

**CHAPTER 327****(HB 622)**

AN ACT relating to the Judicial Form Retirement System.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 21.425 is amended to read as follows:

- (1) In any circumstances in which a surviving spouse would be entitled to any allowance under KRS 21.420, but there is no surviving spouse or the surviving spouse subsequently dies, and there is a surviving child or children of the member under the age of twenty-one (21), ***or there is a disabled child or children***, the monthly allowance that the surviving spouse would have received or was receiving shall be continued, ***as follows***:
  - (a) ***If the member does not have a disabled***~~[for the benefit of such]~~ child or children, ***the benefit shall continue until there are no children*** remaining ~~[under the age of twenty-one (21) until there are none]~~ under the age of twenty-one (21); ***or***
  - (b) ***If the member has a disabled child or children, the benefit shall continue until the death of the last remaining disabled child.***
- (2) A member may designate his child or children under the age of twenty-one (21), ***or his disabled child or children***, to receive the death benefit payable under KRS 21.420 instead of his spouse, or he may designate that his spouse shall receive a percentage of the death benefit, and his child or children under the age of twenty-one (21), ***or his disabled child or children***, shall receive the remainder. The member making such a choice shall designate his beneficiary or beneficiaries in writing to the manager of the Judicial Form Retirement System on a form provided by the manager.
- (3) ***For purposes of this section, "disabled" means an individual determined by the Social Security Administration to be entitled to total disability benefits.***

**Approved April 11, 2002**