for survivor benefits)*
- ☐ If applicable, complete Form MSD62: Affidavit of Natural Tutorship of Disabled Child *(This form is required for any child marked as "Disabled" on the Survivor application.)*

DOCUMENTS TO ATTACH TO THE APPLICATION:

- ☐ A copy of the member's death certificate
- ☐ A copy of surviving spouse's birth certificate and Social Security card issued by Social Security Administration
- ☐ A copy of the member's former spouse's death certificate, if applicable *(This is required if member was widowed during membership.)*
- ☐ A **certified copy** of the member's Divorce Decree, if applicable *(This is required for all known divorces that occurred during the member's lifetime.)*
- ☐ **Certified** Tutorship Documents *(This is required if person who signed affidavit is not birth parent of any child under age 18 or any child marked as "Disabled" on the application.)*



Retirement Application Checklist for a Surviving Minor Child Age 18 to 23

This checklist is to assist you in completing Survivor paperwork to be submitted to LASERS in order to receive a monthly benefit. Survivor benefits are not paid by LASERS until all required documentation is received by **all eligible survivors**. To ensure proper identification, include the member's full name and the last four digits of the member's Social Security number on all documents submitted. Please write clearly.

FORMS TO COMPLETE:

- ☐ Sections 1-6 of Form 03-01: Application for Survivor Benefits *(An application certified by the agency is required. All pages must be completed for the application to be valid.)*
- ☐ Form 04-05: Authorization for Direct Deposit
- ☐ Form W-4P: Withholding Certification for Pension or Annuity Payments
- ☐ If applicable, complete Form MSD52: Certification of Disabled Survivor *(This form is required for any surviving child marked as "Disabled" on the Survivor application.)*

DOCUMENTS TO ATTACH TO THE APPLICATION:

- ☐ A copy of the member's death certificate
- ☐ A copy of surviving spouse's birth certificate and Social Security card issued by Social Security Administration
- ☐ A copy of the member's former spouse's death certificate, if applicable *(This is required if member was widowed during membership.)*
- ☐ A **certified copy** of the member's Divorce Decree, if applicable *(This is required for all known divorces that occurred during the member's lifetime.)*
- ☐ Verification Letter of Student Status *(This is required for unmarried minor child age 18 to 23 to verify full-time enrollment in school.)*
- ☐ A copy of the minor child's marriage license, if applicable.



Retirement Application Checklist for a Last Named Beneficiary

This checklist is to assist you in completing paperwork to be submitted to LASERS in order to receive a lump sum payment of the member's contributions. Lump sum payments are not issued by LASERS until all required documentation is received by **all eligible beneficiaries**. To ensure proper identification, include the member's full name and the last four digits of the member's Social Security number on all documents submitted. Please write clearly.

FORMS TO COMPLETE:

- ☐ Sections 1-6 of Form 03-01: Application for Survivor Benefits (*An application certified by the agency is required. All pages must be completed for the application to be valid. **Section 5 of the application should only be completed by beneficiaries who are receiving a lump sum payment of the member's employee contributions.***)
- ☐ If applicable, complete Form 02-01A: Authorization for Direct Rollover (*This form is required if you are receiving a lump sum payment of the member's contributions and have chosen to roll over the payment.*)
- ☐ If applicable, complete Form MSD61: Affidavit of Natural Tutorship of Minor Child (*This form is required for any child under age 18 eligible for survivor benefits*)
- ☐ If applicable, complete Form MSD62: Affidavit of Natural Tutorship of Disabled Child (*This form is required for any child marked as "Disabled" on the Survivor application.*)

DOCUMENTS TO ATTACH TO THE APPLICATION:

- ☐ A copy of the member's death certificate
- ☐ A copy of the beneficiary's death certificate (*Required if the spouse was the named beneficiary and predeceased the member.*)
- ☐ A copy of the member's birth certificate (*Required if payment is being made to the member's estate.*)
- ☐ A copy of beneficiary's birth certificate and Social Security card issued by Social Security Administration (*Required if the beneficiary is receiving lump sum payment. If payment is being made to the member's estate, these documents are not needed.*)
- ☐ **Certified** Tutorship Documents (*This is required if person who signed affidavit is not birth parent of any child under age 18 or any child marked as "Disabled" on the application.*)

Survivors of Members Enrolled in Regular or Regular 2 Retirement Plans

Benefits are effective on the day after member's date of death.

