

105 KAR 1:180. Death before retirement procedures.

RELATES TO: KRS 16.578, 16.601, 61.640, 78.545

STATUTORY AUTHORITY: KRS 16.578, 61.640, 61.645(9)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.645(9)(g) authorizes the Board of Trustees of Kentucky Retirement Systems to promulgate administrative regulations necessary to carry out the provisions of KRS 61.515 to 61.705, 16.510 to 16.652, and 78.520 to 78.852. KRS 61.645(9)(g) authorizes the Board of Trustees of Kentucky Retirement Systems to promulgate all administrative regulations necessary or proper in order to carry out the provisions of KRS 61.515 to 61.705, 16.510 to 16.652, and 78.520 to 78.852. KRS 16.578, 16.601 and 61.640 provide for the payment of certain benefits upon the death of a member prior to retirement. This administrative regulation establishes the procedures for issuance of benefits if death occurs prior to retirement.

Section 1. (1) After learning of the death of a member prior to retirement, the retirement system shall contact the named beneficiary or estate of the deceased member.

(2) The retirement system shall require completion of:

- (a) Form 6810, Certification of Beneficiary, if the beneficiary is eligible for monthly payments; or
- (b) Form 6825, Refund of Deceased Member's Account, if the beneficiary is eligible only for a refund of the member's account.

Section 2. The following information shall be required before benefits shall be paid:

(1) A copy of the death certificate for the member;

(2) If a beneficiary is deceased, a copy of the death certificate for the beneficiary;

(3)(a) If a beneficiary or dependent child is a minor, a copy of the minor's birth verification, and a Form 6110, Affidavit of Authorization to Receive Funds on Behalf of Minor. If the minor child has a court appointed guardian or conservator and the court appointed guardian or conservator completed the Form 6110, Affidavit of Authorization to Receive Funds on Behalf of Minor, the guardian or conservator shall submit a copy of the court order appointing the guardian or conservator; and

(b) If benefits are payable to dependent children as defined in KRS 16.505(17), the parent or guardian shall provide:

1. A completed Form 6456, Designation of Dependent Child;

2. If applicable, for each child age eighteen (18) years or over, verification of full-time student status, which shall be filed with the retirement office for each semester of study within thirty (30) days following the start and within thirty (30) days following the end of each semester; and

3. If applicable, notice of:

a. The death of a dependent child;

b. The marriage of a dependent child; or

c. A dependent child over the age of eighteen (18) years who ceases to be a full-time student.

(4) If the beneficiary is the surviving spouse of the deceased member and the spouse elects a direct rollover or direct payment of an actuarial refund, refund of contributions, or sixty (60) months certain option, a Form 6025, Direct Rollover/Direct Payment Election Form for a Member or a Spouse Beneficiary of an Eligible Rollover Distribution;

(5) If the beneficiary is not the surviving spouse of the deceased member and the nonspouse beneficiary elects a direct rollover or direct payment of an actuarial refund, refund of contributions, or sixty (60) months certain option, a Form 6026, Direct Rollover/Direct Payment Election Form for a Non-spouse Beneficiary of an Eligible Rollover Distribution;

(6) If a beneficiary is divorced from the member, a copy of the divorce decree;

(7) If monthly benefits are available to the beneficiary, copies of the birth verifications of the

member and the beneficiary; and

(8) If an estate is beneficiary, a copy of the court order appointing the executor, administrator, or personal representative of the estate, or the court order dispensing with formal administration of the estate.

Section 3. If the death certificate shows the cause of death to be homicide or the subject of a pending investigation, the retirement office may require additional evidence relating to the cause of death or investigations and arrests by law enforcement agencies and may delay benefits until the cause of death is fully explained.

Section 4. (1) Upon receipt of the death certificate and other applicable documents, the retirement office shall provide to the beneficiary the monthly payment options available on the Form 6010, Estimated Retirement Allowance.

(2)(a) If multiple beneficiaries are named, the retirement system shall provide the Form 6010, Estimated Retirement Allowance, to the first named beneficiary on the member's beneficiary designation form.

(b) The additional beneficiaries shall be provided a Form 6011, Retirement Monthly Payment Options.

(c) The first named beneficiary shall be responsible for obtaining the signatures of the multiple beneficiaries on the Form 6010, Estimated Retirement Allowance, and returning the completed Form 6010, Estimated Retirement Allowance, to the retirement office.

(d) The multiple beneficiaries shall return all necessary documents, shall select the same payment option, and sign and return the Form 6010, Estimated Retirement Allowance. The Form 6010, Estimated Retirement Allowance, shall be returned to the retirement system before benefit payments commence.

(3) Upon receipt of Form 6825, Refund of Deceased Member's Account, and other applicable beneficiary documents, the retirement system shall process a refund of the member's accumulated contributions and interest to the beneficiary.

(4) If the member died in the same month as the member's effective retirement date but before the first retirement allowance payment has been issued by the State Treasurer, the beneficiary shall also be offered the benefits payable to a beneficiary pursuant to the option the member selected.

Section 5. A payment shall not be made until all information, documents, and forms required by the retirement system are received.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Form 6810, "Certification of Beneficiary", 5/08;

(b) Form 6010, "Estimated Retirement Allowance", 7/04;

(c) Form 6110, "Affidavit of Authorization to Receive Funds on Behalf of Minor", 5/03;

(d) Form 6456, "Designation of Dependent Child", 7/04;

(e) Form 6825, "Refund of Deceased Member's Account", 5/08;

(f) Form 6011, "Retirement Monthly Payment Options", 7/02);

(g) Form 6025, "Direct Rollover/Direct Payment Election Form for a Member or a Spouse Beneficiary of an Eligible Rollover Distribution", 5/08; and

(h) Form 6026, "Direct Rollover/Direct Payment Election Form for a Non-Spouse Beneficiary of an Eligible Rollover Distribution", 5/08.

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tucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (18 Ky.R. 928; eff. 11-8-91; Am. 19 Ky.R. 967; 1337; eff. 12-9-92; 21 Ky.R. 1520; eff. 2-8-95; 27 Ky.R. 1046; 1442; eff. 12-21-2000; 29 Ky.R. 764; 1248; eff. 11-12-02; 34 Ky.R. 115; 541; eff. 10-5-2007; 35 Ky.R. 105; eff. 10-3-08; Crt eff. 1-29-2020.)