

Technical Amendment
January 29, 2020

105 KAR 1:240. Death after retirement procedures.

RELATES TO: KRS 16.645(10), (29), 61.623, 61.630, 78.545(16), (40)

STATUTORY AUTHORITY: KRS 61.645(9)(e)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.645(9)(e) 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. This administrative regulation establishes the procedures for issuance of benefits when the death of the recipient is after the member's retirement.

Section 1. After learning of the death of a recipient, the retirement system shall contact the named beneficiary or estate of the deceased.

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

- (1) A copy of the recipient's death certificate. If the death certificate shows the cause of death to be homicide or the subject of a pending investigation, the retirement office may also require additional evidence relating to the cause of death or investigations and arrests by enforcement agencies and may delay benefits until the cause of death is fully explained;
- (2) If there is a benefit payable to a beneficiary and the beneficiary is deceased, a copy of the beneficiary's death certificate;
- (3) If the beneficiary is a minor child, a copy of the child'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;
- (4) If the beneficiary is divorced from the recipient, a copy of the divorce decree;
- (5) 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 \$5,000 Death Benefit, a Form 6025, Direct Rollover/Direct Payment Election Form for a Member or a Spouse Beneficiary of an Eligible Rollover Distribution; and
- (6) 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 \$5,000 Death Benefit, a Form 6026, Direct Rollover/Direct Payment Election Form for a Non-Spouse Beneficiary of an Eligible Rollover Distribution.
- (7) If the payments are due to an estate, a copy of the court order appointing the executor, administrator, or personal representative of the estate, or a copy of the court order dispensing with formal administration of the estate on which the payments due the estate are listed.
- (8) The beneficiary or authorized individual shall sign a Form 6810, Certification of Beneficiary, provided by the retirement system.

Section 3. Payments shall not be made until all required information, documents, and completed forms are received at the retirement office.

Section 4.

- (1) A recipient shall complete a Form 6130 Authorization for Deposit of Retirement Payment, to have the monthly retirement allowance deposited to an account in a financial

institution.

(2) The recipient and the financial institution shall provide the information and authorizations required for the electronic transfer of funds from the State Treasurer's Office to the designated financial institution.

(3)

(a) At any time while receiving a retirement allowance, the recipient may change the designated institution by completing a new Form 6130, Authorization for Deposit of Retirement Payment, and filing the form at the retirement office.

(b) The last Form 6130, Authorization for Deposit of Retirement Payment, on file at the retirement office shall control the electronic transfer of the recipient's retirement allowance.

(4) The recipient may complete a Form 6135, Request for Payment by Check, if the recipient does not currently have an account with the financial institution or the recipient's financial institution does not participate in the electronic funds transfer program.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form 6110, "Affidavit of Authorization to Receive Funds on Behalf of Minor", May 2003;

(b) Form 6810, "Certification of Beneficiary", May 2008;

(c) Form 6130, "Authorization for Deposit of Retirement Payment", May 2008;

(d) Form 6135, "Request for Payment by Check", February 2002; and

(e) Form 6025, "Direct Rollover/Direct Payment Election Form for a Member or a Spouse Beneficiary of an Eligible Rollover Distribution", May 2008; and

(f) Form 6026, "Direct Rollover/Direct Payment Election Form for a Non-Spouse Beneficiary of an Eligible Rollover Distribution", May 2008.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, from Kentucky Retirement Systems, Perimeter Park West, 1260 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(18 Ky.R. 940; eff. 11-8-91; 21 Ky.R. 1530; eff. 2-8-95; 29 Ky.R. 772; 1253; eff. 11-12-02; 31 Ky.R. 391; eff. 11-5-04; 34 Ky.R. 119; 544; eff. 10-5-2007; 35 Ky.R. 117; eff. 10-3-08; TAm eff. 1-29-2020; Crt eff. 1-29-2020.)