Survivor	Eligibility		Benefit	Benefit Restrictions
Surviving Spouse	Married to member at least one year prior to death	- Member had: ◇ At least 10 years of service, 2 years earned immediately prior to death OR ◇ 20 years of service	At least 10 years of service or greater: 50% of member's FAC or \$200 monthly, whichever is greater	NONE - Surviving spouse will receive a lifetime benefit if meets requirements NOT ELIGIBLE FOR LINE OF DUTY BENEFITS
	ACTIVE at time of death	- Member had: ◇ 20 years of service		
	INACTIVE at time of death			
Surviving Minor Child(ren)	- No eligible surviving spouse - Member had: ◇ Unmarried minor child(ren) under age of 18 or unmarried full-time student under 23* AND/OR ◇ Physically Handicapped or Mentally Disabled Child(ren)**		5 years of service or greater: 75% of member's FAC or \$300 monthly, whichever is greater - Evenly distributed among all children - Once child(ren) are no longer eligible, benefit is redistributed among remaining eligible children	Minor child(ren) only receive benefit: - As long they remain unmarried until age 18, OR - If they remain unmarried and a full-time student until age 23* Minor child(ren) benefit will permanently cease: - Upon marriage of minor child or student Physically Handicapped or Mentally Disabled Child(ren):** - Receive a benefit for life, regardless of age, once certified as handicapped or disabled NOT ELIGIBLE FOR LINE OF DUTY BENEFITS
	ACTIVE at time of death	- Member had: ◇ At least 5 years of service, 2 years earned immediately prior to death OR ◇ 20 years of service		
	INACTIVE at time of death	- Member had: ◇ 20 years of service		
Surviving Spouse & Surviving Child(ren)	- Married to member at least one year prior to death - Member had: ◇ Unmarried minor child(ren) under age of 18 or unmarried full-time student under 23* AND/OR ◇ Physically Handicapped or Mentally Disabled Child(ren)**		At least 10 years of service or greater: - Spouse receives 25% of member's FAC or \$100 monthly, whichever is greater - Minor child(ren) in custody of spouse receives 50% of member's FAC or \$200 OR - Minor child(ren) not in custody of spouse receives 50% of member's FAC or \$300 - Evenly distributed among all children - Once child(ren) are no longer eligible, benefit is redistributed among remaining eligible children - Once no minor child(ren) exist, benefit will revert to surviving spouse benefit of 50% of member's FAC or \$200 monthly, whichever is greater	Surviving Spouse: - See restrictions under <i>Surviving Spouse</i> Minor child(ren) & Physically Handicapped or Mentally Disabled Child(ren):** - See restrictions under <i>Surviving Minor Child(ren)</i> NOT ELIGIBLE FOR LINE OF DUTY BENEFITS
	ACTIVE at time of death	- Member had: ◇ At least 10 years of service, 2 years earned immediately prior to death OR ◇ 20 years of service		
	INACTIVE at time of death	- Member had: ◇ 20 years of service		
If the above criteria is not met, then a REFUND is due to the last named beneficiary on file with LASERS.				

* Full-time students will need to submit certification of student status and verification of student status four times per year.

** Physically Handicapped or Mentally Disabled Child(ren) must be certified by a physician at time of the member's death.

Survivors of Members Enrolled in Regular 3 or Regular 4 Retirement Plans

Benefits are effective on the 1st of the month following the month of the member's death.

