

161.640 Payment of annuities -- Payroll deductions -- Electronic fund transfer, exception -- Payments to special needs trust.

- (1) Retirement annuities shall be payable monthly. The first payment to an annuitant shall be made at the payment date at the end of one (1) full payment period after his retirement and shall consist of one (1) regular monthly payment. Retirement for a member receiving one (1) full year of service credit during a fiscal year shall be no earlier than July 1 next following the end of such fiscal year. Notwithstanding any other statutory provisions to the contrary, members filling positions that customarily require twelve (12) months of service during a fiscal year cannot retire prior to July 1 without a corresponding pro rata reduction in salary and service credit. The board of trustees may determine which positions customarily require twelve (12) months of service during a fiscal year.
- (2) The board of trustees may enter into agreements with retired members for payroll deductions when it is deemed in the best interest of the retired members and the retirement system.
- (3)
 - (a) All new retirees, on or after July 1, 1998, shall receive their monthly annuity checks by electronic fund transfer. All retiree, beneficiary, and survivor monthly allowance payments, except as otherwise provided in paragraph (b) or (c) of this subsection, shall be made by electronic fund transfer. Except as provided in paragraph (b) or (c) of this subsection, all monthly payments shall be made payable only to an account solely in the name of the retiree, beneficiary, or survivor as an individual and natural person, or to a joint account in the name of the retiree, beneficiary, or survivor as an individual and natural person and another individual and natural person.
 - (b) If the retiree, beneficiary, or survivor is a resident of a nursing or assisted-care home, monthly payments may be made to the order of the nursing or assisted-care home for the benefit of the retiree, beneficiary, or survivor by including the retiree's, beneficiary's, or survivor's name. Monthly annuity checks so paid to a nursing or assisted-care home may be sent by mail rather than electronic fund transfer.
 - (c) If the retiree, beneficiary, or survivor is the sole beneficiary of a special needs trust:
 1. Monthly payments shall be made to the order of the special needs trust, and checks may be sent by mail to the special needs trust for the benefit of the retiree, beneficiary, or survivor;
 2. Upon the death of the retiree, beneficiary, or survivor of a special needs trust, the trustee of that trust shall notify the Teachers' Retirement System;
 3. Any payments made to a special needs trust that are not properly payable to the special needs trust shall be returned to the Teachers' Retirement System and shall not be subject to claims for reimbursement from any state for Medicaid benefits paid on behalf of the beneficiary under any Medicaid payback provision, and any overpayments of retirement allowance received by the special needs trust shall be repaid to the Teachers' Retirement System; and

4. The Teachers' Retirement System may promulgate administrative regulations in accordance with KRS Chapter 13A to administer this paragraph.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 18, sec. 10, effective July 15, 2026. -- Amended 2008 Ky. Acts ch. 78, sec. 20, effective July 1, 2008. -- Amended 2004 Ky. Acts ch. 121, sec. 21, effective July 1, 2004. -- Amended 1998 Ky. Acts ch. 515, sec. 13, effective July 1, 1998. -- Repealed and reenacted 1990 Ky. Acts ch. 476, Pt. V, sec. 533, effective July 13, 1990. -- Amended 1980 Ky. Acts ch. 206, sec. 10, effective July 1, 1980. -- Amended 1972 Ky. Acts ch. 82, sec. 21. -- Amended 1952 Ky. Acts ch. 144, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4506b-46.