Survivor			Eligibility	Benefit	Benefit Restrictions
Surviving Spouse	Married to member at least one year prior to death		- Member had: - At least 10 years of service, 2 years earned immediately prior to death	At least 10 years of service or greater: Member's Option 2A benefit or \$600 monthly, whichever is greater	- If member was eligible for retirement at time of death, survivor is eligible for a lifetime benefit, regardless of remarriage - If member was not eligible for retirement at time of death, then survivor's benefit will cease upon remarriage. Benefit will resume upon subsequent divorce or death of new spouse. NOT ELIGIBLE FOR LINE OF DUTY BENEFITS
	INACTIVE at time of death		- Member had: 20 years of service		
Surviving Minor Child(ren)	- Member was not married on date of death - Member had: - Unmarried minor child(ren) under age of 18 or unmarried full-time student under 23* - Physically Handicapped or Mentally Disabled Child(ren)**		- Member had: 20 years of service	5 years of service or greater: 25% of the member's maximum benefit or \$300, whichever is greater, for each child (up to a maximum of two children) - If more than two children, the greater of 50% of the benefit that member would have been entitled to, or \$600, is equally distributed among all children - When one child is no longer eligible, benefit is redistributed among remaining eligible children	Minor child(ren) only receive benefit: - As long they remain unmarried until age 18 - OR - If they remain unmarried and a full-time student until age 23* Minor child(ren) benefit will permanently cease: - Upon marriage of minor child or student Physically Handicapped or Mentally Disabled Child(ren)**: - Receive a benefit for life regardless of age once certified as handicapped or disabled NOT ELIGIBLE FOR LINE OF DUTY BENEFITS
	ACTIVE OR INACTIVE at time of death		- Member had: - At least 5 years of service		
Surviving Spouse & Surviving Child(ren)	- Married to member on date of death - Member had: - Unmarried minor child(ren) under age of 18 or unmarried full-time student under 23* - Physically Handicapped or Mentally Disabled Child(ren)**		- Member had: - At least 5 years of service, 2 years earned immediately prior to death	5 years of service or greater: - SPOUSE is paid 50% of member's maximum retirement benefit or \$600 monthly, whichever is greater - MINOR CHILD(REN) are paid 25% of the member's maximum benefit or \$300, whichever is greater, for each child (up to a maximum of two children) - If more than two children, the greater of 50% of the benefit that member would have been entitled to, or \$600, is equally distributed among all children. - When one child is no longer eligible, benefit is redistributed among remaining eligible children. - The total maximum payout for spouse and one child is 75% of member's max benefit or \$900 monthly, whichever is greater. The total maximum payout for spouse and two or more children is the greater of 100% of member's max benefit or \$1,200. Total benefits for spouse & child(ren) cannot be less than the Option 2A spouse amount.	Surviving Spouse: - See restrictions under <i>Surviving Spouse</i> - When all children cease to be eligible for benefits, the surviving spouse's benefit will be re-evaluated. See <i>Surviving Spouse</i> Minor Child(ren) & Physically Handicapped or Mentally Disabled Child(ren):** - See restrictions under <i>Surviving Minor Child(ren)</i> NOT ELIGIBLE FOR LINE OF DUTY BENEFITS
	ACTIVE at time of death		- Member had: 20 years of service		
Retired Member with Surviving Minor Child(ren)	- Retired member had: - Unmarried minor child(ren) under age of 18 or unmarried full-time student under 23* - Physically Handicapped or Mentally Disabled Child(ren)**		- Member had: 20 years of service	Upon retired member's death, retirement benefit is paid to the beneficiary designated at the time of retirement (depending upon the benefit option chosen at retirement). 25% of member's maximum benefit (including converted leave if converted at retirement) or \$300, whichever is greater, for each child up to a maximum of two children. - If more than two children, the greater of 50% of the benefit that member would have been entitled to, or \$600, is equally distributed among all children. - When one child is no longer eligible, benefit is redistributed among remaining eligible children. - If member retired with Regular Retirement with an Actuarially Reduced Benefit, then the survivor benefit will be calculated on the unreduced maximum benefit.	Minor Child(ren) & Physically Handicapped or Mentally Disabled Child(ren):** See restrictions under <i>Surviving Minor Child(ren)</i>
	INACTIVE at time of death		- Member had: 20 years of service		

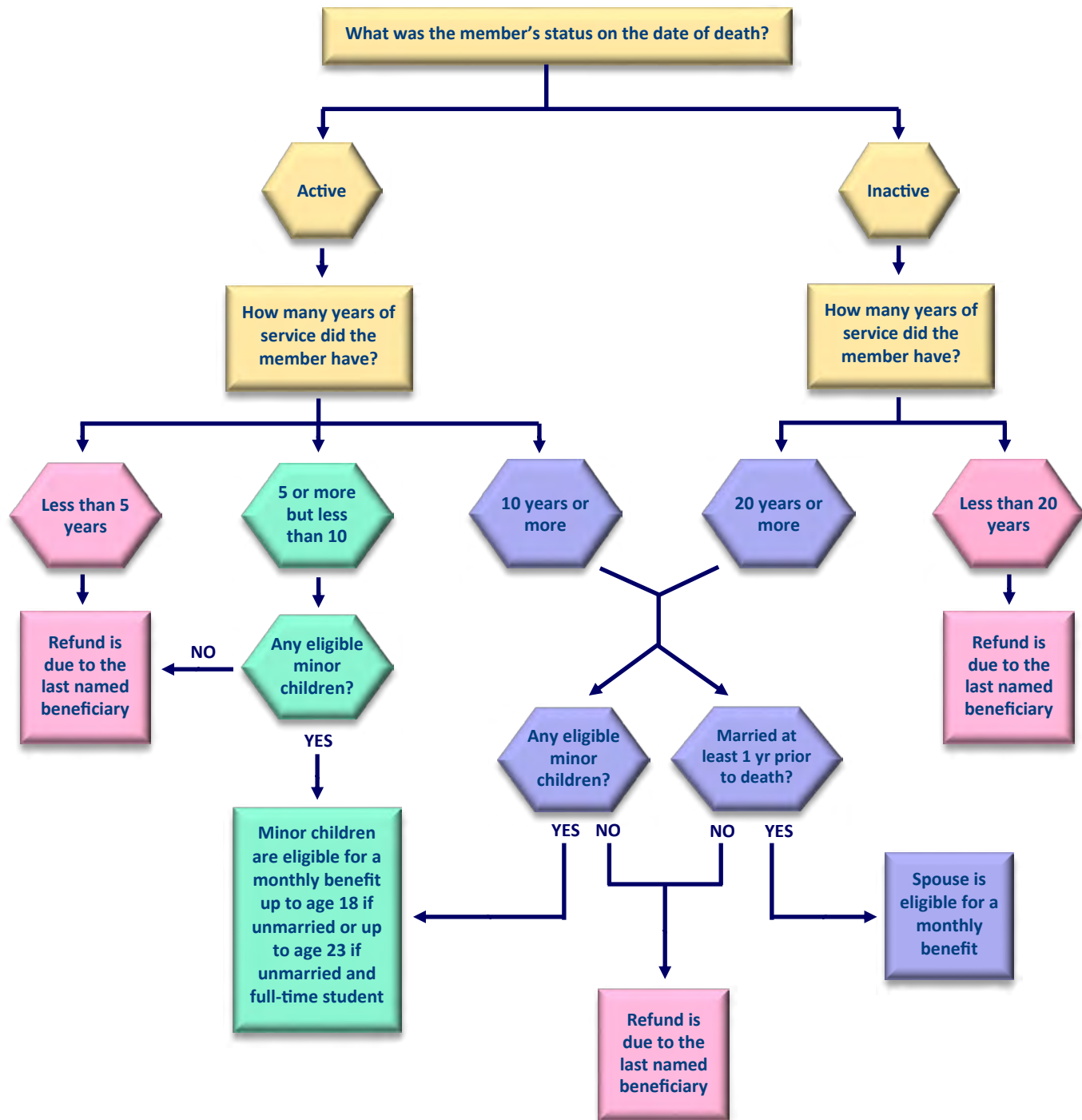
If the above criteria is not met, then a REFUND is due to the last named beneficiary on file with LASERS.

* Full-time students will need to submit certification of student status and verification of student status four times per year.

** Physically Handicapped or Mentally Disabled Child(ren) must be certified by a physician at time of the member's death.

Survivor Retirement Process

For members enrolled in Regular or Regular 2 plans*



*Also includes members enrolled in the following retirement plans: Alcohol and Tobacco Control Agent, Appellate Law Clerk plans, Bridge Police Officer plans, Legislative plans, Peace Officer, and State Treasurer

Survivor Retirement Process

For members enrolled in Regular 3 or Regular 4 plans*

